

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 7, 2014, 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 Negotiators: John Lollis, Patrice Hildreth, and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.

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

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

- 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: APNs: 253-192-006, 253-192-007, 253-192-008, 253-192-009, and 253-192-010. Agency

Negotiator: John Lollis. Negotiating Parties: City of Porterville and Smith Commercial Properties. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 40 W. Cleveland. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville and New Cingular Wireless PCS, LLC. Under Negotiation: Terms and Price.

4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A Portion of APN 197-090-005. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and City of Lindsay. Under Negotiation: Terms and Price.

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; Fire Officer Series; and all Unrepresented Management Employees.

6- Government Code Section 54956.95 – Liability Claim: Claimant: Trina Trumbull. Agency claimed against: City of Porterville.

7- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

8- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation

PRESENTATIONS

Employee of the Month – Elbia Graves

AB 1234 REPORTS

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

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 & Literacy Commission
 3. Arts Commission
 4. Youth Commission
- II. Staff Informational Reports
 1. Building Permit Activity – November 2013

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 June 11, 2013, August 6, 2013, September 17, 2013, and December 26, 2013**
2. **Purchase of Police Service Dog**
Re: Considering approval of the purchase of a police service dog from Alderhorst International, Inc. for \$14,568.
3. **Authorization to Advertise for Bids – Weed Abatement Services**
Re: Considering authorization to advertise for weed abatement services.
4. **Award of Contract –Revenue Sharing Transit Advertising**
Re: Considering award of professional service contract to Rethought Reborn of Porterville for revenue sharing transit advertising.
5. **Program Supplement to the Local Agency-State Master Agreement – Plano Bridge Widening and Reconstruction**
Re: Considering adoption of a resolution approving the Program Supplement for the Plano Bridge Widening and Reconstruction Project.
6. **Approval of License Agreement Between the City of Porterville and Community Services Employment Training**
Re: Considering approval of a one-year agreement between the City and CSET for provision of expanded senior services at the Santa Fe Depot.
7. **Review of Local Emergency Status – December 26, 2013**
Re: Reviewing status of local emergency that was declared following a significant fire event at 14 N. Main Street on December 26, 2013.
8. **Review of Local Emergency Status – December 21, 2010**
Re: Reviewing the City's status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

SECOND READINGS

- 9. Second Reading - Ordinance 1803, Amending the Porterville Municipal Code for Consistency with Development Ordinance**
Re: Considering adoption of Ordinance No. 1803, An Ordinance of the City Council of the City of Porterville Amending the Porterville Municipal Code for Consistency with the Development Ordinance and Amending Landscape Requirements in Parking Lots, which was given first reading on December 17, 2013, and has been printed.
- 10. Second Reading - Ordinance 1804, Adopting 2013 California Building Code, Existing Building Code, Residential Code, and Energy Code**
Re: Considering adoption of Ordinance 1804, An Ordinance of the City Council of the City of Porterville Amending Sections 7-1, 7-2, 7-3.4, and Article VIII of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Building Code Along with Designated Appendices Published by the California Building Standards Commission; the 2013 Edition of the California Existing Building Code Published by the International Code Council, Inc.; the 2013 California Residential Code and the 2013 California Energy Code Published by the California Building Standards Commission, which was given first reading on December 17, 2013, and has been printed.
- 11. Second Reading - Ordinance 1805, Adopting 2013 California Mechanical Code**
Re: Considering adoption of Ordinance No. 1805, An Ordinance of the City Council of the City of Porterville Amending Section 7-4 of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Mechanical Code Published by the International Code Council, Inc., which was given first reading on December 17, 2013, and has been printed.
- 12. Second Reading - Ordinance 1806, Adopting 2013 California Plumbing Code**
Re: Considering adoption of Ordinance No. 1806, An Ordinance of the City Council of the City of Porterville Amending Section 7-6 of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Plumbing Code Published by the California Building Standards Commission, which was given first reading on December 17, 2013, and has been printed.
- 13. Second Reading - Ordinance 1807, Adopting 2013 California Electrical Code**
Re: Considering adoption of Ordinance No. 1807, An Ordinance of the City Council of the City of Porterville Amending Section 7-9 and Deleting Section 7-10 of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Electrical Code Published by the California Building Standards Commission, which was given first reading on December 17, 2013, and has been printed.
- 14. Second Reading - Ordinance 1808, Adopting 2013 California Fire Code**
Re: Considering adoption of Ordinance No. 1808, An Ordinance of the City Council of the City of Porterville Amending Chapter 12 of the Code of the City of Porterville and Adopting by Reference Except as Otherwise Provided in this Article, the 2013 Edition of the California Fire Code Along with Designated Appendices, and the 2013 Edition of the California Fire Code Published by the California Building Standards Commission, which was given first reading on December 17, 2013, and has been printed.

15. Second Reading - Ordinance 1809, Adopting 2013 California Green Building Standards Code

Re: Considering adoption of Ordinance No. 1809, An Ordinance of the City Council of the City of Porterville Amending Section 7-4 of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Green Building Standards Code Published by the California Building Standards Commission, which was given first reading on December 17, 2013, and has been printed.

SCHEDULED MATTERS

16. Consideration of Resolutions Calling for June 3, 2014 General Election; Requesting Consolidation; and Setting Specified Services

Re: Considering approval of resolutions setting election precepts including decisions regarding candidate statements and the use of Tulare County services for election, and authorizing payment to the Tulare County Registrar of Voters upon the completion of the requested services; and consideration of potential ballot measures amending the City's Charter.

17. Consideration of the 2013 Charter Review Committee's Proposed Revisions to the City of Porterville Charter

Re: Consideration of revisions to the City's Charter, including, but not limited, to those recommended by the 2013 Charter Review Committee.

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 January 21, 2014.

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

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

COUNCIL AGENDA: JANUARY 7, 2014

SUBJECT: BUILDING PERMIT ACTIVITY – NOVEMBER 2013

SOURCE: Public Works Department - Engineering Division

COMMENT: The Building Permit Activity Report (BPAR) presented herein to the City Council covers the month of November 2013.

The two main categories include new residential permits issued and new commercial permits issued. New residential permits issued in November 2013 (1) are down 75% from November 2012 (4). New commercial permits issued in November 2013 (1) are up 100% from November 2012 (0).

This year to date, new single family residential construction is up 20% from last year and new commercial construction is up 200% from last year.

RECOMMENDATION: None. Informational Only.

ATTACHMENT: November 2013 Building Permit Activity Report

P:\pubworks\General\Council\Building Permit Activity Report - 2014-01-07.doc

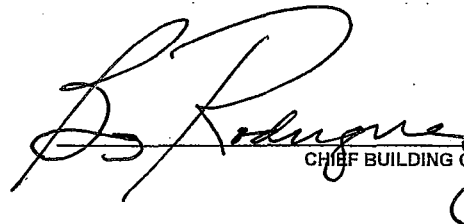
Dir Boz Appropriated/Funded N/A CM J

Report No. II.1

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
1/1/2012 - 11/30/2012 AND
1/1/2013 - 11/30/2013

| PERMIT | NUMBER OF PERMITS ISSUED | | | | ACTUAL VALUATION OF PERMITS ISSUED | | | | BUILDING FEES TOTALS FOR PERMITS ISSUED | | | |
|-----------------|--------------------------|------------------|----------------------|----------------------|------------------------------------|------------------|----------------------|----------------------|---|------------------|----------------------|----------------------|
| | NOVEMBER 2013 | NOVEMBER 2012 | THIS YEAR TO DATE | LAST YEAR TO DATE | NOVEMBER 2013 | NOVEMBER 2012 | THIS YEAR TO DATE | LAST YEAR TO DATE | NOVEMBER 2013 | NOVEMBER 2012 | THIS YEAR TO DATE | LAST YEAR TO DATE |
| NEW RESID | 1 | 4 | 36 | 30 | 144,500 | 1,217,664 | 8,027,749 | 7,155,063 | 1,914 | 10,582 | 76,562 | 66,071 |
| NEW COMM | 1 | 0 | 6 | 2 | 600,000 | 0 | 10,635,267 | 470,000 | 6,148 | 0 | 37,029 | 9,932 |
| RESID IMPROV | 10 | 13 | 103 | 136 | 45,604 | 186,700 | 1,097,451 | 2,007,263 | 2,632 | 5,716 | 37,344 | 53,762 |
| COMM IMPROV | 2 | 2 | 57 | 53 | 6,500 | 21,000 | 16,078,142 | 2,621,994 | 1,559 | 558 | 63,406 | 27,368 |
| OTHER | 11 | 13 | 229 | 214 | 67,614 | 143,290 | 2,048,548 | 1,718,633 | 1,859 | 2,458 | 44,893 | 40,910 |
| ELECT | 13 | 9 | 180 | 126 | 228,250 | 95,000 | 2,182,425 | 1,526,564 | 2,384 | 1,561 | 35,590 | 21,432 |
| PLUMB | 51 | 23 | 370 | 307 | 4,004 | 82,000 | 20,228 | 345,800 | 6,023 | 3,854 | 50,583 | 45,128 |
| TOTALS | 89 | 64 | 981 | 868 | 1,096,472 | 1,745,654 | 40,089,810 | 15,845,317 | 22,519 | 24,729 | 345,408 | 264,603 |

| | NEW DWELLING UNITS TOTALS | | | |
|------------------|---------------------------|------------------|----------------------|----------------------|
| | NOVEMBER 2013 | NOVEMBER 2012 | THIS YEAR TO DATE | LAST YEAR TO DATE |
| SINGLE FAMILY | 1 | 4 | 36 | 30 |
| TOTAL | 1 | 4 | 36 | 30 |



 CHIEF BUILDING OFFICIAL

**ADJOURNED CITY COUNCIL MINUTES
HAMAMATSU CONFERENCE ROOM
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 11, 2013, 6:00 P.M.**

Called to Order at 6:00 p.m.

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

ORAL COMMUNICATIONS

None

CLOSED SESSION:

A. Closed Session Pursuant to:

1 - 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, Tulare/Kings Counties Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.

6:36 P.M. RECONVENE OPEN SESSION

REPORT ON ANY REPORTABLE COUNCIL ACTION TAKEN IN CLOSED SESSION

No reportable action took place.

Pledge of Allegiance Led by Mayor Virginia Gurrola

Invocation – the Mayor participated.

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. Budget and Capital Project Study Session – FY 2013-2014

Recommendation: That the City Council accept staff's presentation, and give direction accordingly.

City Manager Lollis introduced the item, stating that the following economic improvements would positively affect the City's finances in the next fiscal year: increased sales taxes, increased property taxes, stable utility users' taxes, refinancing of Certifications of Participation, Rabo Bank refinancing of public safety PERS side fund, and no direct financial challenges from the State.

The City Manager explained recent changes to the State Enterprise Zone Program, and the cessation of State funding for the Off Highway Vehicle (OHV) Park, noting an option to privately lease out the park's future operations or seek grant funding. Of further note were recent developments in the disputed Vehicle License Fee (VLF) funds between the City and the State.

A discussion ensued regarding cost increases for PERS and employee health insurance, including the estimated \$60,000 fee required to maintain the City's health insurance plan under the Patient

Protection and Affordable Care Act. The Council discussed, at great length, possible reforms to the current health insurance program, including: joining a group insurance program instead of being self-insured; scaling back coverage for dependents; promoting mail-order and phone-order prescriptions; and updating the PPO policy.

Mayor Gurrola inquired about the status of the worker's compensation program, and Administrative Services Director Hildreth provided an update, noting that there have been some issues with fraudulent claims and malingering, but overall the City has fared well with the program in the past year.

The Mayor inquired about the new compressed natural gas buses, and a brief discussion ensued regarding the ability of the City to sell the old buses.

The Council discussed the costs, funding sources, and timelines for the following Capital Projects:

- Public Facilities- Chase Avenue Park, Sports Complex concession stands, Public Safety Station, Library and Literacy Development, and Zalud House
- Street Projects- monumentation of streets leading to Granite Hills High School
- Water Projects- Replacement of water pipes

With regard to the Public Safety Station project, Council Member Ward expressed concerns about exhausting Measure H funds, suggesting the use of reserve funds to advance the project timeline.

Council Member Shelton inquired about the operation costs for solid waste management, the Airport, and the Golf Course.

A brief discussion ensued regarding Risk Management expenses for the Liability Program and Health & Life appropriations, with Administrative Services Director Hildreth noting significant impacts from several fatalities and litigation cases in the past year.

The Council lauded the efforts of Parks & Leisure Services Director Moore for improvements made to the Landscape Maintenance District.

The Council took a ten minute recess at 7:50 p.m.

Council Member Shelton inquired about changes in the Water Replacement Fund, Solid Waste Capital Reserve Fund, Transportation Development Fund, Park Development Fund, Building Construction Fund, and Putnam property improvements.

The Council discussed the maintenance of the Off-Highway Vehicle Park, directing Parks & Leisure Services Director Moore to bring back options for staffing solutions.

Council Member Shelton inquired about funding for the Porterville Chamber of Commerce, noting his intent to bring the item up for discussion during the next City Council meeting.

Mayor Gurrola inquired about the Economic Development Action Plan Program, and Community

Development Director Dunlap provided clarification.

With regard to the proposed Animal Shelter project, the Council expressed support and directed staff to bring back updated information on the project's progress.

Disposition: No action.

ORAL COMMUNICATIONS

- Barry Caplan, spoke about the City as a corporation and the residents as stockholders, and requested that the Council explain the level of service being provided to constituents.

OTHER MATTERS

- Mayor Gurrola announced Flag Day coming up on June 14th.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve the scheduling of an item on the next Agenda to consider rescinding the LGBT proclamation, and propose a resolution to unite the community.

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

Council Member Ward indicated that he had language for the proposed resolution.

Documentation: M.O. 01-061113
Disposition: Approved.

ADJOURNMENT

The Council adjourned at 8:20 p.m. to the meeting of June 18, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 6, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

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

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 Members Ward, Vice Chair McCracken, Agency Member Shelton,
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 54956.95 – Liability Claims: Claimant: Antonio Lara. Agency claimed against: City of Porterville.
 - 4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.

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: Three Cases.

6:30 P.M. RECONVENE OPEN SESSION

Pledge of Allegiance Led by Council Member Brian Ward

Invocation – the Mayor participated.

PRESENTATIONS

Employee of the Month – Jesus Guzman

Swearing In Ceremony – Police Officer Enrique Lara

Citrus Pest and Disease Prevention Program – Asian Citrus Psyllid

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)—July 22, 2013
Mayor Gurrola reported on: resolution for work program; her appointment to Railway Advisory Committee; and informational items.
2. Consolidated Waste Management Authority (CWMA) – July 18, 2013
Vice Mayor McCracken indicated that there was no meeting due to lack of a quorum, and noted that the next meeting was scheduled for August 15, 2013.
3. Tulare County Economic Development Corporation – July 24, 2013
Mayor Gurrola reported on discussion regarding Enterprise Zone transition; the relocation of the EDC office; and budget revisions.

REPORTS

- I. City Commission and Committee Meetings:
 1. Library & Literacy Commission – no report.
 2. Parks & Leisure Services Commission – August 1, 2013
Commissioner Moore reported on monthly activities of Parks and Leisure Services staff.
 3. Arts Commission – July 17, 2013 – no report.
- II. Staff Informational Items:
 1. Building Permit Activity – May 1, 2013 to June 30, 2013
 2. Street Performance Measure – 4th Quarter Report
 3. Report on Charitable Car Washes
 4. Code Enforcement Report
 5. Attendance Report for City Commissions and Committees – 4th Quarter

Council Member Shelton commented on reports regarding building permit activity, streets, and attendance.

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that the following reportable action took place:

3- Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a MOTION by Vice Mayor McCracken, SECONDED by Council Member Ward, the Council rejected the claim filed by Mr. Antonio Lara. The motion carried unanimously.

Documentation: M.O. 01-080613

Disposition: Approved.

4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a MOTION by Council Member Hamilton, SECONDED by Council Member Ward, the Council rejected the claim filed by Ms. Catherine Lawlor. The motion carried unanimously.

Documentation: M.O. 02-080613

Disposition: Approved.

ORAL COMMUNICATIONS

- Amber Bush, requested that the Council consider her appointment to the Charter Review Committee.
- Gary Giraudi, requested that the Council consider his request for appointment to the Charter Review Committee.
- Brock Neeley, spoke of bullying via Craigslist and provided documentation to the City Council.
- Richard Saldivar, spoke against the rescission of the LGBT Proclamation, and encouraged inclusion of LGBT residents in the community.
- Richard Hatfield, Mural Committee, requested the opportunity to speak during Council consideration of Item No. 37.
- Stephanie Cortez, made note of the presence of Leadership Porterville 2013 class members.
- Michael Knight, Leadership Porterville Class of 2013, introduced himself to the Council.
- Chris Craig, Leadership Porterville Class of 2013, introduced himself to the Council; and announced the class would be updating the Tulare County display located within the State Capital as their community service project.
- Jenna Salazar, Leadership Porterville Class of 2013, introduced herself and requested Council consideration of her request for appointment to the Charter Review Committee.
- Jessica Mahoney, spoke against Item 12 and of privacy rights; and noted that wasps were

utilized as a biological control for psyllid.

- Sarah Villicana, thanked Mayor Gurrola for her actions related to the LGBT Pride Proclamation, and spoke of her respect for her.
- Brenda Pierce, proposed an East Porterville and Highway Clean-up Committee, noting the prevalence of litter in the community.
- Angel Martinez, LA resident, spoke against the rescission of the LGBT Proclamation.
- Barry Caplan, spoke of the power of Council action beyond the Porterville Community; and requested that the Council consider his appointment to the Charter Review Committee.
- Chris Caldwell, a LGBT community member and inner city youth pastor, and spoke of the importance of acceptance and leadership.

CONSENT CALENDAR

Items 3, 4, 6, 15 and 19 were removed for further discussion. Council Member Shelton noted his abstention on Items 5, 7, 26, and 27; Mayor Gurrola noted her abstention on Items 7 and 20; and Council Member Ward noted his abstention on Item 10.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve Items 1, 2, 5, 7, 8 through 14, 16 through 18, and 20 through 27. Motion carried unanimously, with the aforementioned abstentions.

1. MINUTES OF APRIL 16, 2013, MAY 7, 2013, AND JULY 30, 2013

Recommendation: That the City Council approve the Minutes of April 16, 2013, May 7, 2013, and July 30, 2013.

Documentation: M.O. 03-080613

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Authorize staff to de-obligate \$71,000 for storm drain Improvements currently allocated in the FY 13/14 Annual Budget;
2. Authorize staff to appropriate \$9,192 from the Water Replacement Fund and \$20,671 from Sewer Revolving Fund for non-participating items of work;
3. Authorize the appropriation of \$133,415.77 in unallocated local transportation funds if the AMOD is not approved by Caltrans;
4. Approve Staff's recommended Plans and Project Manual; and
5. Authorize Staff to advertise for bids on the project.

Documentation: M.O. 04-080613

Disposition: Approved.

5. AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT
– MAIN STREET TO PLANO STREET

Recommendation: That the City Council:

1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt in the amount of \$503,600.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection.

Documentation: M.O. 05-080613

Disposition: Approved.

7. AWARD OF CONTRACT – ISLAND SEWER ANNEXATION (AREA 455A)

Recommendation: That the City Council:

1. Award the Island Annexation Sewer Project, Area 455A, to Todd Companies, in the amount of \$1,095,325.68;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O. 06-080613

Disposition: Approved.

8. AWARD OF CONTRACT – W. NORTH GRAND AVENUE
RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE
65

Recommendation: That the City Council:

1. Award the W. North Grand Avenue Reconstruction Project to Seal Rite Paving & Grading in the amount of \$598,586.00;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O 07-080613

Disposition: Approved.

9. REQUEST FOR AUTHORIZATION TO REPAIR PNEUMATIC WHEEL
ROLLER

Recommendation: That the City Council authorize the repair to be completed by Pepé Machinery at a cost not to exceed \$17,000.

Documentation: M.O. 08-080613

Disposition: Approved.

10. PRE-PURCHASE OF PRE-SELECTED SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

Recommendation: That the City Council:

1. Direct the Finance Director to issue a Purchase Order in the amount of \$390,000 to Huber Technologies (screw press) and issue a Purchase Order in the amount of \$772,599 to Piller TSC (three electric blowers); and
2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and a commitment to honor all equipment guarantees and warranties.

Documentation: M.O. 09-080613

Disposition: Approved.

11. REQUEST TO PURCHASE SOLAR POWERED BUS STOP LIGHTING

Recommendation: That the City Council:

1. Authorize Staff to enter into the InterCity Cooperative Purchasing Agreement for the purchase of solar-powered bus stop lighting modules from UrbanSolar; and
2. Authorize payment upon satisfactory delivery of the solar equipment.

Documentation: M.O. 10-080613

Disposition: Approved.

12. APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of the Cellebrite System; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-080613

Disposition: Approved.

13. APPROVAL TO PURCHASE UNDERCOVER VEHICLES

Recommendation: That the City Council:

1. Accept \$80,000 from the Tulare County Auto Theft Fund;

2. Authorize a budget adjustment to the Police Equipment Replacement Fund in the amount of \$80,000;
3. Authorize police staff to identify and enter negotiations for the purchase of the two vehicles under the criteria set forth above;
4. Authorize the purchase/installation of emergency equipment on the vehicles; and
5. Authorize payment upon satisfactory delivery of the vehicles/equipment.

Documentation: M.O. 12-080613

Disposition: Approved.

14. REQUEST TO PURCHASE ANIMAL CONTROL VEHICLE

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of the specified animal control truck; and
2. Authorize payment when purchase process is completed.

Documentation: M.O. 13-080613

Disposition: Approved.

16. APPROVAL TO PURCHASE UNMARKED VEHICLE

Recommendation: That the City Council:

1. Authorize Police staff to identify and enter negotiations for the purchase of this vehicle under the criteria set forth above;
2. Authorize the purchase/installation of emergency equipment of this vehicle; and
3. Authorize payment upon satisfactory delivery of the vehicle/equipment.

Documentation: M.O. 14-080613

Disposition: Approved.

17. REQUEST FOR APPROVAL TO PURCHASE MICROSOFT OFFICE 2013 AND WINDOWS 8 LICENSING

Recommendation: That the City Council approve the purchase of 190 Licenses of Office 2013 and 190 Licenses of Windows 8 from Dell at a cost of \$69,838.80 plus the applicable sales tax and shipping.

Documentation: M.O. 15-080613

Disposition: Approved.

18. AUTHORIZATION TO "PIGGY BACK" ON EXISTING CONTRACTS

Recommendation: That the City Council:

1. Authorize the purchase of containers utilizing the existing contract between Rehrig-Pacific Company and the City of Lompoc; and
2. Authorize the purchase of cold mix asphalt utilizing the existing contract between Tulare County and Jaxson Enterprises.

Documentation: M.O. 16-080613

Disposition: Approved.

20. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 455

Recommendation: That the City Council:

1. Set a Public Hearing for October 15, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 455;
2. Approve the Engineer's Report for Sewer Utility District Area 455; and
3. Authorize staff to notify all affected property owners of the Public Hearing, via regular mail, including sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

Documentation: Resolutions 51-2013 and 52-2013

Disposition: Approved.

21. INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE 65

Recommendation: That the City Council:

1. Set a Public Hearing for September 3, 2013, to discuss the proposed construction of concrete improvements for the subject project; and
2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

Documentation: M.O. 17-080613

Disposition: Approved.

22. RETIREMENT OF POLICE SERVICE DOG "DIAGO"

Recommendation: That the City Council:

1. Approve the sale of "Diago" to Chris Contreras for one dollar (\$1.00); and

2. Authorize the Mayor to execute the agreement and document to sell "Diago" to Chris Contreras.

Documentation: M.O. 18-080613
Disposition: Approved.

23. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, DELINQUENT DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS AND MISCELLANEOUS LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the draft resolution authorizing the County Auditor to place the proposed items on the property tax rolls for collection.

Documentation: Resolution 53-2013
Disposition: Approved.

24. PRELIMINARY INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the preliminary interim financial status reports as presented.

Documentation: M.O. 19-080613
Disposition: Approved.

25. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 20-080613
Disposition: Approved.

26. APPROVAL OF COMMUNITY CIVIC EVENT – KIWANIS CLUB OF PORTERVILLE - AMERICAN CROWN CIRCUS, INC. – AUGUST 8 – 12, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 21-080613
Disposition: Approved.

27. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

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

Documentation: M.O. 22-080613

Disposition: Approved.

Sergeant Contreras presented retired K9 Diago to the Council and audience.

PUBLIC HEARINGS

28. MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A NEW WENDY'S RESTAURANT AND DRIVE THROUGH

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

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

The public hearing was opened at 8:03 p.m.

- Robert (last name inaudible), Project Architect, spoke briefly about the project and made himself available for any questions the Council may have.

The public hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 54-2013

Disposition: Approved.

29. LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2013-2014 assessments for the Landscape and Lighting Maintenance Districts to take comments or

- receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year.

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

The public hearing was opened at 8:10 p.m. Seeing no one, the Mayor closed the public hearing at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 55-2013
Disposition: Approved.

30. ARTS COMMISSION ORDINANCE AMENDMENT

Recommendation: That the City Council:

1. Approve the draft ordinance amending Ordinance 1767; and
2. Give first reading of the proposed ordinance and order it to print.

The City Manager introduced the item, and the staff report was presented by Community Development Director Brad Dunlap.

The public hearing opened at 8:15 p.m. Seeing no one, the Mayor closed the public hearing at 8:16 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the draft ordinance amending Ordinance 1767, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 5A, ARTICLE I, SECTION 5A-1 THROUGH 5A-8 TO THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF THE ARTS COMMISSION; give first reading of the ordinance and order it to print. The motion carried unanimously.

The City Attorney read the ordinance by title only.

Documentation: Ordinance 1797
Disposition: Approved.

The Council took a ten minute recess at 8:18 p.m.

SCHEDULED MATTERS

31. LETTER OF MAP REVISION – “MONACHE” SPECIAL FLOOD HAZARD AREA (SFHA)

Recommendation: That the City Council provide direction regarding the most appropriate funding source for the \$5,300 LOMR application filing fee.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

Mayor Gurrola recognized four residents of the area in question to address the Council.

- Sarah May Maculie, 1046 N. Wilson Place, spoke about the financial burden of flood insurance for residents and her efforts to have the zone re-surveyed; and requested the City's assistance.
- Alberta White, San Lucia St., explained her past efforts to have the flood zone status changed.
- Margaret Shaeffer, 1026 N. Wilson Place, expressed her frustration with having to pay flood insurance to FEMA, and requested that the City pay for the map revision.
- Linda Hoy, 1015 N. Wilson Place, spoke about the beauty and safety of her neighborhood, the homeowner hardship experienced from the flood zone designation, and the challenges she has faced in pursuing a zone change; and appealed to the Council for assistance.

The Council discussed costs associated with the preparation of the LOMR package, and staff efforts to date. The Council debated, at great length, whether payment of the FEMA application review fee of \$5,300 was the responsibility of property owners or the City; and concerns were raised regarding setting a precedent. City Attorney Lew addressed questions pertaining to the gifting of public funds. A discussion ensued regarding the finding of public necessity for paying the fee.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve utilization of storm drain funds for payment of the \$5,300 FEMA application review fee, due to a finding of public necessity. The motion carried unanimously.

Documentation: M.O. 28-080613

Disposition: Approved.

The Council took a five minute recess at 9:32 p.m.

32. ACCEPTANCE OF THE STATE ROUTE 190 CORRIDOR STUDY AND COMMENCEMENT OF NEAR TERM PROJECTS

- Recommendation: That City Council:
1. Accept Caltrans' State Route 190 Corridor Study;
 2. Approve moving forward with the Near Term Projects;
 3. Approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents;
 4. Authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements;
 5. Authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG;
 6. Approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and
 7. Authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Public Works Director Rodriguez. Council Member Hamilton inquired about the project's relationship to a similar State Route 65 project, and a discussion ensued regarding Measure R funding.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept Caltrans' State Route 190 Corridor Study; approve moving forward with the Near Term Projects; approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents; authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements; authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG; approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

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

Documentation: M.O. 29-080613
Disposition: Approved.

33. DETERMINATION OF ZONING CONFORMANCE – DEFINITION OF PERSONAL LAND USE CLASSIFICATION

Recommendation: That the City Council determine whether a florist constitutes a personal service and/or is an approved use in the D-PO and PO zones.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Community Development Manager Philips.

With no objection from the Council, Mayor Gurrola recognized three members from the audience to speak on this item.

- Maria Mena, representing the business owners, requested Council approval for determining a florist as a personal service.
- Alma Mejia, business owner, expressed her desire to expand her business to the vacant lot.
- Rafaella Woods, representing the land owner, explained the benefits of having the business at the proposed location.

The Council discussed: possible alternatives to the definition of personal land use; the zoning status of the Chevron station near the site; city-wide implications of changing the personal land use classification; and costs associated with an application for zone change.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the determination that a florist is not a personal service.

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

Documentation: M.O. 30-080613

Disposition: Approved.

34. CONSIDERATION OF OPTIONS FOR CITY SMART PHONE APP

Recommendation: That the City Council accept the presentation of options for a City smart phone application, and provide staff direction.

City Manager Lollis introduced City Intern Dalton Rogers, who presented the staff report. Following the staff report, Mr. Rogers addressed questions from the Council regarding PublicStuff tools and features. The Council then directed that staff bring back an item for a budget adjustment.

Disposition: Direction given.

35. DINNER AND ARTS ON MAIN STREET

Recommendation: That the City Council consider the Arts Commission recommendation to sponsor the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve sponsoring the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support. The motion carried unanimously.

Documentation: M.O. 31-080613

Disposition: Approved.

36. APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE AND CITY'S INTERNAL AUDIT COMMITTEE

Recommendation: That the City Council appoint nine members to the Charter Review Committee; and provide direction to staff regarding the Internal City Audit Committee.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report. Following the staff report, the following individual appointments were announced:

- Mayor Gurrola - Stephanie Cortez
- Vice Mayor McCracken - Milt Stowe
- Council Member Hamilton - Gary Giraudi

Council Members Ward and Shelton indicated that they had not yet secured their individual appointments.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council appoint Teri Irish, Jenna Salazar, Matthew Green and Amber Bush to the Charter Review Committee. The motion carried unanimously.

Documentation: M.O. 32-080613

Disposition: Approved.

37. CONSIDERATION OF REQUEST FOR FINANCIAL SUPPORT FOR THE
"MARCHING THROUGH TIME" MURAL PROJECT

Recommendation: That the City Council:

1. Consider the request of the Porterville Mural Committee to financially support the "Marching Through Time" mural project; and
2. If approved, please identify funding source, and authorize appropriate budget adjustment.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. A discussion ensued regarding the improvements made by the committee and identified for reimbursement. Various Council Members expressed dissatisfaction with the timing of the request, which they believed should have been presented to the Council for approval prior to installation of the improvements.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve financial support in the amount of \$10,000 from the Special Purposes Fund. The motion carried unanimously.

Documentation: M.O. 35-080613

Disposition: Approved.

CONSENT CALENDER ITEMS REMOVED FOR FURTHER DISCUSSION

3. AUTHORIZATION TO ADVERTISE FOR BIDS – REHABILITATION OF
RUNWAY 25-7

Recommendation: That the City Council:

1. Approve the proposed plans and project manual; and
2. Affirm staff's decision to begin advertisement of July 25, 2013.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the status of the project grant.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the proposed plans and project manual; and affirm staff's decision to begin advertisement on July 25, 2013. The motion carried unanimously.

Documentation: M.O. 36-080613

Disposition: Approved.

4. REJECT ALL BIDS – MAIN STREET BUS TURNOUT AND
AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET AND
PLANO STREET BUS TURNOUTS

- Recommendation: That the City Council:
1. Reject all bids for the Main Street Bus Turnout;
 2. Authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project;
 3. Approve the combined Plans and Project Manual; and
 4. 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 Shelton inquired about the potential time and cost savings of combining the projects. Council Member Ward inquired about bus stops in commercial centers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council reject all bids for the Main Street Bus Turnout; authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project; approve the combined Plans and Project Manual; and authorize staff to advertise for bids on the project.

Documentation: M.O. 37-080613

Disposition: Approved.

6. AWARD OF CONTRACT – SIX (6) COMPRESSED NATURAL GAS TRUCKS

- Recommendation: That the City Council award contracts for:
1. One (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services;
 2. One (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp;
 3. Four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and
 4. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the use of multiple vendors.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve awarding contracts for: one (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services; one (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp; four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Documentation: M.O. 38-080613
Disposition: Approved.

15. REQUEST TO PURCHASE THREE MARKED POLICE VEHICLES

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and
2. Authorize payment when the purchase process is completed.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the vehicle features.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and authorize payment when the purchase process is completed. The motion carried unanimously.

Documentation: M.O. 39-080613
Disposition: Approved.

19. NOTICE OF TERMINATION OF PIONEER WATER COMPANY AGREEMENT

Recommendation: That the City Council:

1. Authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and
2. Authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton expressed his satisfaction with the renegotiations.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014. The motion carried unanimously.

Documentation: M.O. 40-080613
Disposition: Approved.

ORAL COMMUNICATIONS

- Catherine Hall, voiced disappointment with the Council's rescission of the LGBT Proclamation.
- Russell Fletcher, aka Buck, aka Bones, spoke of the recent "good will" resolution and suggested a lack of good will given the recent homicides in the community.
- Barry Caplan, lauded Mr. Roger's presentation on the options for a City smartphone application; suggested he could provide expertise; and made note of the LGBT event at Centennial Plaza during the meeting.

OTHER MATTERS

- Council Member Shelton, lauded the Police Chief and his department for their handling of the recent homicides.
- Council Member Ward noted that school would be starting the following week.
- Council Member Shelton, requested that the Council acknowledge Sierra View District Hospital's recent contribution towards the Freedom Fest.
- Mayor Gurrola, spoke of the generosity of others in the community, and spoke in favor of the clean-up event proposed by Ms. Pierce during Oral Communications.

ADJOURNMENT

The Council adjourned at 11:46 p.m. to the meeting of August 20, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 17, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton (arrived at 6:00 p.m.), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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 Members Ward, Agency Member Shelton (arrived at 6:00 p.m.), 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 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: 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 54956.95 – Liability Claims: Claimant: State Farm Insurance, Subrogee for Barbara Bardwell. Agency claimed against: City of Porterville.
 - 4- 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.
 - 5- 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 Shelton
Invocation – one individual and the Mayor participated.

PRESENTATIONS

None

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) – September 16, 2013
Mayor Gurrola reported on workshops regarding the 2014 Regional Transportation Plan, Sustainable Communities, and Regional Housing Needs Assessment Update.

REPORTS

- I. City Commission and Committee Meetings:
 1. Arts Commission: No report was provided.
 2. Library and Literacy Commission – September 10, 2013
Commissioner Allan Bailey reported on the review of the MOU with PUSD for the Margaret J. Slattery Library; spoke of efforts relative to planning for a new library facility, and of activities at the Library. Commissioner Bailey then thanked Council Member Shelton for attending the recent meeting and providing input as to the proposed new library facility.
 3. Parks & Leisure Services Commission – September 5, 2013
Commissioner Monte Moore reported on recent activities, including: Music on Main Street, Adult Flag Football League registration, Pioneer Days on Saturday, October 5th to benefit the Zalud House, work done at the Sports Complex with airport runway grindings to mitigate dust, landscaping work done at Olive Avenue, and repairs done at pavilion no. 2 at Murry Park.
 4. Youth Commission – September 16, 2013: No report provided.
 5. Charter Review Committee – September 11, 2013: No report provided.
- II. Staff Informational Items
 1. Vacancies on the Library and Literacy Commission: No verbal report was provided.

Without objection, Mayor Gurrola announced that public comment regarding Agenda Items 11 and 13 would be accepted during consideration of the items.

ORAL COMMUNICATIONS

- Rodney Martin, a Porterville resident, spoke of bank-owned homes being eyesores and requested that the Council enforce the local ordinances to ensure the vacant and unmaintained residences be addressed, noting illegal activities at them. Spoke of local smoke shops and requested the Council take action to prohibit such businesses in Porterville.
- John Coffee, a Porterville resident, voiced concern with the condition of the sidewalks in the vicinity of Veterans' Park; spoke of the funding of CalPERS, and spoke against any potential action in the Charter update to pull the City out of PERS.
- Donna Campbell, a retired Porterville teacher, came forward on behalf of several animal groups, and inquired as to the status of the animal shelter, noting the Lindsay Shelter is inadequate, despite staff's hard work, and posed various specific questions.
- Carolyn Khuns, Arts Consortium Director, based in Visalia, spoke of upcoming Fall Festival to take place on October 19th, and invited all to attend to celebrate Tulare County art.
- Brock Neeley, a Porterville resident, provided a written communication and voiced concern with the City allegedly underfunding CalPERS, and suggested that CalPERS was strong, and that staff had misrepresented facts to the Charter Review Committee; voiced concern with previous Council action related to Prop 8 and legislative bills put forth by Leno; patching over newly striped roadway; ticketgate; and the City's Agreement with the Chamber of Commerce.
- Belinda Toledo, spoke of difficulties in obtaining an upright headstone for her mother's gravesite.
- Leticia Lupio, Parks and Leisure Services Commissioner, thanked the Council for her recent re-appointment.
- Felipe Martinez, spoke of the Step-Up Program, and made himself available for questions.
- Martha Atchison, a Lindsay resident and senior citizen, came forward to speak in favor of keeping senior services at the Putnam Community Center.
- Barry Caplan, requested that items 7 and 9 be removed, and requested that an explanation be provided as to the difference between a proclamation and a resolution.
- Dan (last name inaudible), spoke of the seniors desire to remain at the Putnam Center.
- Juanita Baldo, spoke in favor of senior services remaining at the Putnam Center.

CONSENT CALENDAR

Items 2, 4, and 9 were pulled for further discussion. Council Member Shelton noted his abstention on Item 8 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve Items 1, 3, and 5 through 8. Motion carried unanimously, with the aforementioned abstention.

1. AUTHORIZATION TO ADVERTISE FOR BIDS – CHASE PARK IMPROVEMENT 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.

Documentation: M.O. 01-091713

Disposition: Approved.

3. AWARD OF CONTRACT – MAIN STREET AND PLANO STREET BUS
TURNOUTS

Recommendation: That the City Council:

1. Award the Main Street and Plano Street Bus Turnouts Project to Hobbs Construction in the amount of \$107,676.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and a 10% retainer to cover construction management, quality control and inspection services.

Documentation: M.O. 02-091713

Disposition: Approved.

5. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP UP”
NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 19, 2013, in support of the planned neighborhood “Step Up” outreach event.

Documentation: M.O. 03-091713

Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN
ASSOCIATION OF CALIFORNIA – FILIPINO-AMERICAN WEEK, SEPTEMBER
28-29, 2013

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit A.

Documentation: M.O. 04-091713

Disposition: Approved.

7. APPROVAL OF PROPOSED PROCLAMATION – DOMESTIC VIOLENCE
AWARENESS MONTH

Recommendation: That the City Council consider the approval of the proposed Proclamation declaring October 2013 as Domestic Violence Awareness Month.

Documentation: M.O. 05-091713
Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the Council:

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

Documentation: M.O. 06-091713
Disposition: Approved.

SCHEDULED MATTERS

10. CONSIDERATION OF APPOINTMENT TO THE ARTS COMMISSION

Recommendation: That the City Council appoint one (1) student to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

City Manager Lollis introduced the item and Administrative Services Director Hildreth presented the staff report, noting that the following individuals had submitted requests for appointment:

- Brenda Carrasco, a senior at Monache High School
- Darion Vigueria, a junior at Monache High School
- Rhiannon Wright, a junior at Monache High School

Mayor Gurrola inquired if any candidates were present at the meeting and wanted to come forward and introduce themselves. No candidates were present.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council appoint Brenda Carrasco to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

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

Documentation: M.O. 07-091713
Disposition: Approved.

The Council took a five minute recess at 7:11 p.m.

11. PROVISION OF SENIOR CITIZEN PROGRAMS AND SERVICES

Recommendation: That the City Council consider and provide direction on the provision of programs and services for the benefit of the community's senior citizens.

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

Mayor Gurrola opened the floor to public comments and the following individuals came forward to speak:

- Lloyd Winter, past president of the Senior Council, spoke about meetings between the Senior Council and KTAAA, and stated that centralization of senior programs was not possible.
- Winnie (last name not given), spoke of the convenience of the current Senior Council location at the Putnam Center.
- Fred Beltran, CHMA, addressed the Council's questions; stated that he would like to see a variety of programs provided for the community, not only for seniors; and said he didn't want the seniors to lose their services either.
- Tim Lutz, director of KTAAA, stated that the organization's goal is to expand services in Porterville, as in Visalia and Tulare; elaborated on Visalia and Tulare's programs; and addressed the Council's questions.
- Mary Esgarza, executive director of CSET, expressed the need for more hours and weekends for CSET programs; stated they would "make it work" wherever they are placed; stated CSET's desire to expand services; and addressed the Council's questions.

Mayor Gurrola explained her observations from meetings with the parties involved; stated that everyone's goal was to provide the best services to senior citizens; and proposed the formation of a Senior Commission in the future. Council Member Hamilton suggested that the City take control of the facility.

Council Member Ward expressed his concerns about maintaining services to seniors after the City assumed control of the building. Council Member Hamilton commented that the action would entail financial costs for the City, but that seniors would still have access to services.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Gurrola, that the Council return control of the Santa Fe Depot to the Parks & Leisure Services Department; prepare a 90-day notice to all relevant parties; and revisit the issue in one year.

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

Documentation: M.O. 08-091713
Disposition: Approved.

12. CONSIDERATION OF PROHIBITING CITY COUNCIL MEMBER ATTENDANCE
AT MEETINGS OF THE CHARTER REVIEW COMMITTEE

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew reported that while there was no legal prohibition of Council members attending the meetings, there were ethical issues that the Council members should take into consideration. She advised that Council members could pursue other means of obtaining information on the Committee, such as through committee reports or meeting minutes.

Council Member Hamilton stated his opinion that the Committee should have autonomy in reviewing possible changes to the Charter.

Council Member Ward expressed concerns regarding Council Members' First Amendment rights of free speech, and a discussion ensued regarding the possibility of Council Members making a pledge to not attend the Committee's meetings, instead of taking a legislative action.

City Attorney Lew and City Manager Lollis noted that periodic updates on the Committee's progress would be presented to the Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the Council prohibit City Council Member attendance at meetings of the Charter Review Committee. The motion carried unanimously.

Documentation: M.O. 09-091713

Disposition: Approved.

The Council took a five minute recess at 8:08 p.m.

13. CONSIDERATION OF REORGANIZATION OF THE CITY COUNCIL

Recommendation: That the City Council consider reorganization, including its appointed positions and assignment to committees.

City Manager Lollis introduced the item and presented the staff report. Mayor Gurrola opened the floor to public comments, and Council Member Ward requested that the Council limit public comments to thirty minutes. Without objection from the Council, the Mayor announced a thirty minute time limit.

- Brock Neeley, spoke against the proposed reorganization.
- Nikki Edwards, requested that the Council not reorganize, and suggested that the City of Porterville does not measure up to other Valley cities.
- Teresa De La Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola's gender and ethnicity, noting that this was not the first time.
- Melissa McMurry, spoke against the proposed reorganization.
- Rodney Martin, commented that the matter of reorganization was not an LGBT issue, nor was it an anti-Latino woman issue, but rather a routine matter done pursuant to the City Charter; and suggested that perhaps Council Member Ward was being discriminated against due to his religious beliefs.
- Felipe Martinez, stated that the decision was the Council's, and requested that the Council take the matter seriously.

- Anne Marie Wagstaff, spoke against the proposed reorganization and in favor of Mayor Gurrola.
- Ken Medina, spoke in favor of the Council voting with their heart.
- Vanessa Mesa, spoke against the proposed reorganization and requested that the Council consider the will of the people.
- Edith LaVonne, spoke against the proposed reorganization and lauded Ms. Gurrola's integrity and dedication to the City.
- Barry Caplan, read statement from Tino Hernandez in support of Mayor Gurrola and about growing up gay in Porterville.
- Lana, read statement from Army Service Member Christine Madrid, currently serving in Afghanistan, commending Mayor Gurrola for her integrity, values, and her support of equality.
- Roberto De la Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola's gender and ethnicity, and spoke of political games being played by the Council.

Council Member Ward spoke about: the Council's history of reorganization; his support for annual rotation; the traditions of other local governing bodies; and his irritation with false accusations from the public. Council Member Shelton spoke about his past efforts to request Council rotations.

Council Member Hamilton noted that the comments from the public on this matter affirmed his desire for reorganization.

Mayor Gurrola commended each member of the Council for their values and contributions to the community; expressed confidence in her decisions as Mayor; shared her faith in God; noted the positive outlook of the City's future; and stated that the reorganization should not detract from the Council's responsibilities to the community.

Council Member Ward stated his desire to not be considered for the Mayorship due to health concerns. Council Member Shelton likewise expressed that he did not want to be considered for Mayor, suggesting that the position adversely affects the Council Member who occupies it.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council dissolve and reorganize its position appointments and committee assignments; and appoint Council Member Hamilton as Mayor.

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

Documentation: M.O. 10-091713

Disposition: Council organization dissolved; Council Member Hamilton appointed as Mayor.

Council Member Gurrola vacated the seat of the Mayor, and newly-appointed Mayor Hamilton assumed the position.

Mayor Hamilton thanked Council Member Gurrola for her service as Mayor, and called for nominations for Vice Mayor.

COUNCIL ACTION: NOMINATED by Council Member Shelton that the Council appoint Council Member Ward to serve as Vice Mayor.

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

Documentation: M.O. 11-091713
Disposition: Council Member Ward appointed as Vice Mayor.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council continue the existing committee assignments with the following changes: Mayor Hamilton- 1) Tulare Co. Economic Development Corporation (EDC) as Member; 2) Business Incentive Zone (BIZ) Council as Member; and 3) Council of Cities as Member; and Council Member Shelton-Joint City/School Committee as Member. The motion carried unanimously.

Documentation: M.O. 12-091713
Disposition: Appointments made by the Council.

The Council took a 5 minute recess at 9:06 p.m.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

2. AWARD OF CONTRACT – JAYE STREET AND MONTGOMERY AVENUE
ROUNABOUT PROJECT

Recommendation: That City Council:

1. Award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of \$1,330,547.21;
2. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and
3. Authorize the appropriation of \$290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD.

City Manager Lollis introduced the item. Council Member Shelton lauded the use of a local business for the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of \$1,330,547.21; authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and authorize the appropriation of \$290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD. The motion carried unanimously.

Documentation: M.O. 13-091713
Disposition: Approved.

4. APPROVAL TO PURCHASE RANGE TARGET SYSTEM

Recommendation: That the City Council:

1. Authorize the purchase and installation of the target system from Advanced Training System; and
2. Authorize payment upon satisfactory delivery and installation of the equipment.

City Manager Lollis introduced the item. Council Member Shelton requested that staff elaborate on the proposed target system. Police Captain Dempsie provided clarification.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council authorize the purchase and installation of the target system from Advanced Training System; and authorize payment upon satisfactory delivery and installation of the equipment. The motion carried unanimously.

Documentation: M.O. 14-091713
Disposition: Approved.

9. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ADOPTING A RESOLUTION OF RECOGNITION FOR THE DONATION OF A SIREN TO BE INSTALLED AT FIRE STATION #1

Recommendation: Council Member McCracken moves to set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund.

City Manager Lollis introduced the item. Council Member Shelton lauded the recognition of the community organizations for their contribution.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken, that the Council set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund.

Documentation: M.O. 15-091713
Disposition: Approved.

The Porterville City Council adjourned to a meeting of the Successor Agency to the Porterville Redevelopment Agency at 9:22 p.m.

**SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
SEPTEMBER 17, 2013**

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

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-01. SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency:

1. Approve the Successor Agency's proposed Administrative Budget, Exhibit A, for the period of January 1, 2014, through June 30, 2014, prepared pursuant to Health & Safety Code section 34177(j); and
2. Adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

City Manager Lollis introduced the item, and Member Shelton recused himself from the discussion due to a conflict of interest. Community Development Project Manager Jenni Byers presented the staff report.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the proposed Administrative Budget for the period of January 1, 2014, through June 30, 2014, prepared pursuant to Health & Safety Code section 34177(j); and adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: Resolution 2013-03

Disposition: Approved.

SA-02. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION
PAYMENT SCHEDULE (ROPS)

- Recommendation: That the Successor Agency:
1. Approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 13-14 B to requirements imposed by the DOF; and
 2. Adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

City Manager Lollis introduced the item and Community Development Project Manager Jenni Byers presented the staff report, noting that the California Department of Finance recently approved the Finding of Completion for the Porterville Successor Agency, allowing the Agency to utilize remaining bond proceeds for projects such as the Porterville Hotel.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 13-14 B to requirements imposed by the DOF; and adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

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

Documentation: Resolution 2013-04
Disposition: Approved.

The Successor Agency to the Porterville Redevelopment Agency adjourned to a meeting of the Porterville City Council at 9:24 p.m.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member McCracken, stated that he would be attending the League of California Cities Conference in Sacramento.
- Council Member Gurrola, reminded Mayor of KTIP Talk with the Mayor at 7:30 a.m. on Fridays; and spoke of upcoming Neon Run for Valley Children's Hospital.
- Council Member Shelton, spoke of the following upcoming events: Tule River Indian Pow Wow, Tim Vanni Fundraiser BBQ, and Step Up event on September 19th.
- City Manager Lollis, noted upcoming IGLBC meeting, League Conference, and Charter Review Committee meeting on September 25th.
- Vice Mayor Ward, recognized National Suicide Prevention Month and event in Tulare.

ADJOURNMENT

The Council adjourned at 9:31 p.m. to the meeting of October 1, 2013.

Luisa M. Zavala, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor

**MINUTES
EMERGENCY MEETING OF THE
PORTERVILLE CITY COUNCIL
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 26, 2013, 10:00 A.M.**

Called to Order at 10:02 a.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived at 10:07 a.m.), Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. DECLARATION OF LOCAL EMERGENCY

Administrative Services Director Hildreth introduced the item and presented a brief report regarding a fire at the Porterville Hotel which occurred early Thursday morning.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the draft resolution declaring the existence of a local emergency.

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

Documentation: Resolution 85-2013

Disposition: Approved.

2. AUTHORIZING EMERGENCY MITIGATION/DEMOLITION OF BURNED STRUCTURE, THE PORTERVILLE HOTEL DUE TO PUBLIC SAFETY THREAT

Administrative Services Director Hildreth introduced the item, and Public Works Director Baldo Rodriguez gave a report regarding the structural integrity of the building and potential safety hazards. He advised that demolition of the remaining walls and installation of fencing to secure the property were of the upmost importance, due to their proximity to public right-of-way at a major City intersection; but added that asbestos mitigation was an additional concern. Mr. Rodriguez added that he had spoken with Bowen Engineering who was ready to move pending Council action.

Community Development Director Brad Dunlap participated via telephone and updated the Council on recent conversations with owner Cyrus Youssefi, who had indicated that he was already in contact with his insurance.

Council Member Shelton arrived at 10:07 a.m. Staff noted Council Member Shelton's history of abstaining from participation in matters pertaining to the Porterville Hotel. He indicated that while he had abstained in the past, he did not feel a conflict of interest existed and requested that staff verify that he did not own property within 500 feet of the hotel.

Mr. Dunlap reported that Successor Agency legal counsel Vanessa Locklin wished to speak with him. The Council recessed at 10:18 a.m. to allow Community Development Director Dunlap time to speak with legal counsel, and to allow staff the opportunity to verify that Council Member Shelton did not have a conflict with regard to property ownership.

After the break, Mr. Dunlap advised of language Ms. Locklin had recommended be included in the resolution, and of the subsequent need for a Successor Agency Oversight Board meeting to approve the contract with Bowen. Staff confirmed that Council Member Shelton did not own property within 500 feet.

Council Member Shelton then recommended that the City only mitigate those hazards which were absolutely necessary to ensure that there would be no challenges from the property owner's insurance company when reimbursement was sought; and suggested means of mitigating asbestos and hot spots.

Administrative Services Director Hildreth then read language to be added to the draft resolution based on the recommendations of Ms. Locklin.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve reconsideration of Item No. 1.

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

Documentation: M.O. 01-122613
Disposition: Approved reconsideration of Item No.1.

1. DECLARATION OF LOCAL EMERGENCY

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the draft resolution, as amended to include additional detail with regard to the hazardous condition as advised by legal counsel.

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

Documentation: Resolution No. 85-2013
Disposition: Approved resolution, as amended.

2. AUTHORIZING EMERGENCY MITIGATION/DEMOLITION OF BURNED STRUCTURE,
THE PORTERVILLE HOTEL DUE TO PUBLIC SAFETY THREAT

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve immediate safety mitigation of the structure by Bowen Engineering, which includes demolition of the remaining standing structure, potential removal of asbestos, and fencing of site to secure the property.

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

Documentation: M.O. 02-122613
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Mayor Hamilton spoke of the fire investigation, which would be difficult due to the extent of the damage.
- Vice Mayor Ward commended staff for their swift action.
- Council Member Shelton commended the Council for making it to the meeting on such short notice.

ADJOURNMENT

The Council adjourned at 10:45 a.m. to the meeting of January 7, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Cameron Hamilton, Mayor

SUBJECT: PURCHASE OF POLICE SERVICE DOG

SOURCE: Police Department

COMMENT: In August 2013, the City of Porterville retired Diago, one of the Department's police service dogs. Since that time, the Department has operated with two (2) service dogs. This leaves two of the four patrol shifts without an on-duty service dog.

Thorough research was recently completed by Department staff to find a replacement for Diago. It was determined that there is currently only one kennel in the State of California that provides a selection of police service dogs and the associated training in accordance with the needs of the Department. This vendor is the supplier of police service dogs to agencies throughout the state, including most of our surrounding agencies. This vendor, Adlerhorst International, Inc., was utilized by the Department in 2012 to purchase a police service dog and the Department has been extremely satisfied with the service provided.

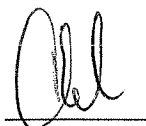
The Department would like to enter into an agreement with Adlerhorst International, Inc. to acquire a service dog and necessary training for the dog and handler. This vendor provides a full guarantee against any congenital health defects for two years after date of purchase and additionally guarantees the dog for non-health service-related problems.

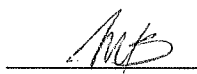
The total cost for the police service dog and related training is approximately \$14,568. POST will refund a portion of this cost when training is completed. The amount to be refunded is estimated to be approximately \$4,200 to cover the cost of the training. Funds for this purchase are available in the Asset Forfeiture Account of the current Police Department budget.

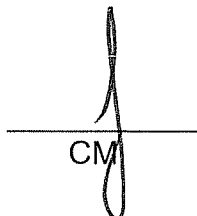
RECOMMENDATION: That the City Council:

1. Approve the purchase of an additional service dog and related training from Adlerhorst International, Inc. utilizing funds from the Asset Forfeiture Account; and
2. Authorize the Chief of Police to enter into an agreement with Adlerhorst International, Inc. to acquire the service dog and associated training.

ATTACHMENT: Quote from Adlerhorst International, Inc.


Dir


Appr/Funded


CM

Item No. 2

ADLERHORST INTERNATIONAL, INC.

3951 Vernon Avenue
Jurupa Valley, CA 92509
(951) 685-2430

QUOTE ONLY

Date

12/12/2013

Name / Address

Porterville Police Department
350 North D Street
Porterville, CA 93257

Project

| Qty | Description | Cost | Total |
|-----|---|----------|----------|
| 1 | Police Service Dog - German Shepherd or Malinois | 9,600.00 | 9,600.00 |
| 1 | Basic Handlers Course | 4,200.00 | 4,200.00 |

All merchandise subject to California sales tax.

Subtotal \$13,800.00

Sales Tax (8.0%) \$768.00

Total \$14,568.00

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – WEED
ABATEMENT SERVICES

SOURCE: FIRE DEPARTMENT

COMMENT: The Fire Department has evaluated the City of Porterville weed abatement contract and has developed a Request for Proposals (RFP) for weed abatement services. The most recent RFP for weed abatement services was conducted in 2007 and included a three (3)-year period of performance, renewable in additional one (1)-year intervals at the City's option and upon mutually-agreeable terms. Contract terms were modified in 2009 and have been renewed five (5) additional years. The Fire Department is recommending a three (3)-year, non-renewable period of performance in the current request for proposals. The Department would like to advertise for proposals in January of 2014 and bring the item back to Council in February or March 2014 for award. This schedule allows sufficient time for properties to be assigned to a weed abatement contractor by April of 2014.

During the first two years of the previous contract, 2007 through 2008, the average cost of abatement per acre including discing, handwork, debris removal and dump fees was \$109.00. Following the 2009 revision, the average cost increased more than 300%. In 2013 the average cost was \$451.78 per acre. This increase was due to a change in contract terms from "piece rate" to "hourly rate" for abatement services. Terms of the proposed RFP specify piece rates per acre, per linear foot of handwork, and per unit of debris or trash to be hauled, and should result in a more favorable total cost per acre to the City of Porterville. Staff has researched other weed abatement contracts and found payment for services by piece rate is the established practice for local jurisdictions and other municipalities in California.

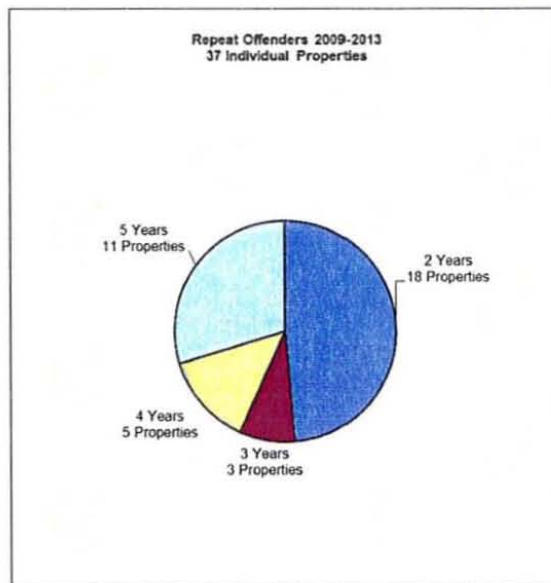
Both the Municipal Code and California Fire Code require property owners to abate fire hazards, including weeds on their properties. The weed abatement program provides a tool for the City to abate hazards when the property owner fails to do so. A review of performance over the previous five-year period, 2009 through 2013, shows a 96% rate of voluntary compliance by property owners. The 4% of property owners who failed to achieve voluntary compliance did so repeatedly over the five-year period as depicted on the following chart.

Dir. 

Approp./ Funded MFB

CM 

Item No. 3



When the City of Porterville takes action to abate weeds from private property, the property owner is charged for the cost of abatement including a 50% administrative fee. Over the previous five years the average fee for abatement and administration has been \$1,256 per property. For these few property owners, that fee has not been sufficient to encourage voluntary compliance. In an effort to improve voluntary compliance, the Fire Department intends to utilize the administrative citation process as allowed by City of Porterville Municipal Code, Chapter 2, Article XIV, Section 2-144, Violations, Penalties and Enforcement. Consistent with this section, property owners could be fined \$100, \$500 and then \$1000 for failure to abate weeds within specified time frames. Properties that still require abatement after assessment of such fines would be assigned to the abatement contractor, with all subsequent costs, including the administrative fee, being the responsibility of the property owner.

RECOMMENDATION: That the City Council:

1. Authorize staff to advertise for bids for weed abatement services.

COUNCIL AGENDA: JANUARY 7, 2014

SUBJECT: AWARD OF CONTRACT – REVENUE SHARING TRANSIT ADVERTISING

SOURCE: Public Works Department - Transit Division

COMMENT: On November 5, 2013, the City Council authorized staff to distribute a Request for Proposals for a second time, due to lack of participation, for Revenue Sharing Transit Advertising services. The Request for Proposal was re-issued on November 6, 2013, to a number of consultants, including all eligible local firms, to provide services in transit advertising.

On December 12, 2013, staff received one proposal from Rethought Reborn, a local marketing and advertising firm that was found to meet the desired qualifications.

Although the City received a single proposal, staff was able to subsequently negotiate a revenue sharing rate consistent with the City of Visalia, City of Tulare, and County transit advertising agreements.

Staff also evaluated two other options for the transit advertising program. First, staff evaluated the option to perform the work in-house. Staff determined this option to be unfeasible at this time due to lack of personnel and funding, but will continue to evaluate the program, as it expands, on an annual basis.

Second, staff evaluated the option of a joint advertising program with the other transit agencies in the county. Staff determined, that although feasible, it may be financially advantageous to contract with a local firm that is solely dedicated to increase revenues for the City's transit program.

RECOMMENDATION: That City Council:

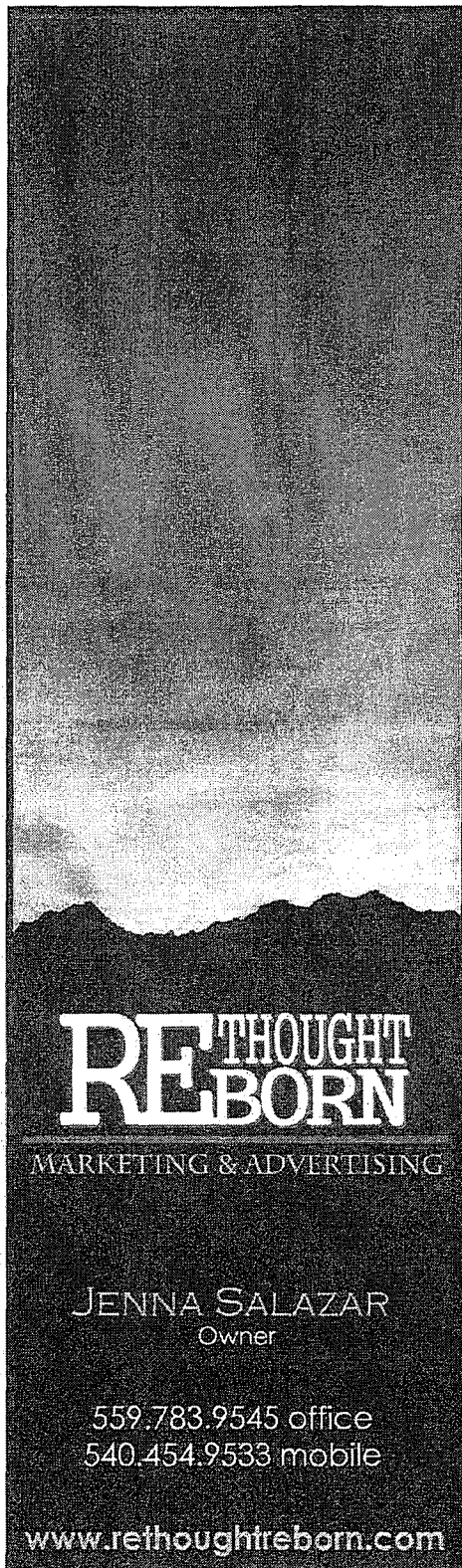
1. Authorize Staff to award a professional service contract with Rethought Reborn; and
2. Authorize the Mayor to sign all contract documents.

ATTACHMENTS: Rethought Reborn Proposal
Professional Service Agreement

P:\pubworks\General\Council\Transit - Award of Contract - Revenue Sharing Transit Advertising - 2014-01-07.doc

Dir BS1 Appropriated/Funded MB CM J

Item No. 4



REVENUE SHARING TRANSIT ADVERTISING

A Proposal to
City of Porterville

Presented on
December 11, 2013

Table of Contents

| | | |
|----------|--|-----------|
| A | Statement of Interest..... | 1 |
| A.1 | Statement of Interest..... | 1 |
| A.2 | Work & Sales Plan..... | 2 |
| A.3 | Alternate Offer | 3 |
| B | Firm Profile | 4 |
| C | Team Composition | 5 |
| D | Similar Projects | 6 |
| D.1 | Advertising..... | 6 |
| D.2 | Other Projects..... | 8 |
| E | Pricing / Certifications / Signature Forms..... | 15 |
| E.1 | Pricing..... | 15 |
| E.2 | Pricing – Alternate Offer..... | 16 |
| E.3 | Certifications & Signature Forms..... | 17 |
| F | Proof of Insurance..... | 29 |
| G | Sub-Contractors | 34 |

11 December 2013

City of Porterville
Porterville Transit
ATTN: Richard Tree, Transit Manager
291 N. Main St.
Porterville, CA 93257

RE: Revenue Sharing Transit Advertising, RFP 13/14-AC1806

Dear Mr. Tree,

Rethought Reborn is pleased to present our qualifications for Revenue Sharing Transit Advertising as outlined in RFP 13/14-AC1806. We are ready to begin this project immediately and are prepared to enter into a contract with the City of Porterville in accordance with the terms and conditions set forth in the RFP and addendum.

Rethought Reborn specializes in marketing and advertising in Tulare County. Rethought Reborn is a sole-proprietorship and located at 1967 W. Nancy Ave., Porterville, CA 93257, and has been in business for one year, and is licensed to conduct business in the City of Porterville.

Our Federal Tax ID# is 46-2086835.

Jenna Salazar, Owner and Operator, telephone (559) 783-9545, email Jenna.Salazar@rethoughtreborn.com, is the only individual authorized to enter into a binding agreement on behalf of Rethought Reborn.

Very Respectfully,



Jenna Salazar
Owner & Operator
Rethought Reborn

A.2 Work & Sales Plan

A.2.a Plan. Rethought Reborn will actively solicit and service advertising contracts for advertising on Porterville Transit vehicles and bus stop amenities by

- Pricing
 - Prior pricing models are supported by the market and Rethought Reborn proposes to keep the price points similar to what they have been in the past. For more information on proposed pricing, refer to Figure 1 on page 3. Additional details such as agency discounts and payment in full for contracts six month or longer discounts can be discussed, as well.
- Marketing
 - Analyzing advertising in neighboring communities to identify likely interest in advertising in the Porterville area and contacting them to discuss advertising in Porterville
 - Contacting potential local & regional (where feasible) advertisers in person to discuss their marketing needs and benefits of transit advertising
 - Creating website dedicated solely to transit advertising with search engine optimization (SEO), allowing local and national advertisers easier access to information, forms, and payment options
 - Advertising to other organizations via multi-media channels, including traditional and social
- Advertisement Production & Delivery
 - Graphic design, customer service, and delivery of materials for installation will be handled by Rethought Reborn
- Quality Assurance
 - Advertisements will be in compliance with the City's content control specifications, produced using only durable, high-quality materials
 - As Rethought Reborn is based out of Porterville, vehicle and bus stop advertising will be inspected on a regular basis and any issues communicated to the City, and corrected promptly

A.2.b Communication. Rethought Reborn will submit monthly reports featuring gross billing and net billings, display types, total space available, total space sold, and total space traded or bartered, along with inventory reports. Reports will also include contract start and termination dates, for easy reference for advertisement installation and/or removal by transit staff. Additional communication can take place via email, phone or in person as needed.

A.3 Alternate Offer

In addition to the duties outlined in Section 2 of the RFP, Rethought Reborn will perform all administrative and billing functions associated with Revenue Sharing Transit Advertising program, submitting detailed financial and sales reports along with the City's portion of the revenues within twenty (20) calendar days after the end of the month in which they were earned.

This will eliminate any burden on City staff and resources, while allowing Rethought Reborn to be proactive and immediately responsive to all aspects of the advertising agreement with the Clients, offering a higher level of service to both the City and Clients.

| | STYLE | 1 MO | 3 MO | 6 MO | 12 MO |
|----------|---------------------|------|-------|-------|-------|
| SIGNS | King | 298 | 287 | 276 | 264 |
| | Queen | 243 | 243 | 233 | 224 |
| | Tail | 298 | 287 | 276 | 264 |
| WRAPS | Mural | 443 | 426 | 409 | 393 |
| | Full Side | 637 | 613 | 588 | 565 |
| | Full Wrap | n/a | 1,330 | 1,277 | 1,226 |
| INTERIOR | Interior | 30 | 25 | 25 | 25 |
| SHELTER | One face | 291 | 280 | 269 | 258 |
| | Two faces (same) | 499 | 480 | 461 | 442 |

Figure 1 – Proposed pricing

B. Firm Profile

| | |
|-------------------------------|---|
| Firm Name: | Rethought Reborn |
| Business Address: | 1967 W. Nancy Ave. Porterville, CA 93257 |
| Telephone Number: | (559) 783-9545 |
| Date of Establishment: | Jan 2013 |
| Type of Organization: | Sole-proprietorship |
| Description: | Rethought Reborn provides advertising and marketing solutions for businesses designed to maximize consumer awareness and grow our clients' businesses. Generally, conglomerates and well-established businesses utilize larger marketing firms, who provide quality services but charge higher fees for their services, thereby making it impractical or impossible for small and/or start-up businesses to employ their expertise. Additionally, smaller community-based businesses often prefer to have a marketing plan designed by someone who knows the community and understands the local economy on a level larger entities cannot always provide. It is within this niche that Rethought Reborn provides its services, with an emphasis on local business growth and community outreach. |

C. Team Composition

Owner: Jenna Salazar

Profile: Jenna is an eight-year Army veteran with years of experience in the healthcare industry prior to joining the military. In January 2013, she started Rethought Reborn, as she identified a need for an advertising/marketing firm with a focus on helping local businesses in the community.

Skills:

- Sales
- Graphic Design
- Business Administration
- Multimedia Marketing
- Public Relations
- Business-to-Business Networking
- Website Design

Community Involvement:

- President & Co-founder, *Enspirit, Inc.*
- Director & Marketing Chair, *Porterville Chamber of Commerce*
- Graduate of Leadership Porterville, Class of 2013
- Committee Member, Charter Review Committee, *City of Porterville*
- Volunteer, *Summit Charter Academy Lombardi*

D. Similar Projects

D.1 Advertising

Recently, Rethought Reborn was contracted to design advertisements for a number of Porterville-based businesses for city-wide distribution. Examples of these individual ads are shown on this page and the following (shown smaller than actual size). Sixteen (16) businesses participated in the advertisement, with a total of twenty-four (24) spots.

Collision Repair
Complete Paint Jobs
Towing Available

MILNICH BODY WORKS

Get this ad for
\$100 off
any repair

LIFETIME GUARANTEE
Full Repairs & More

(559) 784-8827

631 Sunnyside Ave - Porterville, CA 93257

MARAIN'S TAX TEAM
INCOME TAX SPECIALISTS INC.

"COME MEET
OUR FAMOUS TAX TEAM"

Fast Refunds • No Up-front Fees
No Appointment Necessary

784-1400

98 E. Morton Ave., Porterville, CA 93257

Call Us Today 559-782-1061

SIERRA APPLIANCE SERVICE
SALES & SERVICE

\$12.50 OFF
any
service
call!

863 N. Main St.
Porterville, CA 93257
www.sierraappliances.com

Free delivery estimates during business hours. No appointment needed!

Protect your family and your finances with benefits
that pay you cash when you're sick or injured.

Call
Affac
today!

Jan Zimmerman
Mobile 559-414-4646
jan@affac.com

A Full-Service Collection Agency and Repossession Company

ACCESS CAPITAL SERVICES INC.

519 W. Murray Avenue
Visalia, CA 93291

Tel: (866) 935-1227 Ext. 80205
Fax: (559) 737-5877

SHANNON FROST
Chief Service Coordinator
shannon@accesscorp.com

Cell: 530-979-7692

Do you owe more than
your house is worth?
There is hope...

559-359-0256

Lynn Trice

www.lynntrice.com
www.hudhome.com
www.mortgage.com

Short Sale Specialist • HUD Home • Investment Property • Foreclosure

Quality Computer Repair
APPLE, IMAC, & PC REPAIR

\$10 off
any computer service

(559) 853-1920 1034 W. Morton, Ste. G • Porterville, CA 93257

VCR
Auto • Christian • Restoration • Service

Restoring Your Life

10 off
any carpet
cleaning service

(559) 781-4800

641 S. Plaza St. • Porterville, CA 93257 • www.vcr.com

Large Firm Experience. Small Town Feel.

Greg Meister, CRPC®
Financial Advisor

(661) 326-7729

Merrill Lynch
5080 California Avenue
Suite 102
Bakersfield, CA 93309

THE POWER OF THE RIGHT ADVISOR

Merrill Lynch
360 Wealth Management

SHOP LOCAL AND SAVE BIG!

• Update Your Home's Look
• Local, Personalized Service
• Affordable Prices
• Setting Materials Always in Stock

BURGOS TILE
PORCELAIN TILE • STONE & GRANITE

Come by the store today!
M-F 9a-6p SAT 9a-3p

492 W. Olive St. | Porterville, CA 93257
559-781-7500
www.BurgosTile.com

D.1 Advertising (cont'd)

D.1 Advertising (cont'd)

www.portervilliechiro.com

Agape Health & Wellness Center
 Porterville's Premier Chiropractic Center
 130 N. Villa • Porterville, CA 93257
(559) 784-9355
 • Complete Family Chiropractic Care • Massage Therapy
 • Auto Accident Injury Treatment • Pain Relief
 • Sports Injuries
Try us today for FREE!
 Call now and mention this ad
 to schedule your FREE
 30 minute massage!
 No strings attached!

www.bobruffiaelectric.com
 LIC. NO. 410069

ELECTRIC INC.
 RESIDENTIAL • COMMERCIAL • LIGHTING • SOLAR
(559) 781-1524
 Bring in this flyer for your choice...
2 Free Compact Fluorescent Lamps
 - Or -
15% Off Any Fan Or Fixture
 346 N. PORTER RD • PORTERVILLE CA 93257

DZ
FRAME SHOP
 32 W Mill • Porterville CA 93257
559.853.1032
 Daniel Louvato
 559.202.7602 cell
 dframe@dzframe.com
 M-F 10-6
 Sat 11-3
 Photo Framing • Expert customer service • Reasonable prices

VCR
 VETERAN OWNED
 "Reclaim Your Life"

\$100 OFF Duct Cleaning
(559) 781-4800
 641 S. Plano St. • Porterville, CA 93257 • www.vcrcorp.com

Sweet Smiles
 Serving Adults & Children
559-788-CLEAN
 365 Pearson Dr., Ste. 2 • Porterville CA 93257
www.sweet-smilesdentistry.com
 New Patient Special
 Dental Exam & Full X-Rays
\$99.99
 (Denture cleaning)

EVENT VENUE
Hacienda de Palmas
 1700 S. Highway 99 • Porterville, CA 93257
 WEDDINGS • RECEPTIONS • PARTIES • GRADUATIONS • QUINCEANERAS • CORPORATE EVENTS • GALAS

www.haciendadepalmas.net
 To schedule a tour, please call
559-789-6437
 1443 N. Lime St.
 Porterville

Aflac
 Protect your family and your finances with benefits
 that pay you cash when you're sick or injured.
 Call Aflac today!
 Jon Zimmerman
 Mob: 559.210.4045
 jonathan_zimmerman@aflac.com

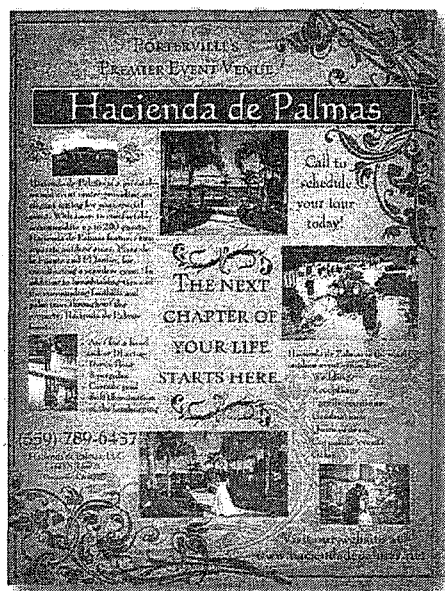
Financing your possibilities.
 PRELIMINARY FINANCIAL REVIEW
C2 FINANCIAL CORPORATION
(559) 784-2080
 851 W. Morton Ave., Ste. A • Porterville, CA 93257
 Cell: (559) 359-7195
 cken@C2financialcorp.com
Can Kemp
 Sales • Loan Officer
 "I will help you get it all"

Nelson Realty
 "Don't think twice...
 call **Lynn Trice**"
559-359-0256
 www.lynntrice.com
 www.budgetrealestate.com
 Trice@Mebankrealestate.com
 Short Sale Specialist • HUD Homes • Investment Properties • Foreclosures

D.2 Other Projects – Hacienda de Palmas, LLC

Rethought Reborn was engaged in October 2012 by Hacienda de Palmas to assist in starting up a new event venue. As of July 2013, Rethought Reborn has performed the following services:

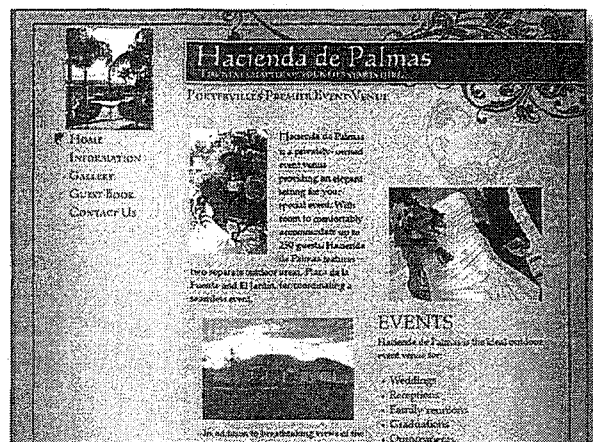
- Researched and advised Client regarding federal, state and county requirements for starting a limited liability corporation (LLC) for an event venue.
- Proposed name of venue when Client's original choice was not available.
- Designed branding, logos, promotional and marketing materials, including composing all copy (venue description, FAQ's, etc.), and tagline.
- Designed and launched Client's website and Facebook page (acting webmaster).
- Developed Terms & Conditions, Booking Request form, office forms, financial & administrative spreadsheets (accounts receivable/payable, mileage tracking).
- Designed all event pricing information handouts, and preferred vendor list.
- Networked with vendors and proposed mutually beneficial partnerships, resulting in vendors agreeing to be on our preferred vendor list and provide discounted services/products to Hacienda de Palmas clientele.
- Met with Chamber of Commerce representative obtaining membership information, resulting in the Client becoming a member and scheduled to host a Chamber Mixer.
- Registered Client for A Bridal Odyssey, Visalia's bridal expo, and designed expo booth and marketing materials; created slideshow DVD; arranged agreement with two vendors to assist in booth décor at no cost to my Client, as a gesture of goodwill for future client referrals.



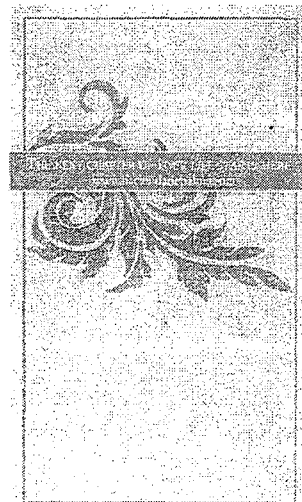
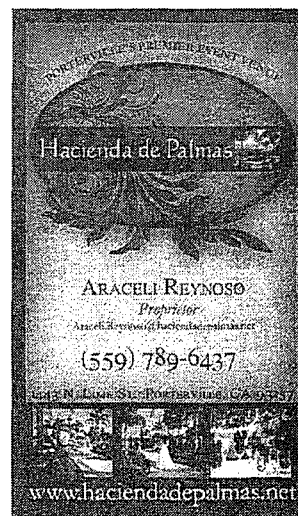
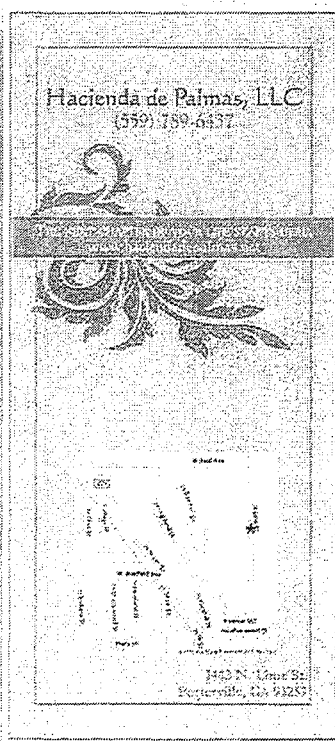
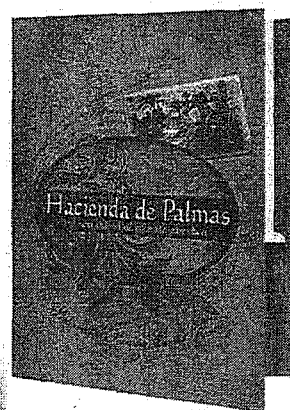
Marketing Flyer (Front)



Promotional
Items



Website (home page)



Business Card (Front & Back)

Rack Card (Front & Back)

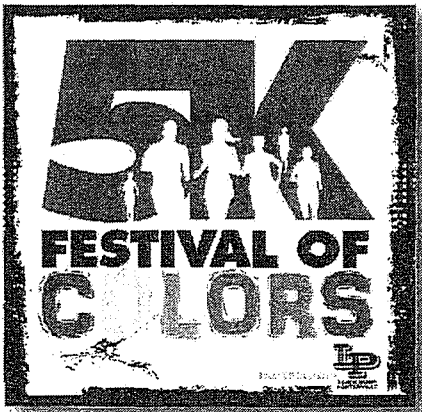
D.3 Other Projects – Leadership Porterville 2013

Selected as a class member of Leadership Porterville 2013. Was responsible for the following:

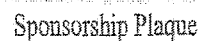
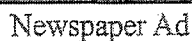
D.3.a Community Service Fundraiser – Festival of Colors Run

Total amount raised: \$18,000+. Net proceeds over \$12,000. Over 330 participants.

- Event Chairperson
 - Planned and led all meetings leading up to event & disseminated duties among class members
 - Coordinated all race-day activities, including creating race day itinerary
- Designed & created:
 - Logo and graphics
 - LP Steering Committee presentation
 - Registration forms and tracking database
 - Newspaper ads
 - Advertising flyers
 - Event website
 - Sponsorship flyers, letters, tracking database, entry vouchers and thank-you plaques
 - Custom race bibs
 - Race program
 - Press releases
 - Banners
 - Runners' and staff's t-shirts
 - Festival of Colors Run Facebook page
- Arranged for additional race day activities, including live art show, live band, vendors, post-run refreshments and raffle
- Personally secured over \$3,000 in sponsorships (in-kind and cash donations)



Registration Form



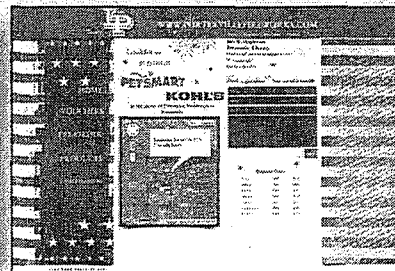
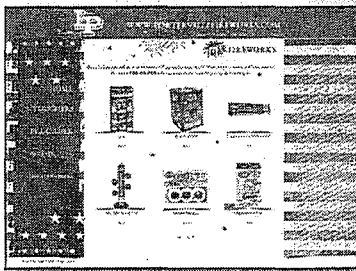
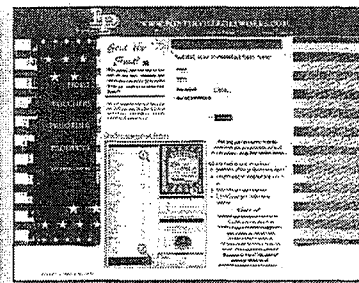
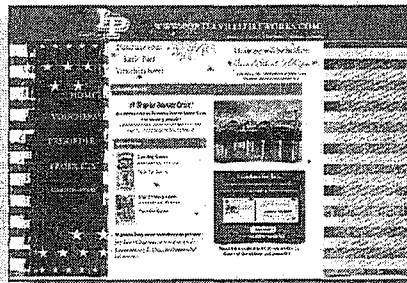
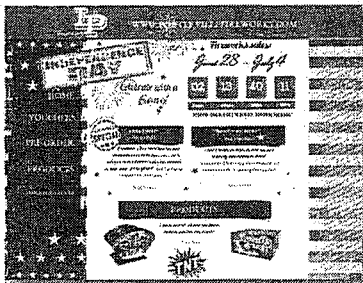
Race Day Photos

D.3.b

Community Service Fundraiser – Fireworks Booth

Total amount raised: \$18,000+. Net proceeds over \$6,000

- Designed & created:
 - Newspaper ad
 - Website
 - Marketing campaign, including “Beat the Heat” program (pre-orders), and Early Bird vouchers, with grand prize giveaway of a 3-day trip to Santa Cruz
 - Sales slips
 - Inventory tracker
 - Staff t-shirts.
- Donated over 46 hours working in the booth



Website

Newspaper Ad



Banner

T-shirt

D.3.c Community Service Project – Tulare County Display, State Capitol (*in progress*)

- Elected Co-Chair of project
- Presented project & concept at a local Rotary meeting
- Proposed overall design concept, unanimously accepted by LP 2013 class members
- Networking with local Chamber of Commerce representatives and other entities to obtain community-specific material to be included in display
- Communicating with local artists to contract artistic contributions to display (*e.g. meeting with Tule River Tribe representative to commission Native American art to be incorporated in display*)
- Created background graphic for the display

SECTION 4: FORMS AND CERTIFICATIONS

PRICING SCHEDULE

This PROPOSAL FORM is to be used to submit the PROPOSER'S firm fixed revenue sharing proposal for all work described in SECTION 2 – "SCOPE OF SERVICES".

Revenue Sharing For Transit Advertising

Contractor Revenue Percentage (%) 50

City Revenue Percentage (%) 50

Printed Name, Title: Jenna Salazar, Owner

Signature: 

Date: 6 December 2013

Proposer to submit signed and electronic copy

SECTION 4: FORMS AND CERTIFICATIONS

PRICING SCHEDULE – Alternate Offer

This PROPOSAL FORM is to be used to submit the PROPOSER'S firm fixed revenue sharing proposal for all work described in SECTION 2 – "SCOPE OF SERVICES" and ADDENDUM No. 1.

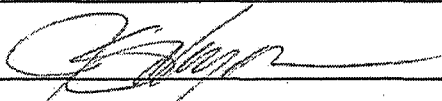
Revenue Sharing For Transit Advertising

Contractor Revenue Percentage (%) 70

City Revenue Percentage (%) 30

Printed Name, Title: Jenna Salazar, Owner

Signature: _____



Date: _____

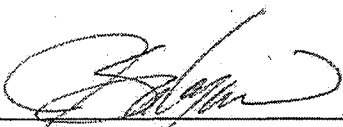
6 December 2013

Proposer to submit signed and electronic copy

RFP PROPOSAL FORM "A"

NON-COLLUSIVE AFFIDAVIT

This affidavit is to be filled out and executed by the Bidder; if a corporation makes the bid, then by its properly executed agent. The name of the individual swearing to the affidavit should appear on the line marked "Name of Affiant." The affiant's capacity, when a partner or officer of a corporation, should be inserted on the line marked "Capacity." The representative of the Bidder should sign his or her individual name at the end, not a partnership or corporation name, and swear to this affidavit before a notary public, who must attach his or her seal.

| | |
|---|--|
| State of <u>California</u> , County of <u>Tulare</u> | |
| I, <u>Jennifer Salazar</u> , being first duly sworn, do hereby state that (Name of Affiant) | |
| I am <u>Owner</u> of <u>Rethought Reborn</u> (Capacity) | (Name of Firm, Partnership or Corporation) |
| whose business is <u>Advertising / Marketing</u> | |
| and who resides at <u>1967 W. Nancy Ave., Porterville CA 93257</u> | |
| and that <u>(none)</u> (Give names of all persons, firms, or corporations interested in the bid) | |
| is/are the only person(s) with me in the profits of the herein contained Contract; that the Contract is made without any connection or interest in the profits thereof with any persons making any bid or Proposal for said Work; that the said Contract is on my part, in all respects, fair and without collusion or fraud, and also that no members of the Board of Trustees, head of any department or bureau, or employee therein, or any employee of the Authority, is directly or indirectly interested therein. | |
|  Signature of Affiant | <u>11 DEC 13</u> Date |
| Sworn to before me this _____ day of _____, 20____ | |
| SEE ATTACHED JURAT | |
| Notary public _____ | My commission expires _____ |
| Seal | |

JURAT

State of California

County of

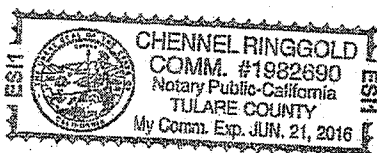
Tulare

} SS.

Subscribed and sworn to (or affirmed) before me on this 11 day of December, 2013, by

Jennifer Salazar

to be the person(s) who appeared before me.



[Signature]
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER _____ TITLE(S)
☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

RFP Proposal Form "A"

TITLE OR TYPE OF DOCUMENT

Non-collusive Affidavit

1-17 pgs

NUMBER OF PAGES

12/11/13

DATE OF DOCUMENT

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT
THUMBPRINT
OF
SIGNER

OTHER



RFP PROPOSAL FORM "B"

Debarment and Suspension Certification for Prospective Contractor

Primary covered transactions must be completed by Proposer for contract values over \$25,000

Choose one alternative:

☒ - The Bidder, Jenna Salazar DBA Rethought Reborn certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this Bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or Contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
4. Have not within a three-year period preceding this Bid had one or more public transactions (federal, state or local) terminated for cause or default.

OR

☐ - The Bid is unable to certify to all of the statements in this certification, and attaches its explanation to this certification. (In explanation, certify to those statements that can be certified to and explain those that cannot).

The Bidder certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of Title 31 USC § Sections 3801 are applicable thereto.

— Executed in Porterville, California.

Name: Jenna Salazar


Authorized Signature

11 DEC 13
Date

Debarment and Suspension Certification (Lower-Tier Covered Transaction)

This form is to be submitted by each Subcontractor receiving an amount exceeding \$25,000.

The prospective lower-tier participant (Bidder) certifies, by submission of this Bid, that neither it nor its "principals" as defined at 49 CFR § 29.105(p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

If the prospective Bidder is unable to certify to the statement above, it shall attach an explanation, and indicate that it has done so by placing an "X" in the following space: _____

**THE BIDDER, _____, CERTIFIES
OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT
OF ITS CERTIFICATION AND EXPLANATION, IF ANY. IN ADDITION, THE
BIDDER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§
3801 *ET SEQ.* APPLY TO THIS CERTIFICATION AND EXPLANATION, IF ANY.**

Name and title of the bidder's authorized official:

Authorized signature

Date

RE: RFP No. 13/14-AC1806 – This form does not apply.

49 CFR PART - 20 CERTIFICATION REGARDING LOBBYING - FORM "C"
Certification for Contracts, Grants, Loans, and Cooperative Agreements
(To be submitted with each bid or offer exceeding \$100,000)

The Bidder certifies, to the best its knowledge and belief, that:

1. No federal appropriated funds have been paid or shall be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with the awarding of any federal Contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification thereof.
2. If any funds other than federal appropriated funds have been paid or shall be paid to any person for making lobbying contacts to an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction, as amended by Government-wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, USC § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE BIDDER, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE BIDDER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Name of the Bidder or Proposer's authorized official: _____

Title: _____

Signature

Date

Per paragraph 2 of the included from Lobbying Certifications, add Standard Form - LLL, "Disclosure Form to Report Lobbying," if applicable.

RE: RFP No. 13/14-AC1806 – This form does not apply.

BUY AMERICA CERTIFICATION - FORM "D"

Buy America Certification For Procurement of Steel, Iron, or Manufactured Products (Excludes Rolling Stock)

This form is to be submitted with an offer exceeding the small purchase threshold for federal assistance programs, currently set at \$100,000.

Certificate of Compliance

The Bidder/Proposer hereby certifies that it will comply with the requirements of Title 49 USC Section 5323(j)(1) and the applicable regulations in 49 CFR Part 661.:

Name and title:

Company:

Authorized signature

Date

Certificate of Non-Compliance

The Bidder/Proposer hereby certifies that it cannot comply with the requirements of Title 49 USC Section 5323(j)(1), but it may qualify for an exception pursuant to Title 49 USC § 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Name and title:

Company:

Authorized signature

Date

RE: RFP No. 13/14-AC1806 – This form does not apply.

DBE PARTICIPATION INFORMATION – FORM “E”

(Proposer must check Option #1 or #2 below, provide required information regarding certified DBE's, and sign this Information Sheet.)

 X Option #1 – No Certified DBE participation proposed for this contract.

 Option #2 – It is proposed that the following DBE(s) be used on this contract.

Name of Certified DBE

DBE Certification NO.

DBE Address

DBE Telephone No.

DBE E-Mail Address

Capacity of DBE (e.g., contractor,
subcontractor, Vendor)

\$ Amount DBE Participation

Description of service or materials to be provided by DBE

Name of Certified DBE

DBE Certification NO.

DBE Address

DBE Telephone No.

DBE E-Mail Address

Capacity of DBE (e.g., contractor,
subcontractor, Vendor)

\$ Amount DBE Participation

Description of service or materials to be provided by DBE

Submitted by:

Signature

Date

Print Name and Title

Name of Contractor, if different than signatory

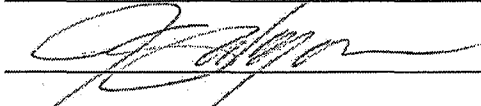
WORKERS' COMPENSATION INSURANCE CERTIFICATE – FORM "F"

STATE OF CALIFORNIA)
) SS
CITY OF PORTERVILLE)

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against the liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work under this contract.

Company: Rethought Reborn

Business Address: 1967 W. Nancy Ave., Porterville, CA 93257

Signature: 

Name of Signing Official: Jenna Salazar

Title of Signing Official: Owner

Date: 6 December 2013

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE – FORM “G”

Equal Opportunity Clause

Unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Executive Orders 28925, 11114 or Section 204 of Executive Order 11246 of September 24, 1965, during the performance of each contract with the City of Porterville, the CONTRACTOR agrees as follows:

1. The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin or political affiliation. The CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, gender, national origin or political affiliation. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Transit Manager setting forth the provisions of this nondiscrimination clause.
2. The CONTRACTOR will, in all solicitations or advertisements for employees, placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, national origin or political affiliation.
3. The CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency Transit Manager, advising the labor union or the workers' representative of the CONTRACTORS' commitments under Section 202 of Executive order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The CONTRACTOR will comply with all provisions of Executive Order 11246 of September 24, 1965, and the rules, regulations and relevancy orders of the Secretary of Labor.
5. The CONTRACTOR will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the CONTRACTOR' non-compliance with the non-discrimination clauses of this subcontract or with any of such rules, regulations or orders, this subcontract may be canceled, terminated or suspended, in whole, or in part and the CONTRACTOR may be declared ineligible for further government contracts in accordance with the procedures authorized in accordance with Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed

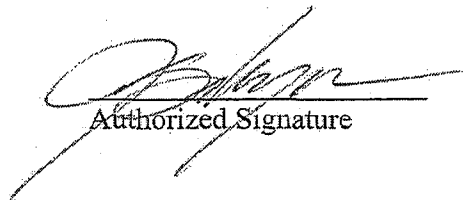
and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or otherwise provided by law.

7. The CONTRACTOR will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each Subcontractor or vendor. The CONTRACTOR will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that in the event the CONTRACTOR becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the CONTRACTOR may request the United States to enter into such litigation to protect the interest of the United States.

Certification on Non-Segregated Facilities

The Consultant hereby certifies that it does not or will not maintain segregated facilities not permit its employees to work at locations where facilities are segregated on the basis of race, color, religion, gender, national origin or political affiliation.

Rethought Reborn
Name of Firm


Authorized Signature

6 Dec 2013
Date

BID FORM – Form "H"

Bidder shall complete the following form and include it in the Bid.

BIDDER

By execution below by a duly authorized representative(s) of the Bidder, the Bidder hereby offers to furnish services as specified in its Bid submitted to **City of Porterville** in response to Invitation to RFP 13/14-AC1806 REVENUE SHARING TRANSIT ADVERTISING in its entirety.

Bidder:

Rethought Reborn

Street address:

1967 W. Nancy Ave.

City, state, ZIP:

Porterville, CA 93257

Name and title of Authorized Signer(s):

Jenna Salazar, Owner

Name and title of Authorized Signer(s):

Phone:

(559) 783-9545

Authorized signature

6 December 2013
Date

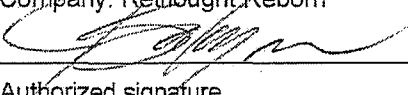
Authorized signature

Date

PRE-AWARD EVALUATION DATA FROM - FORM "I"

Instructions: This form is to be completed and included in the Qualifications Package. Attach additional pages is required.

City of Porterville RFP 13/14-AC1806

| | |
|--|---|
| 1. Name of firm: | Rethought Reborn |
| 2. Address: | 1967 W. Nancy Ave., Porterville CA 93257 |
| 3. <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture | |
| 4. Date organized: | January 2013 |
| State in which incorporated: California, Tulare County (formed as a sole-proprietorship) | |
| 5. Names of officers or partners: | |
| a. | Jenna Salazar |
| b. | |
| c. | |
| d. | |
| 6. How long has your firm been in business under its present name? | 1 year |
| 7. | Have you been terminated or defaulted in the past five years, on any Contract you were awarded? Have you been barred by Federal process or any Western State? Has your firm ever defaulted on a performance bond? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, then attach as SCHEDULE ONE the full particulars regarding each occurrence. |
| 8. | Attach as SCHEDULE TWO a list of similar current contracts which demonstrates your technical proficiency, each with contract amount, name and address of contracting party including a contact person and their phone number, character or type of work and percentage of completion. |
| 9. | Attach as SCHEDULE THREE a list of similar contracts, each with contract amount, name of contracting party including a contact person and their phone number, character or type of work for similar contracts completed in the last five (5) years. |
| 10. | In the last two (2) years have you ever been denied an award where you were selected? <u>No</u> . If the answer is YES, attach as SCHEDULE FOUR the full particulars regarding each occurrence. |
| 11. | Have you ever failed to complete, in the past five (5) years, any contract on which you were selected? <u>No</u> . If the answer is YES, attach as SCHEDULE FIVE the full particulars regarding each occurrence. |
| 12. | Have you had any litigation within the previous 5 years involving any current or former projects with clients or government agencies? If the answer is YES, attached as SCHEDULE SIX the findings of any litigation including the status of each case. |
| The above information is confidential and shall not be divulged to any unauthorized personnel. | |
| The undersigned certifies to the accuracy of all information: Name and title: Jenna Salazar, Owner Company: Rethought Reborn | |
|  Authorized signature | <u>11 DEC 13</u> Date |

ACKNOWLEDGEMENT OF ADDENDA – FORM “J”

The following form shall be completed and included in the Proposal.

Failure to acknowledge receipt of all addenda may cause the Proposal to be considered non responsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included with the Offer.

ACKNOWLEDGMENT OF ADDENDA

The undersigned acknowledges receipt of the following addenda to the documents:

Addendum No. 1, Dated 2 December 2013

Addendum No. _____, Dated _____

Addendum No. _____, Dated _____

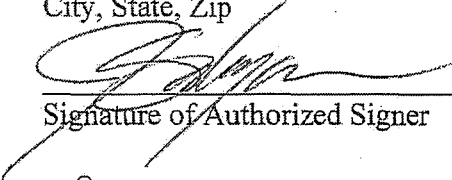
Addendum No. _____, Dated _____

Offeror:

Rethought Reborn
Name

1967 W. Nancy Ave.
Street Address

Porterville, CA 93257
City, State, Zip


Signature of Authorized Signer

Owner
Title

(559) 783-9545
Phone

F. Proof of Insurance

Included in this section are the letters from insurance company for the required policies specified in the RFP. If awarded this contract, Rethought Reborn will purchase the policies the following business day after being notified, and provide a completed Accord to the City.



Business Insurance
Workers' Compensation Proposal
Prepared for:

**JENNIFER M SALAZAR DBA
RETHOUGHT REBORN**
1967 W Nancy Ave
Porterville, CA 93257

Proposed by:

USAA INSURANCE AGENCY INC/PHS
9800 Fredericksburg Road
San Antonio, TX 78288

Proposal Date: 12/03/2013, 1:14 PM
For more information: 800-343-1546
Proposal Created by:

Trent Torres
800-531-8722
ga_com1@usaa.com

USAA Number: 120451712

Total Estimated Annual Premium for Workers' Compensation: \$ 641.00

This document is a proposal of insurance for the applicant indicated above. It is not to be used as proof of coverage, unless bound by an authorized agent.

Important Messages:

Reference Number: 65WEC7162GU - 003
Policy Minimum Premium: \$600 (CA)

Workers' Compensation Proposal
with
Twin City Fire Insurance Company
A member company of The Hartford
1/1/2014 - 1/1/2015

Part I - Workers' Compensation Insurance (Coverage A and C)

Statutory Coverage as provided by the following states:

California

Coverage includes Medical and Loss of Income Benefits for injuries arising out of a work related injury.

| Part II - Employers Liability Insurance (Coverage B) | | Limits of Insurance | |
|---|----|---------------------|---------------|
| Bodily Injury By Accident | \$ | 1,000,000 | Each Accident |
| Bodily Injury By Disease | \$ | 1,000,000 | Policy Limit |
| Bodily Injury By Disease | \$ | 1,000,000 | Each Employee |

Rating Information:

State: California Location: 01

Location Address: 1967 W Nancy Ave
 Porterville, CA 93257

| Class Code | Description | Rate | Premium Basis (Rate per \$100 of Exposure) | Class Premium |
|------------|-------------|------|--|---------------|
|------------|-------------|------|--|---------------|

State Recap:

| | | | |
|---|---------|----|--------|
| Total Class Premium | | \$ | 362.00 |
| CA Territorial Differential Premium | 1.07 | \$ | 27.00 |
| To Equal Minimum Premium | | \$ | 11.00 |
| Total Estimated Annual Standard Premium | | \$ | 400.00 |
| Expense Constant 0900 | | \$ | 200.00 |
| Terrorism (9740) 41,600 | .0300 | \$ | 12.00 |
| CA Surcharge | 2.000% | \$ | 12.00 |
| CA User Funding Assessment | 1.3704% | \$ | 8.00 |
| Fraud Assessment | .3881% | \$ | 2.00 |
| CA Uninsured Employers Benefits Trust Fund Assessment | .3410% | \$ | 2.00 |
| CA Occupational Safety And Health Fund | .2859% | \$ | 2.00 |
| CA Subsequent Injuries Benefits Trust Fund Assessment | .1707% | \$ | 1.00 |
| CA Labor Enforcement And Compliance Fund Assessment | .2747% | \$ | 2.00 |
| Total Estimated Annual Premium | | \$ | 641.00 |

Commercial Automobile Proposal
Proposed with
Sentinel Insurance Company
1/1/2014 to 1/1/2015

| <u>Coverage</u> | <u>Limits of Insurance</u> | <u>Premium</u> |
|---------------------|----------------------------|----------------|
| Liability | \$ 1,000,000 Per Accident | |
| Medical Payments | \$ See Vehicle Schedule | |
| Uninsured Motorists | \$ See Vehicle Schedule | |
| Comprehensive | \$ See Vehicle Schedule | |
| Collision | \$ See Vehicle Schedule | |
| Endorsements | \$ See Below | |

Vehicle Schedule:

| | | |
|-------------------|---|-----------------------------|
| Vehicle No. | : | 0001 |
| Year, Make, Model | : | 2008 Audi Q7 3.6 Qt Prem Aw |
| Vin No. | : | WA1BY74L28D047317 |
| Garaging | : | Porterville, CA 93257 |
| Cost New | : | \$ 48,300 |

| | | |
|--------------------------------|---------------------------|-------------|
| Liability | \$ 1,000,000 Per Accident | \$ 1,099.00 |
| Medical Payments | \$ 10,000 Each Insured | \$ 35.00 |
| Uninsured Motorists | \$ 1,000,000 Per Accident | \$ 216.00 |
| Comprehensive Deductible | \$ 500 | \$ 93.00 |
| Collision Deductible | \$ 500 | \$ 404.00 |
| Waiver of Collision Deductible | | \$ 14.00 |

Driver Information:

| <i>Name</i> | <i>License Number</i> | <i>State</i> |
|---------------------|-----------------------|--------------|
| Jennifer M. Salazar | 101792312 | SC |

Recommendations and Comments

Premium Summary

1/1/2014 to 1/1/2015

Term

Total Automobile Annual Premium

\$ 1,863.00 *

* Auto premium subject to change when the actual Vehicle Identification Number is provided.

The Hartford's Direct Bill System, offers you the flexibility of various payment plans. You can tailor a plan to meet your cash flow needs. For each installment, there is a nominal fee. Also, to help you keep track of your premium payments, all of your Hartford Commercial Business can be placed on one payment plan.

To make paying your premiums as easy as possible, we also offer you the benefit of electronic payments. With this option, your payments are automatically deducted from your bank account, in accordance with the schedule you select. So there's no bill, no check, no stamp, no worry. When you receive your first bill, just call the toll free number provided and ask to sign up for Repetitive EFT (Repetitive Electronic Funds Transfer).

Acknowledged and Accepted By

(Signature of the Insured) on _____
(Date)

G. Sub-Contractors

Rethought Reborn believes City dollars should stay in the City. As Rethought Reborn is based in Porterville, the agency has reached an agreement with another local business for sub-contracting the advertisement sign production:

Axiom Graphics
22 S. Hockett St.
Porterville, CA 93257
(559) 784-5552

Axiom is a professional and versatile commercial printing agency fully capable of producing quality signage and vehicle wraps.

**AGREEMENT FOR BUS ADVERTISING SERVICES
BY AND BETWEEN
THE CITY OF PORTERVILLE
AND
RETHOUGHT REBORN**

This Agreement, made and entered into this ____ day of _____, 2014, by and between Rethought Reborn, hereinafter referred to as "Contractor," and City of Porterville, a California municipal corporation, hereinafter referred to as "CITY" who agree as follows:

RECITALS

WHEREAS, CITY, by its Request for Proposals NO. 13/14-AC1806, duly advertised for written requests for proposals to be submitted on or before 4:00 p.m. on December 12 , 2013 for Revenue Sharing Transit Advertising ("ADVERTISING") by the CITY; and

WHEREAS, the CITY's RFP is attached hereto as Exhibit "A", and is incorporated herein by reference as if set forth in full; and

WHEREAS, CONTRACTOR submitted a proposal to CITY'S Request for Proposals; and

WHEREAS, after it was determined that CONTRACTOR was the highest ranked firm; and

WHEREAS, CONTRACTOR'S proposal in response to CITY'S Request for Proposal is attached hereto as Exhibit "B", and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Porterville City Council has authorized the Mayor to award contracts and accept CONTRACTOR'S bid through agreement by and between CONTRACTOR and CITY upon the terms and conditions set forth herein; and

WHEREAS, CITY has fully complied with all federal, state, and local laws governing the public bidding process for ADVERTISING;

NOW, THEREFORE, incorporating the foregoing recitals herein, for and in consideration of the promises and of the mutual covenants and agreements herein contained, CONTRACTOR and CITY hereby agrees as follows:

Professional Services Agreement
TRANSIT/Bus Advertising

1. Grant of Rights and Privileges to Contractor

Subject to the rights, terms and limitations contained in this agreement, including any exhibits attached hereto and made a part hereof, City hereby grants Contractor the exclusive license to supply commercial advertising on buses and bus stop amenities in a form, style and manner that is acceptable to City as more fully set forth in this Agreement.

2. Advertising Content

The City of Porterville's public transportation system (hereinafter referred to as Porterville Transit) will accept limited advertising on and in its vehicles, at designated areas within its transit facilities and at other transit sites as it deems appropriate to the following guidelines:

I. Purpose and Intent

The purpose of this policy is to create definite, uniform standards for the display of advertising on Porterville Transit buses, bus shelters and any and all other forums owned, leased, controlled or operated by Porterville Transit. It is Porterville Transit's policy that any and all forums for advertising under this policy are not public forums for political discourse or expressive activity. These areas are not intended to provide a forum for all types of advertisements, but only the limited advertisements accepted under the policy. All advertising shall be subject to this uniform, view point neutral policy.

It is Porterville Transit's declared intent and purpose to take into account interests which are of importance to the operation of the Porterville Transit system. These interests include:

- 1) Maximizing revenues by advertising;
- 2) Maintaining an orderly administration and operation of the City of Porterville's transportation system, which includes maximizing revenues by attracting and maintaining the patronage of passengers;
- 3) Maintaining the safety of passengers;
- 4) Protecting minors who travel on the Porterville Transit system; and
- 5) Avoiding any potential identification of Porterville Transit with the viewpoints expressed in advertisement on transit property.

Porterville Transit reserves the right to amend these policies and standards at any time. Any revisions or amendments to this policy will be in writing and supplied to all advertising contractor. Any member of the public may obtain a copy of these standards at any time, upon request.

II. Advertising Standards and Restrictions

A. Permitted Advertising Content

It is the intent of Porterville Transit to permit commercial advertising for products and services. All Commercial and Promotional Advertising must meet or exceed high quality standards of art and design as exemplified in the industry and as determined by Porterville Transit or its authorized Advertising Contractor as defined herein.

- 1) Commercial and Promotional Advertising. Commercial and promotional advertising promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transaction, donations, products or property for commercial purposes or more generally promotes an entity that engages in such activity.
- 2) Disclaimer. Porterville Transit reserves the right, in all circumstances, to require an advertisement to include a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of Porterville Transit.
- 3) Additional Requirement. Any advertising in which the identity of the sponsor is not readily and unambiguously identified must include the following phrase to identify the sponsor in clearly visible letters (no smaller than 72 point type for exteriors and 24 point type for interiors): "Advertisement paid for by [Sponsor's Name]."
- 4) Government Use. The City reserves the right to utilize any areas it has deemed appropriate for advertising pursuant to this policy for its own promotional purposes, including but not limited to the promotion of city-sponsored events, or to permit use by other governmental agencies for the promotion of local governmental services.

B. Prohibited Advertising Content

Porterville transit intends that its advertising venues constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth below. Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in Porterville Transit property. No advertisement will be displayed or maintained if the advertisement or information contained in it falls within one or more of the following categories:

- 1) False, misleading, or deceptive commercial speech. This advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is false, misleading, or deceptive.
- 2) Unlawful goods or services. This advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services under local, state, or federal laws.
- 3) Unlawful conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities under local, state or federal laws.
- 4) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by Porterville Transit of any service, product or point of view, without prior written authorization of Porterville Transit (through its Director).
- 5) Obscenity or Nudity. Contains any nudity, obscenity, sexual content, sexual excitement, or sadomasochistic abuse as those terms defined in California State statutes.
- 6) Prurient sexual suggestiveness. The advertisement contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary or community standards, would find appeals to the prurient interest of minors or adults in sex.
- 7) Tobacco. The advertisement promotes the sale or use of tobacco or tobacco-related products.
- 8) Alcohol, Marijuana, and Regulated Substances. Advertising that promotes the sale or use of beer, wine, distilled spirits, alcoholic beverages, or any substance licensed and regulated under California law; however, this prohibition shall not prohibit advertising that includes the name of a restaurant that is open to minors.
- 9) Firearms. Advertisement that promotes or solicits the sale, rental, distribution or availability of firearms or firearms-related products.

- 10) Demeaning or disparaging. Advertising that includes language, pictures, or other graphic representations that are derogatory or defamatory of any person or group because of race, color, national origin, ethnic background, age, disability, ancestry, marital or parental status, military discharge status, source of income, religion, gender or sexual orientation.
- 11) Profanity. The advertisement contains profane language.
- 12) Violence. The advertisement contains and image or description of graphic violence or the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or animal.
- 13) "Adult" – oriented goods or services. The advertisement promotes or encourages, or appears to promote or encourage, adult book stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult Internet sites and escort services.
- 14) Political. Advertisement promoting or opposing (i) a political party; (ii) the election of any candidate or group of candidates for federal, state or local government offices; (iii) any legislation, initiative, referendum or ballot measure; or (iv) a political action committee, political campaign or political philosophy.
- 15) Public Issue. Advertising expressing or advocating an opinion, position, or viewpoint on matters of public debate about economic, political, religious or social issues.
- 16) Harmful or Disruptive to Transit System. Any material that is objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of or interference with Porterville Transit's transportation system.

3. Contract Documents

This Agreement along with all Exhibits referenced herein, and including without limitation, all documents referenced in said Exhibits shall hereinafter be referred to as the "Contract Documents." In the event of any conflict, the Contract Documents, including specifically RFP 13/14-AC1806 and any addendums thereto, shall take priority in interpreting the respective rights and obligations of the Parties created by this Agreement. Any contract, agreement, or other document subsequently created by any Party in connection with a purchase order

issued pursuant to this Agreement and which changes or otherwise modifies the terms and conditions set forth in the Contract Documents shall not be valid without the prior written approval of both Parties to this Agreement.

4. Description of Services

CONTRACTOR hereby agrees to provide services and materials, as defined, through the term of this contract, based on qualifications defined in Exhibit A, Request for Proposals for Revenue Sharing Transit Advertising, as provided by CONTRACTOR in connection with the above described project.

5. Terms of Payment

Contractor agrees to the following payments from City:

- i) 40% revenue share on bus and bus stop amenity advertising revenue
- ii) Revenue share payments to Contractor shall be based upon gross revenue payments to City.
- iii) Sales contract information shall be submitted to and approved by City prior to installation of advertisement and included in the monthly statement.

6. Method of Payment

- i) Contractor shall provide City with a monthly statement, in a form acceptable to City, detailing gross advertising sales and revenue for the preceding month, broken down by category (bus, shelter, etc.) and unit (bus number; shelter location, etc.). City shall make payments to Rethought Reborn at 1967 W. Nancy Ave, Porterville, California 93257.
- ii) City shall make monthly payments prior to the thirtieth (30th) day of the following month by check.
- iii) Unless agreed otherwise, payment shall be delivered by first class mail through the facilities of the U.S. Post Office, postage paid, addressed to the applicable party in the manner set forth in this Agreement. This provision shall survive the termination of the Agreement.

7. Performance Period

This Agreement shall be effective from the date of execution. The term of the Agreement shall extend from the date of execution and shall continue for three (3) years through the date of _____, 2017 with an option for two (2) additional years. Contractor shall not commence work without prior written authorization from City. Either party may terminate the Agreement with ninety (90) day written notice at any time during the term of this Agreement.

8. Time of Performance

Contractor shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory accomplishment of the Contractor's obligations under this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by a cause, present or future, which is beyond the reasonable control of the party.

9. Professional Standard

Contractor warrants and guarantees that the work provided under this Agreement shall be performed and completed in a professional manner. All services shall be performed in the manner and according to the professional standards observed by a competent practitioner of the profession in which Contractor is engaged.

10. Release of Information/Promotional

Before releasing any public information, including reports or promotional materials, prepared in connection with this Agreement, Contractor shall provide a copy to Transit Manager or designated agent for review and approval prior to release of said documents.

11. Covenant Against Gratuities

Contractor covenants that it has not offered or given gratuities in the form of entertainment, gifts, or otherwise to any member, officer, or employee of City with a view toward securing favorable treatment in the award, modification or performance evaluation of this Agreement. For breach or violation of this covenant, City shall have the right to cancel this Agreement without any liability to Contractor.

12. Conflict of Interest

Contractor covenants that Contractor, at the time of the execution of this Agreement, has no interest and shall not acquire any interest, direct or indirect, which would conflict with the performance of services required to be performed under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interests shall be employed.

Contractor shall not employ any City official or employee in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement in violation of the applicable provisions of the California Government Code. Contractor warrants and covenants that no official or employee of City will be employed without the immediate divulgence of such fact to City.

Upon breach of this covenant by Contractor, City may cancel this Agreement without any liability if Contractor fails to remedy such conflict within thirty (30) days of notice to Contractor. In its discretion, City may also recover the full amount of any such compensation paid to such official, employee or business entity.

13. Indemnification

To the fullest extent permitted by law, Contractor does hereby assume liability for, and agrees to defend, indemnify, protect, save and hold harmless City, its directors, officers, employees, or authorized volunteers and its successors and assigns and each and everyone of them from and against any and all liabilities, obligations, losses, damages, penalties, fines, claims, actions, suits, costs and expenses and disbursements (including legal fees and expenses) of any kind and nature imposed, asserted against, incurred or suffered by City or its directors, officers or employees or its successors and assigns by reason of damage, loss or injury (including death) of any kind or nature whatsoever to persons or property caused by or in any way relating to or arising out of:

- i) any negligent act or action, or any neglect, omission or failure to act when under a duty to act on the part of Contractor or any of its officers, agents, servants, employees, subcontractors or subcontractors of any tier in its or their performance hereunder, except to the extent caused by the sole or active neglect of City and except as proscribed by statute; and
- ii) any claim of patent or copyright infringement or publication of defamatory material including City's failure to request removal of such material in connection with the services performed and/ or work

products provided under this Agreement by Contractor or any of its officers, agents, servants, employees, subcontractors or subcontractors of any tier; and

- iii) a release by Contractor or any of its officers, agents, servants, employees, subcontractors or subcontractors of any tier in its or their performance hereunder of any substance or material defined or designated as a hazardous or toxic substance, material or waste by any federal, state or local law or environmental statute, regulation or ordinance presently in effect, or as amended or promulgated in the future, but only to the extent that such release is not proximately contributed to or caused by City or its directors, officers or employees.

The parties shall establish procedures to notify the other party where appropriate of any claims, administrative actions or legal actions with respect to the matters described in this indemnification provision. The parties shall cooperate in the defense of such action brought by others with respect to the matters covered in this indemnity. Nothing set forth in the Agreement shall establish a standard of care for, or create any legal rights in, any person not a party of this Agreement. The provisions of this section shall survive any termination or expiration of this Agreement.

14. Insurance

- A. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability of workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and it will comply with such provisions before commencing the performance of the work of this Agreement. Contractor and subcontractors will keep workers' compensation insurance for their employees in effect during all work covered by this Agreement. Contractor shall furnish to City a certificate of waiver of subrogation under the terms of the workers' compensation insurance and Contractor shall similarly require all its subcontractors and agents to waive subrogation.
- B. Automobile liability of at least \$1,000,000 is required in the event motor vehicles are used by the Contractor and/ or any subcontractor in the performance of the Agreement. One million dollars (\$1,000,000) per accident for bodily injury and property damage combined single limit.

- C. For the purpose of this Agreement there is no requirement for professional liability converges.
- D. Contractor and/ or any subcontractor shall furnish a certificate of insurance satisfactory to the Transit Manager as evidence that the insurance required above is being maintained.
- E. The insurance shall be issued by an insurance company acceptable to the City, or be provided partial or total self-insurance, likewise acceptable to City.
- F. Contractor and/ or any subcontractor agree that the insurance required above shall be in effect at all times during the term of this Agreement. In the event said insurance coverage expires at any time or times during the term of this Agreement, Contractor and/ or any subcontractor agrees to provide at least thirty (3) days prior to said expiration date, a new certificate of insurance evidencing insurance coverage as provided for herein for not less than the remainder of the Agreement there, or for a period of not less than one (1) year. New certificates of insurance are subject to approval of the Transit Manager and Contractor and/ or any subcontractor agree that no services shall be performed prior to such approval. In the event Contractor and/ or subcontractor fail to keep in effect at all time insurance coverage as herein provided, City may, in addition to any other remedies it may have, terminate this Agreement.
- G. The certificate of insurance must include the following provisions stating that: (1) The insurer will not cancel the insured's coverage without thirty (30) days prior written notice to City, and (2) City, its directors, officers, employees, agents and volunteers are included as additional names insureds for all operations under this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to City, its directors, officers, employees, agents or volunteers.
- H. Contractor's and/ or any subcontractor's insurance shall be primary in respect to City. Any insurance maintained by City shall be excess of Contractor and/ or subcontractor and shall not contribute with it.
- I. Any deductibles or self-insured retentions must be declared and approved by City. At City's option, either: Insurer shall reduce or eliminate such deductibles or self-insured retentions; or Contractor and/ or any subcontractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

- J. Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to City.
- K. The insurance companies shall have no recourse against City for payment of any premiums or assessments under any policy issued by any insurance company.
- L. Contractor's and/ or any subcontractor's obligations shall not be limited by the foregoing requirements and shall survive expiration of this Agreement.
- M. In the event Contractor and/ or any subcontractor cannot provide an occurrence policy, Contractor and/ or any subcontractor shall provide insurance covering claims made as a result of performance of this Agreement for not less than three (3) years following completion of this Agreement.
- N. Certificates of insurance shall meet such additional standards as may be determined by City either independently or in consultation with the Transit Manager, as essential for protection of City.

15. Health, Safety, Fire and Environmental Protection

- A. The Contractor and/ or subcontractor or agent shall comply federal, state and local requirements pertaining to safety, health, fire and environmental protection.
- B. In the event standards conflict, the standard providing the highest degree of protection and not in violation of any other applicable standard or law shall prevail.

16. Termination, Cancellation, Expiration

A. Cancellation for Breach

City may cancel this Agreement for breach if:

- i) Contractor fails to perform any of its obligations in accordance with the Agreement.
- ii) Contractor files a petition in bankruptcy or for reorganization.
- iii) Contractor becomes insolvent.

If City elects to cancel this Agreement for breach, City shall provide Contractor written Notice of Cancellation. Contractor shall have thirty (30) days from receipt of such Notice to cure the breach, or such longer times as may be set forth in the Notice of Cancellation. If the breach is not cured to City's written satisfaction, then cancellation of the Agreement shall become effective on the date specified by City's Notice of Cancellation. Notice of written satisfaction shall not be unreasonably withheld. In the event that the Agreement is canceled for breach, City may complete the services hereunder with its own forces or may enter into a new contract.

City shall be entitled to recover from Contractor all loss, cost or damage reasonably insured by City to provide the same level of services as set forth in the Agreement had the Agreement not been canceled for breach, and/ or obtain any relief available at law or equity.

B. After Notice of Cancellation, Termination or Expiration

At least thirty (30) days prior to the effective date of cancellation, termination, or expiration, Contractor shall give thirty (30) days' notice of termination to all its existing advertisers unless City designates a longer notice period. Upon the effective date of cancellation or termination of this Agreement, Contractor shall remove all advertising, or shall assign all advertising contractors and revenues to City upon terms and conditions mutually agreed upon by the parties.

C. Notice of Expiration

Six months prior to the expiration of this Agreement City may send Contractor a notice of expiration and request a meeting to discuss winding up of the Agreement, the potential advertisement for award of a new Agreement, or the possible extension or renewal of this Agreement.

D. Transition/Carryover of Advertising Contracts

A "Carryover Contract" is defined as any advertising contract that extends beyond the termination or expiration of this Agreement. If upon termination or expiration of this Agreement, the Contractor is not awarded a subsequent Agreement, City shall include in its Agreement with the successor firm, or City, a requirement that City shall pay to contractor 100% of the net billings of any assigned Carryover Contracts for a period of one year after the expiration of this Agreement.

17. Third Party Obligations

Contractor shall be solely liable to third parties with whom it enters into contract to effectuate the purposes of this Agreement. Contractor shall pay directly such parties for all amounts due under said arrangement. Contractor shall indemnify and hold City harmless from any and all claims and liabilities arising from any third party contracts. Contractor shall exert its best effort to prevent any loss to City from the failure of proper performance of any third party.

18. Workers' Compensation

City shall not be responsible for providing workers' compensation insurance or any other protective insurance coverage that is based upon the relationship of employer and employee.

19. Assignment of Work

Contractor may not assign this Agreement or any of its rights or obligations hereunder or the ownership interest of Contractor to any person or entity without the prior written consent of City. Nothing herein shall prevent Contractor from subcontracting out the work performed by Contractor herein, provided that Contractor shall remain responsible for the work of its subcontractors to City.

20. Independent Contractor

City and Contractor agree that Contractor is an independent Contractor, and is not an officer or employee of City. Contractor shall be solely responsible for the conduct and control of the work performed under this Agreement. All labor, materials and equipment necessary to complete the work shall be provided by the Contractor. Contractor shall be free to render services to others during the term of this Agreement, so long as such activities do not interfere or conflict with Contractor's responsibility or fiduciary duty to City.

Contractor exclusively assumes responsibility for acts of its employees, associates, and subcontractors, if any are authorized herein, as they relate to services to be provided under this Agreement during the course and scope of their employment. Contractor shall assume all responsibility for its employees for federal and state income tax withholding, FICA, SDI, and any other deductions from income that Contractor is properly required to make as an independent Contractor.

21. Maintenance of Records/Audit Rights

Contractor shall keep such true and accurate accounts, records, books and data pertinent to the performance of this Agreement. Contractor shall use appropriate accounting methods to fully disclose all gross advertising sales information in a form approved by City. Such completed forms shall be submitted with each respective monthly invoice. Contractor shall maintain all books, documents, papers, accounting records, and other evidence pertaining to the performance of this Agreement, and make such materials available at their respective offices at all reasonable times throughout the term of this Agreement to City or its agents and for three (3) years after expiration or termination of this Agreement. In the event that City desires to audit the books and records of Contractor pertaining to this contract, City may engage a Certified Public Accountant ("CPA") to conduct the audit, shall pay for the audit, and shall give reasonable notice to Contractor prior to such audit. This section shall survive the expiration or termination of this Agreement. City shall have the right to inspect and audit Contractor's accounting books, records and documents during normal business hours.

22. Nonwaiver

Waiver of any breach or default hereunder shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this Agreement.

23. Modification

No waiver, alteration, modification, or termination of this Agreement shall be valid unless made in writing and full executed by the duly authorized officers of the parties hereto.

24. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

25. Captions

The headings of this Agreement are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part hereof.

26. Severability

If any term, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable the remainder of this Agreement shall remain in full force and effect. If the entire Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable the Agreement shall automatically be deemed canceled and neither party shall be responsible for any damages, costs, fees or lost revenue.

27. Survivorship

Any responsibility of Contractor for warranties, insurance or indemnity with respect to this Contract shall not be invalidated due to the expiration, termination or cancellation of this Contract.

28. Relationship Between the Parties

Nothing in these Agreement documents are intended to create, and nothing herein shall be considered as creating any partnership, joint venture or agency relationship between City and Contractor. The payment of revenue from advertising on a percentage basis is adopted by the parties hereto solely as a convenient means of measuring said revenue to be paid for the rights and purposes herein granted.

29. Nondiscrimination

Contractor, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of any basis listed in subdivision (a) of Section 12940 of the Government Code, as amended from time to time, in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

30. Solicitation for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiation made by Contractor for work to be performed under a subcontract, including procurement of material or leases of equipment, each potential subcontractor or supplier shall be nondiscrimination on the grounds of any basis listed in subdivision (a) of Section 12940 of the Government Code, as amended from time to time.

31. Third Party Beneficiary

Nothing in this Agreement is intended to, nor shall anything in this Agreement be construed to, benefit any third party.

32. Communications

Any communications required during the administration of this Agreement, including notice of termination or cancellation, shall be address to the respective parties as follows:

CITY: Richard I. Tree, Transit Manager
City of Porterville
291 N. Main St.
Porterville, CA 93257
Phone: (559) 782-7448
Email: rtree@ci.porterville.ca.us

CONTRACTOR: Jenna Salazar, Owner
Rethought Reborn
1967 W. Nancy Ave.
Porterville, CA 93257
Phone: (559) 783-9545
Email: jennasalazr@rethoughtreborn.com

33. Ambiguities

The parties have each carefully reviewed this Agreement and have agreed to each term of this Agreement. Both parties have engages counsel and negotiated the term of the Agreement. No ambiguity shall be presumed to be construed against either party.

34. Integration

The Agreement embodies the entire agreement of the parties in relation to the scope of services herein described, and no other understanding whether verbal, written or otherwise exists between the parties.

35. Maintenance and Repair of Bus Shelters

City, at its sole cost and expense, shall maintain, clean and repair existing bus shelters and all new bus shelters with advertising panels, after they are constructed. Damage to existing and new bus shelters caused by vandalism shall be included in City's responsibility under this section.

36. Service Support

Contractor, at its sole cost and expense, shall provide art, production and installation and removal of advertising on the outside and inside of City Transit vehicles. The physical location of the advertising on the Transit vehicles shall be provided by City. Contractor shall provide services and supplies for completion of such work at its sole discretion and at its sole cost, subject to prior written authorization from City. City shall not be responsible for the repair, service or maintenance of any advertising on City Transit vehicles. City reserves the right to remove any advertising that becomes loose or unsecured which would constitute a hazard to the public or make it hazardous to operate a Transit vehicle.

37. Advertising Space Installation

- A. Contractor agrees to the following conditions regarding installation of advertising on Transit vehicles and bus stop amenities:
 - i) Replacement or relocation of all existing Transit logos, wording, identification, and symbols, if removed for advertising purposes, to the satisfaction of Transit Manager.
 - ii) The replacement and/ or relocation of Transit logos, wording, identification, and symbols, necessitate by advertising, shall be at the sole cost and expense of Contractor. Transit Manager will determine standard placement of logos on bus sides, front panels and rear bumpers.
 - iii) No encroachment by advertising on vehicle side windows or required vehicle identification numbers.
 - iv) Contractor is allowed to cover windows with see-through window film.
 - v) Repair of any components of Transit vehicles that are damaged due to installation of advertising including, but not limited to, vehicle paint.
- B. Installation of bus advertising will be coordinated with City to minimize disruptions to Transit service and vehicle maintenance operations and schedule. If possible, advertising installation will be scheduled during normal business hours (7:00 a.m. to 5:00 p.m., Monday through Friday). Contractor agrees to compensate City for any staff costs associated with providing access to Transit facilities during non-business hours.

- C. City will arrange for available indoor space for installation of bus advertising. Contractor will notify City a minimum of 48 hours in advance of installation. City reserves the right to reschedule the installation depending on the availability of the particular vehicle and/ or the indoor space for installation. Installation of advertising on all Transit vehicles must be done so as not to interfere with vehicles' availability for service.

38. Waiver of Claims Against City

Contractor hereby waives any claim against City, its officers, employees or agents, for damage or loss caused by any suit or proceeding directly or indirectly attacking the validity of this Agreement, or any part thereof or by any judgment or award in any suit or proceedings declaring this Agreement null, void or voidable or delaying the same or any part thereof from being carried out, or for breach or nonperformance of this Agreement.

In addition, Contractor acknowledges that this Agreement includes provisions granting to City the right to terminate this Agreement upon such termination to order the removal of an/ or itself remove the advertising that Contractor installed on City's vehicles pursuant to this Agreement. Contractor fully waives, releases, and relinquishes forever any and all claims, demands, rights and causes of action that it may have against City under California Business and Professions Code Section 5200, et seq., any amendments thereto or other future laws, for any compensation from City not otherwise provided herein, including the payment of just compensation, as defined in the eminent domain law (Title 7, commencing with Section 1230.010, of Part 3 of California Code of Civil Procedure), in the event City exercises any such rights in accordance with the provisions of this Agreement.

In connection with the foregoing release, Contractor acknowledges that it is familiar with Section 1542 of the California Civil Code, which reads:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Contractor acknowledges that the release contained herein includes all known and unknown, disclosed and undisclosed, and anticipated and unanticipated claims. Contractor realizes and acknowledges that it has entered into this Agreement in light of this realization and, being fully aware of this situation, it nevertheless intends to waive the benefit of California Civil Code, Section 1542, or any statute or other similar provision now or later in effect. The release contained herein shall survive any termination or expiration of this Agreement.

39. Taxes

Any federal, state or local taxes levied upon this Agreement, or the transaction, shall be borne by the Contractor. These taxes shall include, but not be limited to, sales taxes.

40. Attorney's Fees

In the event suit is brought by either party to enforce the terms and provisions of this Agreement or to secure the performance hereof, the prevailing party shall be entitled to recover attorney's fees and costs of litigation.

41. Controlling Law and Venue

This Agreement shall be deemed to be made in, and the rights and liabilities of the parties, and the interpretation and construction of the Agreement determined in, accordance with the laws of the State of California. Any controversy arising out of or under this Agreement, if litigated, shall be adjudicated in a court of competent jurisdiction in Tulare County, California.

42. Execution

This Agreement is effective upon execution by both Parties. It is the product of negotiation and all parties are equally responsible for authorship of this Agreement. Section 1654 of the California Civil Code shall not apply to the interpretation of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

By _____
Cameron J. Hamilton, Mayor

By _____
Jenna Salazar, Owner

Date _____

Date _____

HLH:vs

COUNCIL AGENDA: JANUARY 7, 2014

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PLANO BRIDGE WIDENING AND RECONSTRUCTION

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number M014 Rev. 1 and requests that the City execute said agreement. The executed agreement shall become a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122.

The attached revised Program Supplement is for the Plano Bridge Widening and Reconstruction Project.

RECOMMENDATION: That the City Council:

1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

ATTACHMENTS: Program Supplement Agreement No. M014 Rev. 1
Resolution

Dir BS Appropriated/Funded MB CM J

Item No. 5

PROGRAM SUPPLEMENT NO. M014 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 06-5122

Adv Project ID 0600000500 **Date:** December 2, 2013
Location: 06-TUL-0-PTRV
Project Number: BHLS-5122(028)
E.A. Number: 06-4C0054
Locode: 5122

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/14/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

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

PROJECT LOCATION:

at the Plano Street Bridge (widening @ Tule River / Poplar Ditch

TYPE OF WORK: Bridge Widening and Rehabilitation

LENGTH: 0.0(MILES)

| Estimated Cost | Federal Funds | | Matching Funds | |
|-----------------|---------------|----------------|----------------|--------------|
| | M240 | \$4,056,081.28 | LOCAL | OTHER |
| | L1C0 | \$60,000.00 | | |
| \$13,138,292.85 | Q100 | \$340,000.00 | \$1,519,637.57 | \$356,000.00 |
| | Q120 | \$96,000.00 | | |
| | L1CE | \$6,710,574.00 | | |

CITY OF PORTERVILLE

STATE OF CALIFORNIA
Department of Transportation

By _____

Title _____

Date _____

Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

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

Accounting Officer _____

Date 12/3/13 **\$11,262,655.28**

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|------|------|---------|----|----------|-------------|--------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

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

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

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

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

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN
PROGRAM SUPPLEMENT NO. M014 Rev. 1
TO ADMINISTER THE AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. M014 Rev. 1 to the Local Agency-State Master Agreement No. 06-5122, for the Plano Bridge Widening and Reconstruction project.

PASSED, APPROVED AND ADOPTED this 7th day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: JANUARY 7, 2014

SUBJECT: APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COMMUNITY SERVICES EMPLOYMENT TRAINING

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City currently leases the Santa Fe Depot located at 280 N. Fourth St. from the Tulare County Housing Authority. At its meeting on September 17, 2013, the City Council directed the City to become the lead agency in the administration and scheduling of senior programs and services in the Santa Fe Depot. Community Services Employment Training (CSET) is currently under contract with Kings/Tulare Area Agency on Aging (KTAAA) to provide the regular senior citizen meal program, and senior services commensurate with services provided elsewhere in the KTAAA service area. The services are currently being held at the Comision Honorifica Mexicana Americana Community Center.

This license agreement is for CSET to provide expanded senior services at the Santa Fe Depot. CSET shall pay the City the cost of utilities and refuse service incurred by their usage. The City will provide facility management oversight, routine building and grounds maintenance, utility services, and schedule use of the building.

The term of the License shall be for one year, commencing January 8, 2014, and terminating on January 20, 2015. The City and CSET are to meet near the end of the term to address and evaluate any concerns. Staff will bring an item back to Council at the end of the one year to report how the partnership is working out and make recommendations concerning renewal of the agreement.

RECOMMENDATION: That the City Council approve the Santa Fe Depot usage license with CSET, and authorize and direct the Mayor to execute the same.

ATTACHMENT: License with CSET

DJ Director MB Appropriated/Funded

J City Manager

ITEM NO.: 6

**PROPERTY LICENSE AGREEMENT
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES**

Parties

1. This license agreement is entered into by and between Community Services Employment Training ("CSET"), licensee, and the City of Porterville ("CITY"), licensor.

Description of Property

2. CITY is the lessee of certain real property situated in the City of Porterville, and more particularly described as the Porterville Santa Fe Depot ("Depot") located at 280 N. 4th Street, Porterville, California.

Grant of License

3. In consideration for and in accordance with the terms and conditions of this agreement, CITY grants CSET to perform the following acts on the Property:
 - a. CSET shall have exclusive use of the Santa Fe Depot Monday-Friday of each week between the hours of 8:00 a.m. and 5:00 p.m. for food services and programs.
 - b. CSET shall provide regular senior citizen meal programs, in compliance with California Department of Aging food service guidelines, and services commensurate with services provided elsewhere in the Kings/Tulare Area Agency on Aging (KTAAA) service area.
 - c. CSET shall be responsible for the cleanliness of all areas utilized including the restrooms, and for stocking the restroom with paper products during and after use.
 - d. CITY shall have exclusive use of the Santa Fe Depot when not in use by CSET.
 - e. CITY shall schedule all activities in the Santa Fe Depot aside from CSET's programs. CSET and CITY shall submit a monthly usage calendar to each other by the end of the month for usage in the upcoming month.

Other Rights and Obligations

4. The following incidental rights and obligations accompany the License and the use of the property:
 - a. CITY currently leases said property from Tulare County Housing Authority for the annual sum of Two Thousand Dollars (\$2,000.00) payable in advance annually to the Housing Authority of the County of Tulare; provided that each year said rent shall be increased by three percent (3%). The Tulare County Housing Authority is not a party to this Agreement.

- b. CSET shall pay CITY the cost of utilities, refuse service, and pest control incurred by CSET usage. This amount will be reviewed and billed by the City and paid by CSET on a monthly basis, or as otherwise agreed by the parties.
- c. CSET shall have full and exclusive management authority over the program areas during the times of program use, and shall assume full responsibility for the timely cleaning of all areas used after all Licensee activities.
- d. CITY shall have full and exclusive management authority over the program areas during the times of program use, and shall assume full responsibility for the timely cleaning of all areas used after all Licensor activities.
- e. CSET shall be permitted to install telephone services and assume all responsibility for installation, control of use, and service cost.
- f. CSET shall provide an insurance certificate naming the City, and the Tulare County Housing Authority as additional insureds.
- g. CSET shall be responsible for interior modifications to accommodate their programs, but said modifications shall not be made without the prior written consent of the City.
- h. CSET shall be responsible for repair of any damages incurred during CSET usage of the building, including CITY owned items.
- i. CITY shall provide facility management oversight, routine building and grounds maintenance, utility services, and schedule use of the building.
- j. CITY and CSET shall meet annually to address any concerns and coordinate schedules.
- k. CITY shall facilitate, with Housing Authority of the County of Tulare, major building and property repairs, including repair and replacement of building equipment and fixtures, and repairs to the roof, plumbing, heating, ventilation, electrical and air conditioning systems.

In exercising these rights and obligations, CSET must use reasonable care and may not unreasonably increase the burden on the Property.

License Non-assignable

- 5. This License is personal to the licensees and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in licensees by the grant of this License.

Term of License

- 6. This License shall commence January 8, 2014, and terminate January 20, 2015. The parties may agree to extend this Agreement, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

Termination of License

- 7. Notwithstanding the above-referenced term, either party may terminate this Agreement with at least 90 days prior written notice. On or before the termination date for this License, CSET shall remove all of their personal property from the

Property and shall leave the Property to CITY in good order and repair to the reasonable satisfaction of CITY, normal wear and tear excepted.

Default

8. In the event CSET fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by CITY, upon CSET's receipt of written notice of the violation and its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.

Termination

9. CSET understands that CITY has leased the premises from Tulare County Housing Authority, and said sublease is not scheduled to expire during the term of this Agreement. However, in the event the property is no longer available to CITY, the License herein granted shall cease to be in effect, and the parties' obligations to each other under this Agreement also cease.
10. To the fullest extent permitted by law, CSET shall hold harmless, defend (with counsel approved by the City) and indemnify City and its officers, officials, employees and volunteers from and against all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Licensee and its employees, agents, subcontractors, and/or volunteers, except where caused by the active negligence, sole negligence or willful misconduct of the City. The provisions of this section survive completion of the services or the termination of this Agreement. The provisions of this section are not limited by the provisions of this Agreement relating to insurance.

Entire Agreement

11. This agreement constitutes the entire Agreement between CITY and CSET relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the _____ of _____, 2014.

COMMUNITY SERVICES EMPLOYMENT TRAINING

CITY OF PORTERVILLE

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

APPROVED AS TO FORM

Julia M. Lew, City Attorney

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

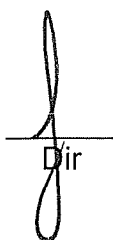
SOURCE: Administration

COMMENT: In its adoption of the Resolution of Local Emergency on December 26, 2013, the City Council declared the existence of a local emergency as a result of a significant fire event that occurred at the Porterville Hotel (14 N. Main Street) during the early morning hours of December 26, 2013, and found that the remaining damaged structure posed a serious threat to the health, safety and welfare of the public and as such required immediate safety mitigation of the structure. In accordance with the Resolution and per the Council's authorization, a Contractor (Bowen Engineering & Environmental) was secured to perform the emergency demolition of the burned structure sufficient to mitigate the immediate threat to public safety.

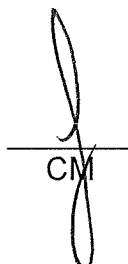
Due to the damaged structure's proximity to public right-of-way, the adjacent roadways and intersection of Main Street and Olive Avenue were closed to the public. With the demolition and mitigation of the threat to public safety, the intersection and roadways were opened to the public by approximately 6:00 PM on December 26, 2013. City staff is in continued coordination with the San Joaquin Valley Air Pollution Control District and the Contractor on additional mitigation measures, and it is anticipated that additional demolition work will occur over the next week in an effort to open affected pedestrian walkways.

RECOMMENDATION: That the Council receive the status report and review of the designated local emergency.

ATTACHMENT: Resolution No. 85-2013


Dir


App/Fund


CM

Item No. 7

RESOLUTION NO. 85-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

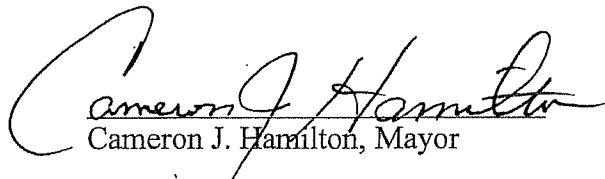
WHEREAS, the Porterville Hotel, 14 North Main Street, sustained major damage in a fire that occurred in the early morning hours of December 26, 2013; and

WHEREAS, the remaining structure poses a serious threat to the health, safety and welfare of the public due to the remaining damaged structure's proximity to public right-of-way at a major City intersection and as such requires immediate demolition to remove that threat; and

WHEREAS, the City Council has found that the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a local emergency so as to take immediate actions to remove said threat.

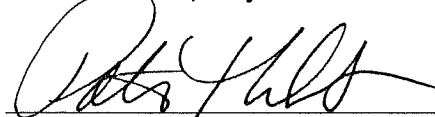
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby declare the existence of a local emergency as a result of a significant fire that occurred at the Porterville Hotel, 14 North Main Street, during the early morning hours of December 26, 2013, and that the remaining damaged structure poses a serious threat to the health, safety and welfare of the public and as such requires immediate safety mitigation of the structure, which includes demolition of the remaining standing structure, potential removal of asbestos, and fencing of site to secure the property.

PASSED, APPROVED AND ADOPTED this 26th day of December, 2013.


Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

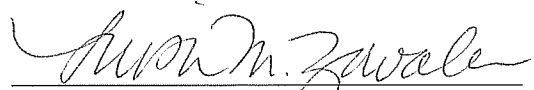
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 an Emergency Meeting of the Porterville City Council duly called and held on the 26th day of December, 2013.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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 December 17, 2013, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.


At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.


Dir


App/Fund


CM

Item No. 8

RECOMMENDATION:

That the Council:

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

ATTACHMENT: None

COUNCIL AGENDA – JANUARY 7, 2014

SUBJECT: SECOND READING – ORDINANCE 1803, AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE

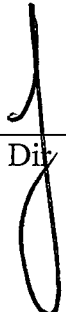
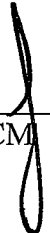
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1803, An Ordinance of the City Council of the City of Porterville Amending the Porterville Municipal Code for Consistency with the Development Ordinance and Amending Landscape Requirements in Parking Lots, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1803, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1803

Item No. 09

| | |
|---|---|
|  |  |
| Dty | CM |
| | Approp./ Funded |

N/A

ORDINANCE NO. 1803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE MUNICIPAL CODE
FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE
AND AMENDING LANDSCAPE REQUIREMENTS IN PARKING LOTS

WHEREAS, on November 19, 2013, the City Council adopted amendments to the Porterville Development Ordinance (Chapter 21 of the Municipal Code), with the understanding that a review of the Municipal Code for consistency would be further evaluated; and

WHEREAS, review of the Municipal Code in light of the amendments to Chapter 21 necessitated changes to the Municipal Code for consistency; and

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of December 17, 2013, conducted a public hearing pursuant to Planning and Zoning Law of the State of California and the Porterville Development Ordinance of the City of Porterville; and

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

SECTION 1: The following sections of the Porterville Municipal Code are hereby amended to read as follows:

1. 3-27: PROJECTING SIGNS:

- A. General: Projecting signs shall be constructed of materials compliant with title 24 of the California building code, except as specified in subsection 3-24B4 of this article.
- B. Design: Projecting signs shall be designed in accordance with the requirements specified in section 3-24 of this article.
- C. Residential Districts: In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under the development ordinance.
- D. Projections Over Travelways Or Walkways: Signs or advertising structures projecting more than six inches (6") from the face of a building, or any other supporting structure, over travelways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight feet (8') above the pavement or finished grade. Such signs may not project greater than forty eight inches (48").
- E. Wall Signs; Other Signs Projecting Into Alley: No wall sign shall have a projection over public property or beyond a building line greater than the distances set forth in this sign code, nor extend above any adjacent parapet or roof

of the supporting building. No sign or sign structure shall project into any public alley whatsoever, below a height of eight feet (8') above grade, nor more than eight inches (8") when over eight feet (8').

- F. Clearance Above Pavement Or Finished Grade: Signs or advertising structures projecting more than six inches (6") from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight feet (8') above the pavement or finished grade.
- G. Horizontal Dimensions: No sign or advertising structure shall exceed a horizontal dimension of more than thirty inches (30") when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six inches (36"). When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed forty-eight inches (48").
- H. Restrictions In Certain Districts: Signs or advertising structures in any residential, P-O, and CN zoned districts may not be attached to the roof of a building, nor shall it exceed the height of the lowest roof line of the building to which it is attached.
- I. Clearance:
 - 1. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.
 - 2. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

2. 17-11.7: PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS:

- A. Prohibited; Violation: Except as noted below, no person shall park any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, in whole or in part, on any roadway adjacent to any property zoned RS-2, RM-1, RM-2, RM-3, PS or P-O in the city of Porterville. Such violation shall be an infraction.
- B. Exceptions:

1. While loading or unloading property. This exception shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.
2. While parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. This exemption shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.
3. When the vehicle has experienced mechanical failure along an authorized route of travel for such vehicles and only while repair or towing services are actually en route to, or repairing/towing said vehicle. This exemption shall apply only while the person in control of the vehicle is on the scene.

3. 7-29: BUILDING RELOCATION; INSPECTION; COMPLIANCE WITH BUILDING REGULATIONS:

Prior to filing the application for the permit required in section 7-26 of this article, the building inspector shall inspect the building to determine the general condition and shall, upon completion of such investigation, set forth the requirements necessary to secure compliance with the building ordinance, the development ordinance, the provisions of this code and all other applicable ordinances and laws of the city.

4. 7-77: CONSTRUCTION OF ARTICLE; EFFECT ON DEVELOPMENT ORDINANCE:

This article shall not, nor shall it be construed to, limit any development ordinance of the city of Porterville now in effect or hereafter adopted.

5. 12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the fire code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the development ordinance of the city of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the fire code. LPG will also be permitted for fueling mobile equipment.

6. 12-3.4: NUISANCE; AUTHORITY TO ABATE:

- A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises, he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:
1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;
 2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;

3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section 13-4 of this code;
4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;
5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the development ordinance of the city of Porterville;
6. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

7. 12-3.6: FORM AND MANNER OF NOTICE:

The notice required pursuant to section 12-3.5 of this article shall be substantially in the following form:

APN. NO.

TO THE PROPERTY OWNER:

NOTICE IS HEREBY GIVEN, that on (date), (year), pursuant to Section 12-3.5 of the Municipal Code of the City of Porterville, the Chief of the Fire Department of the City of Porterville declares that the following conditions set forth in Section 12-3.4 of said Municipal Code constitute a public nuisance and that such a nuisance must be abated by the destruction or removal of said conditions:

- A. The existence of weeds on the premises or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises.*
- B. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris, tires, or combustible trash upon any roof or in any building, entrance way, court, yard, vacant lot or open space, or of any weeds, grass, vines or other growth when the same endangers property or is liable to be fired.*
- C. The existence of any garbage or rubbish upon the premises contrary to the provisions of Section 13-4 of the Municipal Code.*
- D. The existence of any vines or climbing plants growing into or over the street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the Porterville Fire Department.*
- E. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the Development Ordinance of the City of Porterville.*

F. Any other condition or use of property which is in fact a fire hazard or which results, or can result, in the impairment of the ability of the Porterville Fire Department to respond to and suppress fires.

Destruction and/or removal of said conditions must be completed and maintained by (date), (year) in accordance with the attached Fire Prevention Bureau "Abatement Standards."

Failure to abate said conditions by the date specified above, shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense pursuant to Section 12-3.9 of the Municipal Code.

All property owners who wish to object to the proposed removal of weeds, rubbish, refuse, tires and dirt are hereby notified that they have the right to attend a meeting with a representative of the Porterville Fire Department to be held at Porterville Fire Station No. 1, 40 West Cleveland Avenue, Porterville, California, on (date), (year) at (time). Sufficient cause must be shown why said conditions should not be abated.

Charges. Property owners or responsible persons who through their inaction have caused the City of Porterville to have their nuisance abated, are deemed to have committed a misdemeanor or infraction pursuant to Section 12-3.14 and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or county jail, or by both such fine and imprisonment. The property owner or responsible person shall be liable for actual costs of abating such nuisance as defined herein.

Any costs incurred for such abatement will constitute a special assessment on the property. The cost of abating such nuisances shall include a charge of \$___ per parcel to cover the costs of administering this Article. MUNICIPAL CODE SECTION 12-3.11 PROVIDES THAT AFTER THE ASSESSMENT IS MADE AND CONFIRMED, IT IS A LIEN ON THE PROPERTY.

Any property owner, or other responsible person, who, after notification by the Enforcement Officer, fails to abate a condition as set forth in Section 12-3.4 shall become liable for the expenses of fighting any fire which may occur which is determined to have been caused by or attributed to said conditions. Such expenses shall become a lien upon the property.

THE FAILURE OF ANY OWNER OR OTHER PERSON TO RECEIVE THIS NOTICE SHALL NOT AFFECT THE ENFORCEMENT OF THIS ORDINANCE.

8. 18-56: DEFINITIONS:

ARCADE: Shall have the meaning ascribed by the Porterville development ordinance.

CHILD OR CHILDREN: Any person under the age of eighteen (18) years of age.

CHILDCARE AND DEVELOPMENT FACILITY: Shall have the meaning ascribed by California Education Code section 8208.

LOITERING: Remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

PLAYGROUND: Shall have the meaning ascribed by the Porterville development ordinance.

PUBLIC BUILDING REGULARLY FREQUENTED BY CHILDREN: Shall have the meaning ascribed by section 15-43 of this code.

PUBLIC PARK OR RECREATION AREAS: Shall have the meaning ascribed by section 15-43 of this code.

SEX OFFENDER: An individual who is currently required by law to register with a governmental entity as a sex offender.

9. 20-40.1: WHEN CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS REQUIRED:

Any owner, lessee, agent, licensee, or other person, corporation, association or firm who is:

Constructing or arranging for the construction of a building, dwelling, or any other improvement;
or

Arranging for the remodeling, improving, modifying or otherwise altering in any manner whatsoever, an existing building, dwelling, or other improvement; upon any lot or parcel of real property in the city of Porterville shall provide, subject to the provisions of this article and chapter and to the ordinances and regulations of the city of Porterville that may now be, or hereafter be, in effect, for the construction of concrete curbs, gutters, and sidewalks unless in accordance with city specifications therefor, they already exist in a satisfactory condition along all street frontages adjoining the lot or lots, parcel or parcels of land on which the building, dwelling, or other improvement is to be constructed or remodeled or modified. In lieu of installation of concrete improvements, payment for said concrete improvements shall be provided to the city upon development of the property as specified above, if said concrete improvements have been installed by the city. In the event the construction of improvement is being made upon a portion of an undeveloped parcel and the portion to be developed does not exceed fifty percent (50%) of the entire undeveloped parcel, and the concrete improvements have not already been installed by the city, the curbs, gutters, and sidewalks shall be provided on the street frontage so that said curbs, gutters, and sidewalks will extend the length of the building or improvement and to include side yard requirements as set forth in the development ordinance. In determining whether the developed portion exceeds fifty percent (50%) of the entire portion there shall be considered the portion of the parcel on which the building or other improvement rests, together with all yard and open area requirements required by the development ordinance.

10. **21-Article 300.04: RESERVED**

11. **21-Article 304.10(I): PARKING AREA DESIGN AND DEVELOPMENT STANDARDS**

I. Landscaping: Landscaping of parking areas shall be provided and maintained according to the general standards of article 303, "Landscaping," of this chapter, as well as the standards of this subsection. The provisions of this subsection apply to all uses except single-family dwellings and duplexes.

1. Landscape Area Required: A minimum of ten percent (10%) of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.
2. Minimum Planter Dimension: No landscape planter that is to be counted toward the required landscape area shall be smaller than twenty-five (25) square feet in area, or four feet (4') in any horizontal dimension, excluding curbing.
3. Layout: Landscaped areas shall be well distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four feet (4') wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - d. On site landscaping at the parking lot perimeter.
4. Required Landscaped Islands: A landscaped island at least six feet (6') in all interior dimensions and containing at least one 15-gallon size tree shall be provided at each end of each interior row of parking stalls and between all consecutive parking stalls in the following ratios:
 - a. Between every eight (8) stalls in any nonresidential development;
 - b. Between every six (6) consecutive stalls in a residential development or in a mixed use development in which residential units overlook on site parking areas.
5. Landscaped Buffer For Open Parking Adjacent To Right Of Way: A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width as listed below unless a different dimension is specified in the base district standards applicable to a site.

- a. Residential districts: Five feet (5'). Landscaped parkways or strips between the property line and the sidewalk count toward this requirement.
 - b. Nonresidential districts: Six feet (6') clear of vehicle overhang.
6. Landscaped Buffer For Open Parking Abutting Interior Lot Line: A landscaped area at least three feet (3') wide shall be provided between the outside edge of any surface parking area and any adjacent lot for the length of the parking area.
7. Trees: Trees shall be planted to result in fifty percent (50%) shading of parking lot surface areas within fifteen (15) years. In lieu of calculating shading, the applicant may provide a tree in landscaped islands between every six (6) stalls consistent with §304.10(I)(4).
- a. Distribution: Trees shall be distributed relatively evenly throughout the parking area.
 - b. Species: Required trees for parking lots shall be selected from a list of recommended trees maintained by the community development department.
 - c. Minimum Planter Size: Any planting area for a tree shall have a minimum interior dimension of five feet (5'). Additional space may be required for some tree species.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 7th day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014


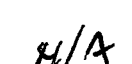
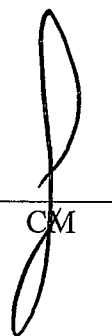
SUBJECT: SECOND READING – ORDINANCE 1804, ADOPTING 2013 CALIFORNIA BUILDING CODE, EXISTING BUILDING CODE, RESIDENTIAL CODE, AND ENERGY CODE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1804, An Ordinance of the City Council of the City of Porterville Amending Sections 7-1, 7-2, 7-3.4, and Article VIII of the Municipal Code of the City of Porterville and Adopting by Reference the 2013 Edition of the California Building Code Along with Designated Appendices Published by the California Building Standards Commission; the 2013 Edition of the California Existing Building Code Published by the International Code Council, Inc.; the 2013 California Residential Code and the 2013 California Energy Code Published by the California Building Standards Commission, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1804, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1804

| | | |
|---|---|---|
|  |  |  |
| Dir | Approp./ Funded | CM |

Item No. 10

ORDINANCE NO. 1804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTIONS 7-1, 7-2, 7-3.4, AND ARTICLE VIII OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE
AND ADOPTING BY REFERENCE
THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE
ALONG WITH DESIGNATED APPENDICES PUBLISHED BY
THE CALIFORNIA BUILDING STANDARDS COMMISSION;
THE 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.;
THE 2013 CALIFORNIA RESIDENTIAL CODE
AND THE 2013 CALIFORNIA ENERGY CODE PUBLISHED
BY THE CALIFORNIA BUILDING STANDARDS COMMISSION

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

A. The following sections of the Municipal Code of the City of Porterville are hereby
amended to read as follows:

SECTION 7-1 Adoption of the 2013 Edition of the California Administrative Code Title
24 Part 1; 2013 California Building Code Part 2, Volumes 1 and 2; the 2013 California
Residential Code Title 24 Part 2.5; the 2013 Edition of the California Existing Building Code
Title 24 Part 10; and the 2013 Energy Code Title 24 Part 6.

That certain code in book form to which more particular reference is herein made,
regulating the construction, erection, alteration, repair, removal, demolition, conversion,
equipment, use, height, area and maintenance of buildings in the City of Porterville, together
with the amendments thereof, herein specifically set forth, together with the penalty for violation
herein set forth to be known as the Building Code compiled by and adopted by the International
Code Council, Inc., together with the following appendix: Chapters I, J, K; the entire Chapter of
the 2013 California Historical Building Code Part 8 with Appendix A and the 2013 Reference
Standards Code Part 12; the 2013 California Residential Code Part 2.5 in its entirety; the 2013
California Existing Building Code Part 10 in its entirety; and the 2013 Energy Code Part 6 in its

entirety, thereto is hereby adopted and enacted by the Council of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof.

SECTION 7-2 COPIES OF BUILDING CODE FILED IN BUILDING OFFICIAL'S OFFICE:

Reference is hereby made to one (1) copy of said California Building Code, 2013 Edition, compiled by and adopted by the International Conference of Building Officials, heretofore filed in the office of the Building Official of the City of Porterville and said California Building Code is by reference adopted herein as provided by law.

SECTION 7-3 BUILDING CODE AMENDMENTS

There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Building Code, published by the International Code Council, Inc., being particularly the 2013 edition thereof together with the following appendices thereto, and the California Building Code Standards are hereby amended and changed as follows:

1. Section 901.5 shall read as follows: When required, the test shall be conducted in the presence of the fire official.
2. Section 901.6.1 Exception shall read as follows: When approved by the fire official, on-site monitoring at a constantly attended location shall be permitted provided that the notifications to the fire department will be equal to those provided by an approved supervising station.
3. Section 903.3.1.2 of Chapter 9, shall read as follows: NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including two stories in height, automatic sprinkler systems may be installed throughout, in accordance with NFPA 13R when allowed by the Fire Authority.

SECTION 7-3.4. PENALTY FOR VIOLATION:

It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, move, improve, remove, convert, or equip, use, occupy or maintain any building or structure in the City of Porterville, or cause the same to be done contrary to, or in violation of, the provisions of this article or of the building code above adopted by reference, together with the amendments thereto; and any person, firm or corporation violating any of the provisions of this article or of said building code, as amended, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of the provisions of this article or of the California Building Code, 2013 Edition, is committed or permitted; and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City or County jail for a period of not exceeding six (6) months or both such fine and imprisonment.

ARTICLE VIII. SWIMMING POOLS

Article VIII of the Municipal Code of the City of Porterville to be deleted.

B. That Ordinance No. 1770 and Ordinance No. 765 of the City of Porterville are hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2014.

ATTEST:
John D. Lollis, City Clerk

Cameron J. Hamilton, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014

SUBJECT: SECOND READING – ORDINANCE 1805, ADOPTING 2013 CALIFORNIA MECHANICAL CODE

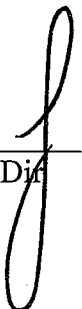


SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1805, An Ordinance of the City Council of the City of Porterville Amending Section 7-4 of the Municipal Code of the City of Porterville Adopting by Reference the 2013 Edition of the California Mechanical Code Published by the International Code Council, Inc., was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1805, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1805

Item No. 11

| | | |
|---|---|---|
|  |  |  |
| Dir | Approp./ Funded | CM |

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.

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

A. The following section of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-4 Adoption of the 2013 Edition of the California Mechanical Code,
Title 24, Part 4 and Appendix B, and Appendix D.

That certain code in book form to which more particular reference is hereinafter made
regulating the installation and maintenance of heating, ventilating, cooling, and refrigeration
systems, to be known and referred to as the California Mechanical Code is hereby adopted and
enacted by the Council of the City of Porterville as an ordinance of the City of Porterville, to all
intents and purposes and to the same effect as if each and every sentence, comma, paragraph,
word, phrase, and clause in said code mentioned or referred to therein or herein were and each
thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2013 Edition of the California
Mechanical Code published by the California Building Standards Commission filed with the
Building Official of the City of Porterville and said code is by reference adopted herein as
provided by law.

B. That Ordinance No.1771 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014

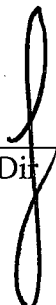

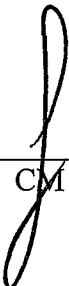
SUBJECT: SECOND READING – ORDINANCE 1806, ADOPTING 2013 CALIFORNIA PLUMBING CODE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1806, An Ordinance of the City Council of the City of Porterville Amending Section 7-6 of the Municipal Code of the City of Porterville Adopting by Reference the 2013 Edition of the California Plumbing Code Published by the California Building Standards Commission, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1806, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1806

| | | |
|---|---|---|
|  |  |  |
| Dir | Approp./ Funded | CM |

Item No. 12

ORDINANCE NO. 1806

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE
PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION

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

A. That Section 7-6 of the Municipal Code of the City of Porterville is amended to read
as follows:

SECTION 7-6. Adoption of the 2013 Edition of the California Plumbing Code Title 24
Part 5.

That certain code in book form to which more particular reference is hereinafter made,
regulating the business of plumbing, and the installation of plumbing fixtures and appliances, to
be known and referred to as the California Plumbing Code, is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and
purposes and to the same effect as if each and every sentence, comma, paragraph, word, phrase,
and clause in said code mentioned or referred to therein or herein were and each thereof was
fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2013 Edition of the California Plumbing
Code, published by the California Building Standards Commission filed with the Building
Official of the City of Porterville and said code is by reference adopted herein as provided by
law.

B. That Ordinance No. 1772 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014

SUBJECT: SECOND READING – ORDINANCE 1807, ADOPTING 2013 CALIFORNIA ELECTRICAL CODE

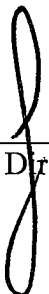


SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1807, An Ordinance of the City Council of the City of Porterville Amending Section 7-9 and Deleting Section 7-10 of the Municipal Code of the City of Porterville Adopting by Reference the 2013 Edition of the California Electrical Code Published by the California Building Standards Commission, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1807, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1807

Item No. 13

| | | |
|---|---|---|
|  |  |  |
| Dir | Approp./ Funded | CM |

ORDINANCE NO. 1807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE
OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2013 EDITION
OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY THE CALIFORNIA
BUILDING STANDARDS COMMISSION

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

A. That Section 7-9 of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-9 Adoption of the 2013 Edition of the California Electrical Code Title 24

Part 3.

Reference is hereby made to one (1) copy of the 2013 Edition of the California Electrical
Code, published by the California Building Standards Commission filed in the office of the
Building Official of the City of Porterville, and such code, to wit: the 2013 Edition of the
California Electrical Code published by the California Building Standards Commission, as
aforesaid now on file with the Building Official of the City of Porterville, is hereby adopted by
reference as the Electrical Code of the City.

B. That Ordinance No. 1773 of the Municipal Code of the City of Porterville is
hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after adoption.

PASSED, ADOPTED AND APPROVED this 17th day of December, 2013.

ATTEST:
John D. Lollis, City Clerk

Cameron J. Hamilton, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014

SUBJECT: SECOND READING – ORDINANCE 1808, ADOPTING 2013 CALIFORNIA FIRE CODE

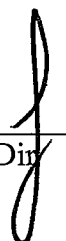


SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1808, An Ordinance of the City Council of the City of Porterville Amending Chapter 12 of the Code of the City of Porterville Adopting by Reference Except as Otherwise Provided in this Article, the 2013 Edition of the California Fire Code Along with Designated Appendices, and the 2013 Edition of the California Fire Code Published by the California Building Standards Commission, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1808, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1808

Item No. 14

| | | |
|---|--|---|
|  |  N/A |  |
| Dir | Approp./ Funded | CM |

ORDINANCE NO. 1808

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE 2013 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES, AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION.

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

A. That Chapter 12, Fire Prevention, Section 12.1.1, of the Municipal Code of the City of Porterville is hereby amended to read as follows:

SECTION 12-1.1: CALIFORNIA FIRE CODE ADOPTED; FILING OF COPIES:

There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the California Building Standards Commission being particularly the 2013 Edition thereof together with the following appendices thereto, and the California Fire Code Standards are hereby amended and changed as follows:

Adoption of Appendices; Appendix Chapter 1, Chapter 4, Appendix A, Appendix B, Appendix C, Appendix D as amended by this Code, Appendix F.

1. Sections 307, 307.1, 307.11, 307.2, 307.2.1, 307.3, 307.4, 307.4.1, 307.4.2, 307.4.3, 307.5, of Chapter 3 are hereby deleted.
2. Section 508.1 Exceptions 1, 2, of Chapter 5 are hereby deleted.
3. Section 903.3.1.2 of Chapter 9, shall read as follows: NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including two stories in height, automatic sprinkler systems may be installed throughout, in accordance with NFPA 13R when allowed by the Fire Authority.

4. Sections 105.1.1 of Appendix Chapter 1, is amended to read as follows: 105.1.1 Permits. Where required by this code, permits may be applied for and obtained from the fire code official.

5. Section D 103.6 of Appendix D, is amended to read as follows: D 103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent FIRE LANE signs complying with California Vehicle Code Section 22500.1.

6. Section D106 of Appendix D is hereby deleted.

7. The exception to Section D104.2 of Appendix D is deleted.

8. Exceptions 1 & 2 of Section D107.1 of Appendix D are deleted.

9. The exception of Section B105.2 of Appendix B shall be amended as follows:
Exception: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

10. Section 106.6.30 of Appendix 1 is deleted.

One copy has been and now is filed in the office of the fire marshal of the City of Porterville and the same hereby adopted with the amendments herein set forth and incorporated as fully as if at length herein and provisions thereto shall be controlling within the limits of the City of Porterville. (Ord. 715 § 1; Ord. 880 § A, 5-16-1967; Ord. 1083 § A, 11-4-1975; Ord. 1121 § A, 4-18-1978; Ord. 1209 § A, 8-5-1980; Ord. 1302 § A, 3-6-1984; Ord. 1376 § A, 1-6-1987; Ord. 1387 § A, 8-18-1987; Ord. 1426 § A, 11-21-1989; Ord. 1520 § A, 11-21-1995; 1568 § A, 1-19-1999; Ord. 1574 § A, 5-18-1999; Ord. 1620 § A, 10-1-2002)

B. Section 7-9 of the Municipal Code of the City of Porterville is hereby amended as follows:

1. Section 901.5 of Chapter 9 is amended to read as follows: Fire protection systems

shall be tested in accordance with the requirements of this code and the California Fire Code.

When required, the test shall be conducted in the presence of the fire official.

2. Exception to Section 901.6.3 of Chapter 9 is amended to read as follows: When approved by the fire official, on-site monitoring at a constantly attended location shall be permitted provided that notifications to the fire department will be equal to those provided by an approved supervising station.

3. Section 903.1.1.2 of Chapter 9 shall read as follows: NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including two stories in height, automatic sprinkler systems may be installed throughout, in accordance with NFPA 13R when allowed by the Fire Authority.

C. That Ordinance No. 1774 of the Municipal Code of the City of Porterville is hereby repealed.

D. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2014.

ATTEST:
John D. Lollis, City Clerk

Cameron J. Hamilton, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – JANUARY 7, 2014




SUBJECT: SECOND READING – ORDINANCE 1809, ADOPTING 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1809, An Ordinance of the City Council of the City of Porterville Amending Section 7-4 of the Municipal Code of the City of Porterville Adopting by Reference the 2013 Edition of the California Green Building Standards Code Published by the California Building Standards Commission, was given first reading on December 17, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1809, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1809

| | | |
|--|---|---|
|  Dir |  Approp./ Funded |  CM |
|--|---|---|

Item No. 15

ORDINANCE NO. 1809

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE
PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION

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

A. The following section of the Municipal Code of the City of Porterville is hereby amended to read as follows:

SECTION 7-4 Adoption of the 2013 Edition of the California Green Building Standards Code, Title 24, Part 11 and the mandatory portions of Appendix A4 and Appendix A5 with the voluntary portions of said Appendices remaining voluntary.

That certain code in book form to which more particular reference is hereinafter made encouraging sustainable construction practices, to be known and referred to as the California Green Building Standards Code is hereby adopted and enacted by the Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, comma, paragraph, word, phrase, and clause in said code mentioned or referred to therein or herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2013 Edition of the California Green Building Standards Code published by the California Building Standards Commission filed with the Building Official of the City of Porterville and said code is by reference adopted herein as provided by law.

B. That Ordinance No. 1775 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA - JANUARY 7, 2014

SUBJECT: CONSIDERATION OF CALLING JUNE 3, 2014 GENERAL ELECTION;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED
SERVICES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

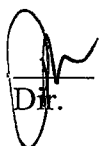
COMMENT: Certain decisions must be made by the City Council with regard to the upcoming
Municipal Election of June 3, 2014. With regard to the two City Council seats, the
areas in question are as follows:

A. Candidates' Statements:

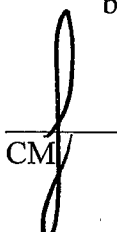
1. If they are to be allowed.
2. If the candidate will have to pay the pro rata cost of printing and distributing the candidates' statements of 200 words or less (cost of mailing not included). The County estimates this cost to be approximately \$1,300 per candidate.
3. If other mailing of election material is to be permitted.

B. If County Services will be used for the following:

1. Prepare, print and mail to the qualified electors of the City sample ballots and voter pamphlets.
2. Provide Vote by Mail ballots for said General Municipal Election for use by the qualified electors who may be entitled to such ballots in the manner provided by law.
3. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
4. Conduct and canvass the returns of the election and certify the votes cast to the City Council as set forth in Election Code Sec. 10262.
5. Receive and process Vote by Mail ballot voter applications.
6. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
7. Recount votes, if requested, in accordance with state law.
8. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
9. Perform all other pertinent services required to be performed for said election, except as otherwise agreed, other than the requirements of the Fair Political Practices Commission; said FPPC requirements to be performed by the City Clerk.


Dir.


Approp./
Funded


CM

Item No. 16

C. The designation for the Central Counting of Ballots:

1. Designate counting place for ballots (Tulare County Election Department, 5951 S. Mooney Blvd., Visalia, California).

The Tulare County Registrar of Voters roughly estimates that the cost for this election will be approximately \$2.75 to \$3.00 per voter, or \$42,333 to \$46,182. This estimate is based on the number of registered voters in Porterville as of the previous municipal election of June 5, 2012, which was 15,394.

RECOMMENDATION: That the City Council:

1. Allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,300 per candidate cost for same; and
2. Authorize that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 3, 2014, General Municipal Election;
3. Adopt the draft resolution calling the election for June 3, 2014; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
4. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2014, Election;
5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and
6. Direct staff to proceed with placing ballot measures on the June 3, 2014, ballot for amendments to the City's Charter.

- ATTACHMENTS:
1. Draft Resolution calling the election; requesting and consenting to the consolidation of elections; and setting specifications of the election order
 2. Draft Resolution requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific County services to the City

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CALLING THE GENERAL MUNICIPAL ELECTION OF JUNE 3,
2014; REQUESTING AND CONSENTING TO THE CONSOLIDATION OF ELECTIONS;
AND SETTING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the City Council of the City of Porterville has ordered a Municipal Election to be held on Tuesday, June 3, 2014, to fill certain municipal offices; and

WHEREAS, other elections may be held in whole or in part of the territory of the City of Porterville and it is to the advantage of the City to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10240 provides that the governing board shall determine the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill for services to the City by the County Elections Official; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens, the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City.

NOW, THEREFORE, IT IS ORDERED that an election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 3rd day of June, 2014. The purpose of the election is to choose successors for the following offices:

Two (2) Members of the City Council
(Full Term of Four Years)
2. This City Council hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code 10400.
3. The City hereby designates the hours of the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.

4. The City will reimburse the County of Tulare for the actual cost incurred in conducting the election upon receipt of a bill for services as determined by the Elections Official.
5. The City Council has determined that the _____ will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
6. The City directs that a certified copy of this Resolution be forwarded to the Registrar of Voters, and the Board of Supervisors of Tulare County.

PASSED, APPROVED AND ADOPTED this _____ day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE REQUESTING THE TULARE COUNTY BOARD OF
SUPERVISORS PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER
SPECIFIED SERVICES TO THE CITY OF PORTERVILLE

WHEREAS, pursuant to the Elections Code, the governing body of any city may, by Resolution, request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the city related to the conduct of an election; and

WHEREAS, the City of Porterville has ordered an election be held within the boundaries of the City on June 3, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the City of Porterville relating to the conduct of the June 3, 2014 Municipal Election as follows:

- a. Prepare, print and mail to the qualified electors of the City sample ballots and voter pamphlets.
- b. Provide Vote by Mail ballots for said General Municipal Election for use by the qualified electors who may be entitled to such ballots in the manner provided by law.
- c. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
- d. Conduct and canvass the returns of the election and certify the votes cast to the City Council as set forth in Election Code Sec. 10262.
- e. Receive and process Vote by Mail ballot voter applications.
- f. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
- g. Recount votes, if requested, in accordance with state law.
- h. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
- i. Perform all other pertinent services required to be performed for said election, except as otherwise agreed, other than the requirements of the Fair Political Practices Commission; said FPPC requirements to be performed by the City Clerk.

The City Clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

PASSED, APPROVED AND ADOPTED this _____ day of January, 2014.

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

SUBJECT: CONSIDERATION OF 2013 CHARTER REVIEW COMMITTEE'S
PROPOSED REVISIONS TO THE CITY OF PORTERVILLE CHARTER

SOURCE: 2013 Charter Review Committee/City Manager/City Attorney's Office

COMMENT: This is provided in order to assist the City Council's review of the amendments proposed by the City's 2013 Charter Review Committee.

Below is a brief description of each proposed amendment as already discussed by the Committee. If the amendment bears a relationship to or affects another Charter amendment, it is noted for the purposes of consideration by the Committee.

Section 4.1: Makes explicit the ability of the City to enter into agreements with special districts and Indian Tribes concerning the performance of any of its functions.

Section 5: Changes general municipal election to coincide with general election for federal offices. This amendment is tied with specific amendments to Section 9.

Section 8: The changes made are purely housekeeping, changing "Councilmen" to "Council Members."

Section 9: A variety of changes were made to this section, and this section covers several distinct issues.

(A) Second paragraph - Proposed amendments have been made making the general municipal election consistent with the federal general election. This section is directly tied to the amendment to Section 5 concerning the same issue.

(B) Fifth paragraph – Housekeeping issue. The proposed amendment clarifies the reference the reorganization of the Council shall occur after the time that the new council members are able to be installed (rather than purporting to require that this occur at the meeting immediately following the election).

(C) Fifth paragraph -- Substantive issue. This paragraph also contains proposed amendments concerning the reorganization of the Council and removal of the Mayor at any time other than the meeting following installment of the new members. The amendment would require a 4/5

vote of the Council to remove the Mayor at any other time. The Committee/Council may want to consider recommending/proposing this as a separate amendment on the ballot, if approved by the Council.

(D) Sixth paragraph – Housekeeping issue. These amendments clarify that new members will be installed within a certain period of time if the City is completing its own canvass of votes, but that in the event (as is the usual custom) of a consolidated election, the installation will occur at the next regularly scheduled meeting (or a special meeting called for that purpose) following the presentation of the canvass of the returns. The current section does not properly account for the amount of time this generally takes.

Section 10: The proposed amendment to this section (in paragraph two) would allow for the City Council to hold its meetings at other City-owned facilities other than City Hall.

Section 12: Housekeeping items. The proposed amendment in the second paragraph would clarify that the ayes and noes of all Council actions shall be recorded. The proposed amendment to the seventh paragraph clarifies that a summary in lieu of the full text of an ordinance may be published. The proposed amendment in the ninth paragraph would clarify that the establishment (rather than imposition) of a penalty must be by ordinance.

Section 14: Housekeeping item. Eliminates reference to “City Treasurer” (changing it to “City Manager or his/her designee”) since the Charter section establishing a City Treasurer was repealed in 1971.

Section 16: The proposed amendment in the second paragraph adds that a Council Member’s (legislative officer’s) office becomes vacant if he/she fails to attend three (3) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period longer than 90 days).

Section 18: The proposed amendment to the third paragraph provides that the City Manager may be permitted to receive severance pay in an amount not to exceed the equivalent of 12 months’ salary, subject however to the restrictions set forth by State law (which currently only permits appointed officials to receive a maximum of 18 months’ salary or an amount equal to their monthly salary multiplied by the number of months remaining on their contract, whichever is less).

Section 21: Housekeeping item. While there are still some jurisdictions that argue that a residency requirement can be legally enforced, the general consensus among cities is that this requirement is unenforceable. The proposed amendment would eliminate the residency requirement.

Section 24: Proposed amendment to third paragraph changes financial statement provision to the Council requirement to at least quarterly, instead of monthly. This section is tied to Section 49 below.

Section 40: Housekeeping item. Maintains section to the extent allowed by law.

Section 45: Housekeeping item. Clarifies that the section is cumulative to any rights and remedies the City may have under the general laws relating to the enforcement and collection of taxes and assessments.

Section 48: The proposed amendments would provide that the Council generally may authorize expenditures by the City by resolution and majority vote (rather than by ordinance by 4/5 vote), and an expenditure limit (wherein anything under the limit would not need council approval) may be established after each general municipal election in the same manner. A resolution and 4/5 vote would be required concerning decisions to incur indebtedness, or the approval of any indebtedness limit.

Section 49: Would reflect the proposed change made to Section 24 that quarterly financial reports shall be required.

Section 59: Housekeeping item. Clarifies that the Council shall contract with (rather than employ) a certified public accountant regarding the annual audit.

Section 61: There are proposed housekeeping/legal recommendations as well as a proposal to raise the bid limit from \$5,000 to \$50,000. It is recommended that raising of the bid limit be proposed to the voters in a separate ballot measure. The other proposed changes would clarify that the City has the right to perform any public project or make any repair or undertake any improvement using its own forces, regardless of cost, and that it will only be required to bid out work when it determines that it will contract out the work, and the estimate for the work exceeds \$5,000 (or in the alternate measure, \$50,000).

Section 62: Housekeeping item. Clarifies the projects the City may undertake and levy assessments for.

Section 67: The proposed amendment completely revises the current language, and more explicitly states what types of administrative interference are prohibited between the Council Members and staff. The proposed amendment also adds explicit penalties which include forfeiture of office if criminally convicted of a violation of the Section.

Section 67.1: Housekeeping item. The remainder of current section 67 related to political activities of City officers and employees has been moved to this new section.

Section 68: Proposed amendment provides that the City leases have a clause that shall allow the City Council to terminate it with written advance notice equivalent to either 30 days or a maximum of five percent (5%) of the total lease term (excluding any stated option periods). A notice period would not be required in month-to-month leases. The current section requires a notice period of three months, regardless of the term.

Section 74: This is a proposed new section, establishing a penalty for violations of the Charter, where no other penalty is otherwise specified. The section provides for penalties as generally provided for in the City's Municipal Code.

Additionally, the Council has expressed interest in discussing options for revisions to the Charter related to the City's pension provisions. The City Council voted at the October 15, 2013, City Council meeting to exclude the matter from the scope of the Charter Review Committee's review, at the Committee's request. For the Council's review and information, I have included a memorandum dated September 20, 2013, provided to the Committee, concerning the recent ballot measures passed in San Jose and San Diego. I have also included the proposed statewide initiative filed with the Attorney General on October 15, 2013 (for the November 2014 ballot). The Council may wish to consider making changes to the City's current Charter Section 58, including changes that would allow modifications to the City pension system without an election in the event the initiative passes and the State Constitution was to expressly allow for that.

Finally, the City Council may wish to discuss and consider making other revisions to the Charter. Per the County's Election Calendar, the City Council must submit its proposed ballot measures to the County for any Charter revisions by February 3, 2014.

RECOMMENDATION: That the City Council review and consider the 2013 Charter Review Committee's proposed revisions to the City of Porterville Charter, as well as any other changes.

Attachments:

1. 2013 City Charter Review Committee Revised Charter (redline version)
2. Pension Information

**2013 CITY CHARTER REVIEW
ADVISORY COMMITTEE
PROPOSED REVISED CITY CHARTER**

The 2013 City Charter Review Advisory Committee hereby submits the following City Charter to the City of Porterville Council showing all revisions, amendments, and additions recommended by the Committee:

CITY CHARTER

Sec. 1. Name of city; perpetual succession.

The municipal corporation now existing and known as the "City of Porterville" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Porterville," and by such name shall have perpetual succession.

Sec. 1.1 City Motto

"In God We Trust" shall be designated as the official motto of the city of Porterville.

Sec. 2. Boundaries.

The boundaries of the City of Porterville shall continue as now established until changed in some manner authorized by law.

Sec. 3. Rights and liabilities of cities; prior contracts, liabilities, etc., continued in effect.

The City of Porterville shall remain vested with and continue to have, hold, and enjoy, all property, rights of property, and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect.

Sec. 4. General powers of city; official seal.

The City of Porterville, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution, and which it would be competent for this Charter to set forth particularly or specifically; and the specifications herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of power. General Powers of the city include, but are not limited to, the powers necessary or appropriate to promote the health, welfare and education of its inhabitants. The city shall have and use a common seal and the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal of said city.

Sec. 4.1. Intergovernmental Powers.

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency or *special district* of California; or any governmental jurisdiction, *including Indian Tribes*, or nonprofit corporation thereof, or the United States or any of its agencies or instrumentalities.

Sec. 4.2. Liberal interpretation.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.

General municipal elections shall be held in said city at the same time as the ~~Primary~~ *general* election for ~~State~~ *Federal* Offices ~~for in~~ the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Sec. 6. Initiative, referendum and recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the Constitution and general laws of the state. Any elective officer may be recalled from office under and pursuant to the provisions of the Constitution and general laws, provided that a special election shall be held at the same time as the recall election, in accordance with the Constitution and general laws of the state, for the purpose of electing officers to fill the place or places of the officers sought to be recalled.

Sec. 7. Elective officers to be residents.

In order to be eligible to hold any elective office in the City of Porterville, a person must be a resident and elector therein, and shall have resided in said city for at least thirty days next preceding the filing of their nominating papers, or equivalent declaration or candidacy, and be an elector at the time of said filing.

Sec. 8. Elective officers.

The elective officers of the City of Porterville shall be five councilmen ~~members~~, who shall be elected from the city at large at a general municipal election therein.

Sec. 9. Legislative body; composition; election; term; compensation; ineligibility for other city office; president of council; vice-president; installation of newly elected officers; powers to be exercised by council.

The legislative body of the city shall consist of five persons elected at large, which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said city at the same time as the ~~primary general~~ election for state *Federal* offices for the Sstate of California. They shall hold office for the period of four (4) years from and after the Monday next succeeding the day of their election ~~date upon which they are installed in office in accordance with this section and/or until their successors are elected; and qualified; installed in office. provided the respective terms of any council member presently serving or elected at the time of the adoption of this amendment shall be extended one additional year to the even-numbered year following the expiration of their respective terms.~~

The members of the council shall each receive the sum of twenty dollars (\$20.00) for each council meeting actually attended; the mayor shall receive the sum of twenty-five dollars (\$25.00) for each meeting of the council actually attended, provided, however, that the members of the council shall not receive compensation for more than seven meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

The members of the council shall not be eligible to any other office or employment with the city.

The council shall reorganize at its next ~~the~~ meeting following each municipal election ~~wherein the newly-elected members are installed~~ and shall choose one of ~~their its~~ number to serve as president of the council to be known as mayor. At this time, the council shall also choose one of ~~their its~~ number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a ~~majority four fifths (4/5)~~ vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of ~~their its~~ number to serve as mayor until the next organizational meeting.

~~The council shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any. Where the canvass of the vote is to be completed by the city elections official, the canvass shall be completed no later than the fourth Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the city council, which shall meet at its usual place of meeting no later than the fourth Friday after the election to declare the results and to install the newly elected officers. For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the city council,~~

which shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.

All powers granted to and vested in the city of Porterville by law or by the provisions of this charter, shall, except as herein otherwise provided, be exercised by the council to be designated the "Council of the City of Porterville." The council shall be the governing body of the city and subject to the express limitations of this charter shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state.

Sec. 9.1 Public Participation.

The council shall continue to encourage the organization of and communication with representative neighborhood groups throughout the city to encourage citizen participation, to seek advice and input and to provide information to the public relative to city matters and affairs.

Sec. 10. Time and place of council meetings; meetings to be open to public; council to adopt rules for conduct of its own proceedings.

The council shall provide by ordinance for the time and place of holding its meetings. Special meetings shall be called in accordance with the provisions of general law. There shall be at least one (1) regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within ~~the~~ *a community in accordance with the Brown Act* where no action is to be taken, all meetings of the council shall be held ~~in the city hall at or on city-owned facilities~~, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall ~~facilities~~ cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

Sec. 11. Quorum; compelling attendance at meetings.

A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of or action upon, pending business in like manner. Attendance at meetings of absent members of the council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken *and recorded* upon the passage of all ordinances, and resolutions, *or other actions* and entered upon the record of the proceedings of the council. ~~Upon the request of any member of the council, the ayes and noes shall be taken and recorded upon any vote.~~ All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Porterville do ordain as follows:"

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Porterville do ordain as follows:"

No ordinance shall be passed by the council at any time other than at a regular meeting, ~~or~~ *and until its publication (or a summary thereof with notification that the full text is available on the City's website and at the City Clerk's office)* at least once in the official newspaper of the city at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the City of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths (4/5) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the ~~imposing~~ *establishing* of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.

Sec. 13. Legislative officers; administrative officers; other officers and commissions; consolidation of offices.

The legislative officers of the City of Porterville shall consist of five (5) members of the council, one of whom shall act as mayor. In addition, there shall be the following administrative officers who shall be appointed by the council: a city manager, a city attorney and a city clerk.

The council may, by ordinance provide for such other officers as deemed necessary and the council may further establish by ordinance commissions deemed by it to be necessary or proper to aid in the orderly administration of the City of Porterville.

All members of commissions and legislative committees shall be appointed by the council. The council may appoint members to other boards or committees. Administrative officers may appoint members to temporary administrative committees.

The council may, at any time, when in its judgment, the interest of the city so demands, by a four-fifths (4/5) vote thereof, consolidate by ordinance two or more city administrative offices and place the same in charge of one such officer.

Sec. 14. Official bonds; where filed.

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the ~~city treasurer~~ *City Manager or his/her designee*. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

Sec. 15. Oath of office.

Every officer and employee of the city, before entering upon the duties of his/her office shall take and subscribe the oath of offices as provided for in the Constitution of the state, and shall file the same forthwith with the city clerk.

Sec. 16. Vacancies in office; when offices declared vacant.

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, *or shall fail to attend three (3) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days)*, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

Sec. 17. Appointment and removal of officers and employees; grounds of removal; hearing prior to removal.

Except as may be otherwise in this Charter provided, the affirmative vote of three (3) members of the council shall be required for the appointment of or the removal of any administrative officer for cause. "For cause" includes, but is not limited to, refusal to perform the duties of his/her office, being adjudged mentally incompetent, or being convicted of a felony or crime of moral turpitude. The administrative officer is entitled to a hearing before the council on the validity of the grounds providing the basis for removal for cause.

The council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

Sec. 17-A. Retirement age for city employees. Repealed March 8, 1983.

Sec. 17A. Retirement age for city employees effective April 2, 1975. Repealed March 8, 1983.

Sec. 18. Compensation of appointive officers and employees; limitation as to least amount of compensation; fees abolished.

The council shall fix the compensation of all appointees and employees except officials and members of boards, commissions and committees serving gratuitously. Said compensation shall be fixed, increased or changed by resolution, adopted by a three-fifths (3/5) vote of the council.

The duties or the minimum compensation of any appointive official shall not be so established by the council as to in effect abolish the office.

The salary of any appointive official or employee of the city shall cease forthwith with his/her removal or resignation from office or employment, ~~and he/she shall only be entitled to compensation for that expired proportion of the month or term of service during which he/she shall have performed his/her duties. (3-4-03);~~ *provided, however, that the City Manager may be entitled, if authorized by the City Council, to severance pay in an amount not to exceed the equivalent of 12 months' salary, subject to any other restrictions set forth by State law.*

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the council, if

a council appointee, or the manager if a manager appointee, and all fees received by such officers or employees in connection with his/her official duties shall be paid by him/her into the city treasury, and a written report made of same, provided, however, that rewards which have been publicly offered for the apprehension of criminals may be received by the officer or officers making the apprehension, after deducting therefrom any expense that the city may have sustained in the matter.

Sec. 19. Duties of the mayor generally.

The mayor shall be the executive head of the city. In case of riot, insurrection, extraordinary emergency, or other disaster, he/she shall be responsible for making a public declaration of a state of emergency and shall assume all other responsibilities required of him/her pursuant to the city's disaster plan.

In the name and on behalf of the city, he/she shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party.

He/she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat.

In the absence of the mayor, for whatever reason, the vice president of the council shall assume the duties as mayor pro tempore.

Sec. 20. City attorney; qualification; duties; assistant attorney.

The city attorney shall be an attorney-at-law, admitted to practice as such before the supreme court of the state, and who has been in actual practice therein for at least three years next preceding his/her appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The city attorney shall be legal advisor of the council, and all other city officials. He/she shall prosecute all violations of city ordinances and shall draft all contracts and other legal documents and instruments, required by the council or the city manager. He/she shall perform such other legal services as the council may direct and shall attend all meetings of the council unless excused therefrom by three members thereof or by the mayor.

When from any cause the city attorney is unable to perform the duties of his/her office, he/she may, with the consent of the council, appoint some other qualified attorney to temporarily act in his/her place and whenever in the judgment of the council, the interests of the city require it, it may employ assistant counsel.

The city attorney shall deliver all books, records, papers, documents and personal property of every description, owned by the city, to his/her successor in office, and the city shall provide a means of safe-guarding the same.

He/she shall possess such other powers, and perform such additional duties, not in conflict with this Charter as may be prescribed by ordinance.

Sec. 21. City manager; to become resident; powers and duties; bond.

The city manager shall be the administrative head of the city government. ~~The City Manager shall establish residency in the City of Porterville within a reasonable period of time within the discretion of the Council.~~ His/her powers and duties shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint except as otherwise provided in this Charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.
- (c) Repealed. 4-6-71.
- (d) To see that all the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the council any violation thereof.
- (e) To act, as purchasing agent for the city, should he/she be so appointed by the council.
- (f) To attend all meetings of the council unless excused therefrom by the council or mayor.
- (g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.
- (h) To keep the council advised as to the needs of the city.
- (i) To devote his/her entire time to the interests of the city.
- (j), (k) Repealed. 4-6-71.
- (l) Repealed. 3-4-03.
- (m) To possess such other powers and perform such additional duties as are prescribed by this Charter, or may be prescribed by ordinance.
- (n) Repealed. 4-6-71.

Sec. 22. City manager pro tem.

In case of an illness, scheduled vacation or scheduled absence from the city of the city manager, for a period of up to thirty (30) days, the individual designated as the deputy city manager shall serve as city manager pro tem. In the event that a deputy city manager has not been designated or the deputy city manager is otherwise unable to serve, the city manager shall appoint one of the existing directors of the city departments to serve as city manager pro tem.

In the case of any other absence, excluding a vacancy of the city manager position, from the city of the city manager, or his/her temporary disability to act as such, the council shall appoint a city

manager pro tem, who shall possess the powers and discharge the duties of the city manager during such absence or disability only; provided, however, that a city manager pro tem shall have no authority to appoint or remove any city department director except with the unanimous formal approval of all of the members of the council. In the event that the city manager position is vacant, the council shall appoint a city manager or acting/interim city manager in accordance with Sections 13 and 17 of this Charter.

Sec. 23. City clerk; to be clerk of the council when so appointed; duties; to keep corporate seal.

The city clerk shall be clerk of the council when so appointed by the council.

It shall be the duty of the city clerk to attend all sessions of the council and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the council shall be kept in a book marked "Minutes of the Council." He/she shall keep a book marked "Ordinances" into which he/she shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceedings. Such record shall not be filed but shall be returned to the custody of the city clerk. He/she shall also keep a book marked "Resolutions," into which he/she shall copy all resolutions passed by the council. Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed. He/she shall conduct promptly, and keep a systematic record of all correspondence between the council and third parties relating to city business.

He/she shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He/she shall safely keep all records, documents, ordinances, resolutions, books and such other papers and matters, as may be regularly delivered into his/her custody or required by law or ordinance to be filed with him/her.

Sec. 24. Director of finance; payment of demands; to check annual tax roll.

The city manager shall appoint the director of finance of the city, who shall serve as the general accountant of the city. He/she shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the director of finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render ~~each month~~ *on at least a quarterly basis*, a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

After the annual tax roll has been completed, and before it is deposited with the collector, the director of finance shall make a check of the roll correcting any errors that may be found and endorse same with his/her approval.

Sec. 25. City treasurer; appointment; duties; bond. Repealed April 6, 1971.

Sec. 26. Repealed April 2, 1963.

Sec. 27. Chief of police; duties; appointment and removal of subordinates; to make rules and regulations. Repealed April 6, 1971.

Sec. 28. Fire chief; appointment; duties and powers. Repealed April 6, 1971.

Sec. 29. Collector; duties. Repealed April 6, 1971.

Sec. 30. City engineer; powers and duties. Repealed April 6, 1971.

Sec. 31. Office of purchasing agent authorized; duties of heads of offices to submit estimates to agent; duties generally; competitive bidding; preference to local merchants. Repealed April 6, 1971.

Sec. 32. Street superintendent. Repealed April 6, 1971.

Sec. 33. Qualifications of health officer; duties. Repealed April 6, 1971.

Sec. 34. Vacations. Repealed April 6, 1971.

Sec. 35. Additional duties of officers.

Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

Sec. 36. Officers and employees to continue in office until successor elected or qualified.

Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinance or laws.

Sec. 37. Resignations from office; candidates for office not required to resign from other office prior to appointment or qualification; when resignation effective. Repealed April 6, 1971.

Sec. 38. Officers and boards having power to administer oaths and issue subpoenas; contempt proceedings. Repealed March 8, 1983.

Sec. 39. Fiscal year.

The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Sec. 40. Taxation to conform to general laws of the state.

Except as otherwise herein provided the council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; ~~provided, that all sales for delinquent taxes shall be made to the City of Porterville.~~ Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Sec. 41. Board of equalization. Repealed March 4, 2003.

Sec. 42. Annual tax levy to be affixed.

The council, not later than its second regular meeting in August, shall fix a rate of taxation sufficient to raise the amounts established by council action pursuant to Section 44. The council shall notify the County Assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll for the City.

Sec. 43. Limitation on tax levy. Repealed March 4, 2003.

Sec. 44. Limitation on special tax levies; enumeration of purposes for which special taxes may be levied.

The council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes:

(a) For the support and maintenance of the fire department, for fire protection purposes, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city;

(b) For the acquisition, construction and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, at the rate of not more than two mills on each dollar thereof;

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than two mills on each dollar thereof.

(d) For the maintenance and support of free public parks and playgrounds in said city, at the rate of not more than two mills on each dollar thereof;

(e) For music, entertainment, and promotion, at the rate of not more than one mill on each dollar thereof.

Sec. 45. Taxes and assessments to constitute a lien; foreclosure.

All taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March each year and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for city taxes due thereon the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter. *This section is cumulative to any rights and remedies the City may have under the general laws relating to the enforcement and collection of taxes and assessments.*

Sec. 46. Disposition of city money.

All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily if possible, and at least once each week.

Sec. 47. Application of surplus bond money.

All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond and interest redemption fund.

Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.

No money shall be expended ~~and no indebtedness shall be incurred~~ on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance ~~by four-fifths (4/5) a majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the amount of money that may be expended, or the indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.~~

The City Council, by ordinance ~~approved by 4/5th resolution~~ *by a majority vote of the Council*, shall establish the maximum amount of money to be expended ~~and/or indebtedness incurred~~

on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by ordinance resolution shall not be adjusted until after each general Council election, commencing with the first such election occurring after January 1, 2004, and then only by a 4/5th majority vote.

No indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by resolution by a four-fifths (4/5) vote of the Council; provided that following every Council election, the City Council may, by a four-fifths majority vote, adjust the amount of indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.

The City Council, by resolution approved by a four-fifths vote of the Council, shall establish the maximum amount of indebtedness to be incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established shall not be adjusted until after each general Council election, and then only by resolution by a four-fifths majority vote.

Indebtedness evidenced by general obligation bonds shall be incurred by the City only if approved by the City Council and authorized by the voters as required by the Constitution and general laws of the State.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his warrant as directed by the

council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

Sec. 49. ~~Monthly~~ Quarterly financial reports required.

All officers required by this Charter or by ordinance to submit ~~monthly~~ quarterly financial reports to the council, shall submit the same in duplicate, and upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the city clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Sec. 50. Approving illegal claims to forfeit office.

Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the city individually and on his/her official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his/her office and be forever disbarred from holding any position in the service of the city.

Sec. 51. Annual budget contents; publication.

Not later than thirty days before the end of the city's fiscal year, the city manager shall submit to the council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the council for inspection by the public, unless the council shall publish the same in a newspaper.

After duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted. At any meeting after the adoption of the budget, the council, by a vote of three (3) members, may amend or supplement so as to authorize the transfer of unused balances for one purpose to another purpose or to appropriate available revenues not included in the budget.

Sec. 51A. General reserve fund; purposes. Repealed April 6, 1971.

Sec. 52. Uniform accounts and reports. Repealed April 6, 1971.

Sec. 53. Written Investment Policy.

The city manager shall recommend and the city council by resolution shall adopt a policy to govern the investment of all city monies, which policy shall be consistent with applicable state law and shall, at a minimum, provide for the investment of all monies in such a manner as to assure the preservation and safety of principal and the integrity of record keeping; identify the types of allowable investments; and provide for the safekeeping of securities.

Sec. 54. Applicability of general laws.

All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this Charter or the ordinance of the city hereafter enacted shall be applicable to the city. The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the state.

Sec. 55. Repealed April 2, 1963.

Sec. 56. Public library.

The free public library of the City of Porterville shall be established, conducted, carried on, managed and operated in accordance with rules, regulations and ordinances passed and adopted by the council of the City of Porterville.

Sec. 57. Park commission; composition; term; powers and duties; authority to accept donations, legacies or bequests. Repealed April 6, 1971.

Sec. 58. Pensions.

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

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

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

Sec. 59. ~~Employment~~ Hiring of certified public accountant to audit city books.

The city council shall ~~employ contract with~~ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

Sec. 60. Financial interests prohibited.

City officers and employees are prohibited from having a financial interest in any contract, sales or purchases in accordance with applicable State law.

Sec. 61. Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of two thousand five hundred dollars.

~~When a required expenditure exceeds five thousand dollars~~ *When the City determines to contract for work for a public project, and the cost estimate for said work exceeds five thousand dollars,* it shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, *or in the case of circumstances resulting in an ~~serious~~ imminent threat to public health and/or safety,* the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose. (4-10-61)

The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.

[SEPARATE STAND ALONE MEASURE TO BE SUBMITTED TO VOTERS:]

Sec. 61. *Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the estimated contract cost is in excess of fifty thousand dollars.*

When the City determines to contract for work for a public project, and the cost estimate for said work exceeds fifty thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or in the case of circumstances resulting in an imminent threat to public health and/or safety, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.

The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.

Sec. 62. **Public improvements.**

The improvement widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement or undertaking of any public project may be done and assessments therefor may be levied in conformity with and under the authority conferred by

general laws; provided, however, that the council may by ordinance adopt a procedure for the *construction and/or* improvement and repair of streets, alleys or other public places *or facilities*; the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto and for making and enforcing assessments against property benefitted or affected thereby, or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

Sec. 63. Franchises; limitation on renewals.

Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley or other public place within the city or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the city, shall be granted under and in pursuance of the general franchises; provided, no new franchise or the renewal of any existing franchises shall be granted except upon the condition that at least two percent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions in granting the same not inconsistent with the constitution and general laws. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated, without the express consent of the council given by ordinance and subject to referendum.

Sec. 64. When franchise required.

No person, firm, or corporation shall exercise any franchise or privilege, except to the extent he or it may be entitled to do so by the constitution of the state, or of the United States, in, upon, under, over, or along any street, public way, or public place in the city without having first obtained a grant therefor as provided in this Charter and by general law.

Sec. 65. Newspaper advertising and printing.

The council shall advertise annually for the submission of sealed proposals or bids from newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the official newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for legal advertising shall be awarded to the lowest responsible bidder, provided no contract for legal advertising shall be awarded to any newspaper except a daily newspaper of general circulation, as defined by the Government code.

Sec. 66. Public Records. Delivery and safekeeping of documents.

The public shall have access to public records kept and maintained by the city in accordance with the law.

Sec. 67. Interference with performance of duties of city manager; interference by city manager in elections.

~~No member of the council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable state and federal law.~~

~~The council shall deal with the administrative functions of the city through the city manager. The Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions.~~

Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads or any other employees in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service and powers under the City Manager solely through the City Manager, and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member. Additionally, any City Council member violating this section may be subject to civil remedies as specified in Section 74.

[Note – the remainder of section 67 was moved to proposed new section 67.1]

Section 67.1 Political Activities by Legislative and Administrative Officers, Employees

Political activities of and campaign contributions by the city's legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their work place.

Furthermore, city officers and employees are prohibited from engaging in political activities on city properties, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.

Sec. 68. Leases of city property.

In every lease of city property the basic amount of rental shall be fixed by the council.

All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described, upon ~~three months' notice thereof~~ *written advance*

notice equivalent to either 30 days or a maximum of five percent (5%) of the total lease term period as specified in the lease, but not including option periods, and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee.

In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a maximum term of more than fifty years.

For any month-to-month lease of city property, the above notice requirements shall not be required, and responsibility for improvements and any associated reimbursement may be negotiated and set forth in the terms of the lease.

Sec. 69. Inventory of city property.

At the time for preparing and submitting the budget, as prescribed by this Charter, a complete inventory of all personal property belonging to the city shall be prepared and filed with the city clerk, and such inventory shall be submitted to the council by the city manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the city manager, and all chief officials and department heads of the city shall be responsible for making and transmitting to the city manager a full and correct inventory of all city personal property in their possession or under their control.

Sec. 70. Equipment. Repealed April 6, 1971.

Sec. 71. Zoning authorized.

The council of the City of Porterville shall have the power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify, and reclassify the zones established. The council may also prescribe the character of materials and methods of construction of buildings erected within any zone area, and may establish setback lines as it may consider necessary and proper.

Sec. 72. Suspension of employees from office and fines. Repealed March 8, 1983.

Sec. 73. Natural or other disasters.

The city shall have in place a disaster plan, consistent with County, State and Federal policies, to be implemented in the event of an emergency or disaster.

Sec. 74 Violations.

This section shall apply only if a penalty/violation is not otherwise explicitly provided for in the Charter. A violation of any provision of this Charter shall be a misdemeanor with maximum fines and imprisonment as allowed by law, except that such violation may be prosecuted as an infraction, at the discretion of the City Council.

Any violation of this Charter may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies; including but not limited to civil action and/or injunction, or administrative citation in accordance with adopted City ordinances. To the fullest extent allowed by law, civil remedies may be utilized in addition to or as an alternative to criminal enforcement.

The City shall be authorized to recover its full costs, including reasonable attorneys' fees, for the enforcement of any violation of this Charter or Municipal Code. The City Council is authorized to adopt any necessary or appropriate ordinances to implement this section of the Charter.

Respectfully Submitted on December 17, 2013:

A handwritten signature in dark ink, appearing to read "Allan M. Bailey", written over a horizontal line.

**Allan M. Bailey, Chair
2013 City Charter Review Committee**

MEMORANDUM

MCCORMICK KABOT JENNER & LEW
A Professional Corporation
1220 West Main Street
Visalia, California 93291
Telephone: (559) 734-6729
Facsimile: (559) 734-8762

January 2, 2014

TO: Members of the Porterville Charter Review Committee

FROM: Julia Lew, Porterville City Attorney

SUBJECT: Porterville Charter Pension Provisions

This memorandum is provided to assist the Committee with its consideration of the City's current Charter provisions related to its Pension system. Per the direction of the Committee, it wishes to address this item first given its complexity.

The City's current charter provisions related to city employee pensions is located at Section 58 and reads as follows:

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

A system for retirement, disability, death benefit and pension rights for employees and their dependents authorized by this section when established by the Council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor.

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

ATTACHMENT 02

The City participates in the PERS system as its retirement system, but recently negotiated with its labor organizations to utilize a separate program for new employees. City staff can address the City's current system/PERS participation and obligations under its collective bargaining agreements at the Committee's meeting. City staff is also looking into having PERS staff address the Committee concerning the City's current system.

The cost of participating in PERS has increased greatly over the past decade, with the reasons for the increases vigorously debated and a contentious issue. There is growing concern that without continuing substantial increases in costs to the agencies, a substantial portion of money needed to fund promised pensions for PERS participants throughout the State may be unfunded.

Consequently, cities are increasingly looking at alternative systems to PERS, for new and current employees, as well as making extensive reforms to their own (non-PERS) systems. The Porterville City Council has noted this and directed that the Charter Review Committee consider possible alternatives.

Citizens of San Diego and San Jose both submitted ballot measures via their initiative processes providing for extensive amendments to their Charters addressing their pension systems. As noted at the prior Committee Meeting, the legal validity of both of these initiatives/amendments is in question and has not yet been resolved. Both amendments are attached to this memorandum in full and have been summarized below, along with the current legal status:

SAN DIEGO

San Diego's "Proposition B" was passed in June 2012 with 65.81% voting for it. San Diego already had a separate pension system (from PERS) prior to the adoption of the Proposition. The initiative was introduced by a group of individuals, including the Mayor. The Proposition did the following:

1. Gave new City workers a 401(k) with a City match instead of a guaranteed pension (change from defined-benefit to defined-contribution). The City's contribution levels will be capped at 9.2% of final salary for general employees and 11% for public safety employees.
2. Provided that the guaranteed pension for newly-hired public safety workers will max out at 80% of the individual's salary (the current cap had been at 90%).
3. Capped San Diego's overall payroll for 5 years at its 2011 level of less than \$600 million annually. The specific requirement is that the City will commence negotiating this with the unions, but that the bargaining position may be overturned with a 2/3 vote of the Council.

4. Employees' base compensation, upon which their pension benefits are calculated, would be limited to exclude supplemental and specialty pay.
5. Eliminated a provision from the Charter that required a majority vote of all City employees to approve any changes to retirement benefits.
6. City officers and employees convicted of a felony related to their positions will lose their pension benefits.
7. The City will be required to annually publish the amounts of pension benefits paid to retirees, with the names redacted to protect privacy.

Voters had already approved a measure in 2006 that required voter approval of future City employee pension benefits increases.

In February 2012, the State PERB Board ruled that the fact that there were two elected City officials on record in favor of the initiative meant that the initiative, though sponsored by public citizens, had run afoul of the City's "meet and confer" requirements, and PERB attempted to keep the initiative off the June ballot. The Judge declined to issue a temporary restraining order requested by PERB, but In February 2013 a PERB administrative law judge ruled that the City should have negotiated with the labor unions prior to taking it to the ballot. A separate lawsuit was filed claiming that the proposed amendments amounted to charter "revisions" that were only permitted to be introduced by the City Council or a charter review commission, but the Court ruled against this claim as well. Other lawsuits have been filed, and on July 31, 2012, a Judge ruled against a union request for an injunction to postpone the City's implementation of the amendment. However, the lawsuits have not yet been resolved and likely will not be for years.

SAN JOSE

San Jose's "Measure B" was passed in June 2012 by about 69% of the voters. San Jose also has a separate (non-PERS) retirement system. This initiative was also spear-headed by the City's Mayor. The Measure did the following:

1. Current employees will have to pay a larger portion of their salaries to maintain their existing benefits. This will mean paying up to 16% of their salaries, not to exceed 1/2 the cost of their normal benefits, which does not include unfunded liabilities. (The City had paid almost 3/4 of the normal cost of employee's pensions.) This provision included a clause that directs an equivalent amount of savings to be obtained through salary reductions, should a court find this provision unenforceable.
2. Employees who do not opt to pay the higher contribution rates will be placed in a new, less generous plan.

3. New employees will be placed in more limited pension plans, and the City has the option to enroll employees in Social Security or establish a 401(k) style defined contribution plan.
4. Employees must pay for at least half the normal cost and unfunded liabilities of retiree health care plans.
5. The City will no longer issue extra pension payments when the pension investment funds experience "excess" returns.
6. The automatic annual COLAS paid to retirees is reduced from 3% to 1.5% for new employees and current employees that opt into the newer, less generous plan, and COLAS may be suspended for up to 5 years if the City declares a fiscal emergency.
7. Disability retirements were limited to cases where the employee is incapable of engaging in gainful employment with the City but not yet eligible to retire.
8. All future increases in pension benefits or other post employment benefits must be ratified by the voters.

The approved measure was challenged in court as unconstitutional, and final arguments in the superior court case were made this month. Whatever the decision may be, it will almost certainly be appealed.

October 7, 2013

Ms. Ashley Johansson
Initiative Coordinator
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

RECEIVED

OCT 15 2013

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICERe: Request for Title and Summary for Proposed Initiative

Dear Ms. Johansson:

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed proposed statewide initiative: **"The Pension Reform Act of 2014."** Also enclosed are the required signed statements pursuant to California Elections Code sections 9001 and 9608, and a check in the amount of \$200.

Please direct all inquiries and correspondence regarding this proposed initiative to:

James R. Sutton, Esq.
Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108
415/732-7700
jsutton@campaignlawyers.com.

Thank you for your time and attention to this matter.

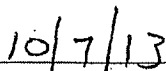
Sincerely,



Signature of Proponent

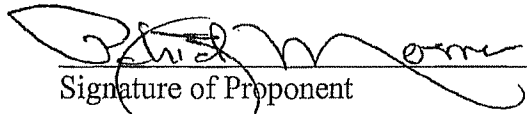


Printed name



Date

Ms. Ashley Johansson
Request for Title and Summary for Proposed Initiative
"The Pension Reform Act of 2014"


Signature of Proponent

Patrick J. Morris
Printed name

10/8/13
Date

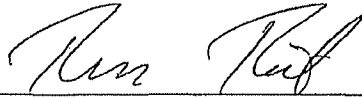
Ms. Ashley Johansson
Request for Title and Summary for Proposed Initiative
"The Pension Reform Act of 2014"

William R Kampe
Signature of Proponent

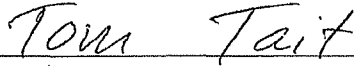
William R Kampe
Printed name

Oct 6, 2013
Date

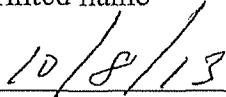
Ms. Ashley Johansson
Request for Title and Summary for Proposed Initiative
"The Pension Reform Act of 2014"



Signature of Proponent

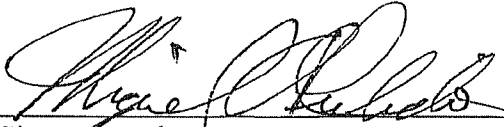


Printed name

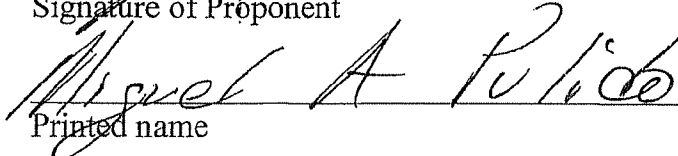


Date

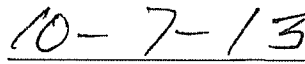
Ms. Ashley Johansson
Request for Title and Summary for Proposed Initiative
"The Pension Reform Act of 2014"



Signature of Proponent



Printed name



Date

THE PENSION REFORM ACT OF 2014

SECTION 1. TITLE.

This measure shall be known and may be cited as "The Pension Reform Act of 2014."

SECTION 2. FINDINGS.

(a) Government has a responsibility to provide essential services that protect the safety, health, welfare, and quality of life enjoyed by all Californians. Government also has an obligation to be fair to its employees and ensure that its retirement benefit plans are sustainable, fiscally sound, and able to meet the commitments made to its employees and retirees.

(b) The cost of California's current government employee retirement benefits is threatening the government's ability to achieve these goals. California's government reform agency, the Little Hoover Commission, issued a report in February 2011 entitled "Public Pensions for Retirement Security." The report stated, "*California's pension plans are dangerously underfunded, the result of overly generous benefit promises, wishful thinking and an unwillingness to plan prudently.*" The Commission concluded that pension costs are impairing the government's ability to provide essential services, and without aggressive reforms, cities and counties will be forced to slash services, reduce other forms of compensation, and lay off more government employees. In fact, government employee retirement benefits are a primary factor behind the bankruptcies of the cities of Stockton and San Bernardino, and threaten dozens more jurisdictions with service-level insolvency. And if these problems continue to grow and become more widespread, government employees will be in peril of not receiving the retirement benefits they have earned.

(c) The current situation was not foreseen when the State Legislature passed Senate Bill 400, which granted retroactive pension increases to state employees in 1999. Back then, the California Public Employees Retirement System ("CalPERS"), the state's largest pension plan, estimated that state pension costs would not increase for a decade. Instead, according to CalPERS, the cumulative increase in state pension costs topped \$16 billion during that decade. In addition, the Stanford Institute for Economic Policy Research has estimated that unfunded state and local pension liabilities now exceed \$500 billion. These dramatic cost increases and unfunded liabilities are not simply due to the recession or drops in the housing and stock market several years ago, but are also attributable to inherent and systemic flaws in the government employee retirement benefits system. In a report issued in April 2013, CalPERS projected that retirement

contributions will rise by up to an additional 50 percent during the next seven years, creating a burden that will prove unbearable for many cities, counties and other local government agencies. The situation at the California State Teachers' Retirement System ("CalSTRS") is much worse. In September 2013, CalSTRS reported that, under currently accepted Governmental Accounting Standards Board standards, its pension plan was only 44.7 percent funded.

(d) This voter-sponsored measure is necessary because attempts to reform the system through legislation and other initiatives have been inadequate. Even though the Little Hoover Commission has confirmed that California cannot solve its pension problems without making prospective changes going forward for current employees, the pension reforms passed by the Legislature in 2012 did not include such necessary changes. In addition, more substantial pension reforms adopted by local governments are at-risk of being overturned by the courts due to a lack of clarity in the law. While private sector pension plans are governed by federal laws that allow the plan sponsors to prospectively change employee benefits and provide for specific remedies when the plans become financially distressed, some argue that the language in some California judicial decisions hold that the same standard does not apply to public pensions. Finally, the citizens of California strongly support pension reform and believe the 2012 state legislation did not fix the problem.

(e) This measure is fair and reasonable, serves an important public purpose, restores the integrity and stability of government pension systems, and is necessary to preserve and protect the safety, health and welfare of the people of California, for the following reasons:

(1) This measure allows government employers and voters to modify pension and retiree healthcare benefits and to increase employee contributions in future collective bargaining agreements for future years of service, while protecting benefits previously earned.

(2) Under federal law for private sector pension funds, pension plans are allowed to modify benefits for future years of service and are required to develop a plan for corrective action when they are underfunded. This measure would apply similar standards to government employee pension and retiree healthcare plans, allowing financially distressed government employers to make necessary modifications and requiring agencies administering the plans to implement such modifications.

(3) This measure provides long-term stability to retirement benefit programs by providing comprehensive standards that permit government employers to make and implement necessary modifications to pension and retiree

healthcare plans that will provide fiscal sustainability for the government employer, require implementation of such modifications by agencies administering such plans, and give the courts clear direction on how to adjudicate such important public policy goals.

(f) Therefore, to enable the people of California to meet the goals outlined above, to prevent them from being encumbered with additional unsustainable burdens, and to protect government employees and retirees, this measure amends the Constitution of the State of California.

SECTION 3. PURPOSE AND INTENT.

The People hereby enact this measure:

(a) To amend the Constitution of the State of California to enable the people of California to take those actions necessary to attain fiscal sustainability and provide fiscally responsible and adequately funded pension and retiree healthcare benefits for all government employees and retirees.

(b) To create an explicit constitutional amendment to Article 1, Section 9 of the California Constitution.

(c) To prevail and control over any conflicting provisions in the California Constitution, California Government Code or other provision of California law.

(d) To supersede the portions of the California Supreme Court decisions in *Kern v. City of Long Beach* (1947) 29 Cal.2d 848, *Miller v. California* (1977) 18 Cal.3d 808, and their progeny which have been construed as limiting the ability to prospectively modify pension and retiree healthcare benefits for work not yet performed by government employees.

(e) To authorize state and local governments to exercise their authority, including the exercise of their inherent police powers, to provide and protect essential government services, consistent with the United States Constitution.

(f) To provide clear and reasonable guidelines to all California courts, government employers and retirement plan administrators to address these serious pension and retiree healthcare benefit cost and underfunding problems in a manner consistent with the United States Constitution's contract, takings, equal protection and due process provisions.

(g) To protect pension and retiree healthcare benefits based on work already performed, while allowing reasonable modifications to such benefits for future services.

SECTION 4. AMENDMENTS TO CALIFORNIA CONSTITUTION

Section 9 of Article I of the California Constitution is amended to read:

A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed. *Section 12 of Article VII of the Constitution is deemed not to impair the obligation of contracts.*

Section 12 is added to Article VII of the California Constitution, to read:

Public Employee Retirement Benefits and Obligations

SEC. 12(a)(1) From the effective date of this Section, to the extent any government employer confers its current employees with vested contractual rights to pension or retiree healthcare benefits of any kind, such rights shall be earned and vested incrementally, only as the recipient employee actually performs work, and only in proportion to the work performed, subject to the vesting periods established by the applicable plan.

(2) Nothing in this subsection shall affect pension or retiree healthcare benefits earned and accrued for work already performed by employees or retirees.

(b) For any government employee hired after the effective date of this Section, to the extent any government employer confers these employees with vested contractual rights to pension or retiree healthcare benefits of any kind, such rights shall be earned and vested incrementally, only as the employee actually performs work, and only in proportion to the work performed, subject to the vesting periods established by the applicable plan.

(c) Any action by a government employer, labor agreement or voter initiative prior to the effective date of this Section shall not be found to have created a vested contractual right to future pension or retiree healthcare benefits before such work is performed by employees, unless the specific language of the underlying action, agreement or initiative expressly states that such benefits are vested or are otherwise irrevocable.

(d) Nothing in this Section shall be construed as conferring or vesting any rights or benefits on government employees not expressly granted by the government employer.

(e) The terms of a pension or retiree healthcare benefit plan for work not yet performed may be amended through a labor agreement, an action by a legislative body, or an initiative, referendum or other ballot measure initiated by the voters or by a legislative body. Any such amendments to pension or retiree healthcare benefits made by a legislative body, whether by legislation or by placing a measure on the ballot, shall comply with applicable collective bargaining laws.

(f) Courts shall have exclusive jurisdiction to consider and adjudicate all disputes regarding laws relating to pension or retiree healthcare benefits enacted or proposed through an initiative, referendum or other ballot measure.

(g)(1) Nothing in this Section shall alter any provisions of a labor agreement in effect as of the effective date of this Act, but this Section shall apply to any successor labor agreement, renewal or extension entered into after the effective date of this Act.

(2) Any provision of a labor agreement executed within 12 months before the effective date of this Act which is inconsistent with any provision of this Act shall be invalid if a court determines by a preponderance of evidence that such provision of the labor agreement was entered into for the purpose of avoiding this Act.

(3) For the purposes of this subsection, there shall be a rebuttable presumption that any labor agreement renewed or extended more than 6 months before its expiration date during the 12-month period before the effective date of this Act was entered into for the purpose of avoiding this Act.

(h) The amount employees are required to pay for pension or retiree healthcare benefits is a component of an employee's compensation package, and may be amended through a labor agreement, an action by a legislative body, or an initiative, referendum or other ballot measure initiated by the voters or by a legislative body.

(i)(1) If a government employer finds its pension or retiree healthcare plan is substantially underfunded and is at risk of not having sufficient funds to pay benefits to retirees or future retirees, or declares a fiscal emergency because the financial condition of the government employer impairs its ability to provide essential government services or to protect the vital interests of the community, the government employer, in addition to its current powers and the powers set out in this Section, shall have the authority to implement one or more of the following actions for all employees, within the limits of the United States Constitution:

(i) Reduce the rate of accrual for pension or retiree healthcare benefits to be earned in the future.

(ii) Reduce the rate of cost of living adjustments for pension or retiree healthcare benefits to be made in the future.

(iii) Increase the retirement age for payment of pension or retiree healthcare benefits to be earned in the future.

(iv) Require employees to pay a larger share of the cost of pension or retiree healthcare benefits.

(v) Other reductions or modifications of pension or retiree healthcare benefits agreed upon during collective bargaining.

(2) If a government employer takes any of the actions described in this subsection, such actions shall apply only to work performed by employees after the date on which the government employer takes such actions.

(3) If such actions are within the mandatory scope of collective bargaining, they shall be submitted to collective bargaining. If the government employer and represented employees do not reach an agreement within 180 days, the government employer shall have the authority to implement such actions. Retirement plan administrators shall be required to implement changes as directed by the government employer unless ordered otherwise by a court.

(4) The government employer shall make factual findings establishing that such actions are reasonable and necessary to serve an important public purpose and are consistent with the United States Constitution and the California Constitution, as modified by this Act.

(5) Any such actions may be subsequently amended to take into account changes in circumstances, subject to the process established in this Section.

(j)(1) For any pension or retiree healthcare plan with assets equaling less than 80 percent of the plan's liabilities, as calculated by the plan's actuary using generally accepted accounting principles, the government employer shall prepare a pension or retiree healthcare stabilization plan.

(2) The pension or retiree healthcare stabilization plan shall specify actions designed to achieve 100 percent funding of the plan within 15 years while preserving basic government services. Such plan shall identify (i) the benefits to be modified, if any, (ii) the additional costs to be incurred by employees, if any,

(iii) the additional costs would be incurred by the government employer, if any, (iv) the specific funding sources that to be used to pay for such additional costs, (v) the investment return rates needed to be achieved to obtain such funding level, as well as information regarding the historical rates of return earned by the applicable plan, and (vi) the impact of any existing pension obligation bonds issued by the government employer, and any additional actions that may be needed to pay off such bonds.

(3) The pension or retiree healthcare stabilization plan shall be published for public review within 180 days of receiving an actuarial valuation from the retirement plan administrator on the funding status of the pension or retiree healthcare plan.

(4) The government employer shall hold a public hearing to receive public input and formally accept the pension stabilization plan within 270 days of receiving an actuarial valuation from the retirement plan administrator on the funding status of the plan.

(5) Each year thereafter the government employer shall follow the process established in this Section until the pension or retiree healthcare plan's actuary reports that the pension or retiree healthcare plan is at least 100 percent funded.

(k) When a government employer modifies, freezes or terminates a pension or retiree healthcare plan, the government employer's obligation to ensure payment for all employee benefits accrued prior to the date of such action shall continue. For such modified, frozen or terminated plans, the retirement plan administrator shall use the same discount rate applied to the plan administrator's unmodified plans when establishing contribution rates and shall not impose a penalty or premium on such plans. The government employer and employees shall maintain responsibility for all unfunded liabilities in such plans in accordance with the terms of the labor agreement between the government employer and employees, and shall make amortization payments using the same methodologies that govern the retirement plan administrator's other plans. This provision shall not apply to the obligations of government employers which are dissolving.

(l) The power to amend the terms of a pension or retiree healthcare benefit plan as allowed under this Section may not be prohibited or limited by labor agreement, statute, resolution, ordinance, or any other act by an executive, legislative body, pension board, or any other governmental entity.

(m) Every government employer and pension board shall promptly implement and enforce all provisions of this Act.

(n) Should it be determined that any provision of this Act is in conflict with any other provision of the California Constitution, the California Government Code or any other provision of California law, the provisions of this Act shall prevail and control.

(o) As used in this Section, the following definitions shall apply:

(1) "Act" shall mean the Pension Reform Act of 2014.

(2) "Government employee" and "employee" shall mean an employee, officer or elected official of a government employer who is entitled to receive pension or retiree healthcare benefits.

(3) "Government employer" and "employer" shall mean the state or a political subdivision of the state, including but not limited to counties, cities, charter counties, charter cities, charter city and counties, school districts, special districts, boards, commissions, the Regents of the University of California, California State University, and agencies thereof. For the purposes of this section, the Legislature shall serve as the government employer for the members of the California State Teachers Retirement System.

(4) "Labor agreement" shall mean a memorandum of understanding, collective bargaining agreement, contract or similar agreement entered into between a government employer and a recognized employee organization representing government employees.

(5) "Pension" or "pension benefits" shall mean a plan or trust providing a defined benefit determined by a formula based on factors such as age, years of service and compensation, or a defined contribution plan. It shall not include disability benefits for government employees or death benefits for families of government employees, even if those benefits are provided as part of a pension or deferred compensation plan.

(6) "Pension board" shall mean a retirement board as defined in section 17(h) of Article XVI.

(7) "Plan" and "retirement plan" shall mean any pension or retirement plan offered by a government employer for the purpose of providing retirement benefits to government employees.

(8) "Retiree healthcare" or "retiree healthcare benefits" shall mean a plan or trust providing healthcare benefits to retired government employees, such as healthcare services (including acute and chronic care), payment of capitation fees

(including those for the United States Medicare Program), other medical services, and dental and vision services. It shall not include disability benefits for government employees or death benefits for families of government employees even if those benefits are provided as part of a healthcare plan.

SECTION 5. Effective Date.

Except as otherwise provided herein, this Act shall become effective the day after its approval by the voters, pursuant to section 10(a) of Article II of the California Constitution.

SECTION 6. Conflicting Measures.

This Act is intended to be comprehensive. It is the intent of the People that in the event this Act and one or more measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

SECTION 7. Liberal Construction.

This Act is an exercise of the public power of the people of the State of California for the protection of the health, safety, and welfare of the people of the State of California, and shall be liberally construed to effectuate its purposes.

SECTION 8. Severability.

If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. The voters hereby declare that this Act, and each portion and part, would have been adopted irrespective of whether any one or more provisions or parts are found to be invalid or unconstitutional.

SECTION 9. Defending the Pension Reform Act of 2014.

(a) The people of the State of California declare that the proponents of this Act have a direct and personal stake in defending this Act and grant formal authority to the proponents to defend this Act in any legal proceeding, either by intervening in such legal proceeding, or by defending the Act on behalf of the people and the

State in the event that the State declines to defend the Act or declines to appeal an adverse judgment against the Act.

(b) In the event that the proponents are defending this Act in a legal proceeding because the State has declined to defend it or to appeal an adverse judgment against it, the proponents shall:

(1) act as agents of the people and the State;

(2) be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceeding;

(3) take and be subject to the Oath of Office prescribed by Article XX, section 3 of the California Constitution for the limited purpose of acting on behalf of the people and the State in such legal proceeding; and

(4) be entitled to recover reasonable legal fees and related costs from the State.