



**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 18, 2015, 5:30 PM**

Call to Order

Roll Call

**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:**

A. Closed Session Pursuant to:

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

**2** - Government Code Section 54956.95 – Liability Claim: Claimant: Ramon Alcantar, Jr. Agency claimed against: City of Porterville.

**3** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Amy Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:13-CV-00370-BAM.

**4** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON  
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Ward

Invocation

**PRESENTATIONS**

Outstanding Business - Wink

## **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 - August 6, 2015
  2. Library & Literacy Commission - August 11, 2015
  3. Arts Commission
  4. Animal Control Commission
  5. Youth Commission - Summer Hiatus
  6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
  1. Water Conservation Phase III System Status
  2. WildPlaces Mural Project Update

## **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. **City Council Minutes of March 17, 2015**
2. **Authorization to Purchase Fitness Equipment for Fallen Heroes Park**  
Re: Considering approval to purchase fitness equipment from Greenfields Outdoor Fitness for an amount not to exceed \$40,579.10, to be located at Fallen Heroes Park.

3. **Authorization to Amend the Jaye Street Bridge Design Contract**  
Re: Considering approval to amend the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673 for design of the Jaye Street Bridge Rehabilitation and Widening project.
4. **Acceptance of Project - Morton Avenue Shoulder Stabilization Project (Morton Avenue between SR 65 and Westwood Street)**  
Re: Considering acceptance of project from Todd Companies, and authorizing the filing of the Notice of Completion for the project consisting of the installation of curb, gutter, sidewalk, driveways, asphalt concrete paving, accessible ramps, and other appurtenant structures along Morton Avenue from SR 65 to Westwood Street.
5. **Authorization to Issue a Request for Proposal for the 2016 Short Range Transit Plan**  
Re: Considering approval to issue a request for proposals for the 2016 Short Range Transit Plan.
6. **Approval of Transit Measure R Program Supplement to Cooperative Agreement**  
Re: Considering approval of a resolution in support of the Program Supplement to Cooperative Agreement for the City's Transit Program.
7. **Centennial Plaza Literacy Center**  
Re: Considering approval to proceed with the Literacy Services extension project at Centennial Plaza not to exceed \$70,000 from Measure H funds.
8. **Request to Replace Landscaping Surrounding Police Department in Response to Drought and Water Restrictions**  
Re: Considering approval to enter into an agreement with Guzman Landscaping Maintenance of Tulare for the installation of drought tolerant landscaping at the Police Department for \$7,526.75.
9. **Approval for Community Civic Event - Iglesia del Nazareno - Rise Up Porterville - September 19, 2015**  
Re: Considering approval of an event to take place at Centennial Park, on Saturday, September 19, 2015, from 11:00 a.m. to 4:00 p.m.
10. **Approval for Community Civic Event - Fil-American Association of California - Filipino Weekend Fiesta - September 26-27, 2015**  
Re: Considering approval of an event to take place at Veteran's Park on Saturday, September 26, 2015, and Sunday September 27, 2015, from 8:00 a.m. to 9:00 p.m.

**11. Approval for Community Civic Event - Family HealthCare Network - Annual Health and Safety Fair - October 11, 2015**

Re: Considering approval of an event to take place from 2:00 p.m. to 5:00 p.m. on Sunday, October 11, 2015, at Veteran's Park.

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

**PUBLIC HEARINGS**

**12. Conditional Use Permit (PRC 2015-017-C) to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License for a Bona-Fide Public Eating Place for Haru Sushi Located at 920 W. Henderson Avenue**

Re: Consideration of a resolution approving the sale of alcohol under a Type 41 On-Sale Beer and Wine license for a Bona-Fide Public Eating Place for Haru Sushi located at 920 W. Henderson Avenue within the Porterville Town Center.

**13. Development Ordinance Text Amendment to Include Indoor Shooting Ranges Under Small-Scale Commercial Entertainment and Recreational Type Use**

Re: Considering approval of a development ordinance text amendment to include indoor shooting ranges within the definition of a small-scale commercial entertainment and recreational type use.

**14. Figtree Financing PACE Program**

Re: Consideration of a draft resolution and Associate Membership Agreement (JPA) authorizing property owners within the city of Porterville the ability to participate in the Figtree Program.

**SCHEDULED MATTERS**

**15. City Council Consideration of Items to be Purchased**

Re: Consideration of the purchase of Main Street Christmas lights, playground fencing at Veterans and Murry Park, military banner program, and Main Street planters.

**16. Status and Review of Declaration of Local Drought Emergency**

Re: Consideration of the continuance of the Declaration of Local Emergency, and any modifications to the draft Agreement between the City and County of Tulare.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**



**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of September 1, 2015

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](http://www.ci.porterville.ca.us).



## CITY COUNCIL AGENDA – AUGUST 18, 2015

SUBJECT: 1. Water Conservation Phase III System Status

SOURCE: Public Works

COMMENT: On April 1, 2015, the Governor issued an Executive Order that the State Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets. The Governor's Executive Order also directed the Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25% statewide. The State Water Board released revised proposed regulations that would require the City of Porterville to meet a 32% water usage reduction compared to 2013 production levels. The required implementation date was June 1, 2015.

In order for Porterville to meet the 32% reduction in water usage, the City has transitioned from Phase II to Phase III of the City's Water Conservation Plan as of June 2, 2015. The Water Conservation Plan applies to all municipal water users whether or not within city limits. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday only. If an address ends with an "even" number, the watering days are Wednesday and Sunday only. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m. with no watering on Mondays, Thursdays, and Fridays.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of July 2015, show that a total of 225 Notice of Violations were issued for water wasting; 25 resulted in an Administrative Citation.

The City water system has been impacted by the lack of rain over the last four years, resulting in lower water levels. Conservation efforts are beginning to show a beneficial effect on production demand. Water production for the calendar year to date, July 2015, shows a 41% reduction from the 5-year average.

As part of the emergency regulation, the City is required to provide monthly production data. The production for the month of July 2015 was 314 million

gallons and the production for the month of July 2013 was 533 million gallons, which equates to a 41% reduction. Residential consumption for July 2015 was 117.64 gallons per capita per day (GPCD).

Additionally, attached are diurnal curves for one week during the month of July 2015. Phase III of the City's water conservation plan has had an effect in diminishing the curves, but the trend of peak water use between 5:00-10:00 A.M. and 5:00-10:00 PM remains relatively consistent with the parameters established by the plan.

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Monthly Production Status for July 2015
2. Drought Response Phase III Flyer
3. Daily Demand Graphs 07-06-15 to 07-12-15

Appropriated/Funded: MB

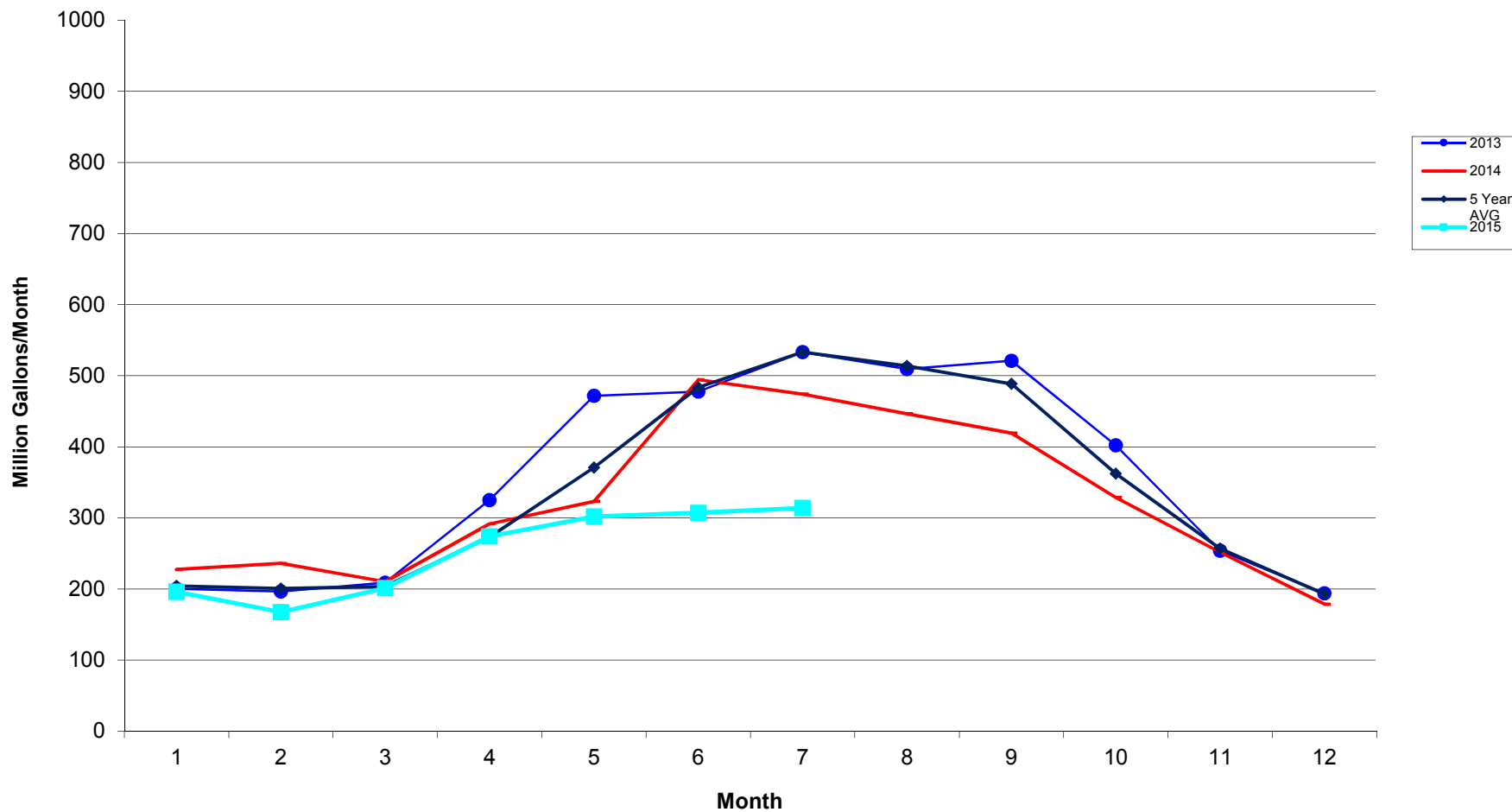
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**Monthly Production Status**  
**2014 Comparison to 2013 & 5 Year Average**  
**2015 Production**





## DROUGHT RESPONSE Phase III

**Mandatory Odd/Even Watering Schedule, based on address.**  
Residents will be allowed **TWO** days a week to water lawns and landscapes. No watering allowed on Mondays, Thursdays, and Fridays.

Watering is prohibited between the hours of **5:00 AM to 10:00 AM** and **5:00 PM to 10:00 PM**.

No watering outdoor landscapes during and within **48** hours after measurable rainfall.

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.

The operation of ornamental water features is prohibited unless the fountain uses a recycling system.

Non-compliance with Phase III water conservation regulations could result in citations with fines up to **\$500**.

# DROUGHT RESPONSE PHASE III

The City of Porterville has adopted Phase III of its Drought Response Plan. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address.

### Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	OK TO WATER	OK TO WATER	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
---	ODD	EVEN	---	---	ODD	EVEN

Odd Address

Even Address

#### ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering days are Tuesday and Saturday *only*.

**OR**

#### EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering days are Wednesday and Sunday *only*.

Violation Level	Citation Amount
First Violation	Warning Only
Second Violation	\$100 Fine
Third Violation	\$200 Fine
Fourth Violation	\$500 Fine

## Mandatory Odd/Even Watering Schedule

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## Excessive water runoff prohibited

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## The washing of sidewalks and driveways is prohibited

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## Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

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## Ornamental water features are prohibited unless the fountain uses a recycling system

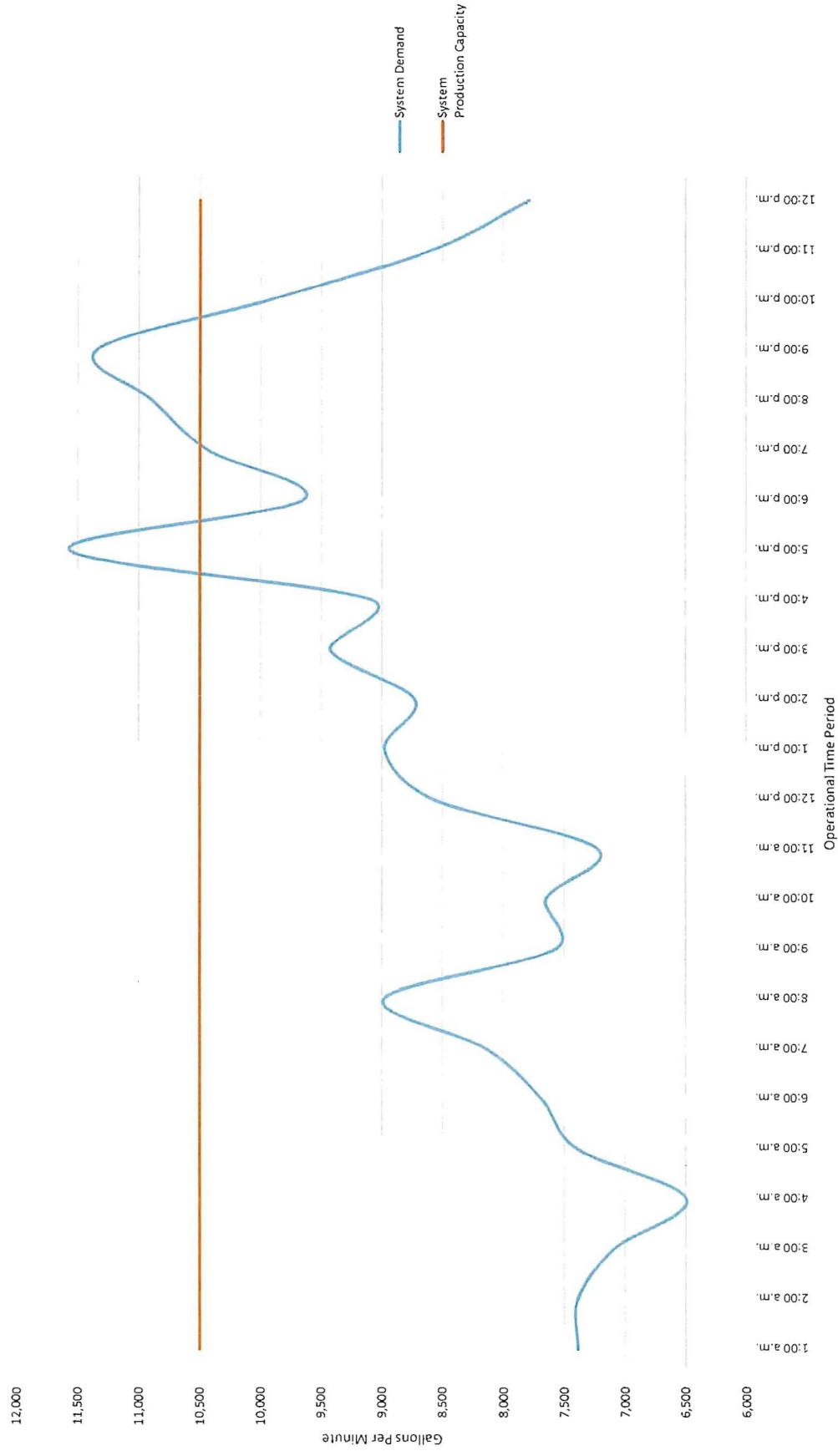
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## WATERING PROHIBITED BETWEEN THE HOURS OF 5:00 – 10:00 AM 5:00 – 10:00 PM

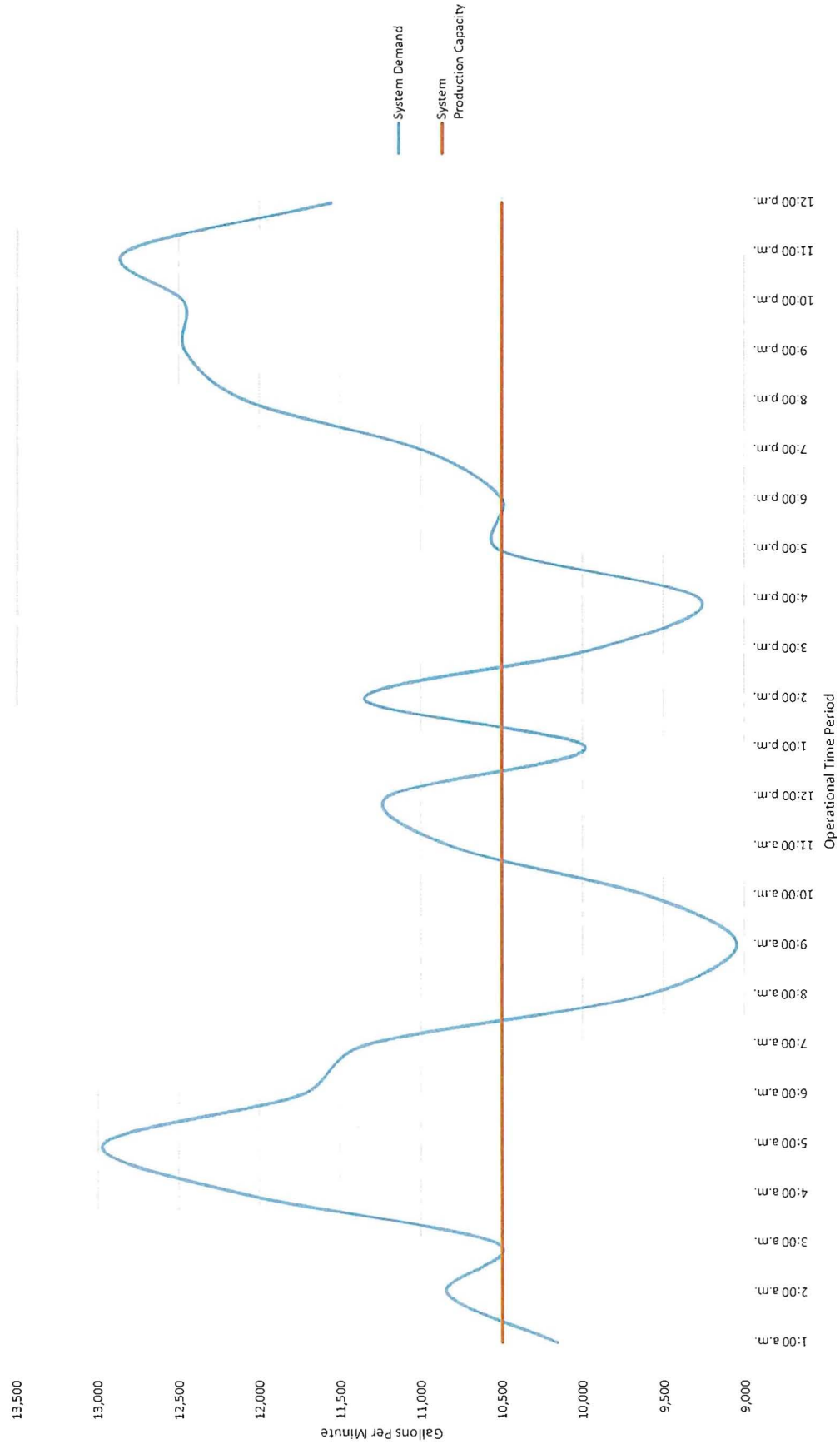
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## NO WATERING ON MONDAYS, THURSDAYS, AND FRIDAYS.

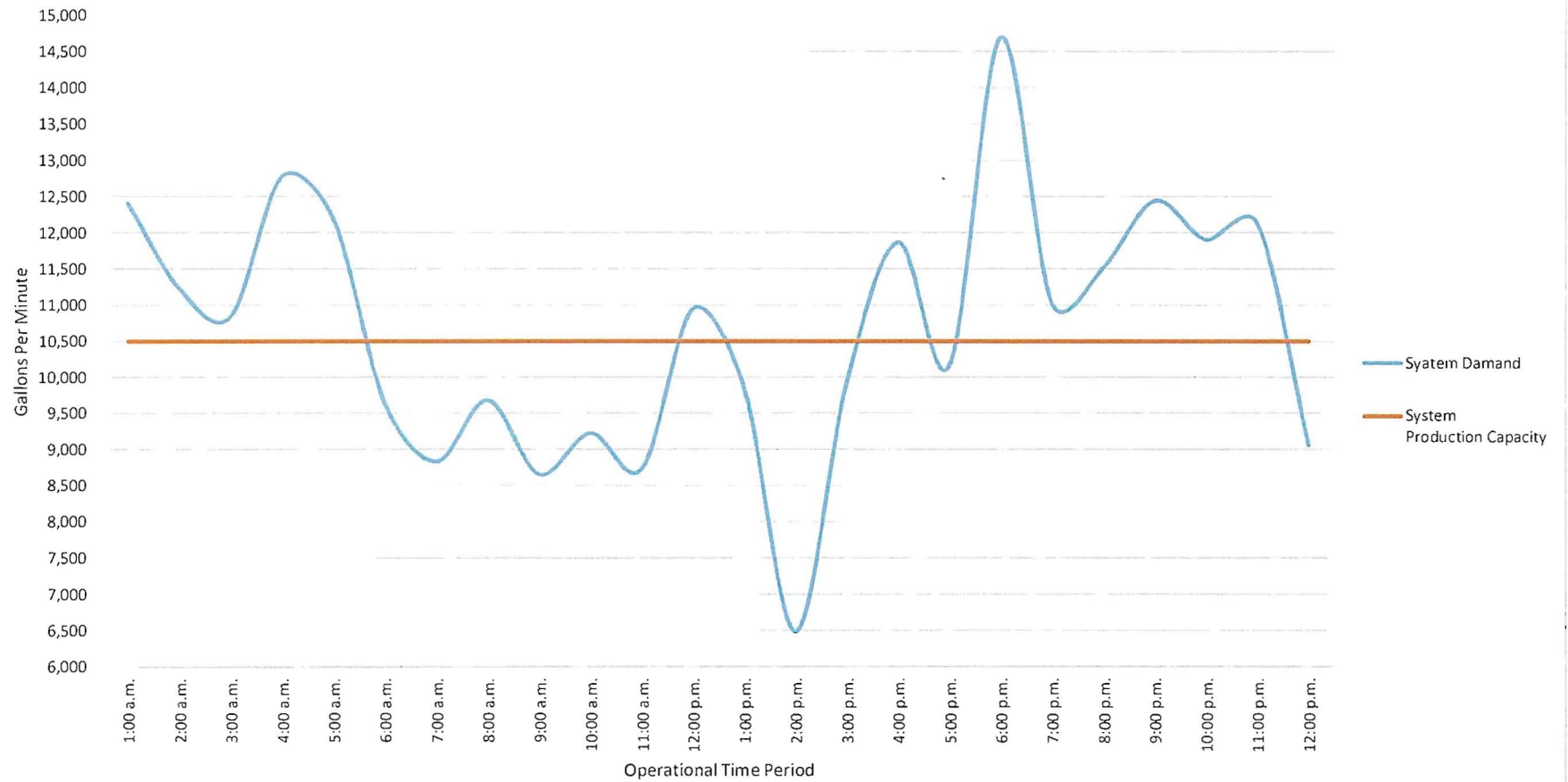
Daily Demand for Monday July 6, 2015



Daily Demand for Tuesday July 7, 2015

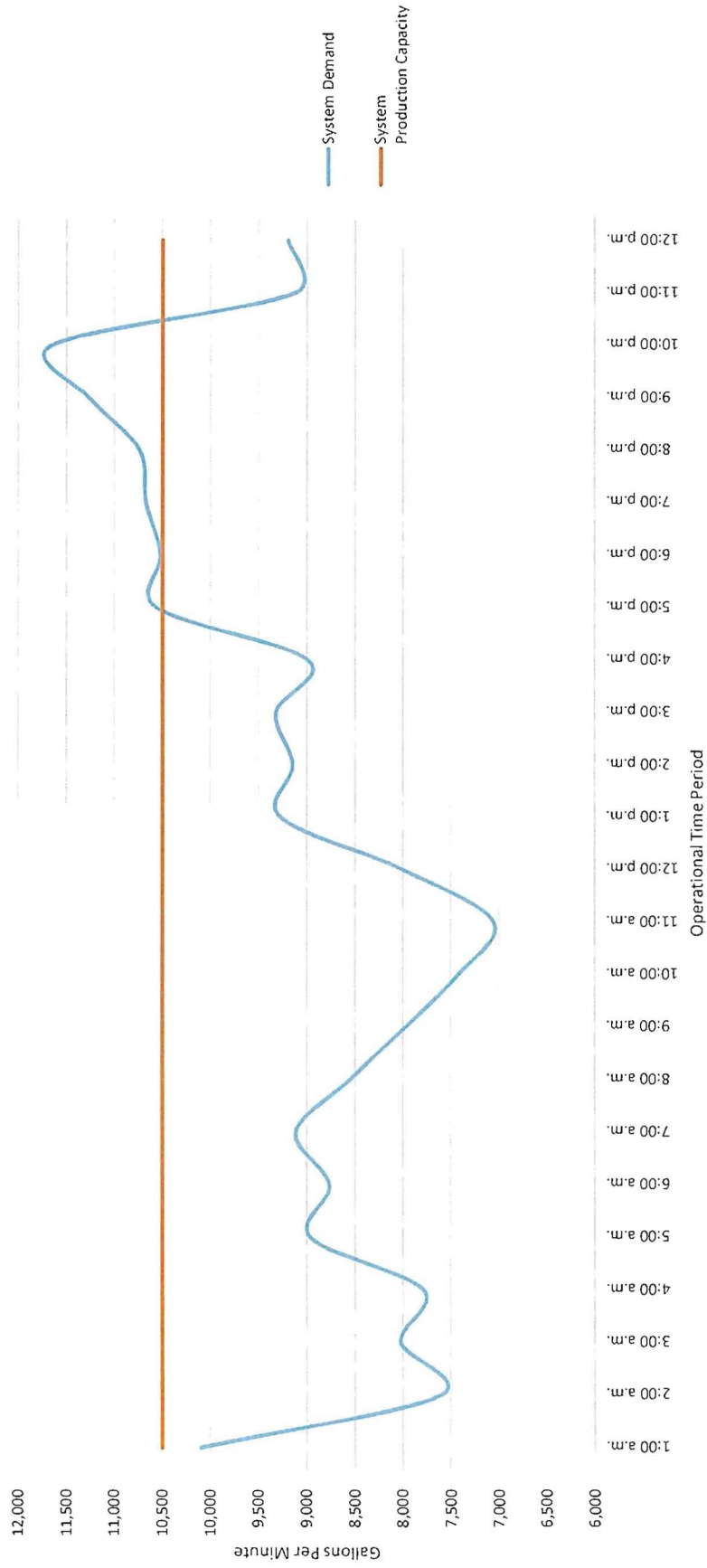


Daily Demand for Wednesday July 8, 2015

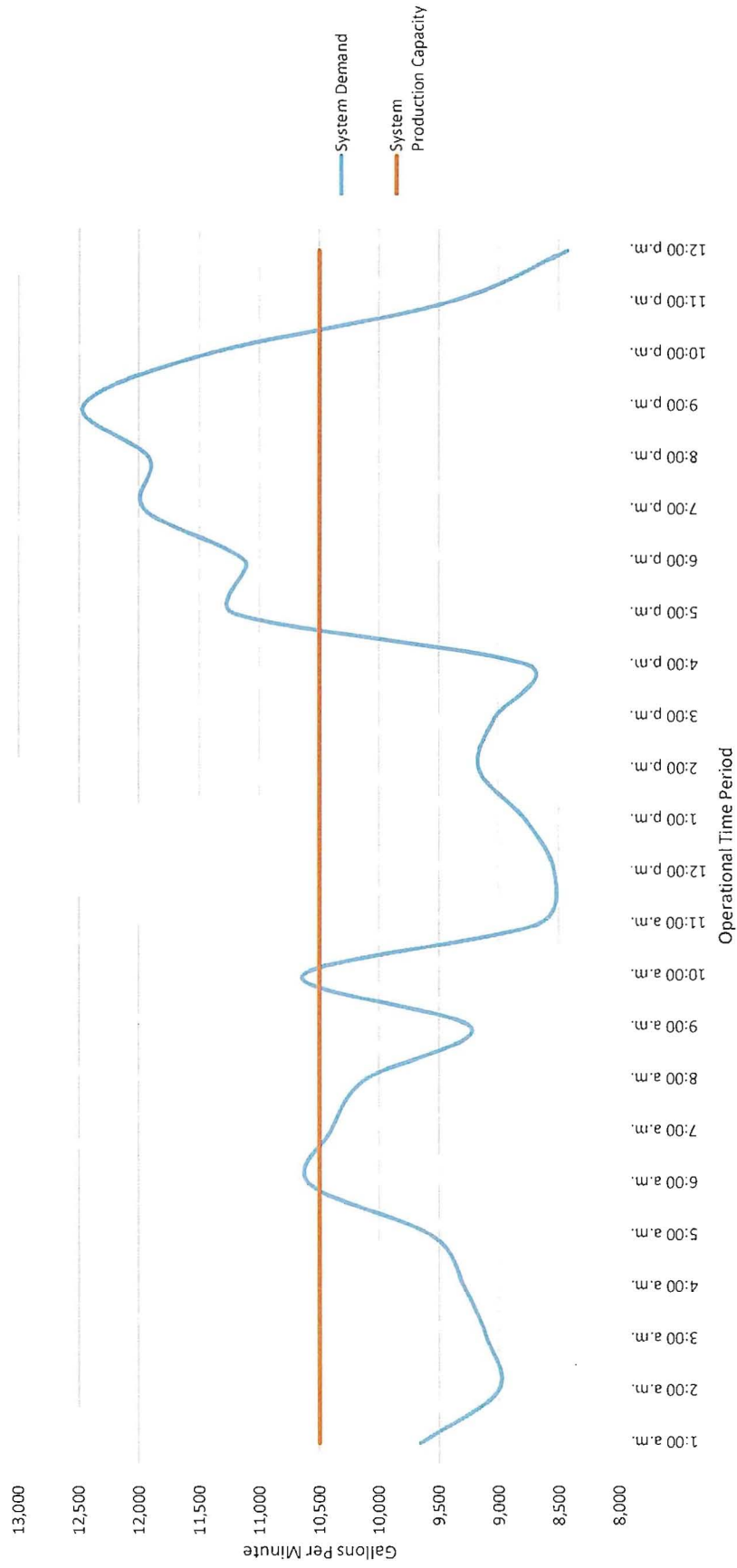




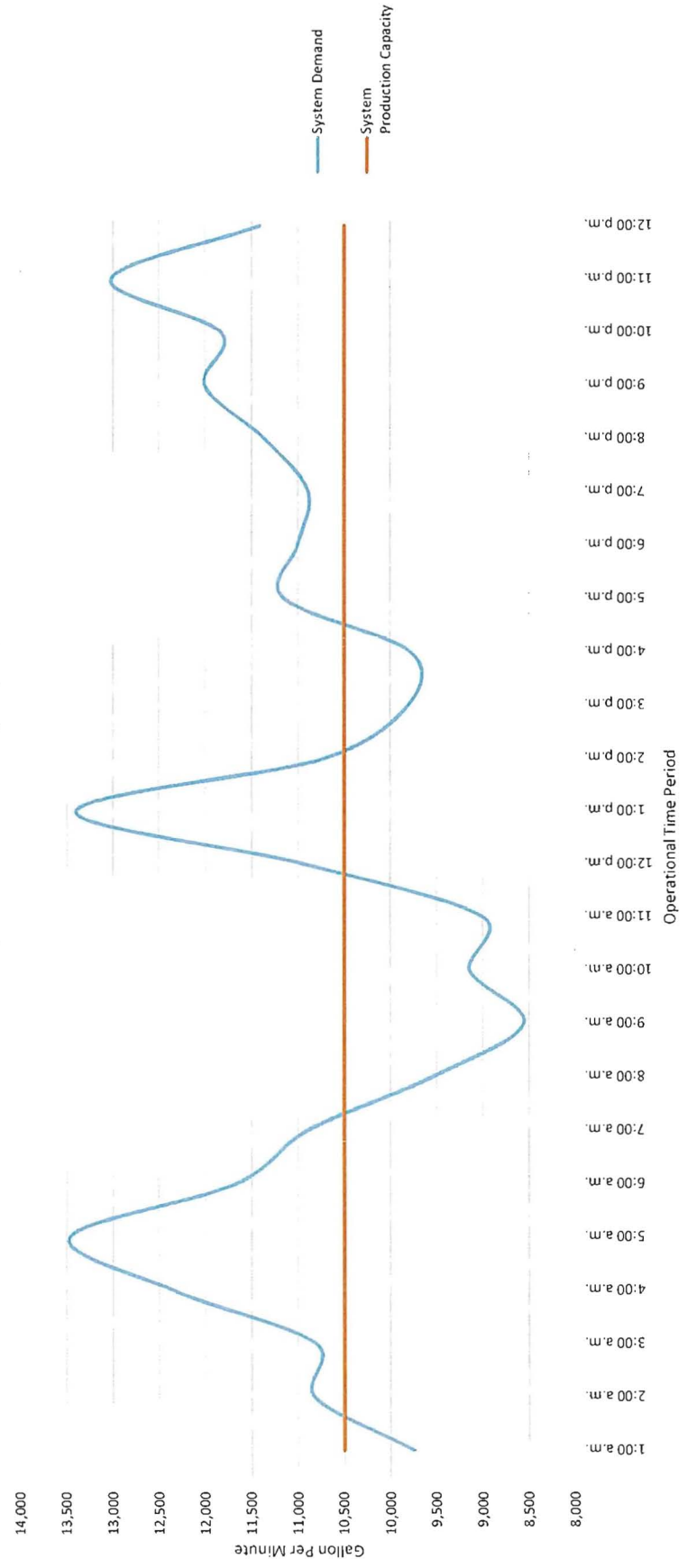
Daily Demand for Thursday July 9, 2015



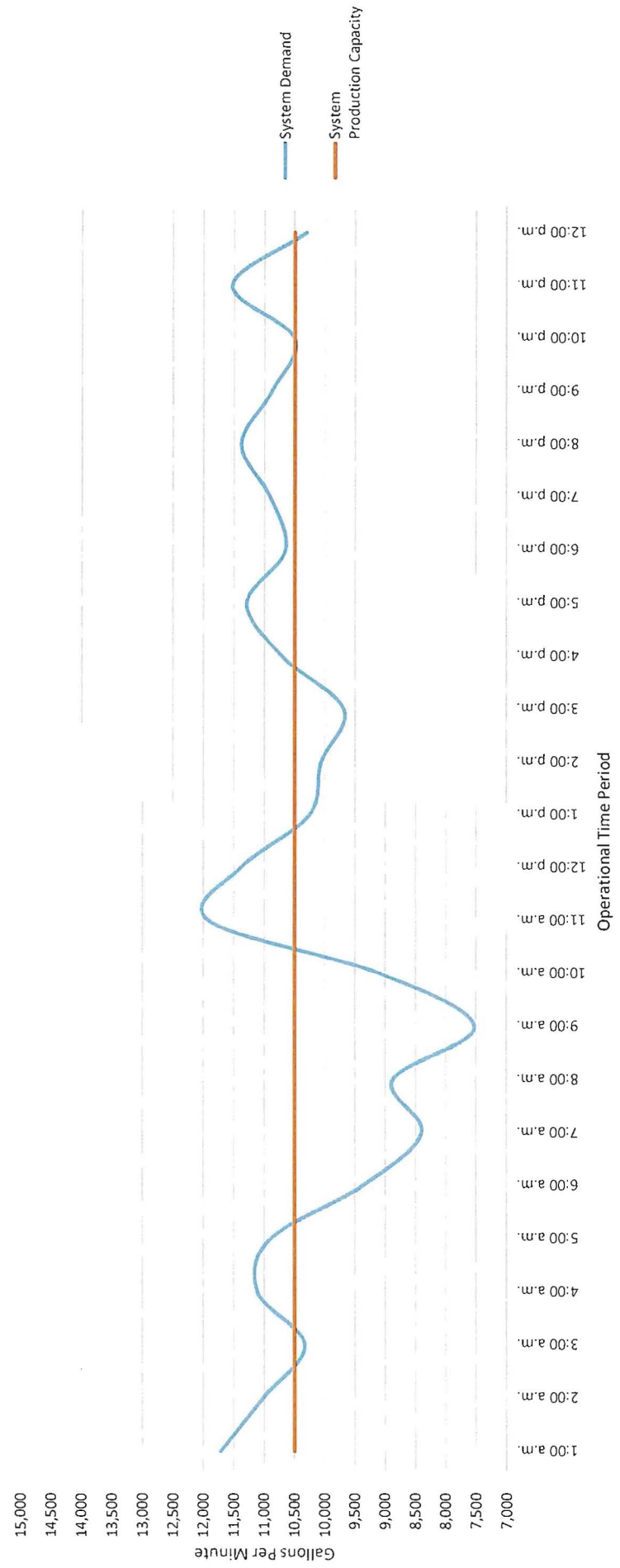
Daily Demand for Friday July 10, 2015



Daily Demand for Saturday July 11, 2015



Daily Demand for Sunday July 12, 2015





## CITY COUNCIL AGENDA – AUGUST 18, 2015

SUBJECT: 2. WildPlaces Mural Project Update

SOURCE: Parks and Leisure Services

COMMENT: On June 16, 2016, City Council approved the WildPlaces mural to be painted on the City-owned building located at 466 E. Putnam Avenue. The building is currently leased by the City to the Comision Honorifica Mexicana Americana (CHMA). The approval to proceed with the mural painting was contingent on the applicant also painting the outside of the building within three (3) months in an adobe-type color. The Council approved purchasing the paint for the building up to \$5,000.

Staff has been in communication with Mr. Roberto de la Rosa regarding the painting of the mural and building. Staff received an estimate on the number of gallons needed to paint the building on August 5, 2015. The 35 gallons of primer, 35 gallons of paint, and 15 gallons of trim were delivered to the CHMA building on August 7, 2015. The total cost for the primer, paint and trim was \$2,156.11. The Comision set a date of August 16, 2015, for the official unveiling of the mural. In addition, the applicant has began to paint the building, beginning with the front façade.

RECOMMENDATION: Information only.

ATTACHMENTS: 1. Comision building mural

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





## CITY COUNCIL AGENDA – AUGUST 18, 2015

SUBJECT: City Council Minutes of March 17, 2015

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft minutes for the City Council meeting of March 17, 2015, for the Council's review and consideration.

RECOMMENDATION: That the City Council consider approval of the draft minutes for March 17, 2015.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
MARCH 17, 2015, 5:30 P.M.**

Called to Order at 5:32 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 253-192-006, 253-192-007 and 253-192-008. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Sierra View Medical Center. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 247-030-043. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Mary McClure. Under Negotiation: Terms and Price.

3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-182-009. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Pacifica First National, Inc. Under Negotiation: Terms and Price.

4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 261-020-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Lynda Mourton. 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 Police Officers Association and Porterville City Firefighters Association.

6- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiff.

7- 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 AND  
REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported the following Closed Session action:

A-4. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN: 261-020-010. AGENCY NEGOTIATOR: JOHN LOLLIS AND JENNI BYERS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND LYNDA MOURTON. UNDER NEGOTIATION: TERMS AND PRICE.



**COUNCIL ACTION:** On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Gurrola, the Council unanimously approved the purchase of a portion of APN 261-020-010 for \$90,000, and an additional \$20,500 for construction of a fence along the east, west, and north boundaries of the retained parcel.

Documentation: Resolution 26-2015

Disposition: Approved.

Pledge of Allegiance Led by Council Member Ward

Invocation – a moment of silence was observed.

### **PRESENTATIONS**

Employee of the Month – Amy Graybehl

Employee Service Awards

### **AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG): March 16, 2015  
Vice Mayor Hamilton reported on a public hearing to solicit comments on unmet transit needs.
2. Local Agency Formation Commission (LAFCO): March 4, 2015  
Vice Mayor Hamilton spoke of action regarding the monthly auto allowance rate for the Executive Officer position, and review of a Tulare County Grand Jury report regarding farmland mitigation.

### **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: no report.
  2. Library & Literacy Commission: Vice Chair Bailey reported on the Commission's tour of the Tulare Library, and provided background regarding the building and funding of the project. He also shared year-end figures relating to library patronage for 2014; and announced that the Easter Bunny would be visiting the library and available for photo opportunities.
  3. Arts Commission: no report.
  4. Animal Control Commission: no report.
  5. Youth Commission: Commissioners Medina and Sandoval reported on their Battle of the Schools Dodgeball Tournament; and presented event shirts to the Council.
  6. Transactions and Use Tax Oversight Committee (TUTOC): Chair Fletcher spoke of the vote which triggered the Public Hearing on the agenda.

II. Staff Informational Reports  
1. Water Conservation Phase II Water System Status

**ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, requested that Item No. 20 be pulled; and thanked Council Member Ward and Vice Mayor Hamilton for helping the local Democratic Club receive a free web site.
- Eric Kruz, owner of Porterville Door & Trim, stated that he was granted permission 30 years ago to place a cargo container on his property, and asked that the Council consider allowing his four containers to remain.
- Loretta Wilson, Wilson's Transmission, was denied a cargo container permit due to visibility.
- Don Forrester, Sierra Minit Mart owner, was denied a cargo container permit due to visibility of his cargo container from Henderson Avenue, and spoke of his need for a cargo container.
- Tania Wolfe, Greg's Xpress Lube, was denied a cargo container permit due to visibility from the street; spoke of reasons why she cannot move the container to comply with the regulations; and asked why some were approved and others were not.
- Curtis Thompson, Thompson's Floor Covering, was denied a cargo container permit for their two cargo containers, and requested that the Council provide him with options.
- Benita McKinney, Porterville Garage Door, stated that she utilized two cargo containers for storage and could not operate her business without them.

**CONSENT CALENDAR**

Item Nos. 4, 18 and 19 were pulled for further discussion. Council Member Reyes stated that he would be abstaining from Item No. 17, and Council Member Ward stated that he would be abstaining from Item No. 4.

**COUNCIL ACTION:**      MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 3, 5 through 17, and 20 through 23, with the abstentions noted above. The motion carried unanimously.

1.      MINUTES OF AUGUST 5, 2014

Recommendation:      That the City Council approve the draft minutes of August 5, 2014.

Documentation:      M.O. 01-031715

Disposition:      Approved.

2.      REQUEST TO PURCHASE POLICE MOTORCYCLE

Recommendation:      That the City Council:

1. Authorize the purchase and outfitting of a Honda ST1300 motorcycle from Hollister Honda in the amount of approximately \$24,534.91 (plus taxes and fees); and

2. Authorize payment upon satisfactory delivery of the motorcycle.

Documentation: M.O. 02-031715

Disposition: Approved.

### 3. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT SECURITY SYSTEM

Recommendation: That the City Council:

1. Approve staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids for the purchase of a Transit Security System.

Documentation: M.O. 03-031715

Disposition: Approved.

### 5. AGREEMENT FOR SOLID WASTE DISPOSAL WITH TULARE COUNTY

Recommendation: That the City Council:

1. Enter into a 2-year agreement with an option of three 1-year extensions with Tulare County for the disposal of solid waste not under contract with Pena's; and
2. Authorize the Mayor to sign the necessary documents.

Documentation: M.O. 04-031715

Disposition: Approved.

### 6. AUTHORIZE THE MAYOR'S CHALLENGE FOR SAFE PEOPLE AND SAFER STREETS

Recommendation: That the City Council:

1. Approve the attached resolution authorizing the Mayor to form a local action leader and team; and
2. Authorize the Mayor to execute the resolution.

Documentation: Resolution No. 27-2015

Disposition: Approved.

### 7. REQUEST FOR APPROVAL TO CONTRACT WITH UC DAVIS KORET SHELTER MEDICINE PROGRAM (KSMP)

Recommendation: That the City Council:

1. Authorize Police Staff to enter negotiations to contract with UC Davis Koret Shelter Medicine Program for a Needs Assessment, and Shelter Capacity and Housing Recommendations; and
2. Authorize payment as required per agreed upon contract.

Documentation: M.O. 05-031715

Disposition: Approved.

#### 8. REQUEST TO PURCHASE POLICE SERVICE DOG

Recommendation: That the City Council:

1. Authorize the purchase of an additional service dog and related training from Top Dog Training Center for approximately \$12,700, utilizing funds from the Asset Forfeiture Account; and
2. Authorize the Chief of Police to enter into an agreement with Top Dog Training Center.

Documentation: M.O. 06-031715

Disposition: Approved.

#### 8a. REQUEST TO CONTRACT FOR POLICE SERVICE DOG AND HANDLER TRAINING

Recommendation: That the City Council authorize the Chief of Police to enter into an agreement with Top Dog Training Center for monthly certified training of service dogs and handlers.

Documentation: M.O. 07-031715

Disposition: Approved.

#### 9. FIREARMS TRAINING FACILITY LANDSCAPING MAINTENANCE

Recommendation: That the City Council authorize the Police Department to enter into a contract with Perfect Care Landscape & Maintenance to provide landscaping services to the Firearms Training Facility.

Documentation: M.O. 08-031715

Disposition: Approved.

#### 10. AUTOMATIC AID COOPERATIVE FIRE PROTECTION AGREEMENT

Recommendation: That the City Council:

1. Authorize the Cooperative Fire Production Agreement; and
2. Authorize the Mayor and City Attorney to sign six copies of the agreement and forward to the County Board of Supervisors for signature.

Documentation: M.O. 09-031715

Disposition: Approved.

#### 11. CALIFORNIAFIRST PROPERTY ASSESSED CLEAN ENERGY PROGRAM

Recommendation: That the City Council adopt the draft resolution opting into the CaliforniaFIRST PACE Program.

Documentation: Resolution No. 28-2015  
Disposition: Approved.

12. APPROVAL OF CITY CONCESSION LICENSES

Recommendation: That the City Council approve the concession licenses with American Youth Soccer Organization, Porterville Youth Soccer League; and South Valley Chivas Academy, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 10-031715  
Disposition: Approved.

13. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: Adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution No. 29-2015  
Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – AMERICAN CANCER SOCIETY, INC. – RELAY FOR LIFE OF PORTERVILLE KICKOFF – MARCH 21, 2015

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Tulare County Mental Health Services, subject to the stated requirements contained in the application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 11-031715  
Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – OPTIMIST CLUB AND PARENTS AGAINST BULLYING – PERFORMING ARTS FESTIVAL – MARCH 21, 2015

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

Documentation: M.O. 12-031715  
Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE ROTARY CLUB, AND BURTON SCHOOL DISTRICT – PORTERVILLE CELEBRATES READING – APRIL 11, 2015

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club, and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 13-031715

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL – APRIL 25, 2015

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

Documentation: M.O. 14-031715

Disposition: Approved.

20. REQUEST FOR PROCLAMATION – FOSTER GRANDPARENT PROGRAM 50<sup>TH</sup> ANNIVERSARY

Recommendation: That the City Council consider approval of the request to recognize the 50<sup>th</sup> Anniversary of the Foster Grandparent Program.

Documentation: M.O. 15-031715

Disposition: Approved.

21. REQUEST FOR PROCLAMATION – FAIR HOUSING MONTH – APRIL 2015

Recommendation: That the City Council consider approval of the request to proclaim the month of April 2015 as Fair Housing Month.

Documentation: M.O. 16-031715

Disposition: Approved.

22. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – BIENNIAL REPORT

Recommendation: That the City Council accept the Conflicts and Disclosure Monitor Agency 2014 Biennial Report.

Documentation: M.O. 17-031715

Disposition: Approved.

23. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER REQUIRING A ROAD MAINTENANCE ASSESSMENT BE INCLUDED IN THE APPROVAL OF NEW RESIDENTIAL SUBDIVISIONS

Recommendation: Mayor Stowe makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider requiring a road maintenance assessment be included in the approval of new residential subdivisions.

Documentation: M.O. 18-031715

Disposition: Approved.

The Council took a five minute break at 7:20 p.m.

#### **PUBLIC HEARINGS**

24. A CONDITIONAL USE PERMIT, MODIFICATION TO A CONDITIONAL USE PERMIT, AND ORDINANCE AMENDMENT FOR THE PACIFIC RIM COMMERCIAL MIXED-USE PROJECT (PRC 2012-002-GZCP)

Recommendation: That the City Council:

1. Adopt the draft Resolution approving the Addendum to the adopted Mitigated Negative Declaration;
2. Amend Ordinance No. 1796 approving Zone Change 2012-002-Z contingent upon approval of the Conditional Use Permit (PRC 2012-002- GZCP);
3. Waive further reading of the amended ordinance, approving the changes and order it to print;
4. Adopt the draft Resolution approving the modification of Conditional Use Permit 2012-002-M for the personal storage facility; and
5. Adopt the draft Resolution containing findings in support of approval for Conditional Use Permit (PRC 2012-002-GZCP).

City Manager Lollis introduced the item, and the staff report was presented by Acting Community Development Director Jenni Byers.

The public hearing was opened at 7:33 p.m.

- Russell Fletcher, spoke against the requested modification and setting a precedent for future development.

The public hearing was closed at 7:34 p.m.

Staff addressed questions from the Council regarding the proposed changes and their potential impact on traffic in the project area.

The applicant, Paul Owhadi, spoke of the reasons for the proposed changes, which included an oversaturation of off-site storage facilities and office space in the area; and Jim Winton, Civil Engineer, spoke of the design as it pertained to traffic.

The Council spoke in favor of retail and job creation.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council adopt the draft Resolution approving the Addendum to the adopted Mitigated Negative Declaration; amend Ordinance No. 1796 approving Zone Change 2012-002-Z contingent upon approval of the Conditional Use Permit (PRC 2012-002- GZCP); waive further reading of the amended ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE 1796 WHICH APPROVED ZONE CHANGE 2012-002-Z FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED-USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET, and order it to print; adopt the draft Resolution approving the modification of Conditional Use Permit 2012-002-M for the personal storage facility; and adopt the draft Resolution containing findings in support of approval for Conditional Use Permit (PRC 2012-002-GZCP).

The ordinance was read by title only.

Documentation: Resolution No. 30-2015; Ordinance No. 1822; Resolution No. 31-2015; and Resolution No. 32-2015

Disposition: Approved.

## 25. ADOPTION OF AMENDMENTS TO THE CITY'S URBAN WATER MANAGEMENT PLAN

Recommendation: That the City Council:

1. Conduct a public hearing and adopt the amendments to Section 3.2 Service Area Population through Section 4.2.3 Summary of Baseline and Targets in the approved UWMP;
2. Submit the amended UWMP to the DWR, the California State Library, and the County; and
3. Make the amended UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR.



City Manager Lollis introduced the item, and Deputy Public Works Director Bryan Styles presented the staff report.

The public hearing was opened at 7:49 p.m. Seeing no one, the Mayor closed the public hearing at 7:50 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the amendments to Section 3.2 Service Area Population through Section 4.2.3 Summary of Baseline and Targets in the approved UWMP; submit the amended UWMP to the DWR, the California State Library, and the County; and make the amended UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR. The motion carried unanimously.

Documentation: Resolution No. 33-2015

Disposition: Approved.

The Council took a five minute recess at 7:52 p.m.

26. CONSIDERATION OF THE TRANSACTION AND USE TAX OVERSIGHT COMMITTEE'S FINDING OF "NON-CONSISTENT" RELATIVE TO THE 2014-2015 MEASURE "H" EXPENDITURES

Recommendation: That the Council conduct a Public Hearing and consider the finding of the Transaction and Use Tax Oversight Committee that 2014-2015 Measure "H" expenditures relative to literacy are "non-consistent" with the adopted 2014-2015 Measure "H" Expenditure Plan.

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

The public hearing was opened at 7:58 p.m.

- Russell Fletcher, Chair of the TUTOC, provided examples of charges the committee believe were not directly related to literacy; indicated that committee was deadlocked with members Saleh, Lemmon, Estrada and Meister voting "non-consistent" and Mann, Stinson, Simonich and himself voting "consistent"; and suggested that the library come up with a formula similar to the Police and Fire Departments, for consistency and clarity.
- Khris Saleh, TUTOC member, expressed concerns regarding supplanting versus supplementing and direct versus indirect relation to literacy; and stated that review of library expenditures was a burden on the committee due to lack of a formula and consistency.

The public hearing was closed at 8:11 p.m.

Finance Director Bemis addressed questions from the Council regarding the information provided to the TUTOC.

Vice Mayor Hamilton and City Manager Lollis spoke of the differences between police, fire, and library budgets as they pertained to monies spent on personnel, equipment, and other; and spoke of policies that had been adopted to date with regard to library Measure H expenditures. Council Member Gurrola spoke of her experience implementing programs and their associated costs.

The Council acknowledged the difficulty associated with the evaluation of the library's Measure H expenditures; thanked the committee for their efforts; and communicated their opinion that the expenditures were consistent.

- Ron Irish, stated that he was on the Council when Measure H was passed by the voters, and congratulated the Council and TUTOC for executing the review process as it was intended.

Documentation: None.

Disposition: No action taken.

#### **SCHEDULED MATTERS**

##### **27. CONSIDERATION OF APPOINTMENT TO THE CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE**

Recommendation: That the Mayor appoint, subject to the City Council approval, one individual to the CDBG Citizens' Advisory and Housing Opportunity Committee for a one-year term.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council appoint Maria Gonzalez to the CDBG Citizens 'Advisory and Housing Opportunity Committee for a one-year term. The motion carried unanimously.

Documentation: M.O. 19-031715

Disposition: Approved.

##### **28. GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS**

Recommendation: That the City Council consider:

1. The request for continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least one hundred twenty (120) days; and
2. The request for purchase of potable water by Mutual Aid Agreement with the County effective January 20, 2015. For at least twelve (12)

months.

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

The Council discussed the status of the pending agreement, the two mutual aid requests, and utilization of City staff and equipment to service the 300-gallon water tanks.

**COUNCIL ACTION:**      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least 120 days.

AYES:            Reyes, Gurrola, Hamilton, Stowe  
NOES:            Ward  
ABSTAIN:        None  
ABSENT:         None

Documentation:      M.O. 20-031715

Disposition:    Approved.

Council Member Ward stated that he would be abstaining from Item No. 4 due to a conflict pertaining to property ownership, and existed the Council Chambers.

**CONSENT CALENDAR (Items Pulled)**

4.      **AWARD OF CONTRACT – TRANSIT MAINTENANCE & CNG FUELING FACILITY EXPANSION PROJECT**

Recommendation:    That the City Council:

1. Award the Transit Maintenance & CNG Fueling Facility Expansion Project to RJ Berry in the amount of \$2,130,280;
2. Authorize a 10% Contingency to cover unforeseen construction costs and 5% for construction management, quality control, inspection services, and construction surveying;
3. Re-affirm the \$300,000 Solid Waste Fund appropriation;
4. Authorize the Finance Director to appropriate an additional \$128,594 from the Local Transportation Fund;
5. Authorize progress payments up to 100% of the contract amount; and
6. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

The City Manager introduced the item and presented the staff report, which included an amended recommendation to reject all bids and re-bid the project to allow for clarification of language pertaining to Disadvantaged Business Enterprise and Good Faith Efforts requirements.

**COUNCIL ACTION:**      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council reject all bids and go back out for bids.

AYES: Reyes, Gurrola, Hamilton, Stowe  
NOES: None  
ABSTAIN: Ward  
ABSENT: None

Documentation: M.O. 21-031715

Disposition: Rejected all bids.

Council Member Ward returned to the dais.

18. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 32B

Recommendation: That the City Council approve the Lease Agreement between the City of Porterville and Mr. Donald Deaton for Lot 32B at the Porterville Municipal Airport.

City Manager Lollis introduced the item, and explained that Item Nos. 18 and 19 had been pulled by staff due to the need to amend the agreements to reflect Charter provisions and changes in applicable law.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve the Lease Agreement between the City of Porterville and Mr. Donald Deaton for Lot 32B at the Porterville Municipal Airport, as amended to reflect Charter provisions and changes to applicable law. The motion carried unanimously.

Documentation: M.O. 22-031715

Disposition: Approved.

19. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 38

Recommendation That the City Council approve the Lease Agreement between the City of Porterville and Mr. Broad and Mrs. Waikiki for Lot 38 at the Porterville Municipal Airport.

The staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve the Lease Agreement between the City of Porterville and Mr. Broad and Mrs. Waikiki for Lot 38 at the Porterville Municipal Airport, as amended to reflect Charter provisions and changes to applicable law.

Documentation: M.O. 23-031715

Disposition: Approved.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Vice Mayor Hamilton announced that the Wall of Fame ceremony was taking place on Wednesday, March 18, 2015, at the Heritage Center.
- Council Member Reyes stated that his nominee, Jeff Edwards, had respectively declined the honor.
- Council Member Ward congratulated Council Member Gurrola on recent happenings and Police Chief Kroutil on his appointment.
- Council Member Gurrola spoke of her experience judging a children's poetry contest.
- Mayor Stowe spoke of his experience reading to youth on Dr. Seuss Day; and congratulated newly promoted Police Captains Hall and Castellow.
- City Manager Lollis lauded staff for their work with the Step-Up event last Friday; spoke of his attendance at a meeting pertaining to ground water management, and an upcoming meeting with the USDA. Mr. Lollis also indicated that Acting Public Works Director Mike Reed was absent due to his mother being ill, and thanked Acting City Engineer Javier Sanchez for attending the meeting in his stead.

**ADJOURNMENT**

The Council adjourned at 9:10 p.m. to the meeting of April 7, 2015.

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Luisa M. Zavala, Deputy City Clerk

SEAL

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Milt Stowe, Mayor



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Authorization to Purchase Fitness Equipment for Fallen Heroes Park

**SOURCE:** Parks and Leisure Services

**COMMENT:** Parks and Leisure Services was awarded a \$2,150,000 Prop 84 Statewide Parks Development and Community Revitalization Program grant to create a park located on a 2.33 acre parcel on Chase Avenue. Fallen Heroes Park opened in November 2014 and has proven to be a tremendous asset to the community.

Currently, there is no park in the city that contains outdoor fitness equipment. With the remaining approximately \$48,000 balance in Prop 84 grant funds, staff and the Parks and Leisure Services Commission feel that this type of equipment would be a very positive enhancement to an already fantastic park. After the fitness equipment purchase, approximately \$7,500 would remain in grant funds. This remainder would be used for installation of the equipment and a public art project.

Equipment would include cardio, plyometrics, and adjustable resistance machines. Some of the pieces are also from the accessible line of equipment. Greenfields Outdoor Fitness Company was the vendor that carried the type of equipment staff was looking for and quoted \$40,579.10. Greenfields is a member of the National Joint Powers Alliance (NJPA). The NJPA is a municipal contracting government agency serving over 50,000 member agencies throughout the nation with competitively bid and awarded purchasing solutions from industry-leading vendors. The NJPA advantage discount that the City of Porterville qualified for was \$2,711.

**RECOMMENDATION:** That the City Council authorize the purchase of fitness equipment for Fallen Heroes Park from Greenfields Outdoor Fitness not to exceed \$40,579.10.

**ATTACHMENTS:**

1. Cardio stepper
2. Rower
3. Arm curl
4. Four-person pendulum
5. Plyometric steps
6. Accessible lat pull down
7. Accessible hand cycle
8. Chest press

Appropriated/Funded: MB

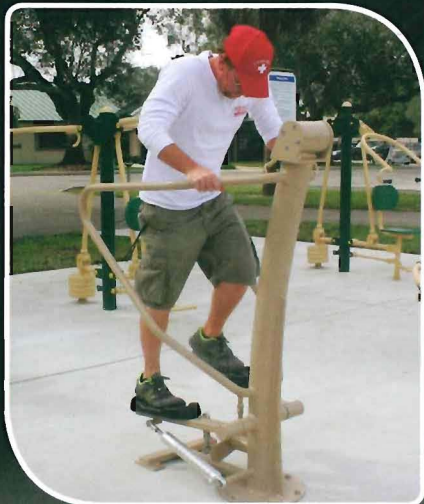
Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





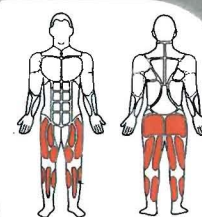
Adjustable - 8 levels of difficulty  
for a customized workout!



- Develops glutes and leg muscles

**The Greenfields Advantage - this unit incorporates Safe-Stop technology for a workout that's smooth and hazard-free**

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE



Target muscles  
Secondary muscles



# ROWER

## UBX-290

bi-directional resistance

Equipped with **SafeStop**



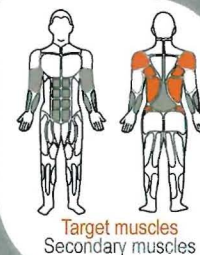
Adjustable - 8 levels of difficulty  
for a customized workout!



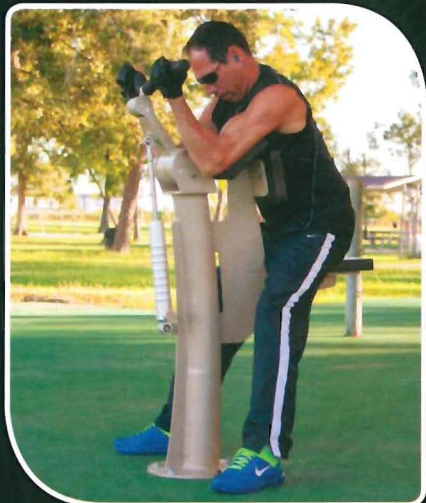
- Strengthens back muscles, shoulders, biceps, and forearms

**The Greenfields Advantage - this unit incorporates Safe-Stop technology for a workout that's smooth and hazard-free**

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE





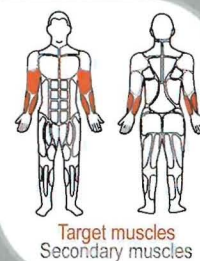


**Adjustable - 8 levels of difficulty  
for a customized workout!**

- Develops biceps and forearms

***The Greenfields Advantage - this unit  
incorporates Safe-Stop technology for a  
workout that's smooth and hazard-free***

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE

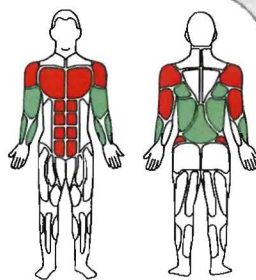




Equipped with **SafeStop**



- Strengthens chest, shoulders, biceps, forearms, lower back and abdominals
- Loosens hips and side
- Can be used by four people simultaneously & independently of each other
- Great social activity



*Target muscles*  
*Secondary muscles*



Multiple  
users



Strength  
training



Flexibility

**SafeStop** *The Greenfields Advantage*  
*This unit incorporates Safe-Stop technology for a workout that's smooth and hazard-free*

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE





## PLYOMETRICS STEPS HP2009-7-24

- Develops quads, calves and glutes; contributes to balance and posture control



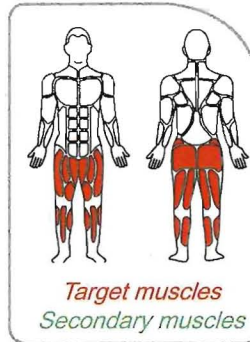
Cardio



Balance  
& agility



Strength  
training



SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE

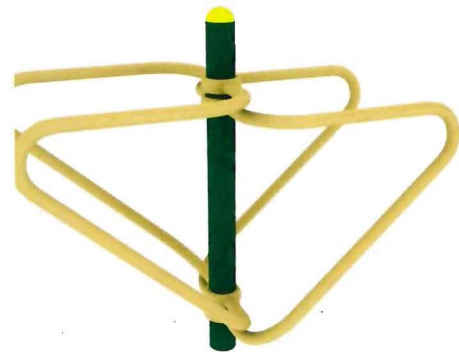
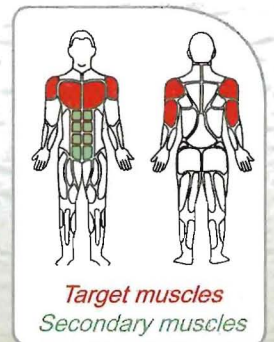


## 2-PERSON DIPS STATION GR2005-1-14

- Strengthens chest, shoulders, upper and mid abs, forearms, and triceps



Strength  
training

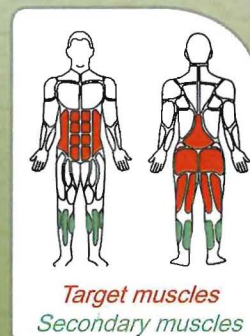


## BACK EXTENSION IP2009-7-25

- Strengthens hamstrings, glutes, lower back and core



Strength  
training



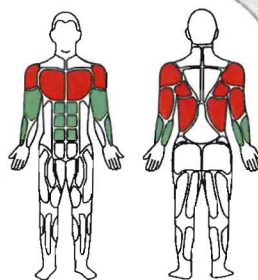
SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE







- Strengthens upper back, chest, shoulders, biceps, upper and mid abs, forearms, triceps and core
- Great social activity
- Can be used by two people simultaneously & independently of each other



*Target muscles*  
*Secondary muscles*

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE



Strength  
training



Multiple  
users



Cardio

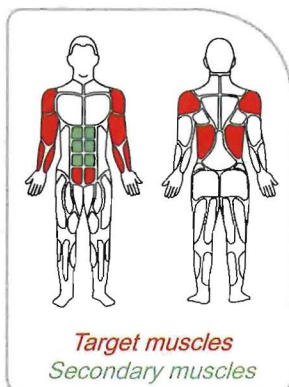




## 2-LEVEL HORIZONTAL BARS

GR2005-1-45

- Strengthens back muscles, shoulders, arm muscles and forearms
- Can be used by two people simultaneously
- Great social activity
- Wheelchair-accessible hand cycle (HP2009-7-21) can be added



Strength  
training



Multiple  
users

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE



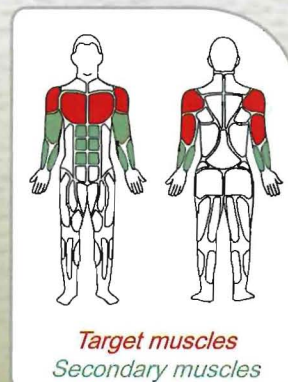
Optional wheelchair-  
accessible hand cycle  
add-on (HP2009-7-21)



## MULTI-LEVEL BARS

GR2004-1-33

- Strengthens chest, shoulders, upper and mid abs, forearms, biceps and triceps
- Can be used by five people simultaneously
- Great social activity



Strength  
training

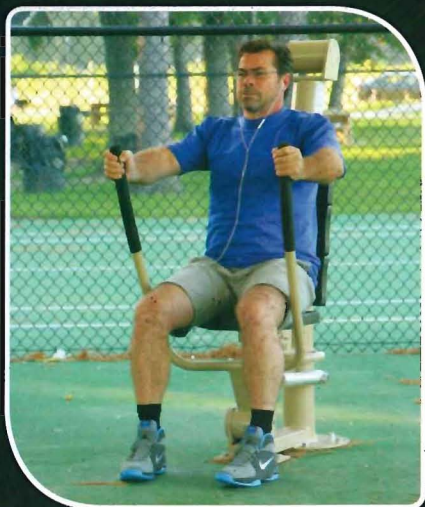


Multiple  
users

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE







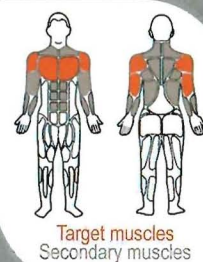
**Adjustable - 8 levels of difficulty  
for a customized workout!**



- Develops shoulders, chest, and triceps

**The Greenfields Advantage - this unit  
incorporates Safe-Stop technology for a  
workout that's smooth and hazard-free**

SCAN TO VIEW A  
DEMO ON YOUR  
SMARTPHONE





## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Authorization to Amend the Jaye Street Bridge Design Contract

**SOURCE:** Public Works

**COMMENT:** On November 22, 2006, Council authorized the Mayor to execute a “not to exceed” six-hundred thirty-one thousand, one-hundred twenty-five dollar (\$631,125) design services agreement with TRC. TRC has been designing the Jaye Street Bridge Rehabilitation and Widening project that will widen the existing two lane bridge to four lanes along with associated roadway improvements.

As TRC began preparing the final design package to allow the City to seek construction funding authorization from Caltrans, several additional items that were not accounted for in the original contract were encountered. The out of scope items include the Hubbs-Minor Ditch reconstruction under the Jaye Street Bridge, traffic signal modification at Jaye Street and Springville Avenue, new median island design on Jaye Street between Springville Avenue and Date Avenue, new storm drain and water line construction, and Tule River Parkway improvements. A summary of those tasks are attached with a detailed description for each.

The additional cost is necessary in order to have a complete design project that is bid ready. Therefore, staff recommends approving the amendment to the service agreement with TRC. This project is funded by Highway Bridge Program (HBP), Certificates of Participation (COP), and Local Transportation Funds (LTF) sources. HBP funds pay for 80% of preliminary engineering and 88.53% of right-of-way costs, participating construction costs, and construction management costs.

**RECOMMENDATION:** That the City Council authorize amending the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673.

**ATTACHMENTS:** 1. Jaye Street Bridge, TRC Contract Amendment No. 1

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager







6051 North Fresno Street  
2nd Floor  
Fresno, CA 93710

559.439.2576 PHONE  
916.366.1501 FAX

[www.TRCSolutions.com](http://www.TRCSolutions.com)

July 27, 2015

#156385

Mr. Javier Sanchez, P.E.  
City of Porterville  
Public Works Department  
291 N. Main St.  
Porterville, CA 93257

**Subject: Request for Amendment No. 1 to Service Agreement for Jaye Street Bridge Rehabilitation @ Tule River dated November 22, 2006**

Dear Mr. Sanchez:

Greetings. As you know, TRC Engineers, Inc. (TRC) first contracted for the design work for the Jaye Street Bridge Project back in 2005, and we developed the final scope and fee for the work on November 16, 2006. Over the last nine years the project was delayed a number of times beyond the control of TRC. The history is well known to the City and thus not elaborated upon herein. We have done our best to perform our work within the existing budget, even using hourly rates from back in 2006 with no escalation. We are proud of this effort to serve the City well. However, a number of emergent tasks have arisen and we are not able to add those tasks to our scope without a corresponding increase in our budget. Some of these were discussed at our July 13, 2015 meeting. Thus we are submitting this request for an amendment to our Service Agreement. I note that this is the first and likely only amendment we will request in the ten years we have been working on this project. Further, we included the cost of this added work in the LAPG Exhibit 6-D and LAPM Exhibit 3-E Request for Authorization for revised P.E. to Caltrans that we prepared for you last week, so you will be largely reimbursed for these costs.

Among the emergent considerations are the following, which are detailed later in the scope of work attached to this letter:

- The City would like to extend the project limits to include improvement of the intersection at Springville Avenue, including lane modifications and reconstruction of all curb ramps
- The City would like to add a raised concrete median island along the length of the project, from Springville Avenue to Date Avenue
- Due to a conflict with the proposed bridge piling, the Hubbs Minor Ditch will need to be reconstructed underneath the bridge rather than simply extending the pipe as was assumed in our agreement. We will adhere to the Porterville Irrigation District's approval requirements when developing details for the reconstruction of the ditch.

- Extensive coordination with LTRID and PID will be required to implement the scour countermeasures to protect the existing bridge piling from becoming exposed to excessive lengths over the course of the bridge's remaining service life as well as meet their requirements so they sign off on the project
- Extensive preparation of numerous LAPG Exhibit 6D funding packages required due to Caltrans partitioning the project into numerous phases
- Other tasks as described in the attached scope of work

In light of these changes to the scope of work, we respectfully request an amendment to our original Service Agreement to complete design of this project. We are prepared to undertake this work immediately so as to maintain the project schedule. The additional tasks required to complete the project are detailed in the attached scope of work and fee suitable for inclusion in an amendment to our Agreement. We look forward to providing these additional services on the project. Should you have any questions or comments on this proposal, please don't hesitate to call.

Sincerely,



Mark A. Imbriani, P.E.  
Vice President

MAI/red  
Attach.

## **AMENDMENT 1 TO AGREEMENT SCOPE OF WORK**

### **Task X.1      Funding Paperwork**

Consultant has prepared several Exhibit 6-D Scope/Cost/Schedule Change and Exhibit 3-A Requests for Authorization for P.E. due to Caltrans decision to partition this project into three distinct phases. Four full funding packages (6-A or 6-D and supporting forms) were prepared in signature-ready format and delivered to Caltrans -06 Local Assistance (L.A.) on June 21, 2007, April 15, 2009, August 20, 2010, and September 23, 2013. In addition we attended a meeting at Caltrans -06 L.A. on March 10, 2010 to discuss the April 2009 package with Mr. Perrault, assisted in preparing an RFA for additional P.E. and Right-of-way on November 25, 2013, in time to extend the project funding deadline for P.E.

An additional RFA for P.E. and R.W. will be prepared currently to capture up-to-date costs including those herein, so that the City is largely reimbursed for all costs including those incurred by its own staff and its R/W consultant. Also, another meeting at Caltrans -06 is suggested to resolve the issue of the 580' of approach work at the north end of the project we have requested to be included as participating costs.

Work also includes preparing a DBE analysis for determining the percentage goal for the project in accordance with Section 9 of the LAPM.

An RFA for Construction will be prepared to secure construction funding.

The City reimbursed Consultant for certain portions of this effort, however that budget was temporarily transferred from the basic lump sum services budget to cover that work, thus this budget is requested to allow completion of those tasks.

### **Task X.2      Revise Rehabilitation Study**

Due to the significant duration of time required for Caltrans review and approval of our numerous funding document submittals, we had to redo the rehabilitation study. It was a time of rapidly escalating costs followed by a time of rapidly decreasing costs brought about by the recession and financial crisis of 2008-10, thus the economic projections were greatly changed from that in the original rehab study (dated 11/19/2008) at the start of design. Prudence dictated a revision of the escalation assumptions as well as the costs for all contract items. A revised report was issued and submitted to Caltrans OSLA on June 14, 2013. It was ultimately approved by OSLA on October 1, 2013 and served as the basis for the design.

The City reimbursed Consultant for certain portions of this effort, however that budget was temporarily transferred from the basic lump sum services budget to cover that work, thus this budget is requested to allow completion of those tasks.

### **Task X.3      Scour Countermeasure Design and PID and LTRID Coordination**



Consultant will incorporate scour countermeasure design and details into the contract documents. Scour countermeasures are expected to consist of adequately sized rock slope protection placed at the abutments and piers located within the main channel. These scour countermeasures are required to protect the existing bridge piles from exposure due to scour. To address long-term stream degradation, a downstream check dam was considered; however, due to permitting constraints, has been shelved. Instead, the scour protections at the piers will extend to the elevation of the anticipated long-term stream degradation (approx. 5' over the remaining service life of the existing bridge). The scour countermeasures will be designed following FHWA and Caltrans design guidelines and will be placed below grade so that channel hydraulics are not adversely affected.

Several meetings with PID and LTRID will be held to coordinate properly. Submittals will be made to those agencies requesting signoff on the project. Other than ongoing communication and coordination with PID and LTRID, this task excludes work related to Hubbs Minor Ditch, that work is covered under Task X.4 below.

#### **Task X.4 Hubbs Minor Ditch Reconstruction**

##### **Task X.4.1 Realignment Memorandum**

Consultant will prepare a memorandum that includes a discussion of alternatives for the reconstruction of Hubbs Minor Ditch beneath the bridge for City and PID review and concurrence. In an effort to keep the project moving forward, this task has already been completed and was originally delivered to the City on December 9, 2014. The memorandum was updated based on City comments and resubmitted on February 20, 2015.

##### **Task X.4.2 Box Culvert PS&E**

Consultant will prepare plans, specifications and estimate for construction of a Caltrans Standard Plan single-cell box culvert to replace the existing 48" dia. concrete pipe which conveys Hubbs Minor Ditch.

##### **Task X.4.3 Hydraulic Analysis and PID Coordination**

Consultant will prepare Hydraulic Grade Line calculations as required by PID. These calculations will be based on the existing channel flow rate of 64 cfs provided by PID and will be used to size the new single-cell box culvert described in Task X.4.2. Additional channel cross-sections as described in Task X.4.4 will be required to complete the hydraulic analysis.

##### **Task X.4.4 Hubbs Minor Ditch Cross-Sections**

Consultant will provide cross-sections of Hubbs Minor Ditch at 50' intervals from the mouth, approximately 300' upstream of the bridge and 1000' downstream of the bridge. The base map will be updated to include this additional survey data.

#### **Task X.5 Traffic Signal Modification**

Consultant will prepare Traffic Signal Modification plans, specifications and estimate for the intersection of Springville Avenue and Jaye Street. The modification is needed due to



the addition of a concrete median island in Jaye Street on the north side of the intersection, which will affect the existing traffic signal pole locations and loop detectors for the south side. New ADA ramps and pedestrian push buttons will be designed for each of the corners of the intersection to comply with updated access regulations.

#### **Task X.6 Median Island Design**

Consultant will revise 60% plan and profile sheets, striping sheets, and construction staging sheets to include a median island from Springville Avenue, across the Jaye Street Bridge to Date Avenue. A striping transition will be needed north of Date Avenue for traffic management. The construction of the median island in this location will require additional pavement design on the south side of the bridge, from the current pavement limit to Springville Avenue.

#### **Task X.7 Storm Drain Design**

Consultant will prepare hydraulics and hydrology calculations and construction plans, specifications and estimate for installation of a storm drain pipeline from the south side of the Jaye Street Bridge to Springville Avenue. The new pipeline will connect to the existing pipeline in Springville Avenue, which will direct storm water to an existing storm drain basin to the west. The new storm drain line will take capture water within the existing curb. Currently, the curb and gutter drains over the bank and into the riverbed.

#### **Task X.8 12" Water Main Installation from Springville Ave to Date Ave**

Consultant will revise 95% plan and profile sheets to include water main installation to replace existing 12" asbestos concrete water main with 12" C-900 PVC water main. These plans are in addition to the water main replacement over the bridge, which is under the existing contract scope of work. Plans will include plan and profile sheets and detail sheets. Connection details for tie-ins at Date Avenue and at Springville Avenue will be included. Final plans, specifications, and estimate will be submitted for approval with the 100% plan submittal. This scope of work will need to be identified as non-participating to Caltrans in the Request for Authorization for Construction.

#### **Task X.9 Additional Right-of-Way Plats and Legal Descriptions**

Per our original agreement, Right-of-way plats and legal descriptions for more than four (4) parcels is considered Extra Services. After 60% design, it was determined that six (6) parcels were affected. TRC will prepare and transmit plats and legal descriptions for all six parcels. We are requesting additional budget for the two (2) additional parcels.

#### **Task X.10 Boiler Plate Special Provisions**

As Caltrans has not prepared a local agency federally funded project boiler plate to go with their 2010 standard specifications (as they had done for their 2006 and earlier standards), CONSULTANT will prepare such boiler plate using a sample City boiler plate, a sample Caltrans federally funded project boiler, and Exhibits 12-G and 12-H of the LAPM in developing a suitable boiler plate for this project.

#### **Task X.11 Tule River Parkway Retaining Walls**

CONSULTANT will design retaining walls required to support the new portion of the parkway that descends beneath the bridge. This was originally to be integrated with the



rock slope protection but retaining walls are now required. Work includes geotechnical work and recommendations.

**Task X.12 Tule River Parkway Trail Lighting**

CONSULTANT will revise 90% plans to include lighting for the Tule River Parkway under the Jaye Street Bridge. Lighting will be added within the proposed retaining walls, and near the center of the bridge located within the proposed headwall. This scope of work was requested by the City to light the trail for public safety purposes.

**FEE**

We propose to perform the above Extra Services tasks on a lump sum basis, as consistent with our current contract payment provision, for a total fee of **\$ 117,548**. This request brings our total fee for Phase 4 to **\$498,320** and our total fee for the project to **\$748,673**.

Expenses	
Description	Amount
Travel	
Airfare (round trips)	\$0
Mileage	\$0
Lodging	\$0
Per Diem	\$0
Car Rental	\$0
Misc.	\$0
Travel Subtotal	\$0
Other Direct Costs	\$0
ODC Subtotal	\$0
Total	\$0

Subconsultants	
Name	Amount
Kleinfelder	\$3,000.00
Peters Engineering*	\$51,715.00
Winton & Associates (2 Add'l Parcels @ \$500/ea)	\$1,000.00
Landscape Architect (TBD)	\$10,000.00
Total	\$65,715

\*See attached manhour breakdown

EXTRA SERVICES FEE

Design Fee Estimate	
Phase 4 Labor	\$51,833
Subconsultants	\$65,715
Expenses	\$0
Total	\$117,548





## **Exhibit “A”**

### **SCOPE OF WORK AMENDMENT #1**

#### **Jaye Street Bridge Porterville, California**

#### **INTRODUCTION**

Peters Engineering Group (Consultant) will provide TRC (Client) with updated plans, specifications, and estimate (PS&E) for the Jaye Street Bridge construction plans to include the following additional work tasks.

#### **WORK TASKS FOR SCOPE AMEDMENT #1**

The Consultant will provide the following work tasks:

##### **Task A1-1 PS&E for Springville Avenue and Jaye Street Traffic Signal Modification**

Consultant will prepare a Traffic Signal Modification plans, specifications and estimate for the intersection of Springville Avenue and Jaye Street. The modification is needed due to the addition of a concrete median island in Jaye Street on the north side of the intersection, which will affect the existing traffic signal pole locations and loop detectors for the south side. New ADA ramps and pedestrian push buttons will be designed for each of the corners of the intersection to comply with updated access regulations.

##### **Task A1-2 PS&E for Jaye Street Median Island from Springville Avenue to Date Avenue**

Consultant will revise 60% plan and profile sheets, striping sheets, and construction staging sheets to include a median island from Springville Avenue, across the Jaye Street Bridge to Date Avenue. A striping transition will be needed north of Date Avenue for traffic management. The construction of the median island in this location will require additional pavement design on the south side of the bridge, from the current pavement limit to Springville Avenue.

##### **Task A1-3 PS&E for Storm Drain from South Side of Jaye Street Bridge to Springville Avenue**

Consultant will prepare hydraulics and hydrology calculations and construction plans, specifications and estimate for installation of a storm drain pipeline from the south side of the Jaye Street Bridge to Springville Avenue. The new pipeline will connect to the existing pipeline in Springville Avenue, which will direct storm water to an existing storm drain basin to the west. The new storm drain line will take capture water within the existing curb. Currently, the curb and gutter drains over the bank and into the riverbed.

##### **Task A1-4 PS&E for Box Culvert for Hubbs Minor Ditch**

Consultant will prepare plans, specifications and estimate for construction of a Caltrans Standard Plan Box Culvert to replace existing 48” Concrete Pipe for the Hubbs Minor Ditch that currently flows under the north side of the Jaye Street Bridge. These improvements are identified in a memorandum from Robin Yates of TRC delivered in an email from February 20<sup>th</sup>, 2015. Additionally, Consultant has contacted Porterville Irrigation District Engineer David De Groot of 4 Creeks regarding his requirements for submittal and approval of plans and specifications. The Irrigation District is requiring Hydraulic Grade Line (HGL)

calculations as part of the plan submittal. This will require additional topographic surveys (to be completed by Winton & Associates under separate contract with TRC) from the Hubbs Minor Ditch connection at the river to 1,000 feet upstream of the culvert. Once this topographic information is supplied, Consultant will prepare calculations and verify dimensions of culvert needed to maintain existing laminar flow of 64 cfs.

#### **CLIENT'S DUTIES AND RESPONSIBILITIES**

The Client shall:

- a) Provide all criteria and full information concerning Client's requirements for the project.
- b) Provide Consultant with plans indicating the locations, types, and sizes of the proposed improvements.
- c) Apply for and obtain all approvals and permits from all governmental agencies having jurisdiction over the project, and such approvals from other entities as may be necessary for the project, with the assistance from the Consultant or as additionally authorized. Client shall pay all fees and charges associated with securing permits and approvals not previously described.
- d) Give prompt notice to Consultant whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of Consultant's services.
- e) At Client's discretion, authorize and direct Consultant to provide necessary Additional Services.

#### **ADDITIONAL SERVICES**

The Client may, at its sole discretion, request that Consultant perform Additional Services. Both parties, prior to proceeding with these services, shall execute a written amendment to this Agreement.

Additional services will be required if Consultant is to perform services not specifically described herein.

#### **RIGHT TO RELY**

Consistent with the professional standard of care, Consultant shall be entitled to rely upon the accuracy of data and information provided by the Client or others without independent review or evaluation unless specifically required in the Scope of Services.

#### **COMPENSATION**

Consultant's fee for each task is listed below:

<b>Task 1</b>	<b>\$10,100</b>
<b>Task 2</b>	<b>\$13,100</b>
<b>Task 3</b>	<b>\$5,700</b>
<b>Task 4</b>	<b>\$9,200</b>

Compensation for Additional Services shall be in accordance with the attached rate schedules (Exhibit "B").

**SCHEDULE**

The 90% plans will be submitted 4 weeks approximately from approval of the Scope of Work Amendment 1 and receipt of the additional topographic survey information from Winton and Associates.



Mr. Mark Imbriani  
TRC  
10680 White Rock Road, Suite 100  
Rancho Cordova, CA 95670

July 22, 2015

Subject: Scope of Work Amendment #2  
Jaye Street Bridge, Porterville CA

Dear Mr. Imbriani:

Please find enclosed our proposed agreement for professional services for the subject project with the scope of services and fee attached. Our understanding of the basis for the scope of work amendment is based on a meeting with the City of Porterville, including project manager and acting City Engineer Javier Sanchez on July 13th, 2015 and several follow up conversations with Robin Yates of TRC. To authorize us to proceed, please accept this amendment to by signing below and we will proceed with the additional work.

Thank you for the opportunity to provide you with this amendment. Please feel free to call me if you have any questions.

**PETERS ENGINEERING GROUP**



David Peters, PE

Attachment: Scope of Work Amendment for Jaye Street Bridge

Accepted by:

\_\_\_\_\_  
TRC

\_\_\_\_\_  
Date

## **Exhibit “A”**

### **SCOPE OF WORK AMENDMENT #2 Jaye Street Bridge Porterville, California**

#### **INTRODUCTION**

Peters Engineering Group (Consultant) will provide TRC (Client) with updated plans, specifications, and estimate (PS&E) for the Jaye Street Bridge construction plans to include the following additional work tasks.

#### **WORK TASKS FOR SCOPE AMEDMENT #1**

The Consultant will provide the following work tasks:

##### **Task A2-1 DBE Goal Analysis**

Consultant will prepare a DBE analysis for determining the percentage goal for the project in accordance with section 9 of the LAPM for review and approval by Caltrans.

##### **Task A2-2 PS&E for 12” Water Main Installation from Springville Avenue to Jaye Street Bridge, and from Jaye Street Bridge to Date Avenue.**

Consultant will revise 95% plan and profile sheets to include water main installation to replace existing 12” asbestos concrete water main with 12” C-900 PVC water main. These plans would be in addition to the water main replacement over the bridge, which is under the existing contract scope of work. Plans will include plan and profile sheets and detail sheets. Connection details for tie-ins at Date Avenue and at Springville Avenue will be included. Final plans, specifications, and estimates will be submitted for approval with the 100% plan submittal. This scope of work will need to be identified as non-participating to Caltrans in the Request for Authorization for Construction.

##### **Task A2-3 PS&E Trail Path Lighting**

Consultant will revise 95% plans to include lighting for the Tule River Parkway under the Jaye Street Bridge. Lighting will be added within the proposed retaining walls, and near the center of the bridge located within the proposed headwall. This scope of work was requested by the City in an attempt to light the trail for public safety purposes.

#### **CLIENT’S DUTIES AND RESPONSIBILITIES**

The Client shall:

- a) Provide all criteria and full information concerning Client’s requirements for the project.
- b) Provide Consultant with plans indicating the locations, types, and sizes of the proposed improvements.
- c) Apply for and obtain all approvals and permits from all governmental agencies having jurisdiction over the project, and such approvals from other entities as may be necessary for the project, with the assistance from the Consultant or as additionally authorized. Client shall pay all fees and charges associated with securing permits and approvals not previously described.

- d) Give prompt notice to Consultant whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of Consultant's services.
- e) At Client's discretion, authorize and direct Consultant to provide necessary Additional Services.

### **ADDITIONAL SERVICES**

The Client may, at its sole discretion, request that Consultant perform Additional Services. Both parties, prior to proceeding with these services, shall execute a written amendment to this Agreement.

Additional services will be required if Consultant is to perform services not specifically described herein.

### **RIGHT TO RELY**

Consistent with the professional standard of care, Consultant shall be entitled to rely upon the accuracy of data and information provided by the Client or others without independent review or evaluation unless specifically required in the Scope of Services.

### **COMPENSATION**

Consultant's fee for each task is listed below:

<b>Task 1</b>	<b>\$1,000</b>
<b>Task 2</b>	<b>\$10,600</b>
<b>Task 3</b>	<b>\$2,300</b>

Compensation for Additional Services shall be in accordance with the attached rate schedules (Exhibit "B").

### **SCHEDULE**

The 100% plans will be submitted approximately one week from approval of the Scope of Work Amendment 2.

JAYE STREET BRIDGE ADDITIONAL SERVICE ESTIMATE JULY 2015

Estimate of Fees

Hourly Rates													Subconsultant Fee		Markup		Reimbursable Costs		Project Administration			Notes								
ADDITIONAL SERVICES													15%						0%											
		Principal Engr. / Project Manager / Reviewer (Dave)		Senior Engineer (John)		Senior Engineer (Will)		Staff Engineer (Chee)		Project Admin (Ashlee)		Labor Totals																		
A1-1	SPRINGVILLE & JAYE TRAFFIC SIGNAL MODIFICATION												1	20	0	65	1	\$10,055			\$10,055	\$0			\$10,055					
A1-2	JAYE STREET MEDIAN ISLAND & ADDITIONAL PAVEMENT AREA												6	0	24	80	1	\$13,055			\$13,055	\$0			\$13,055					
A1-3	STORM DRAIN PIPE DESIGN AND PLAN												4	0	16	24	1	\$5,645			\$5,645	\$0			\$5,645					
A1-4	HUBBS MINOR DITCH BOX CULVERT												8	0	24	40	1	\$9,185			\$9,185	\$0			\$9,185					
A2-1	DBE CALCULATION												1	0	2	0	8	\$985			\$985	\$0			\$985					
A2-2	WATER MAIN INSTALLATION FROM SPRINGVILLE TO DATE												4	0	32	48	1	\$10,565			\$10,565	\$0			\$10,565					
A2-3	TRAIL PATH LIGHTING												0	2	4	12	1	\$2,225			\$2,225	\$0			\$2,225					
Task Manhours													24	22	102	269	14													
Task Fee Subtotals													\$3,960	\$3,300	\$15,300	\$28,245	\$910	\$51,715	\$0		\$51,715	\$0		\$51,715						
TOTAL MANHOURS													24	22	102	269	14													
FEE SUBTOTALS													\$3,960	\$3,300	\$15,300	\$28,245	\$910			\$0										
Check Total Project Cost													\$51,715		TOTAL PROJECT COST										\$0	\$51,715				



# Purchase Order 75726 C/O 1

DATE

6/1/15

<b>TO</b> James Winton & Associates 150 West Morton Ave Porterville, CA 93257 PHONE 559-781-2700 E-MAIL jwa@ocsnet.net	103160	<b>SHIP TO</b> No Shipping No Shipping	<b>BILL TO</b> TRC Companies Inc Accounts Payable 21 Griffin Road North Windsor, CT 06095 PHONE 860-298-9692 FAX 860-298-6399 E-MAIL apinvoiceapproval@trcsolutions.com
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P.O. NUMBER 75726 C/O 1	ORDER DATE 5/22/15	BUYER Hoang, Tri	PAY TERMS PWP
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PROJECT NUMBER	PROJECT NAME	PHASE NUMBER	PHASE NAME	TASK NUMBER	TASK NAME
156385.0000.0000	Jaye Street/Tule River Bridge Ph. 2	000004	Phase 4 Final Design	000084	Task 4.1 Winton Associates

DESCRIPTION

REASON FOR CHANGE/CANCEL  
ChangesScope

Seq	Description	Item Number	Quantity	Unit Price	Net Amount	Due Date
1	James Winton & Associates		1.00	4,400.00	4,400.00	12/31/2016

NOTES:

This Change Order No. 1 increases the original PO by \$4400.00 as shown below for a new PO total of \$6400.00.

Hubbs Minor Ditch survey = \$3,400.00

Additional legals/plats = \$1,000.00

Total additional PO amount = \$4,400.00

<b>Total</b>
4,400.00

## AGREEMENT TERMS

Purchase Order Authorization:

In Hoang Date: 6/1/15

Acceptance of this order constitutes an agreement to the terms and conditions set forth on each page of this Purchase Order and as contained in MSA/Contract No. JWA-122707-0001.

Accepted:

By: [Signature] Date: 6.2.15

Please return signed copy to the sender not to the Bill To address listed above.

**Our Purchase Order # and Line Item # (SEQ#) must be included on your invoice for Payment Processing... Thank you!**

\*The Line Item # should be in the description of the item for which you are billing us.

**\*\*Do not invoice for multiple purchase order numbers on any invoice. Each Purchase order must be invoiced separately. If you submit your invoice via email or fax please do not mail a printed copy.**



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Acceptance of Project - Morton Avenue Shoulder Stabilization Project (Morton Avenue between SR 65 and Westwood Street)

**SOURCE:** Public Works

**COMMENT:** JT2 dba Todd Companies has completed the Morton Avenue Shoulder Stabilization Project per plans and specifications. The project consisted of installing curb, gutter, sidewalk, driveways, asphalt concrete paving, accessible ramps, and other appurtenant structures along Morton Avenue from SR 65 to Westwood Street.

Staff tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On January 21, 2014, City Council authorized expenditure of \$428,550.11 for construction, construction management, quality control services, and surveying for the Morton Avenue Shoulder Stabilization Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management, quality control and surveying.

- 1) Final construction cost is \$369,010.31 (DBE portion deducted).
- 2) Construction management, quality control and surveying costs are \$43,424.38.

Total project construction costs equate to \$412,434.69, which is less than the \$428,550.11 overall budget approved by Council at the time of award. CMAQ grant funds in the amount of \$340,000, Measure R Alternative Transportation Fund in the amount of \$54,000 and Local Transportation Fund (LTF) in the amount of \$35,000 are the funding sources for this project.

The CMAQ portion of this project was federally funded and, being so, had requirements that needed to be followed to qualify for the funding. One of the requirements was that of the DBE Program (Disadvantaged Business Enterprise). A DBE is a small business that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged. The program requires that prime contractors either hire DBE firms as sub-contractors to meet a specific goal for the project or show they made an extensive search to locate DBEs that could perform work on the project. For this project the prime contractor agreed to hire two DBE sub-contractors for a total commitment amount of \$45,000. The project was awarded to the prime contractor based on this

committed amount, which met the project goal and would satisfy the requirements for the DBE Program. During construction, the contractor changed work performed by the DBEs to work that does not qualify under the program. The DBEs did not perform a commercially useful function and therefore the work performed does not count toward the committed goal. After reviewing with Caltrans (attached letter), it was found that only \$5,444.85 worth of qualified work was performed by DBEs. The rest of the work performed is considered federally ineligible and Caltrans will not reimburse the City for those amounts. Staff now recommends that the remainder of the committed work be deducted from the project (\$39,555.15). The total construction cost above, shows the amount with DBE portion already deducted.

This project required more staff hours than originally anticipated. There were many field issues with existing improvements that required staff time to review. The unexpected issues with DBE has caused the project acceptance to continue on well beyond the anticipated completion date (nearly a year). The combination of field and DBE issues has caused this project to surpass the originally approved amount for staff time.

Staff requests that the City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION:            That City Council:

1.        Accept the project as complete; and
2.        Authorize the filing of the Notice of Completion.

ATTACHMENTS:            1.        Department of Transportation Letter dated July 13, 2015  
                                     2.        Locator Map

Appropriated/Funded:

Review By:

Department Director:  
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

855 M STREET, SUITE 200

FRESNO, CA 93721-2716

PHONE (559) 445-5417

FAX (559) 445-5425

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

July 13, 2015

Project Reference Nos.  
CML 5122(077), 89-9118-88, TC4009

Mr. Michael Reed  
Acting Public Works Director  
City of Porterville  
291 North Main Street  
Porterville, California 93257

Dear Mr. Reed:

This letter is in regards to the Morton Ave. shoulder stabilization project in the City of Porterville (City). The contractor on this project, Todd Companies, has contacted the Caltrans District 6 Office of Local Assistance regarding a dispute with the City over Disadvantaged Business Enterprises (DBE) eligible work associated with this project. This letter is in response to two letters our office received from Todd Companies; an initial letter dated February 13, 2015 and a follow up letter dated May 1, 2015 responding to our request for additional information and clarification.

As you are aware, as a federally funded project, this project is subject to all federal regulations as referenced in the Caltrans Local Assistance Procedures Manual (LAPM) and the City's project specifications. As the lowest responsive bidder for the project, Todd Companies made a commitment to utilize their identified DBE subcontractor(s) to meet the DBE goal established for the project. The commitment and utilization of this work are documented for each federally funded project using both LAPM Exhibit 15-G and LAPM Exhibit 17-F.

The Caltrans District 6 Office of Local Assistance has reviewed all correspondence and documentation related to this matter for this project provided by both Todd Companies and the City. Upon completion of our review, it is our finding that much of the work Todd Companies claims towards their DBE commitment using WTB Inc. on their LAPM Exhibit 17-F does not count as DBE eligible work. We find that much of the work did not provide a commercially useful function as defined in 49 CFR 26.55 and referenced in the City of Porterville's project specifications on page 63. For your convenience, a reference link to 49 CFR 26.55 is provided below.

<http://www.gpo.gov/fdsys/granule/CFR-2009-title49-vol1/CFR-2009-title49-vol1-sec26-55>

For this project, as documented on LAPM Exhibit 15-G, Todd Companies committed to use WTB Inc. for \$35,000 of work on bid items 4-6 and 8-12. Combined, these 8 bid items totaled \$293,311 worth of DBE identified work and consisted of various possible work elements to meet their \$35,000 commitment. Regarding DBE eligible participation, 49 CFR 26.55 stipulates the following, 'count expenditures to a DBE contractor toward DBE goals only if the DBE is

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

Mr. Michael Reed  
July 13, 2015  
Page 2

performing a commercially useful function on that contract'. The regulation defines what is considered a commercially useful function, and what is not. In terms of what is not, it states, "A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation."

Regarding the supply of concrete to the job site, it is our understanding that WTB Inc. did not perform this work. This is based on our discussion with City staff and our review of the truck tickets provided by City staff that were collected on site from South Valley Materials Inc. concrete trucks. As a result, our finding, in terms of concrete supply, is that WTB Inc. role in this transaction was that of an "extra participant" and therefore Caltrans will not reimburse the City for what is considered federally ineligible DBE utilization. Please work with Rodney Bowen to submit a revised LAPM Exhibit 17-F accordingly.

If you have any further questions regarding the topic of DBE commercially useful functions or would like to discuss this matter further, you can contact me at (559) 445 5417 or the District 6 DBE coordinator, Rodney Bowen, at (559) 488-7304.

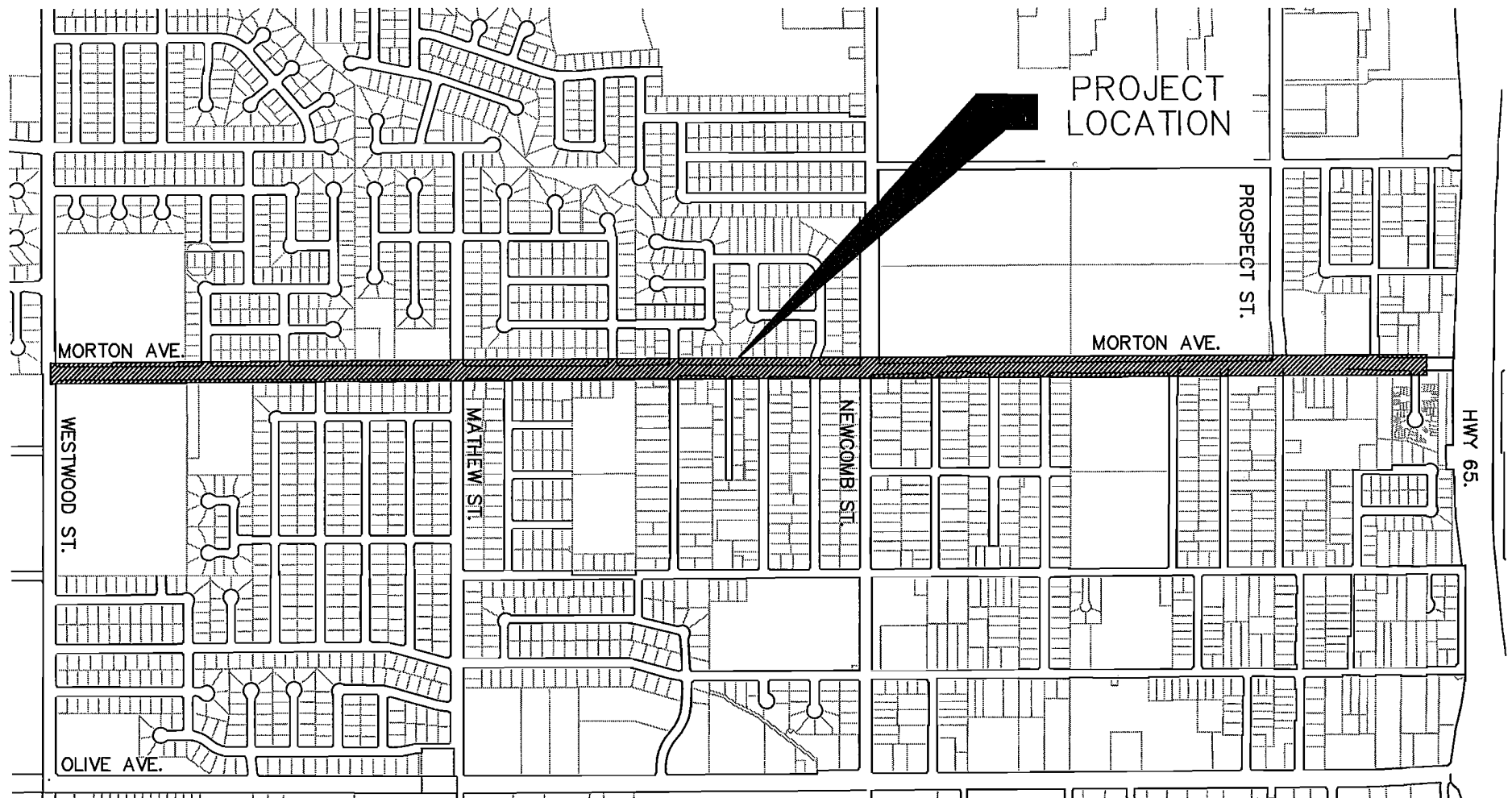
Sincerely,



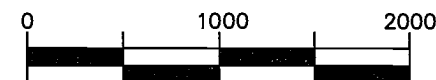
for

JIM PERRAULT  
District 6 Local Assistance Engineer

Cc: Tom Lockwood, Todd Companies  
David Giongco, Caltrans - Division of Local Assistance  
Gail Miller, District 6 Deputy Director, Planning and Local Programs



NORTH



SCALE: 1"=1000'

City of Porterville  
291 N. MAIN ST.  
PORTERVILLE, CA. 93257  
559 7827462

**MORTON AVENUE  
SHOULDER STABILIZATION**



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Authorization to Issue a Request for Proposal for the 2016 Short Range Transit Plan

**SOURCE:** Public Works

**COMMENT:** Federal statutes require the Tulare County Association of Governments (TCAG), in partnership with state and local agencies, to develop and periodically update a long-range Regional Transportation Plan (RTP) and a Transportation Improvement Program (TIP). In order to effectively execute these planning and funding programming responsibilities, TCAG, in cooperation with Region IX of the Federal Transit Administration (FTA), requires each transit operator receiving federal funding through the TIP to prepare, adopt, and submit a Short Range Transit Plan (SRTP) to TCAG.

SRTPs serve as a management and policy document for the transit operator, as well as a means of annually providing FTA and TCAG with information necessary to meet regional fund programming and planning requirements.

SRTPs are funded in part by FTA Section 5303 funds for which TCAG is the grantee. TCAG in turn makes these funds available to eligible transit operators through a funding agreement between TCAG and the individual operator. For the 2016 SRTP, staff has estimated this project to cost \$100,000 and is expected to take six to eight months to complete.

Staff is requesting authorization to issue a request for proposals for the development of the 2016 Short Range Transit Plan.

**RECOMMENDATION:** That the City Council authorize staff to issue a request for proposals for the 2016 Short Range Transit Plan.

**ATTACHMENTS:**

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager







## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Approval of Transit Measure R Program Supplement to Cooperative Agreement

**SOURCE:** Public Works

**COMMENT:** The Tulare County Association of Government (TCAG), acting as the Local Transportation Authority ("Authority"), is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement for the City of Porterville Transit Program. This Program Supplement will allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes. The City is entitled to \$170,000 per year in Transit operating assistance through Measure R.

As stated above, Measure R operating funds are designated for transit expansion. The route approved under these guidelines is Route 8 which was implemented in August 2008. Additionally, the City modified Routes 6 and 7 to expand service to areas not previously served.

Staff has prepared the attached Program Supplement and Attachment "A" to allow the City of Porterville to continue receiving Measure R Transit operating assistance.

**RECOMMENDATION:** That the City Council:

1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

**ATTACHMENTS:**

1. Resolution
2. Measure R Program Supplement to Cooperative Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**RESOLUTION #\_\_\_\_\_ - 2015**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE AFFIRMING AND APPROVING THE SUPPORT OF THE  
CITY COUNCIL FOR THE MEASURE R PROGRAM SUPPLEMENT TO  
COOPERATIVE AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT  
PROGRAM**

**WHEREAS**, the City of Porterville Transit program is eligible to receive operational costs for Route 8 that began in August 2008, which route by definition meets the Measure R guidelines of transit expansion; and

**WHEREAS**, the City of Porterville made additional modifications to Routes 6 and 7 in Fiscal Year 2009/10 to expand service to areas not previously served; and

**WHEREAS**, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive Measure R Transit Funds for Operating Expenses for Fiscal Year 2015/2016;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Porterville that the Council does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit Program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of August, 2015.

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Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

---

By: Patrice Hildreth, Chief Deputy City Clerk

**MEASURE R PROGRAM SUPPLEMENT TO  
COOPERATIVE AGREEMENT**

This Program Supplement is made and entered into on August 11, 2015, by and between the CITY OF PORTERVILLE ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007, as amended, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. 42-2011, approved by the Sponsor on August 2, 2011. (See copy attached)

Project Scope, Costs, and Schedule are incorporated herein as Attachment "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

1.1. SPONSOR agrees that it will only proceed with work authorized for specific phases(s) with a written "Authorization to Proceed" or Authority action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or Authority action.

1.2. SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.

1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.

1.4. Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.

1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and target billing amount.

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: \_\_\_\_\_

Chair of the Authority

ATTEST:

By: \_\_\_\_\_  
Authority Director

CITY OF PORTERVILLE

ATTEST:

By: \_\_\_\_\_

Milt Stowe  
Mayor

By: \_\_\_\_\_

John D. Lollis  
City Clerk

**ATTACHMENT “A”  
PROJECT SCOPE, COST AND SCHEDULE**

**PORTERVILLE TRANSIT – FY2015/16**

**Operations**

In line with the FY 2008/09 service expansion outlined in the 2006 City of Porterville Short Range Transit Plan, Measure R funds provided to the City of Porterville will be used to offset the cost of the additional fixed route within the City. This new route has been deployed within the northeastern section of the City, an area of growing development that previously had no access to fixed route service. The route began in August of 2008.

Based on review of current and past fixed route operations data, we have calculated the base annual net operating cost of a new route to be approximately \$238,000. Measure R funds are being requested to account for 71% of the cost of this route expansion, with additional costs being covered by TDA funds.

Measure R Operating Costs Allocated:	\$105,000 Original
	<u>65,000</u> Amendment No. 3
	<b>\$170,000</b> Total

Expansion Route Operating Costs:	\$247,000
Less Fare box Revenue:	<u>9,000</u>
Net Project Cost:	<b>\$238,000</b>

Total Measure R Funds Requested:	<b>\$170,000 (71%)</b>
----------------------------------	------------------------



## CITY COUNCIL AGENDA – AUGUST 18, 2015

SUBJECT: Centennial Plaza Literacy Center

SOURCE: Parks and Leisure Services

COMMENT: The City purchased Centennial Plaza on July 15, 2014. City Council authorized the Library to utilize Suites B and C on the second floor. Staff and the Library and Literacy Commission determined the best utilization of space at Centennial Plaza would be to move the Adult Literacy Services to that location. This option presents a down-scaled version of the Central Library's Community Room space reconfiguration that entailed the creation of a community learning/literacy center which was approved by City Council in May 2010.

In review of Suites B and C at Centennial Plaza, staff has evaluated the wall which separates the two suites. This wall has been identified as load bearing and cannot be removed entirely. However, to maximize useable space into one functional space which can be easily monitored, staff intends to knock out 10 feet of that wall. Staff has attached the space configuration illustrating the intended use of the two suites which accommodates a joint staff office with two workstations, open seating with table mobility, leisure seating areas, three small study rooms, and a small break/eating area for staff and patrons. In addition, since storage options are limited within this defined space, a portion of the hallway across from the two suites would have storage cabinets installed.

The opportunity to relocate Adult Literacy Services would create flexible programming space that lends itself to accommodate some much needed growth for a community "literacy service center" extension. Currently, the Read to Succeed program has 27 learners and 21 tutors; the English as a Second Language (ESL) conversation group has 8-16 students and 2 instructors; and the Thunderbolt Teen program has 2 learners and 3 tutors (25 students served in 2014-2015). Staff from the Adult Literacy Services also delivers the English Language & Literacy Intensive (ELLI) programs which run offsite during the school year at the following schools: Santa Fe, Monte Vista, and West Putnam. Last school year, the ELLI program served 91 students. Future service options that could be considered and incorporated into this space might include: assistance to Spanish speaking parents who struggle with the English language when it comes to helping their children succeed in school; a parenting leadership class based on the Parenting Partners model; a drop-in tutoring center for students in grades 6-12; and additional technology access for computer literacy opportunities focused on the specific clients served at this location.

Ideally, the hours of operation to begin with would be Monday through Friday, 9:00 AM to 6:00 PM. Staffing levels would be filled through the two full-time employees already running existing programs. Additional part-time staff would need to be hired to cover for one of the full-time employees who runs programs off-site during the school year. The part-time employee would allow us to keep the center open to the clients served. Staff estimates additional cost of a part-time employee would be approximately \$3,000 per year. These staffing levels do not account for any additional programs to be added, but would establish the existing program as it stands now.

Upstart cost estimates to establish occupancy for services to include wall demolition and threshold finishing, furniture, and equipment total \$57,600. This total would come from Measure H capital project funds, for which \$100,000 has been appropriated. New associated cost estimates to maintain current services to include staffing, utilities, network/communications, janitorial service and supplies, rental equipment, program supplies and equipment total \$18,474. Measure H funds would cover the annual cost for these adult literacy services.

RECOMMENDATION: That the City Council authorize staff to proceed with the Literacy Services extension project at Centennial Plaza, not to exceed \$70,000.

ATTACHMENTS: 1. Centennial Plaza Literacy Center

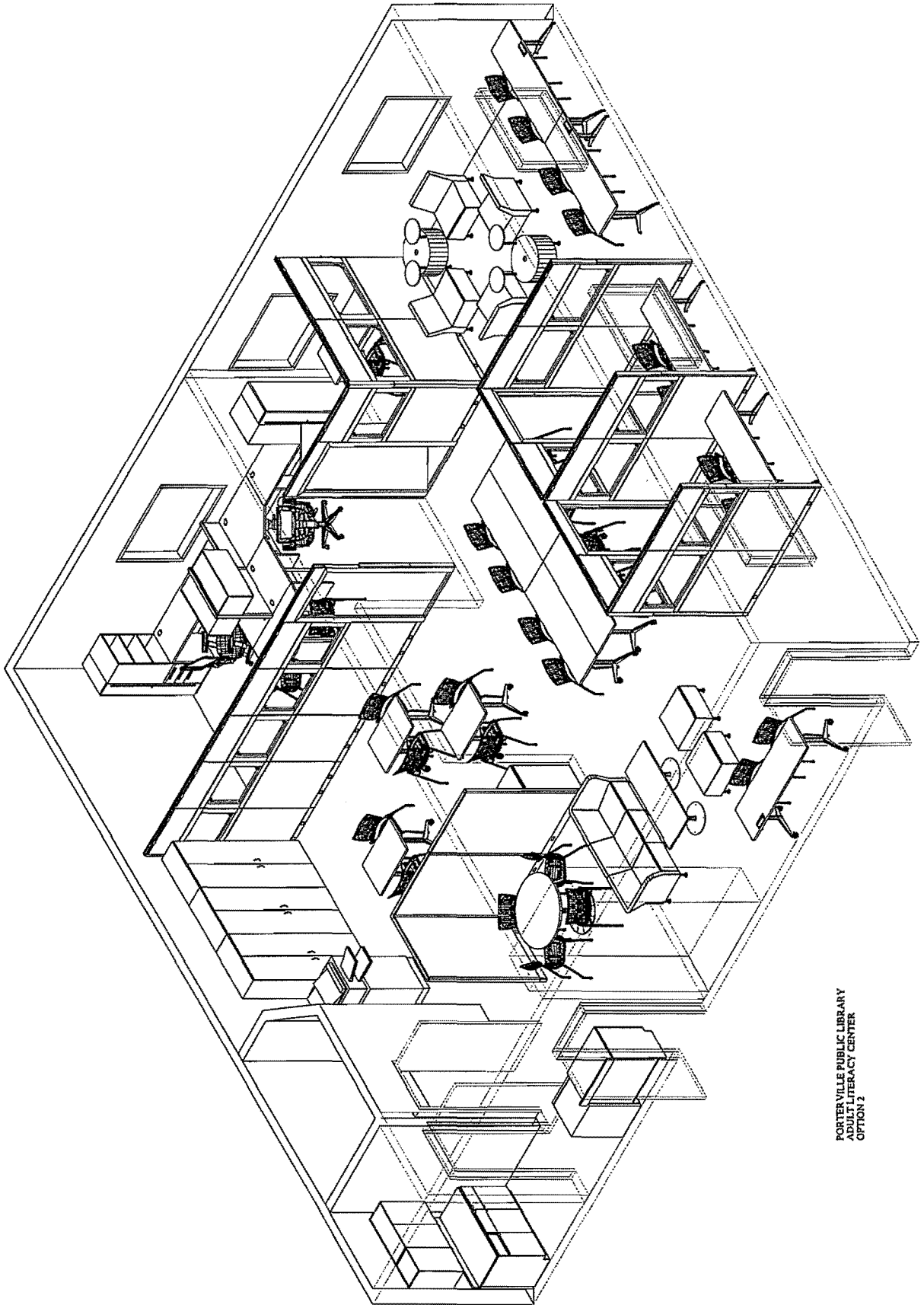
Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



PORTERVILLE PUBLIC LIBRARY  
ADULT LITERACY CENTER  
OPTION 2





## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Request to Replace Landscaping Surrounding Police Department in Response to Drought and Water Restrictions

**SOURCE:** Police

**COMMENT:** The current landscaping that surrounds the Porterville Police Department facility consists of Bermuda grass, plants, and a sprinkler system that is outdated. Pursuant to the current drought throughout California, including Porterville, the Porterville Police Department has sought ways to reduce water consumption at the police facility. An area wherein Police Department staff believes they can make an impact involves the current landscaping.

Currently, the Police Department has one large grass area in front of the building and several grass areas surrounding the other sides of the building. Staff determined these grass areas are a major source of water consumption for the department. In an effort to address this issue, the department solicited bids to remove the grass from these areas and replace it with drought tolerant landscaping, as well as updating the sprinkler system to a more effective watering system.

Upon receiving the bids, staff determined it would not be feasible to replace the large grass area in front of the Police Department at this time. However, three bids were obtained from three landscaping companies to replace grass on three of four sides that surround the facility. The present project is to replace all grass areas in these three sides with drought tolerant plants and replace the existing sprinkler system components with the most energy and water efficient parts. The project areas are as follows: Grass area on Harrison Avenue, beginning approximately ½ way between D Street and Hockett Street, extending toward Hockett Street; all grass areas on Hockett Street between Harrison Avenue and Thurman Avenue; all grass areas on Thurman Avenue between D Street and Hockett Street.

Staff received bids from the following three landscaping companies:

Master Landscape  
284 South Page Street  
Porterville, CA 93257  
(559) 901-3409  
Contractor License #890990  
Bid Amount: \$29,250

Douglas and Sons Landscaping  
421 Monterey Avenue  
Chowchilla, CA 93610  
(559) 479-6709  
Contractor License #973116  
Bid Amount: \$18,700

Guzman Landscape Maintenance  
932 N. Dickran Drive  
Tulare, CA 93274  
(559) 623-3069  
Contractor License #967094  
Bid Amount: \$7,526.75

The low bid received was from Guzman Landscape Maintenance and was significantly less than the other two companies. Staff found this low bid to be acceptable.

Funds are currently available in the Police Department's current budget.

RECOMMENDATION: That the City Council:

- 1) Accept the proposal by Guzman Landscaping Maintenance;
- 2) Authorize the Police Department to enter into an agreement with Guzman Landscaping Maintenance; and
- 3) Authorize payment to Guzman Landscaping Maintenance upon satisfactory completion of project.

ATTACHMENTS:

1. Guzman Landscaping Maintenance Quote
2. Master Landscaping Quote
3. Douglas & Son Landscaping Quote

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

*Guzman Landscape  
Maintenance*

932 N. Dickran Dr.  
Tulare, CA 93274  
(559) 623-3069  
State Cont Lic # 967094  
C27 C61/D49  
QAC# 128815

## Proposal

6-18-15

---

To: Chris Contreras

Job Location: **Porterville Police Department**  
**350 N. D Street**  
**Porterville, CA 93257**

Thank you for considering Guzman Landscape Maint to bid on the landscape project at Porterville Police department. I the contractor propose to furnish labor, material and necessary tools in acceptance with the scope of work below, for the sum of \$ 7,526.75 due no later than (30) days from billing date.

---

**Scope of Work includes:**

The project at Porterville police Department includes:

- Removing Existing concrete curb
- Removing existing sod
- Replacing existing sprinkler nozzles with precision nozzles
- Replace grass with plants

**Acceptance of Proposal**

The above price and scope of work are hereby accepted. Contractor is authorized to commence work.  
Payment will be made as outlined above.

**ACCEPTED By:** (print name & title)

-----

Authorized Signature:

-----

Date:-----

***Thank You!***

**Guzman Landscape & Maintenance**  
**932 North Dickran Drive**  
**Tulare, CA 93274**  
**Contractors Lic # 967094**  
**(559) 623-3069**

# Estimate

DATE	ESTIMATE #
6/19/2015	200

BILL TO	Job site
Porterville Police Department 350 N D st Porterville, CA 93257	Same  Attn: Lieutenant Contreras

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
1	Remove existing concrete curve/ per feet	383	3.00	1,149.00
2	Remove existing turf & regrade dirt / per ft	1,200	3.25	3,900.00
4	Replace existing nozzles with Precision toro nozzle/ low flow water efficient nozzles. Only areas outlined in attached diagram. Includes install and adjustment. Note: Any worn out sprinklers if needed to be replaced there will be a \$15 per sprinkler fee. We will notify if anything needs to be replace prior to making any repairs.	85	7.75	658.75
5	Bottle Brush 5gal	10	18.75	187.50
6	Crape myrtle "pink" 5 gal	2	18.75	37.50
7	Razleberry shrub 5 gal	7	18.75	131.25
8	Lily of the nile 5 gal	6	18.75	112.50
9	Carpet rose 1 gal	20	8.75	175.00
10	Society garlic ' silver lace' 1 gal	16	8.75	140.00
11	Flux 1 gal	2	9.50	19.00
12	rose white 5 gal	1	18.75	18.75
13	Nundina ground cover 1 gal	6	8.75	52.50
14	Labor to dig holes & plant	1	945.00	945.00

Thank you for your business!

Subtotal 7,526.75

0% Tax

**Total 7,526.75**

# **Landscape Proposal And Agreement**

**June 8, 2015**

**Alfredo Ceballos  
Contractor Lic# 890990**

**Master Landsape  
284 South Page St  
Porterville, CA 93257  
Phone# (559) 901-3409  
Fax# (559) 784-4541**

**Proposal Submitted to: Porterville Police Department**

**Address: 350 North D St**

**City:Porterville CA 93257**

**Phone: (559) 782-7400**

**We hereby propose to furnish materials and perform the labor necessary for the completion of:**

- 1)Remove all existing turf areas around property (Harrison St, Hockett Thurman) with the exeption of the large turf areas located at the front entrance, Masterlandscape will haul off all turf debri.
- 2)Remove all concrete border divider on (Harrison St,Hockett,Thurman) streets and haul off.
- 3) Rototill,level and grade all bed areas.
- 4) Fill in all empty areas where turf was removed with drought tolerant plants to match existing plants.
- 5) Remove railroad beams located on North D St planter, and haul off.
- 6)Master landscape will check sprinkler system for adecuate watering coverage.
- 7)Walk on bark will be added to all planter areas to keep ground moisture for water conservation.

**We propose hereby to furnish material and labor to complete in accordance with the above specifications for the sum of: *Twenty Nine Thousand Two Hundred and fifty dollars \$29250.00***

**With Payments to be made as follows: 40% down payment on starting day ,and the rest of the amount to be paid in full on job completion.**

Douglas And Sons  
 Landscaping  
 421 Monterey Ave  
 Chowchilla CA 93610  
 (559)479-6709  
 Lic. 973116

# Estimate

DATE	ESTIMATE #
6/18/2015	203

BILL TO
Porterville PD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Plants	Assorted drought tolerant plants (1gl to 5gl pots)	1	5,000.00	5,000.00
Drip	parts	1	1,000.00	1,000.00
labor	take out grass and curbing and put in plants and drip	1	10,200.00	10,200.00
Haul Off	grass and curbing	1	2,500.00	2,500.00
Price may change do to landfill fee		Subtotal	18,700.00	
also if we dont us all the plants we will change the amount to make it cheaper for you thanks		8% Tax		
		<b>Total</b>	<b>18,700.00</b>	



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Approval for Community Civic Event - Iglesia del Nazareno - Rise Up Porterville - September 19, 2015

**SOURCE:** Finance

**COMMENT:** The Porterville Iglesia del Nazareno, together with Mothers United Against Gang Violence, are requesting approval to hold their event, Rise Up Porterville, at Centennial Park on Saturday, September 19, 2015, from 11:00 a.m. until 4:00 p.m. This event will include a car and motorcycle show, music, and folklorico dancers.

The following street closures are requested:

Main Street, from Morton Avenue to Putnam Avenue  
Cleveland Avenue, from Second to Division Street.

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

**RECOMMENDATION:** That City Council approve the attached Community Civic Event Application and Agreement submitted by Porterville Iglesia del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A and Exhibit B of the Community Civic Event Application.

**ATTACHMENTS:**

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

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager





# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: 7/30/15 Event date: Sept 19th 2015  
Event time: 10am - 4pm  
Name of Event: "Rise Up Porterville"

Sponsoring organization: Inglesia De Nazareno Phone # 781-6119  
Address: 137 E. MORTON ST., Porterville, CA-93257  
Authorized representative: PASTOR Frankie Olmedo Phone # 784-4289  
Address: 137 E. Morton, Porterville CA-  
Event chairperson: MARY MARTINEZ Phone # 559-756 4255 \*

Location of event 'Centennial Park' 291 N. MAIN ST. Pville CA.  
(Location map must be attached)

Type of event: (Community Outreach) Fundraiser to help our youth  
('Multicultural' Festival) & future events

Non-profit organization status: \_\_\_\_\_

(IRS Determination)

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

Barricades (quantity): 20 Street sweeping Yes \_\_\_\_\_ No ✓

Police protection Yes \_\_\_\_\_ No ✓ Refuse pickup Yes \_\_\_\_\_ No ✓

Other: OWN TRASH CANS provided

Parks facility application required: Yes ✓ No \_\_\_\_\_ Attached ✓

Assembly permit required: Yes \_\_\_\_\_ No ✓ Attached \_\_\_\_\_

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

Appr. Deny

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

✓

# CITY OF PORTERVILLE

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

### ***What constitutes a Community Civic Event?***

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

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

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

 Authorized Representative Initials


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

 Authorized Representative Initials

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

 Authorized Representative Initials

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

 Authorized Representative Initials

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

(Name of Organization)

(Signature)

(Date)

# CITY OF PORTERVILLE

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

Name of event: Rise Up Porterville

Sponsoring organization: 'Inklisia of Nazarene'

Location: Centennial Park Event date: 9/19/15 Event time: 10:00 AM - 5

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per \*City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

	Vendor name	Address/Telephone	Business License required?	Type of Activity
R	Two-Mados	33 West Putnam	003972	Community outreach event!
R	Taquera-La Nueva era	11 W Olive	AR13353985	Philippino Food!
				Sonia Rivas! Tacos Booth
				- Booth
	MUA.C.V.	843 W kenair hte, Porterville	no. profit. CA-93257	informational Booth
	<del>Big E BBQ</del>	819 W Date Ave.	Porterville CA 93257	" "
				" "
				" "
R	Fantastic Kettle	906 W JORDAN, Porterville CA	Myra Gomez	906 W Jordan, Porterville CA
OK	Family Health Network	1107 W. Poplar, Porterville CA	non profit	Isabel Olmos informational Booth
		<del>Got to Jordan</del>		

**\*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees:** Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

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

# CITY OF PORTERVILLE

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

Name of event: "Rise Up Porterville"

Sponsoring organization: Church of Nazareth

Event date: Sept 19th 2015 Hours: 9am - 5pm <sup>10</sup> allow cleaning

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

## Closed

Street Name	From	To	Activity
Main St Cleveland	Norton <del>Main</del> Second	Cleveland Division	Bike & Car Show Bounce House
Sidewalks	From	To	Activity
Parking lots and spaces	Location	Activity	

Requirements for Community Civic Event

Porterville Iglesia Del Nazareno and  
Mothers United Against Gang Violence

Rise Up Porterville

September 19, 2015

Finance Director:  
*M. Bemis*

Deputy Public Works Director:  
*M. Reed*

Community Development Manager:  
*J. Phillips*

Deputy Public Works Director:  
*B. Styles*

Barricades may be obtained and returned to  
555 N. Prospect. St.

Fire Chief:  
*G. Irish*

No comments

Parks and Leisure Services Director:  
*D. Moore*

Vehicles to remain off the grass.

Police Lieutenant:  
*C. Contreras*

Please see conditions and requirements  
in Exhibit B.

Administrative Services Director:  
*P. Hildreth*

See Page 2, Exhibit A.

## Requirements for Community Civic Event

Sponsor: Porterville Iglesia Del Nazareno and Mothers United Against Gang Violence  
Event: Rise Up Porterville  
Event Chairperson: Mary Martinez  
Location: Centennial Park  
Date of Event: September 19, 2015

### RISK MANAGEMENT: Conditions of Approval

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

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

**CITY OF PORTERVILLE**  
**APPLICATION FOR COMMUNITY CIVIC EVENT**

**Proposed Event:**

"Rise Up Porterville – Centennial Park – September 19<sup>th</sup>, 2015 / 10:00am – 4:00pm

**Staff Comments:** Conditions/Requirements by Police Department

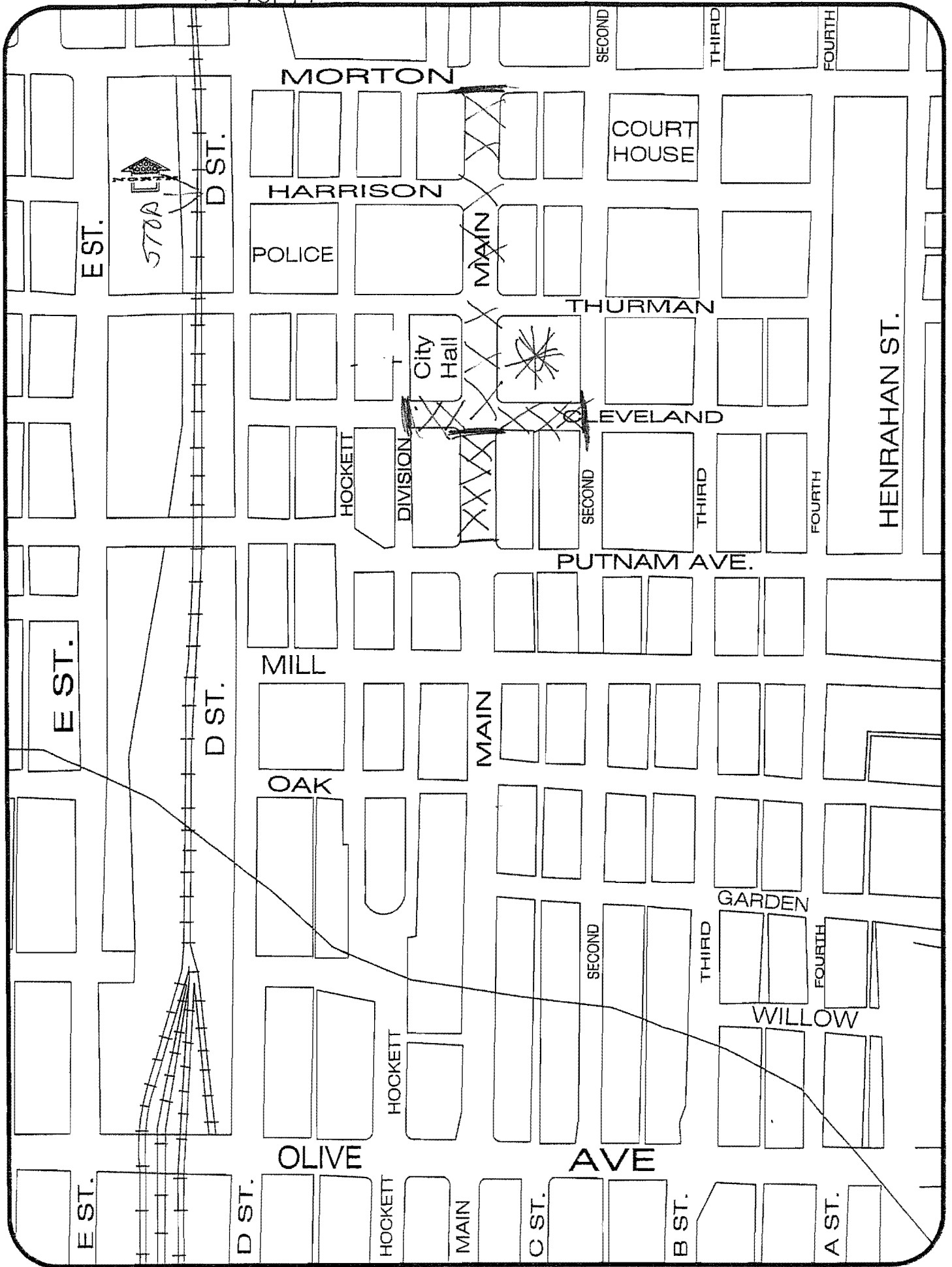
- All street closures require City Council approval.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of vehicle or pedestrian traffic, and also shall not block or park on sidewalks.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event, unless appropriate permits have been obtained.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Private vehicles may not drive or park inside the park or in any areas other than the parking lots.
- Event organizers shall contact Porterville Police Lieutenants Dominic Barteau or Richard Standridge at 559-782-7410 or 559-782-7400 in advance of the event in order to determine additional policing concerns/requirements.

Chris Contreras / Lieutenant  
Porterville Police Department

Exhibit B



NORTH



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



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

- 1 Name and home address of the applicant: Mary Martinez 843 W Karai Ave, Porterville CA 93257
- 2 Address where amplification equipment is to be used: Centennial Park 291 N. Main St. Porterville CA 93257
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Victor Martinez 439 N Park St. Porterville CA 93257
- 4 Type of event for which amplification equipment will be used: Bands to Play for event.
- 5 Dates and hours of operation of amplification equipment: Sept 19th @ Centennial Park
- 6 A general description of the sound amplifying equipment to be used: Standard equip. used for Bands. microphones, speakers. (i.e.) P.A system

**Section 18-9**

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

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

**Section 18-14**

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

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

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

Mary Martinez  
Signature of Applicant

8-25-15  
Date

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

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

8-12-15  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/16/2015

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

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

<b>PRODUCER</b> Mutual Insurance Agency CA License # 0574081 30 N. Marengo Ave Pasadena CA 91101	<b>CONTACT NAME:</b> Maggie Khardalian <b>PHONE (A/C, No, Ext):</b> (626) 795-9595 <b>FAX (A/C, No):</b> (626) 793-7864 <b>E-MAIL ADDRESS:</b> khardalianm@mutualinsagcy.com														
<b>INSURED</b> Porterville Evangelical Iglesia Del Nazareno 137 East Morton Avenue Porterville CA 93257	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: GuideOne Specialty Mutual Ins</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: GuideOne Specialty Mutual Ins		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: GuideOne Specialty Mutual Ins															
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES**

CERTIFICATE NUMBER: 2015-2016 GL

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADOL	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			1289-379-BY	6/30/2015	6/30/2016	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 15,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 5,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 5,000,000
	OTHER:						\$
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	<b>UMBRELLA LIAB</b>						EACH OCCURRENCE \$
	<b>EXCESS LIAB</b>						AGGREGATE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						\$
	DED RETENTION \$						\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is named Additional Insured, but only as respects the Insureds use of facilities situated at Centennial Park, 291 N. Main St., Porterville, CA 93257 for the Community Outreach on 09/19/2015 per Form CG2011 attached.

**CERTIFICATE HOLDER****CANCELLATION**

cityclerk@ci.porterville.ca  City of Porterville Successor Agency to the Porterville Redevelopment Agency 291 N. Main St. Porterville, CA 93257	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Howard Wooton/DLH
---	--

© 1988-2014 ACORD CORPORATION. All rights reserved.

**Insured: Porterville Evangelical Iglesia Del Nazareno****Policy Number: 1289-379-BY****COMMERCIAL GENERAL LIABILITY  
CG 20 11 01 96****THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – MANAGERS OR LESSORS OF  
PREMISES**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART****SCHEDULE****Centennial Park****291 N. Main St., Porterville, CA 93257**

1. Designation of Premises (Part Leased to You):
2. Name of Person or Organization (Additional Insured):
3. Additional Premium:

**\*See Below**

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

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

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

**Additional Insured: The City of Porterville  
Successor Agency to the  
Porterville Redevelopment Agency**



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Approval for Community Civic Event - Fil-American Association of California - Filipino Weekend Fiesta - September 26-27, 2015

**SOURCE:** Finance

**COMMENT:** The Filipino-American Association of California is requesting approval to hold their annual Filipino Weekend Fiesta at Veteran's Park on Saturday, September 26, 2015, and Sunday, September 27, 2015, from 8:00 a.m. to 9:00 p.m. The event is being held as a weekend cultural celebration of the Filipino-American heritage with displays of folk dances, folksongs, and cuisine. The event will also feature a car show. A motorcade with no street closures is requested for a procession using one lane around the park on Saturday, September 26, 2015. In order not to impede or interfere with the normal flow of traffic, participants will abide by all traffic laws and rules of the road.

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

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

**ATTACHMENTS:**

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

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? YES E-mail address? NONE Website? NONE  
Application date: July 28, 2015 Event date: Sept. 26 + 27 (Sat. + Sun.)  
Event time: 8:00 am - 9:00 pm  
Name of Event: Filipino Filipino Weekend Fiesta

Sponsoring organization: Fil-Amer Assn. of CA Phone # (559) 782-3639  
Address: 968 W. CLEO AVE Porterville CA 93257  
Authorized representative: Marilou A. Agpao Phone # (559) 359-1142  
Address: 968 W. CLEO AVE Porterville, CA 93257  
Event chairperson: Marilou A. Agpao Phone # (559) 359-1142

Location of event Veteran's Park (Porterville) HENDERSON AVE cor  
(Location map must be attached) NEWCOMB STREET

Type of event: Filipino Cultural Celebration CAR SHOW,  
Motorcade around Veteran's Park Food Vending, etc.

Non-profit organization status: YES BK# 9708  
(IRS Determination)

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

Barricades (quantity): N/A Street sweeping Yes        No ✓  
Police protection Yes        No ✓ Refuse pickup Yes        No ✓  
Other:       

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

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

Appr. Deny

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

EIN

1 of 4

Fil-Amer Association of California, 06-1691878



# CITY OF PORTERVILLE

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

### ***What constitutes a Community Civic Event?***

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

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

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

 Authorized Representative Initials


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

 Authorized Representative Initials

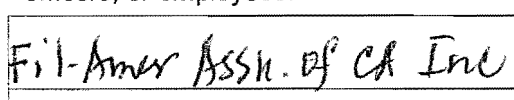
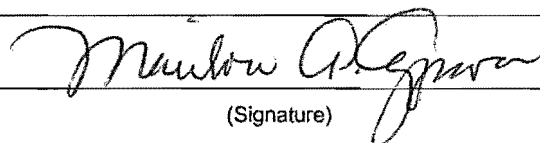
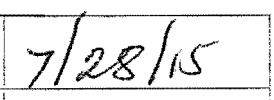
**Health permit:** Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental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

 Authorized Representative Initials

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

 Authorized Representative Initials

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

		
(Name of Organization)	(Signature)	(Date)

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

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

Event date: \_\_\_\_\_ Hours: \_\_\_\_\_

[illegible]

Requirements for Community Civic Event

Fil-Amer Association of California

FILIPINO WEEKEND FIESTA

SEPTEMBER 26-27, 2015

Finance Director:

*M. Bemis*

Deputy Public Works Director:

*M. Reed*

Community Development Director:

*J. Byers*

No comments

Deputy Public Works Director:

*B. Styles*

No comments.

Fire Chief:

*G. Irish*

No comments.

Parks and Leisure Services Director:

*D. Moore*

No vehicles allowed to park on the grass aside from the car show vehicles. Vehicles to use park path upon entering and exiting the park. Park closes at 10:00 pm. Applicant assumes responsibility of all items left in the park overnight.

Police Lieutenant:

*C. Contreras*

See attached staff comments on Exhibit B.

Administrative Services Director:

*P. Hildreth*

Please see attached Exhibit A, page 2.

## Requirements for Community Civic Event

Sponsor: Fil-Amer Association of California  
Event: Filipino Weekend Fiesta  
Event Chairman: Marilou A. Agpaoa  
Location: Veterans' Park  
Date of Event: September 26-27, 2015

### **RISK MANAGEMENT: Conditions of Approval**

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

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

**CITY OF PORTERVILLE**  
**APPLICATION FOR COMMUNITY CIVIC EVENT**

**Proposed Event:**

Filipino-American Week - Veteran's Park – September 26<sup>th</sup> & 27<sup>th</sup>, 2015

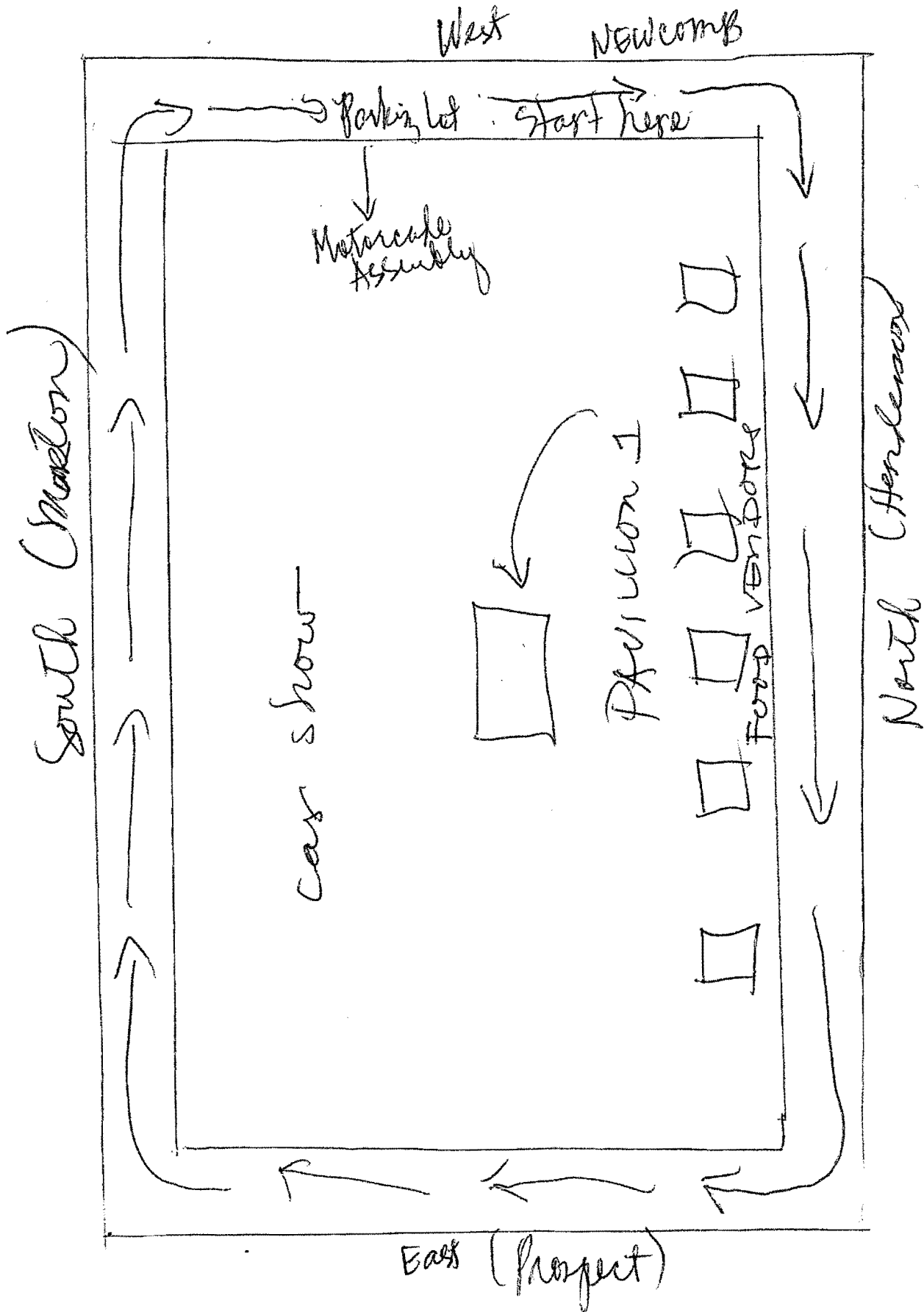
**Staff Comments:** Conditions/Requirements by Police Department

- No street closures have been mentioned, but all street closures require City Council approval.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of vehicle or pedestrian traffic, and also shall not block or park on sidewalks.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event, unless appropriate permits have been obtained.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Private vehicles that are not participating or part of the car show shall only drive and/or park in the paved parking areas and may not drive or park on any areas other than the parking lots.
- Event organizers shall contact Porterville Police Lieutenants Dominic Barteau or Richard Standridge at 559-782-7410 or 559-782-7400 in advance of the event in order to determine additional policing concerns/requirements.

Chris Contreras / Lieutenant  
Porterville Police Department

Exhibit B

# Site of Cultural Event





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



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

- 1 Name and home address of the applicant: Marilon A. Agapao  
968 W. CLEO Ave, Porterville CA 93257
- 2 Address where amplification equipment is to be used: Porterville Veterans Park
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Ely C. Agapao  
968 W. CLEO Ave, Porterville CA 93257
- 4 Type of event for which amplification equipment will be used: Filipino Weekend Fiesta  
& Cultural Celebration (Folk dancing, singing game)
- 5 Dates and hours of operation of amplification equipment: Sept. 26 & 27 (Saturday & Sunday)  
8:00 am - 8:00 pm
- 6 A general description of the sound amplifying equipment to be used: sound system, 2 speakers  
receiver, Karaoke singing machines

Section 18-9

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

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

Section 18-14

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

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

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

Marilon Agapao  
Signature of Applicant

7/28/15  
Date

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

\_\_\_\_\_  
City of Porterville, Chief of Police/Designee

\_\_\_\_\_  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/31/2015

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

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

<b>PRODUCER</b> Walter Mortensen Insurance P.O. Box 1960 Porterville, CA 93258	<b>CONTACT NAME:</b> Daren Griswold		
	<b>PHONE (A/C, No, Ext):</b> 559-781-5200	<b>FAX (A/C, No):</b> 559-781-3229	
	<b>E-MAIL ADDRESS:</b> dg@wmi.cc		
<b>INSURED</b> Fil - Amer Association of California 968 W. Cleo Porterville, CA 93257	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> Fireman's Fund Insurance Company		21873
	<b>INSURER B:</b>		
	<b>INSURER C:</b>		
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
		<b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	<input checked="" type="checkbox"/>		XXC80492987 NAEP064812	9/26/2015	09/28/2015	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
							MED EXP (Any one person)	\$ 0
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 1,000,000
								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				WC STATUTORY LIMITS	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured: City Of Porterville - Veteran's Park

**CERTIFICATE HOLDER**City Of Porterville - Veteran's Park  
1501 W Henderson Ave  
Porterville, CA 93257**CANCELLATION**

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

AUTHORIZED REPRESENTATIVE

Robert V. Nuccio

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Certificate Number: NAEP064812

Effective Dates: 9/26/2015 to 9/27/2015

**Additional Insured - Person, Organization or other Entity -  
600002STEP 09 12**

Policy Amendment(s) Commercial General Liability

**This endorsement modifies insurance provided under the following:**

**Commercial General Liability Coverage Part**

**Schedule**

**Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)**

City Of Porterville - Veteran's Park

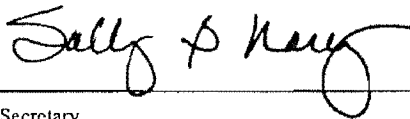
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that **bodily injury, property damage or personal and advertising injury** is caused by the sole negligence of the Memorandum of Insurance holder.

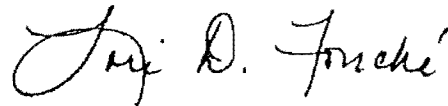
Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.

This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written.  
One of the Fireman's Fund Insurance Companies as named in the policy



Secretary



President



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Approval for Community Civic Event - Family HealthCare Network - Annual Health and Safety Fair - October 11, 2015

**SOURCE:** Finance

**COMMENT:** Family HealthCare Network is requesting approval to hold their annual Health and Safety Fair on Sunday, October 11, 2015, from 2:00 p.m. to 5:00 p.m. at Veteran's Park. This event will include information booths and free health screenings.

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

**RECOMMENDATION:** That City Council approve the attached Community Civic Event Application and Agreement submitted by the Family Health Care Network, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

**ATTACHMENTS:**

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

**Appropriated/Funded:** MB

**Review By:**

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: 7/14/15 Event date: October 11, 2015  
Event time: 2:00pm - 5:00pm  
Name of Event: Porterville 15th Annual Health & Safety Fair  
(in conjunction with Fiesta de La Familia)  
Sponsoring organization: Family HealthCare Network Phone # (559) 280-1956  
Address: 1107 W. Poplar, Porterville, CA 93257  
Authorized representative: Isabel Olmos Phone # (559) 280-1956  
Address: 323 W. Putnam  
Event chairperson: Isabel Olmos Phone # (559) 280-1956  
Location of event: 1501 W. Henderson, Porterville, CA 93257  
(Location map must be attached)  
Type of event: FREE Health & Safety Fair

Non-profit organization status: 94-2525145 501C3

(IRS Determination)

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

Barricades (quantity): \_\_\_\_\_ Street sweeping Yes \_\_\_\_\_ No ☒

Police protection Yes \_\_\_\_\_ No ☒ Refuse pickup Yes \_\_\_\_\_ No \_\_\_\_\_

Other: \_\_\_\_\_

Parks facility application required: Yes ☒ No \_\_\_\_\_ Attached \_\_\_\_\_

Assembly permit required: Yes \_\_\_\_\_ No ☒ Attached \_\_\_\_\_

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

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

# CITY OF PORTERVILLE

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

### ***What constitutes a Community Civic Event?***

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

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

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

W.D. Authorized Representative Initials

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

W.D. Authorized Representative Initials

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

W.D. Authorized Representative Initials

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

W.D. Authorized Representative Initials

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

Family HealthCare Network	<u>W.D.</u>	7/1/15
(Name of Organization)	(Signature)	(Date)

# CITY OF PORTERVILLE

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

Name of event: 15<sup>th</sup> Annual Health & Safety Fair

Sponsoring organization: Family HealthCare Network

Location: Veterans Park Event date: 10/11/15 Event time: 2:00-5:00

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per \*City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

Vendor name	Address/Telephone	Business License required?	Type of Activity
SIERRA VIEW	465 W. Putnam		Info Booth
PROTEUS	54 N Main		" "
United Way	1601 E. Prosperity		" "
Ola Raza	180 N. Main		" "
To Shape	899 W. Henderson		" "
Porterville Library	41 W. Thurman		" "
HNSA	1845 N. Dinwiddie Blvd. - Appleton		" "
Porterville Fire Dept	40 W. Cleveland		" "
Warm Line	201 N. K St Tulare		" "
Sequila & Kings	Ash Mountain, Grand Hwy		" "

**\*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees:** Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

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



# CITY OF PORTERVILLE

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

Name of event: \_\_\_\_\_

Sponsoring organization: \_\_\_\_\_

Event date: \_\_\_\_\_ Hours: \_\_\_\_\_

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

## Closed

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

## Requirements for Community Civic Event

### Family HealthCare Network 15<sup>TH</sup> Annual Health and Safety Fair

October 11, 2015

Finance Director:

*M. Bemis*

Deputy Public Works Director:

*M. Reed*

Community Development Manager:

*J. Phillips*

No comments.

Deputy Public Works Director:

*B. Styles*

No comments.

Fire Chief:

*G. Irish*

No comments.

Parks and Leisure Services Director:

*D. Moore*

Vehicles to remain on path and only allowed  
in park to unload and load.

Police Lieutenant:

*C. Contreras*

Administrative Services Director:

*P. Hildreth*

Please see Exhibit A, page 2.

## Requirements for a Community Civic Event

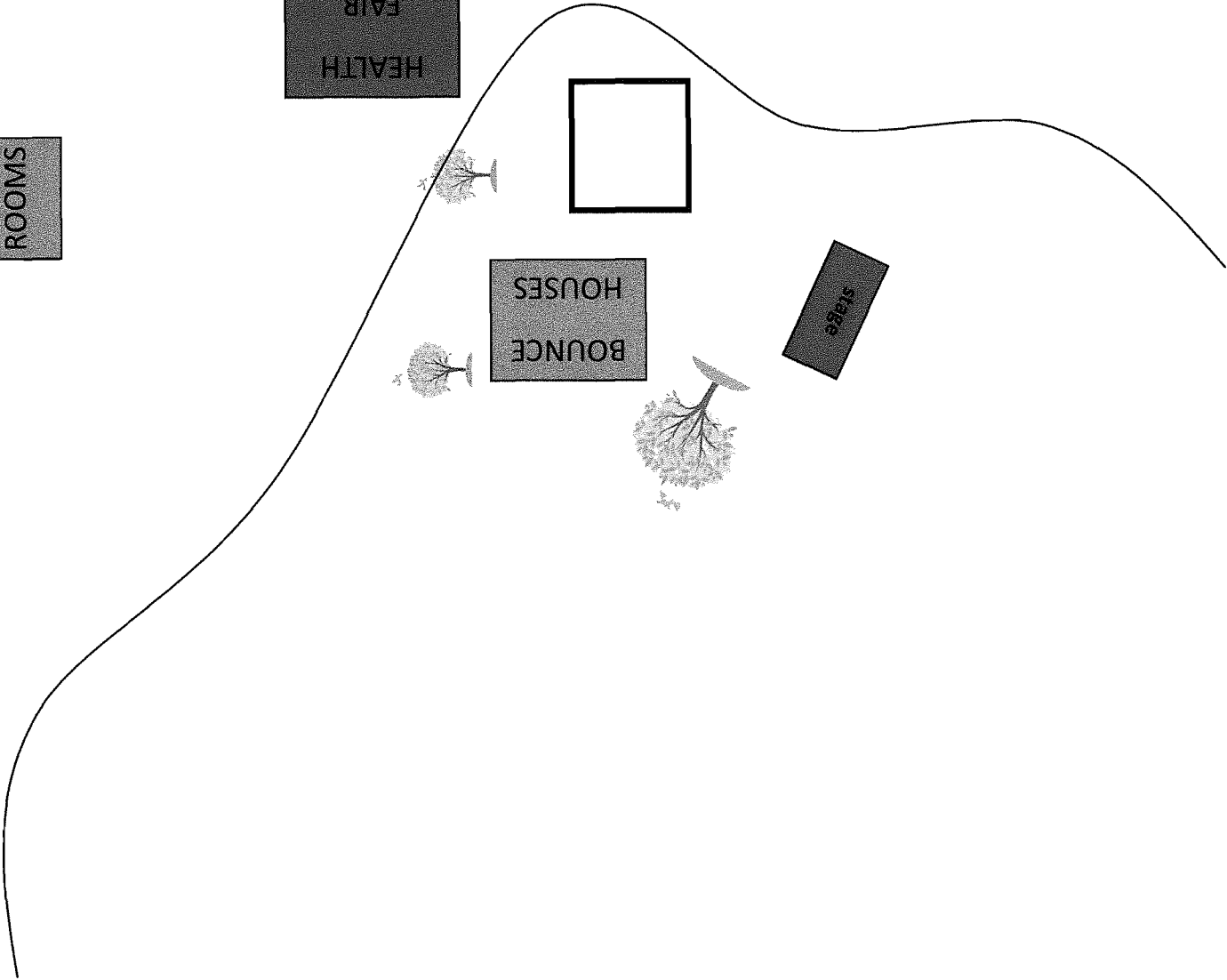
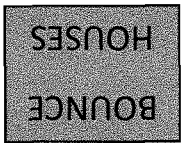
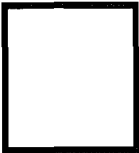
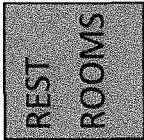
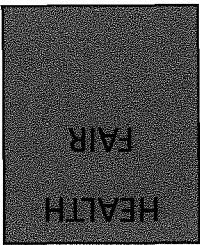
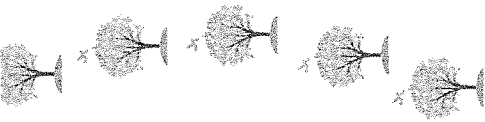
Sponsor: Family HealthCare Network  
Event: 15<sup>th</sup> Annual Health and Safety Fair  
Event Chairperson: Isabel Olmos  
Location: Veteran's Park  
Date of Event: October 11, 2015

### RISK MANAGEMENT: Conditions of Approval

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

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

# Henderson



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



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

- 1 Name and home address of the applicant: \_\_\_\_\_  
\_\_\_\_\_
- 2 Address where amplification equipment is to be used: \_\_\_\_\_
- 3 Names and addresses of all persons who will use or operate the amplification equipment: \_\_\_\_\_  
\_\_\_\_\_
- 4 Type of event for which amplification equipment will be used: \_\_\_\_\_  
\_\_\_\_\_
- 5 Dates and hours of operation of amplification equipment: \_\_\_\_\_  
\_\_\_\_\_
- 6 A general description of the sound amplifying equipment to be used: \_\_\_\_\_  
\_\_\_\_\_

**Section 18-9**

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

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

**Section 18-14**

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

**Penal Code Section 415 (2)**

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

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

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

\_\_\_\_\_  
*City of Porterville, Chief of Police/Designee*

\_\_\_\_\_  
*Date*



# CERTIFICATE OF LIABILITY INSURANCE

FAMIL-5 OP ID: MN

DATE (MM/DD/YYYY)

04/09/2015

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

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

<b>PRODUCER</b> BUCKMAN MITCHELL, INC. P.O. BOX 629 500 North Santa Fe Street VISALIA, CA 93279 Linda N. Loflin, CIC		<b>CONTACT NAME:</b> Linda N. Loflin, CIC <b>PHONE (A/C, No. Ext):</b> 559-733-1181 <b>E-MAIL ADDRESS:</b> linda@bminc.com <b>FAX (A/C, No):</b> 559-738-5517															
<b>INSURED</b> Family HealthCare Network Karen Olivares 305 E. Center Ave. Visalia, CA 93291		<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: Hartford Fire Insurance Co.</td><td></td></tr><tr><td>INSURER B: Trumbull Insurance Company</td><td>27120</td></tr><tr><td>INSURER C: Hartford Casualty Ins. Co.</td><td>29424</td></tr><tr><td>INSURER D: Williamsburg National Ins. Co.</td><td>25780</td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Hartford Fire Insurance Co.		INSURER B: Trumbull Insurance Company	27120	INSURER C: Hartford Casualty Ins. Co.	29424	INSURER D: Williamsburg National Ins. Co.	25780	INSURER E:		INSURER F:	
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**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X	51UUNZC4728	04/09/2015	03/01/2016	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 300,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 5,000</td></tr><tr><td>PERSONAL &amp; ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ Included</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000	MED EXP (Any one person)	\$ 5,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 2,000,000	PRODUCTS - COMP/OP AGG	\$ Included		\$
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GENERAL AGGREGATE	\$ 2,000,000																			
PRODUCTS - COMP/OP AGG	\$ Included																			
	\$																			
b	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		51UUNZC4728	04/09/2015	03/01/2016	<table border="1"><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$ 1,000,000</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td></td><td>\$</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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BODILY INJURY (Per accident)	\$																			
PROPERTY DAMAGE (Per accident)	\$																			
	\$																			
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		51XHUZC0089	04/09/2015	03/01/2016	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 10,000,000</td></tr><tr><td>AGGREGATE</td><td>\$ 10,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 10,000,000	AGGREGATE	\$ 10,000,000		\$								
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	\$																			
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	WCMWIL5137993	03/01/2015	03/01/2016	<table border="1"><tr><td><input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER</td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$ 1,000,000</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$ 1,000,000</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$ 1,000,000</td></tr></table>	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER		E.L. EACH ACCIDENT	\$ 1,000,000	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000						
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E.L. DISEASE - POLICY LIMIT	\$ 1,000,000																			
A	Employee Benefits		51UUNZC4728	04/09/2015	03/01/2016	<table border="1"><tr><td>Each Occ</td><td>1,000,000</td></tr><tr><td>Aggregate</td><td>2,000,000</td></tr></table>	Each Occ	1,000,000	Aggregate	2,000,000										
Each Occ	1,000,000																			
Aggregate	2,000,000																			

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Health & Safety Fair in Porterville - Date TBD.  
The City of Porterville/Successor Agency to the Porterville Redevelopment Agency are named as additional insured as respects to General Liability per form issued by the carrier, subject to policy terms and conditions.

**CERTIFICATE HOLDER****CANCELLATION**

City of Porterville, Successor Agency to the Porterville Redevelopment Agency 291 N. Main Street Porterville, CA 93258	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Monica Neufeld</i>

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have all your rights and duties under this Coverage Part.

**e. Unnamed Subsidiary**

Any subsidiary, and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of the Coverage Part.

The insurance afforded herein for any subsidiary not named in this Coverage Part as a named insured does not apply to injury or damage with respect to which an insured under this Coverage Part is also an insured under another policy or would be an insured under such policy but for its termination or the exhaustion of its limits of insurance.

**3. Newly Acquired or Formed Organization**

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

- a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier;
- b. Coverage A does not apply to "bodily injury" or "property damage" that occurred before you acquired or formed the organization; and
- c. Coverage B does not apply to "personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

**4. Mobile Equipment**

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person driving the equipment; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

**5. Nonowned Watercraft**

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

**6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit**

The following person(s) or organization(s) are an additional insured when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement.

A person or organization is an additional insured under this provision only for that period of time required by the contract or agreement.

However, no such person or organization is an insured under this provision if such person or organization is included as an insured by an endorsement issued by us and made a part of this Coverage Part.

**a. Vendors**

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

- (1) The insurance afforded the vendor is subject to the following additional exclusions:

This insurance does not apply to:

- (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;





## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Conditional Use Permit (PRC 2015-017-C) to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License for a Bona-Fide Public Eating Place for Haru Sushi Located at 920 W. Henderson Avenue

**SOURCE:** Community Development

**BACKGROUND:**

On June 10, 2015, Ms. Sandra Ham submitted an application to the Project Review Committee (PRC) to consider a Conditional Use Permit (PRC 2015-017-C) to allow for the sale of alcohol under a Type 41 On-Sale Beer and Wine license for a Bona-Fide Public Eating Place for Haru Sushi located at 920 W. Henderson Avenue within the Porterville Town Center.

**COMMENT:** The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 15 licenses for alcohol sales; nine (9) on-sale that includes one (1) club license (Eagles Lodge), and six (6) off-sale. In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale license would be the tenth on-sale license, six (6) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

During the PRC meeting, staff acknowledged that the proposed location of the project, and the conditions under which it will be operated or maintained, will not be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

**ANALYSIS:** It is not anticipated that this use would have a negative impact on the surrounding properties. As a condition of approval, due to the proximity of Trinity Lutheran Church and La Mision De Jesus, located at the northeast and southeast corner respectively of Henderson Avenue and Indiana Street (approximately 980 and 1,055 feet from property line to property line), alcohol advertising visible from the outside of the proposed building shall not be allowed. The applicant is conditioned to operate the establishment in such a manner as to preserve the public safety, health, and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances, and regulations regarding the sale of alcohol. Furthermore, at all times the facility

shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

The subject site is consistent with the General Plan Land Use Designation of Commercial Mixed-Use (CMX) and Zoning Standards for Planned Development (PD). The CMX designation is intended to provide for commercial, service, office, and residential uses that meet local and regional demand. The proposed restaurant, Haru Sushi, with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit

**ENVIRONMENTAL REVIEW:**

On July 31, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**RECOMMENDATION:**

That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2015-017-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

**ATTACHMENTS:**

1. Locator Map
2. Elevation
3. Floor Plan
4. Existing Licenses in Census Tract 37.00
5. Draft Resolution
6. Letter of Public Convenience or Necessity

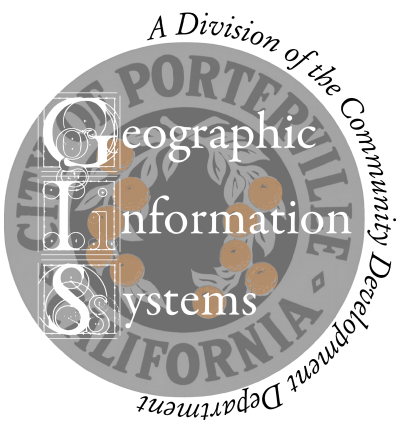
Appropriated/Funded: N/A

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

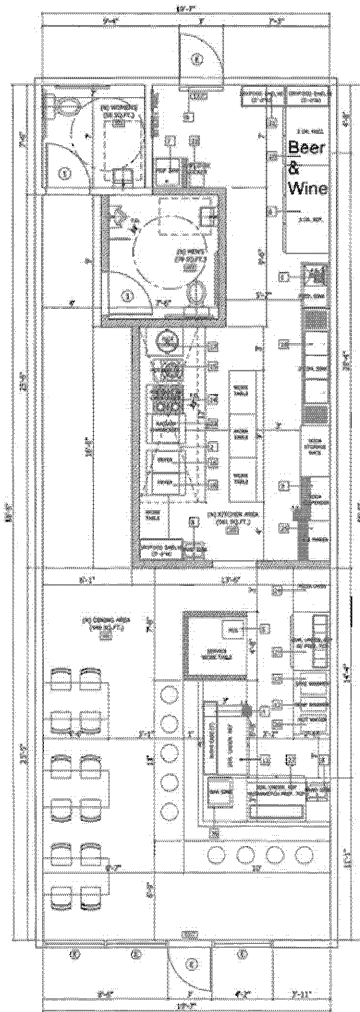


**PRC 2015-017**  
**Sushi restaurant w Type 41 lic**  
**@920 W Henderson**  
**Project Locator Map**  
**1" = 400 ft.**

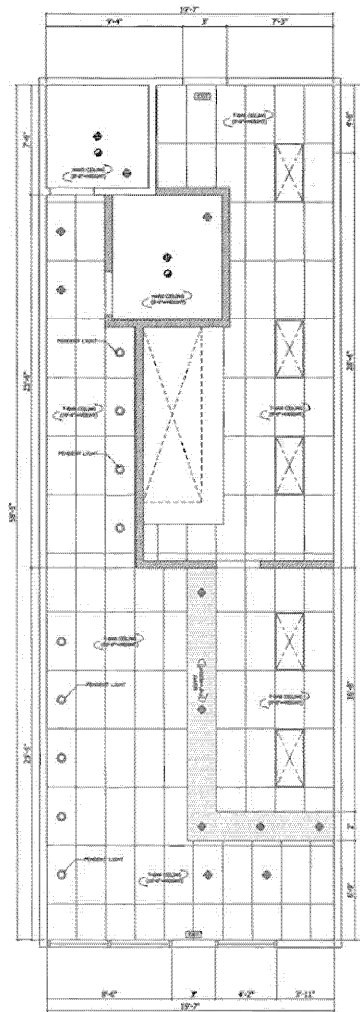


PROPOSED ILLUMINATED INDIVIDUAL CHANNEL LETTERS





**1 PROPOSED FLOOR PLAN**  
SCALE : 1/4" = 1'-0"



**2 REFLECTED CEILING PLAN**  
SCALE : 1/4" = 1'-0"

### FLOOR PLAN GENERAL NOTES

1. TENANT'S GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORK AND IS TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE PROCEEDING WITH ANY DEMOLITION OR CONSTRUCTION. GENERAL CONTRACTOR TO REMOVE AND DISPOSE OF ALL DEBRIS FROM LEASED PREMISES.
2. ALL DIMENSIONS ARE FROM FINISH FACE OF WALL. FIELD VERIFY AS BUILTS PRIOR TO CONSTRUCTION. NOTIFY DESIGNER OF ANY DISCREPANCIES PRIOR TO START. FAILURE TO DO WILL BE CONTRACTORS RESPONSIBILITY.
3. TENANT'S GENERAL CONTRACTOR TO VERIFY THAT ALL EXISTING DEMISING WALL TO BE SOUND AND SOLID. PATCH AND REPAIR ALL HOLES AS REQUIRED (BY AHJ)
4. FLOOR FINISHES REQUIREMENT  
- A TROUBLE-ON, WATERPROOF MEMBRANE AT RESTROOM AND FOOD PREPARATION FLOOR SLABS, AND WHERE WATER OR OTHER LIQUIDS ARE USED  
- A 6-INCH CONE BASE IN TENANT RESTROOMS TO MEET ALL APPLICABLE HEALTH CODE.
5. STOREFRONT SIGNAGE SHOULD BE APPROVED BY CITY AND LANDLORD, ALSO IN SEPARATE PERMIT
6. GENERAL CONTRACTOR PROVIDES OCCUPANT LOAD SIGN IN EVERY ROOMS ACCORDING TO ITS CAPACITY (FBI (USA-3))
7. CASHIERS COUNTER SHOULD COMPLY WITH DISABLE CODE  
- ADD COUNTER HEIGHT: 28" MIN. TO 34" MAX.  
- CLEAR AREA WIDTH: 36" MIN. CLEARANCE 1/10TH

### FLOOR PLAN LEGEND

- EXISTING WALL (NO CHANGE)
- NEW INTERIOR PARTITION WALL
- NEW LOW HEIGHT PARTITION WALL, 7'0" MAX.
- ILLUMINATED EXIT SIGN W/ BATTERY PACK
- FLOOR SINK (F.S.)
- FLOOR DRAIN (F.D.)
- EXISTING WINDOWS ARE FIXED AND NO CHANGE
- EXISTING DOOR ARE NO CHANGE
- NEW EXTERIOR DOOR (8'0" HEIGHT / 3' WIDTH, SELF CLOSING)

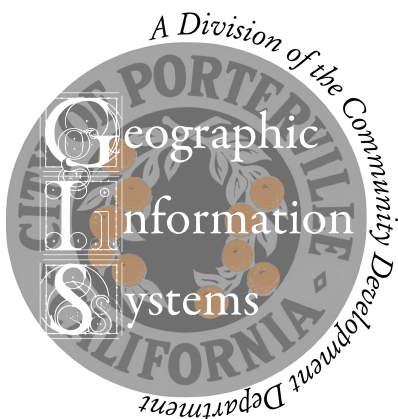
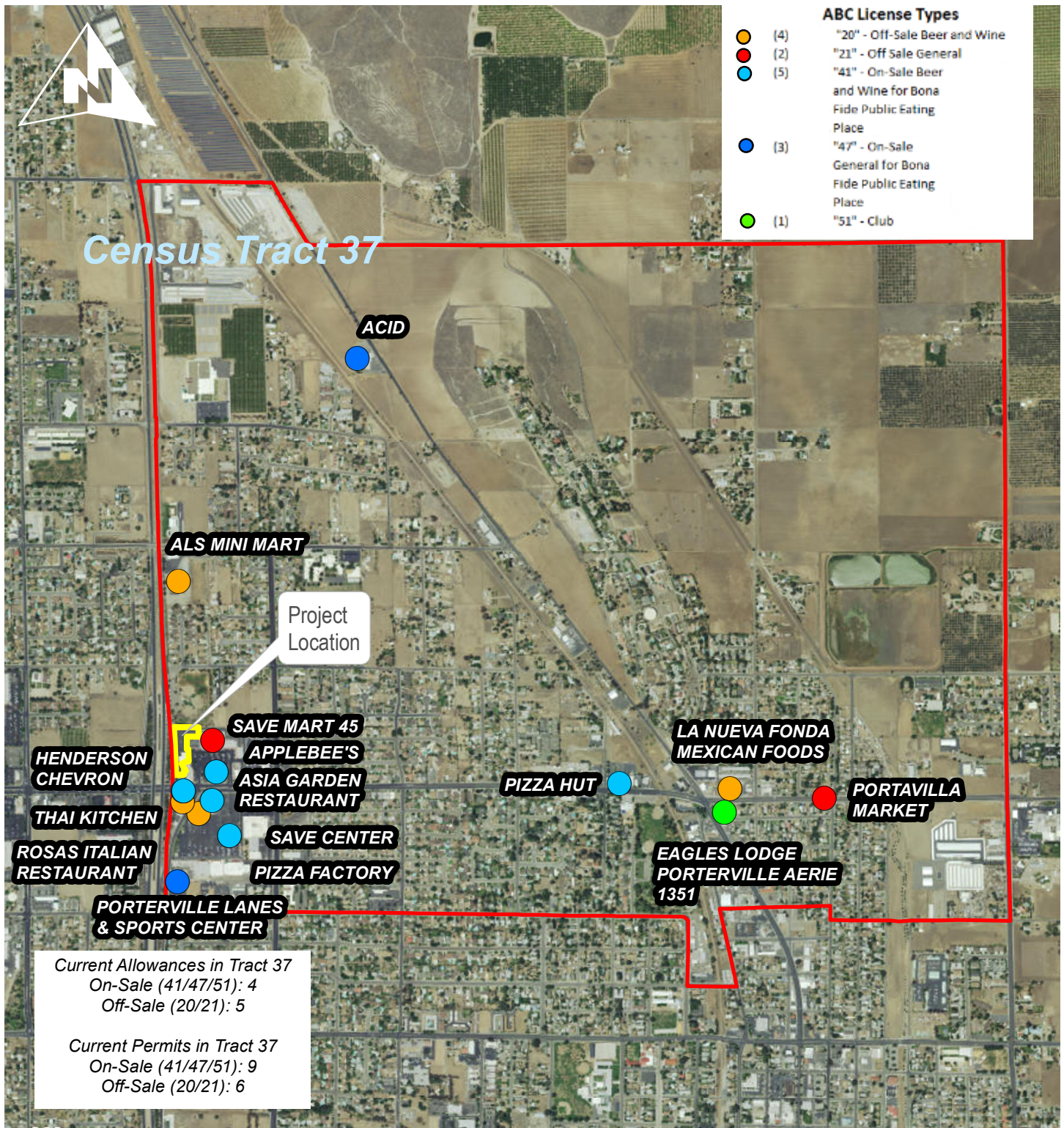
### CEILING PLAN GENERAL NOTES

1. STINGERED QUALITY INSTALLATION. THREE WIRAS AROUND ALL WORK. MINIMUM, FULLY LOCK ALL GRID NUMBERS TOGETHER INCLUDING STABILIZER BARS. STRUCTURE ATTACHMENTS CAPABLE OF SUPPORTING REQUIRED LOADS & INSTALLED CORRECTLY, TRAPOR AROUND OBSTRUCTIONS WITH INSUR METHOD, LABELED CORRECTLY.
2. AT ALL TERMINAL ENDS OF MAIN AND CROSS RUNNERS A VERTICAL HANGER WIRE IS TO BE INSTALLED 1" FROM WALL TO SUPPORT EACH RUNNER END. AT MAXIMUM TWO ADJACENT WALLS, RUNNERS MAY BE ATTACHED FOR ALIGNMENT PURPOSES TO WALL OR WALL ANGLE, AT OTHER WALLS ATTACHMENT NOT ALLOWED.
3. ALL SPRAYS TO BE OF FOUR #12 GAUGE WIRES, IN LINE WITH MAIN RUNNERS AND CROSS RUNNERS AT A 90° ANGLE MAXIMUM FROM HORIZONTAL PLANE OF CEILING. CONNECTED WITHIN 12" OF CROSS RUNNER OR STABILIZED BAR INTERSECT ON MAIN. FIRST SPRAY LOCATIONS WITHIN 4' MAXIMUM OF ALL WALLS. INTERIOR SPRAYS SHALL BE A MAXIMUM IN BOTH DIRECTION OF 12'.
4. PENDENT MOUNTED FIXTURES TO BE SUPPORTED DIRECTLY FROM STRUCTURE ABOVE WITH MINIMUM TWO #8 GAGE HANGER WIRES OR APPROVED HANGERS.
5. A) ALL FIXTURES ATTACHED POSITIVELY TO GRID SYSTEM  
B) INTERMEDIATE DUTY SUSPENSION SYSTEMS  
- HANGER WIRES TO GRID WITHIN 3" OF ALL FIXTURE CORNERS.  
- TENSION FIXTURES MAY UTILIZE CORNER WIRES.  
C) HEAVY DUTY SUSPENSION SYSTEMS DO NOT REQUIRE ADDITIONAL HANGER WIRES TO GRID.
6. ENDS OF MAIN AND CROSS RUNNERS SHALL BE TIED TOGETHER TO PREVENT SPREADING. CONCEALED SYSTEMS THE TIE SPRINGS IF NO CROSS RUNNERS. IF MAIN RUNNER OR CROSS RUNNER ATTACHED FOR ALIGNMENT PER #3, THEY DO NOT NEED ADDITIONAL TYING.
7. ROOMS OF 144 SQ.FT. OR LESS DELETE SPRAY WIRE - ALL OTHER CRITERIA IS IN EFFECT.
8. ALL RECESSED LIGHT FIXTURES ARE LOCATED AT THE CENTER OF T-BAR TILE
9. THE SUSPENDED T-BAR CEILING SHALL BE A HEAVY DUTY SYSTEM

### CEILING PLAN LEGEND

- (N) 5" (10) RECESSED LIGHTING
- (N) PENDENT LIGHTING
- (N) EXHAUST FAN IN RESTROOM AREA
- (N) 2'X4' PARABOLIC AND LINEAR FLUORESCENT LIGHTING





**PRC 2015-017**  
**Sushi restaurant w Type 41 lic**  
**@920 W Henderson**  
**ABC Permit Map**  
**1" = 1,500 ft.**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE  
PERMIT (PRC 2015-017-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE  
41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE  
FOR HARU SUSHI LOCATED AT 920 W. HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of August 18, 2015, conducted a public hearing to consider Conditional Use Permit (PRC 2015-017-C) to allow for the sale of alcohol under a Type 41 On-Sale Beer and Wine License for a Bona-Fide Public Eating Place for Haru Sushi, located at 920 W. Henderson Avenue; and

WHEREAS: On July 31, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines); and

WHEREAS: The City Council of the City of Porterville authorized the Mayor to sign the Letter of Public Convenience or Necessity because of the regional nature of the shopping center within which the restaurant is located; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

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

The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demands. The proposed restaurant with alcohol sales would suit the purpose of the land use designation. The restaurant is a permitted use in the CMX land use, and alcohol sales may be permitted with a Conditional Use Permit.

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

Conditions of approval are included herein to ensure adequate development standards are met. The project is located within an existing building in a regional shopping center that has been well maintained since its original development. Further, all land owners within the city of Porterville are held to performance standards identified in Chapter 306 of the Development Ordinance. Specifically, Section 306.03 of the Ordinance states, "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat,



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

3. This project is Categorically Exempt pursuant to CEQA Guidelines §15061(b), (3) - General Rule: the approval of the alcohol sales creates no physical change to the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 15 licenses for alcohol sales: nine (9) on-sale that includes one (1) club license (Eagles Lodge), and six (6) off-sale. In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale license would be the tenth on-sale license, six (6) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2015-017-C) subject to the following conditions:

1. The developer/applicant shall keep the beer and wine in a secure place with access only available to the employees, shown herein as the sushi bar and refrigeration units in Exhibit “A.” Any future changes in operation which substantially alter the condition or nature of the subject business will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
2. The facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance at all times.
3. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

5. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the State of California imposes sanctions on the on-sale license.
6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
7. No alcohol advertising shall be displayed and/or viewed from the outside of the proposed building.
8. The consumption of alcoholic beverages shall be prohibited off-site or outside of the building.
9. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
10. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two (2) years after the date of approval if the Type 41 On-Sale Beer and Wine License for a Bona-Fide Public Eating Place is not active or actively pursued. The alcohol license permits sale of beer and wine in conjunction with the serving of meals.
11. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during business hours.
12. That a Letter of Public Convenience or Necessity shall be required.

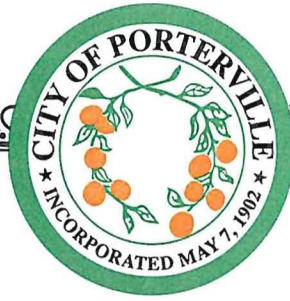
PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk



**Community Development  
Department**

August 18, 2015

California Department of Alcoholic Beverage Control  
Fresno District Office  
3640 East Ashlan Ave  
Fresno, CA 93726  
ATTN: Christine Weldon

RE: Haru Sushi – 920 W. Henderson Avenue, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an on-sale Type 41 (on-sale beer and wine for a bona-fide public eating place) license for Haru Sushi located at 920 W. Henderson Avenue. The shopping center within which the proposed restaurant will be located is a regional center, and has significant economic draw beyond the boundaries of the census tract.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code,” the subject site is located within Census Tract 37.00 which allows four (4) on-sale licenses. At the present time, nine (9) on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity was required.
2. On August 18, 2015, the City Council conditionally approved Conditional Use Permit (PRC 2015-017-C) and reviewed the attached resolution to allow the on-sale of beer and wine located at 920 W. Henderson Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an on-sale beer and wine license.

Haru Sushi  
August 18, 2015

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The subject site is consistent with the General Plan Land Use Designation for Commercial Mixed-Use (CMX). The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 41 license which would allow the sale of beer and wine for Haru Sushi located in the Porterville Town Center at 920 W. Henderson Avenue.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Development Ordinance Text Amendment to Include Indoor Shooting Ranges Under Small-Scale Commercial Entertainment and Recreational Type Use

**SOURCE:** Community Development

**BACKGROUND:**

On July 17, 2015, staff received a Project Review Committee (PRC) application to consider a development ordinance text amendment to include indoor shooting ranges within the definition of a Small-scale commercial entertainment and recreational type use. The request was reviewed by staff and discussed at a PRC meeting on July 29, 2015, where staff determined it would be most appropriate to recommend approval with a minor conditional use permit.

**COMMENT:** The current development ordinance defines commercial entertainment in four separate categories: Cinema/Theaters; Downtown Entertainment; Large-scale; and Small-scale. Current definitions for Downtown Entertainment and Large-scale, include indoor shooting ranges as part of a commercial entertainment and recreational type use. However, both require Conditional Use Permits in most zoning districts with the exception of Large-scale being permitted by right in the Public and Semi-Public (PS) and Parks and Public Recreation Facilities (PK) Zoning Districts. Small-scale commercial entertainment is currently defined as follows: This classification includes indoor facilities that occupy less than fifty thousand (50,000) square feet of building area, such as billiard parlors, card rooms, health clubs, fitness centers, gymnasiums, handball, racquetball, ice or roller- skating rinks, swimming or wave pools, miniature golf courses, bowling alleys, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

**ANALYSIS:** The proposed text amendment would include indoor shooting ranges as part of the definition of Small-scale commercial entertainment. Staff recommends that indoor shooting ranges be permitted with a Minor Conditional Use Permit. The reason it should not be permitted by right is that indoor shooting ranges could present a unique set of requirements that by their nature could vary greatly and such a use much be considered on a case-by-case basis.

**ENVIRONMENTAL REVIEW:**

The proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation

measure of the policies, goals, and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

RECOMMENDATION: That the City Council:

1. Approve the draft Ordinance for the amendment of the Development Code and give first reading of the proposed Ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS: 1. Draft Ordinance

Appropriated/Funded: N/A

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT  
ORDINANCE TO INCLUDE INDOOR SHOOTING RANGE AS A SMALL-SCALE  
COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE WITH A MINOR  
CONDITIONAL USE PERMIT APPROVAL

WHEREAS: On August 18, 2015, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance; and

WHEREAS: The proposed text amendment was discussed at a Project Review Committee (PRC) meeting on July 17, 2015, where staff did not express significant concerns with the proposal; and

WHEREAS: The Zoning Administrator determined the proposal complied with Chapter 608 Amendments to Zoning Map and Text of the Porterville Development Ordinance and determined the application to be complete; and

WHEREAS: The proposed change would include indoor shooting ranges as part of the definition of Small-scale, commercial entertainment and recreational type uses and would include a specific limitation that a minor conditional use permit approval is required in the Retail Center (CR), General and Service Commercial (CG), Public and Semi-Public (PS), Commercial Recreation (REC), and Parks and Public Recreation Facilities (PK) Zoning Districts; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. \_\_\_\_\_ amending the Porterville Development Ordinance to include indoor shooting ranges as a Small-scale, commercial entertainment and recreational type use with a minor conditional use permit approval in the Retail Center (CR), General and Service Commercial (CG), Public and Semi-Public (PS), Commercial Recreation (REC), and Parks and Public Recreation Facilities (PK) Zoning Districts, as follows:

SECTION 1:

1. Amend Table 203.02 LAND USE REGULATIONS - COMMERCIAL DISTRICTS to add as follows:

TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS					
Use Classifications	CN	CR	CG	CMX	Additional Regulations



Commercial Entertainment and Recreation	See subclassifications below				
<i>Cinema/Theaters</i>	-	P	P	C	Section 301.02 Alcoholic Beverage Sales
<i>Large-scale</i>	-	-	C(8)	-	Section 301.02 Alcoholic Beverage Sales
<i>Small-scale</i>	-	P(19)	P(19)	C	Section 301.02 Alcoholic Beverage Sales

**Specific Limitations:**

1. *Multi-family Residential are permitted in conjunction with allowable non-residential uses.*
  2. *Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.*
  3. *Limited to establishments with a gross floor area of 5,000 square feet or less.*
  4. *Provided that such use shall be completely enclosed in a building of soundproof construction.*
  5. *Drive-through facilities are prohibited.*
  6. *Bulk storage of sand, gravel or cement is not allowed.*
  7. *Wholesale services are not allowed.*
  8. *Campgrounds are prohibited.*
  9. *Limited to establishments with a gross floor area less than 50,000 square feet.*
  10. *Outdoor work and outdoor storage is prohibited.*
  11. *General offices shall not be located on the ground floor.*
  12. *Minor Conditional Use Permit approval is required for office, business, or professional uses greater than 5,000 square feet in size per lot or integrated commercial development.*
  13. *Limited to establishments with a gross floor area less than 1,500 square feet.*
  14. *Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.*
  15. *Limited to establishments with a gross floor area less than 2,000 square feet.*
  16. *Prohibited within 300 feet of any R district.*
  17. *Limited to radio or television studios.*
  18. *Limited to one dwelling for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone.*
  19. *Minor Conditional Use Permit approval is required for indoor shooting ranges.*
2. Amend Table 205.02: LAND USE REGULATIONS – PUBLIC AND OPEN SPACE DISTRICTS to add as follows:

TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS				
Use Classification	PS	REC	PK	Additional Regulations
<b>Public and Semi-Public Use Classifications</b>				
<b>Commercial Use Classifications</b>				
Aircraft Sales, Services, and Storage	P(2)	-	-	

TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS				
Use Classification	PS	REC	PK	Additional Regulations
Commercial Entertainment and Recreation	See subclassifications below			
Large-scale	P	C	P	Section 301.02 Alcoholic Beverage Sales
Small-scale	P(6)	P(6)	P(6)	Section 301.02 Alcoholic Beverage Sales

***Specific Limitations:***

1. *Limited to facilities associated with park and recreational facilities.*
  2. *Limited to facilities associated with an airport.*
  3. *Limited to cafes and restaurants accessory to cultural institutions.*
  4. *Prohibited within 300 feet of any R district.*
  5. *Permitted only as accessory to a hospital or public airport.*
  6. *Minor Conditional Use Permit approval is required for indoor shooting ranges.*
3. Amend Section 701.02 Land Use Classifications, to modify the following definitions:

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the general public.

**Small-scale.** This classification includes indoor facilities that occupy less than fifty thousand (50,000) square feet of building area, such as billiard parlors, card rooms, health clubs, fitness centers, gymnasiums, handball, racquetball, ice or roller skating rinks, swimming or wave pools, miniature golf courses, bowling alleys, dance halls, small tennis club facilities, poolrooms, indoor shooting ranges, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

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

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of August, 2015.

By: \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk



## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Figtree Financing PACE Program

**SOURCE:** Community Development

**COMMENT:** On August 5, 2014, City Council adopted Resolution 54-2014 opting into the Tulare County Property Assessed Clean Energy (PACE) Program and on March 17, 2015, adopted Resolution 28-2015 opting into the California First PACE Program. On May 5, 2015, City Council adopted Resolution 47-2015 opting into the California HERO Program. Staff was recently contacted by a representative of the Figtree Financing PACE Program requesting that the City of Porterville opt into the Figtree Financing Program.

The Figtree program is offered through the California Enterprise Development Authority (CEDA), created by the California Association for Local Economic Development. The Figtree Program has been in place since 2011 and has funded approximately \$9 million in projects. There are currently over 121 cities and counties participating in Figtree. The Program is available at no cost to participating cities and counties, and finances improvements which decrease energy use, create clean renewable energy, or decrease water consumption.

The draft resolution and Associate Membership Agreement (JPA) authorizes property owners within the city of Porterville the ability to participate in the Figtree Program. The agreement would make Porterville an associate member of the California Enterprise Development Authority to permit the provisions of the Figtree Financing Program. The City of Porterville is not obligated to repay the bonds issued by CEDA or to repay the assessments levied on the participating properties.

The program is available to commercial, multi-family, and industrial property owners wishing to upgrade their properties. Figtree will soon be available to residential property owners as well. The goal of the program is to promote economic growth and job creation in the city of Porterville by allowing businesses and property owners an additional financing tool to lower their operating costs by decreasing energy and water consumption.

**RECOMMENDATION:** That the City Council adopt the draft Resolution and authorize the Mayor to sign the indemnification Agreement and Associate Membership Agreement opting into the Figtree Financing PACE Program.

ATTACHMENTS:

1. Draft Resolution
2. Associate Membership Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,  
CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP BY THE CITY IN  
THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY;  
AUTHORIZING AND DIRECTING THE EXECUTION OF AN ASSOCIATE  
MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF  
THE CITY IN THE AUTHORITY; AUTHORIZING THE CITY TO JOIN THE  
FIGTREE PACE PROGRAM; AUTHORIZING THE CALIFORNIA  
ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL  
ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS  
WITHIN THE TERRITORY OF THE CITY OF PORTERVILLE; AND  
AUTHORIZING RELATED ACTIONS**

**WHEREAS**, the City of Porterville, California (the “City”), a municipal corporation, duly organized and existing under the Constitution and the laws of the State of California; and

**WHEREAS**, the City, upon authorization of the City Council, may pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, commencing with Section 6500 (the "JPA Law") enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them; and

**WHEREAS**, the City and other public agencies wish to jointly participate in economic development financing programs for the benefit of businesses and nonprofit entities within their jurisdictions offered by membership in the California Enterprise Development Authority (the "CEDA") pursuant to an associate membership agreement and Joint Exercise of Powers Agreement Relating to the California Enterprise Development Authority (the “Agreement”); and

**WHEREAS**, under the JPA Law and the Agreement, CEDA is a public entity separate and apart from the parties to the Agreement and the debts, liabilities and obligations of CEDA will not be the debts, liabilities or obligations of the City or the other members of the Authority; and

**WHEREAS**, the form of Associate Membership Agreement (the “Associate Membership Agreement”) between the City and CEDA is attached; and

**WHEREAS**, the City is willing to become an Associate Member of CEDA subject to the provisions of the Associate Membership Agreement; and

**WHEREAS**, CEDA has adopted the Figtree Property Assessed Clean Energy (PACE) and Job Creation Program (the “Program” or “Figtree PACE”), to allow the financing of certain renewable energy, energy efficiency, seismic retrofits, electric vehicle charging infrastructure, and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29"), and the issuance of improvement bonds or other evidences of indebtedness (the "Bonds")

under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 et seq.) (the "1915 Act") upon the security of the unpaid contractual assessments; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the City desires to allow the owners of property ("Participating Parcel") within its jurisdiction ("Participating Property Owners") to participate in Figtree PACE, and to allow CEDA to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

**WHEREAS**, CEDA will conduct assessment proceedings under Chapter 29 to establish an assessment district (the "District") and issue Bonds under the 1915 Act to finance Improvements; and

**WHEREAS**, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by CEDA in connection with such assessment proceedings (the "ROI"), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, said ROI sets forth the territory within which assessments may be levied for Figtree PACE which territory shall be coterminous with the City's official boundaries of record at the time of adoption of the ROI (the "Boundaries"); and

**WHEREAS**, pursuant to Chapter 29, the City authorizes CEDA to conduct assessment proceedings, levy assessments, pursue remedies in the event of delinquencies, and issue bonds or other forms of indebtedness to finance the Improvements in connection with Figtree PACE; and

**WHEREAS**, to protect the City in connection with operation of the Figtree PACE program, Figtree Energy Financing, the program administrator, has agreed to defend and indemnify the City; and

**WHEREAS**, the City will not be responsible for the conduct of any assessment proceedings, the levy of assessments, any required remedial action in the case of delinquencies, the issuance, sale or administration of the bonds or other indebtedness issued in connection with Figtree PACE.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Porterville, hereby finds, determines and declares as follows:

**Section 1.** The City Council hereby specifically finds and declares that the actions authorized hereby constitute public affairs of the City. The City Council further finds that the statements, findings and determinations of the City set forth in the preambles above are true and correct.

**Section 2.** The Associate Membership Agreement presented to this meeting and on file

with the City Clerk is hereby approved. The Mayor of the City, the City Manager, the City Clerk and other officials of the City are each hereby authorized and directed, for and on behalf of the City, to execute and deliver the Associate Membership Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 3.** The officers and officials of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the Associate Membership Agreement. All such actions heretofore taken by such officers and officials are hereby confirmed, ratified and approved.

**Section 4. Good Standing.** The City is a municipal corporation and in good standing.

**Section 5. Public Benefits.** On the date hereof, the City Council hereby finds and determines that the Program and issuance of Bonds by CEDA in connection with Figtree PACE will provide significant public benefits, including without limitation, savings in effective interest rates, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the City.

**Section 6. Appointment of CEDA.** The City hereby appoints CEDA as its representative to (i) record the assessment against the Participating Parcels, (ii) administer the District in accordance with the Improvement Act of 1915 (Chapter 29 Part 1 of Division 10 of the California Streets and Highways Code (commencing with Section 8500 et seq.) (the “Law”), (iii) prepare program guidelines for the operations of the Program and (iv) proceed with any claims, proceedings or legal actions as shall be necessary to collect past due assessments on the properties within the District in accordance with the Law and Section 6509.6 of the California Government Code. The City is not and will not be deemed to be an agent of Figtree or CEDA as a result of this Resolution.

**Section 7. Assessment Proceedings.** In connection with Figtree PACE, the City hereby consents to the special assessment proceedings by CEDA pursuant to Chapter 29 on any property within the Boundaries and the issuance of Bonds under the 1915 Act, provided that:

- (1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI;
- (2) The Participating Property Owners, who shall be the legal owners of such property, voluntarily execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and
- (3) The City will not be responsible for the conduct of any assessment proceedings, the levy of assessments, any required remedial action in the case of delinquencies in such assessment payments, or the issuance, sale or administration of the Bonds in connection with Figtree PACE.



**Section 8. Program Report.** The City Council hereby acknowledges that pursuant to the requirements of Chapter 29, CEDA has prepared and will update from time to time the "Program Report" for Figtree PACE (the "Program Report") and associated documents, and CEDA will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

**Section 9. Foreclosure.** The City Council hereby acknowledges that the Law permits foreclosure in the event that there is a default in the payment of assessments due on a property. The City Council hereby designates CEDA as its representative to proceed with collection and foreclosure of the liens on the defaulting properties within the District, including accelerated foreclosure pursuant to the Program Report.

**Section 10. Indemnification.** The City Council acknowledges that Figtree has provided the City with an indemnification agreement, as shown in Exhibit B, for negligence or malfeasance of any type as a result of the acts or omissions of Figtree, its officers, employees, subcontractors and agents. The City Council hereby authorizes the appropriate officials and staff of the City to execute and deliver the Indemnification Agreement to Figtree.

**Section 11. City Contact Designation.** The appropriate officials and staff of the City are hereby authorized and directed to make applications for Figtree PACE available to all property owners who wish to finance Improvements. The following staff persons, together with any other staff designated by the City Manager from time to time, are hereby designated as the contact persons for CEDA in connection with Figtree PACE: Jennifer M. Byers, Community Development Director.

**Section 12. CEQA.** The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act ("CEQA"), because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

**Section 13. Effective Date.** This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to Figtree Energy Financing.

**Section 14. Costs.** Services related to the formation and administration of the assessment district will be provided by CEDA at no cost to the City.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2015.

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Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

BY \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT A

CEDA Resolution of Intention

**RESOLUTION OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY  
DECLARING INTENTION TO FINANCE INSTALLATION OF DISTRIBUTED  
GENERATION RENEWABLE ENERGY SOURCES, ENERGY EFFICIENCY,  
SEISMIC RETROFITS, ELECTRIC VEHICLE CHARGING INFRASTRUCTURE, AND  
WATER EFFICIENCY IMPROVEMENTS IN THE CITY OF PORTERVILLE**

**WHEREAS**, the California Enterprise Development Authority (“CEDA”) is a joint powers authority authorized and existing pursuant to Joint Powers Act (Government Code Section 6500 et seq.) and that certain Joint Exercise of Powers Agreement (the “Agreement”) dated as of June 1, 2006, by and among the cities of Eureka, Lancaster and Selma; and

**WHEREAS**, CEDA is authorized under the Agreement and Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California and in accordance with Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California (“Chapter 29”) to authorize assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, seismic retrofits, electric vehicle charging infrastructure, and water efficiency improvements that are permanently fixed to real property (“Authorized Improvements”); and

**WHEREAS**, CEDA has obtained authorization from the City of Porterville (the “City”) to enter into contractual assessments for the financing of the installation of Authorized Improvements in the City; and

**WHEREAS**, CEDA desires to declare its intention to establish a Figtree PACE program (“Figtree PACE”) in the City, pursuant to which CEDA, subject to certain conditions set forth herein, would enter into contractual assessments to finance the installation of Authorized Improvements in the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY, AS FOLLOWS:**

**Section 1. Findings.** The Board of Directors hereby finds and determines the following:

- (a) The above recitals are true and correct and are incorporated herein by this reference.
- (b) Energy and water conservation efforts, including the promotion of Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

- (d) A public purpose will be served by establishing a contractual assessment program, to be known as Figtree PACE, pursuant to which CEDA will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the City.

**Section 2. Determination of Public Interest.** The Board of Directors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the entire geographic territory within the boundaries of the City, within which CEDA and property owners within the City may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for CEDA to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

**Section 3. Identification of Authorized Improvements.** CEDA hereby declares its intention to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 hereof (the "Report"), as that Report may be amended from time to time.

**Section 4. Identification of Boundaries.** Contractual assessments may be entered into by property owners located within the entire geographic territory of the City including unincorporated territory within City Boundaries. A property owner located within a City within the City may enter into contractual assessments with CEDA only after such City has adopted a resolution to authorize participation in the PACE Program.

**Section 5. Proposed Financing Arrangements.** Under Chapter 29, CEDA may issue bonds, notes or other forms of indebtedness (the "Bonds") pursuant to Chapter 29 that are payable by contractual assessments. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any indebtedness issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29. The creditworthiness of a property owner to participate in the financing of Authorized Improvements will be based on the criteria developed by Figtree Energy Financing (the "Program Administrator") upon consultation with Figtree PACE Program underwriters or other financial representatives, CEDA general counsel and bond counsel, and as shall be approved by the Board of Directors of CEDA. In connection with indebtedness issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds or other indebtedness shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the Board of Directors at the time of the issuance and sale of the indebtedness. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the Board of Directors to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. Neither CEDA, nor any of its members participating in the Figtree PACE Program, shall advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the indebtedness; provided,

however, that this determination shall not prevent CEDA or any of its members from, in their sole discretion, so advancing funds. The Bonds may be refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding, upon the conditions specified by and upon determination of CEDA.

CEDA hereby authorizes the Program Administrator, upon consultation with CEDA general counsel, bond counsel and the Figtree PACE underwriter, to commence preparation of documents and take necessary steps to prepare for the issuance of bonds, notes or other forms of indebtedness as authorized by Chapter 29.

In connection with the issuance of bonds payable from contractual assessments, CEDA expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

**Section 6. Public Hearing.** Pursuant to the Act, CEDA hereby orders that a public hearing be held before CEDA Board (the "Board"), at 550 Bercut Drive, Suite G, Sacramento, CA 95811, on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ A., for the purposes of allowing interested persons to object to, or inquire about, the proposed Figtree PACE Program. The public hearing may be continued from time to time as determined by the Board for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 hereof shall be summarized, and the Board shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to the proposed Figtree PACE Program, the extent of the area proposed to be included within the boundaries of the assessment district, the terms and conditions of the draft assessment contract described in Section 8 hereof (the "Contract"), or the proposed financing provisions. Following the public hearing, CEDA may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board hereby orders the publication of a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

**Section 7. Notice to Water and Electric Providers.** Pursuant to Section 5898.24 of the Streets & Highways Code, written notice of the proposed contractual assessment program within the City to all water and electric providers within the boundaries of the City has been provided.

**Section 8. Report.** The Board hereby directs the Program Administrator to prepare the Report and file said Report with the Board at or before the time of the public hearing described in Section 6 hereof containing all of the following:

- (a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 hereof.
- (b) A draft contractual assessment contract (the “Contract”) specifying the terms and conditions of the agreement between CEDA and a property owner.
- (c) A statement of CEDA’s policies concerning contractual assessments including all of the following:
  - (1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.
  - (2) Identification of the CEDA official authorized to enter into contractual assessments on behalf of CEDA.
  - (3) A maximum aggregate dollar amount of contractual assessments.
  - (4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.
- (d) A plan for raising a capital amount required to pay for work performed in connection with contractual assessments. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan (i) shall include a statement of, or method for determining, the interest rate and time period during which contracting property owners would pay any assessment, (ii) shall provide for any reserve fund or funds, and (iii) shall provide for the apportionment of all or any portion of the costs incidental to financing, administration and collection of the contractual assessment program among the consenting property owners and CEDA.

A report on the results of the discussions with the County Auditor-Controller described in Section 10 hereof, concerning the additional fees, if any, that will be charged to CEDA for inclusion of the proposed contractual assessments on the general property tax roll of the City, and a plan for financing the payment of those fees.

**Section 9. Nature of Assessments.** Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by CEDA, the assessments shall be collected in the same manner and at the same time as the general taxes of the City on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

**Section 10. Consultations with County Auditor-Controller.** CEDA hereby directs the Program Administrator to enter into discussions with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to CEDA for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

**Section 11. Preparation of Current Roll of Assessment.** Pursuant to Section 5898.24(c), CEDA hereby designates the Program Administrator as the responsible party for annually preparing the current roll of assessment obligations by assessor’s parcel number on property subject to a voluntary contractual assessment.



**Section 12. Procedures for Responding to Inquiries.** The Program Administrator shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment.

**Section 13. Effective Date.** This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

CALIFORNIA ENTERPRISE  
DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
Gurbax Sahota, Chair

ATTEST:

\_\_\_\_\_  
Michelle Stephens, Assistant Secretary

EXHIBIT B

Indemnification Agreement

**INDEMNIFICATION AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF PORTERVILLE AND**  
**FIGTREE COMPANY, INC.**

This Indemnification Agreement (the “Agreement”) is entered into by and between the City of Porterville, a municipal corporation or political subdivision, duly organized and existing under the laws of the State of California (the “Public Entity”) and Figtree Company, Inc., a California corporation, the administrator of the Figtree Property Assessed Clean Energy and Job Creation Program (the “Administrator”), which is a program of the California Enterprise Development Authority, a California joint exercise of powers authority (the “Authority”).

**RECITALS**

**WHEREAS**, the Authority is a joint exercise of powers authority whose members include the Public Entity in addition to other cities and counties in the State of California; and

**WHEREAS**, the Authority established the Figtree Property Assessed Clean Energy and Job Creation Program (the “Figtree PACE Program”) to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements that are permanently affixed to real property through the levy of assessments voluntarily agreed to by the participating property owners pursuant to Chapter 29 of Division 7 of the Streets and Highways Code (“Chapter 29”) and the issuance of improvement bonds, or other forms of indebtedness, under the Improvement Bond Act of 1915 upon the security of the unpaid assessments; and

**WHEREAS**, the Authority has conducted or will conduct proceedings required by Chapter 29 with respect to the territory within the boundaries of the Public Entity; and

**WHEREAS**, the legislative body of the Public Entity adopted or will adopt a resolution authorizing the Public Entity to join the Figtree PACE Program; and

**WHEREAS**, the Public Entity will not be responsible for the formation, operation and administration of the Figtree PACE Program as well as the sale and issuance of any bonds or other forms of indebtedness in connection therewith, including the conducting of assessment proceedings, the levy and collection of assessments and any remedial action in the case of such assessment payments, and the offer, sale and administration of any bonds issued by the Authority on behalf of the Figtree PACE Program; and

**WHEREAS**, the Administrator is the administrator of the Figtree PACE Program and agrees to indemnify the Public Entity in connection with the operations of the Figtree PACE Program as set forth herein;

**NOW, THEREFORE**, in consideration of the above premises and of the Public Entity’s agreement to join the Figtree PACE Program, the parties agree as follows:

1. **Indemnification.** Figtree has provided the CEDA with an indemnification for negligence or malfeasance of any type as a result of the acts or omissions of Figtree, its officers, employees, subcontractors and agents, arising from or related to the Figtree PACE Program, the assessments, the assessment districts, the improvements or the financing and marketing thereof. Figtree agrees to defend, indemnify and hold harmless the Public Entity, its officers, elected or appointed officials, employees, agents and volunteers from and against any and all actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, for injury or damage due to negligence or malfeasance of any type claims as a result of the acts or omissions of Figtree, except for such loss or damage which was caused by the sole negligence or willful misconduct of the Public Entity. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as limitation upon the amount of indemnification to be provided by Figtree.

2. **Amendment/Interpretation of this Agreement.** This Agreement represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by both of the parties hereto. This Agreement shall not be interpreted for or against any party by reason of the fact that such party may have drafted this Agreement or any of its provisions.

3. **Section Headings.** Section headings in this Agreement are included for convenience of reference only and shall not constitute a part of this Agreement for any other purpose.

4. **Waiver.** No waiver of any of the provisions of this Agreement shall be binding unless in the form of writing signed by the party against whom enforcement is sought, and no such waiver shall operate as a waiver of any other provisions hereof (whether or not similar), nor shall such waiver constitute a continuing waiver. Except as specifically provided herein, no failure to exercise or any delay in exercising any right or remedy hereunder shall constitute a waiver thereof.

5. **Severability and Governing Law.** If any provision or portion thereof of this Agreement shall be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of California applicable to contracts made and to be performed in California.

6. **Notices.** All notices, demands and other communications required or permitted hereunder shall be made in writing and shall be deemed to have been duly given if delivered by hand, against receipt, or mailed certified or registered mail and addressed as follows:

If to the Administrator

Figtree Company, Inc.  
9915 Mira Mesa Blvd., Suite 130  
San Diego, California 92131  
Attn: Chief Executive Officer

If to the Public Entity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**8. Effective Date.** This Agreement will be effective as of the date of the signature of Public Entity's representative as indicated below in the signature block.

IN WITNESS HEREOF, the parties hereto duly executed this Agreement as of the date below.

City of Porterville

By \_\_\_\_\_  
Name: Milt Stowe  
Title: Mayor, City of Porterville

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By \_\_\_\_\_  
Name: Julia Lew  
Title: City Attorney, City of Porterville

Date: \_\_\_\_\_

Figtree Company, Inc., a California corp.

By \_\_\_\_\_  
Name: Mahesh Shah  
Title: CEO

Date: \_\_\_\_\_

# **ASSOCIATE MEMBERSHIP AGREEMENT**

**by and between the**

**CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY**

**and the**

**CITY OF PORTERVILLE, CALIFORNIA**

THIS ASSOCIATE MEMBERSHIP AGREEMENT (this “Associate Membership Agreement”), dated as of August 18, 2015, by and between CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (the “Authority”) and the CITY OF PORTERVILLE, CALIFORNIA, a municipal corporation, duly organized and existing under the laws of the State of California (the “City”);

## **WITNESSETH:**

**WHEREAS**, the Cities of Selma, Lancaster and Eureka (individually, a “Member” and collectively, the “Members”), have entered into a Joint Powers Agreement, dated as of June 1, 2006 (the “Agreement”), establishing the Authority and prescribing its purposes and powers; and

**WHEREAS**, the Agreement designates the Executive Committee of the Board of Directors and the President of the California Association for Local Economic Development as the initial Board of Directors of the Authority; and

**WHEREAS**, the Authority has been formed for the purpose, among others, to assist for profit and nonprofit corporations and other entities to obtain financing for projects and purposes serving the public interest; and

**WHEREAS**, the Agreement permits any other local agency in the State of California to join the Authority as an associate member (an “Associate Member”); and

**WHEREAS**, the City desires to become an Associate Member of the Authority;

**WHEREAS**, City Council of the City has adopted a resolution approving the Associate Membership Agreement and the execution and delivery thereof;

**WHEREAS**, the Board of Directors of the Authority has determined that the City should become an Associate Member of the Authority;

**NOW, THEREFORE**, in consideration of the above premises and of the mutual promises herein contained, the Authority and the City do hereby agree as follows:

***Section 1. Associate Member Status.*** The City is hereby made an Associate Member of the Authority for all purposes of the Agreement and the Bylaws of the Authority, the provisions of which are hereby incorporated herein by reference. From and after the date of execution and

delivery of this Associate Membership Agreement by the City and the Authority, the City shall be and remain an Associate Member of the Authority.

**Section 2. Restrictions and Rights of Associate Members.** The City shall not have the right, as an Associate Member of the Authority, to vote on any action taken by the Board of Directors or by the Voting Members of the Authority. In addition, no officer, employee or representative of the City shall have any right to become an officer or director of the Authority by virtue of the City being an Associate Member of the Authority.

**Section 3. Effect of Prior Authority Actions.** The City hereby agrees to be subject to and bound by all actions previously taken by the Members and the Board of Directors of the Authority to the same extent as the Members of the Authority are subject to and bound by such actions.

**Section 4. No Obligations of Associate Members.** The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the City.

**Section 5. Execution of the Agreement.** Execution of this Associate Membership Agreement and the Agreement shall satisfy the requirements of the Agreement and Article XII of the Bylaws of the Authority for participation by the City in all programs and other undertakings of the Authority.

**IN WITNESS WHEREOF**, the parties hereto have caused this Associate Membership Agreement to be executed and attested by their proper officers thereunto duly authorized, on the day and year first set forth above.

**CALIFORNIA ENTERPRISE  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Gurbax Sahota, Chair  
Board of Directors

Attest:

\_\_\_\_\_  
Michelle Stephens, Asst. Secretary

**CITY OF PORTERVILLE, CALIFORNIA**

By: \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

BY \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk





## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** City Council Consideration of Items to be Purchased

**SOURCE:** Parks and Leisure Services

**COMMENT:** During budget deliberations at the June 16, 2015, City Council meeting, the City Council directed staff to provide information on the following items: Downtown Christmas lighting, playground fencing at Veteran's and Murry Parks, a military banner program, and the rehabilitation of the Main Street planters. The Parks and Leisure Services Commission reconvened after their summer hiatus on August 6, 2015, and their recommendations are included in this report, when provided. Funding for these projects is proposed to be appropriated from the City Council Special Purposes account.

**Downtown Christmas Lighting-** City Council directed staff to look into bringing back skyline-style Christmas lights over Main Street, similar to what was displayed Downtown years ago. The portion of Main Street considered was between Morton and Olive Avenues. In the past, property owners allowed the cable to be attached to their building. Cost estimates for the skyline strands are based on the classic bow skyline style with LED lights and City staff installation. Some options for Council's consideration are:

Option 1- Strands across six intersections on Main Street; estimated cost: \$10,000

Option 2- Strands across Morton, Putnam, and Olive Avenues with intermittent holly leaf lighting décor on light poles; estimated cost: \$9,500.

Option 3- Strands across Morton, Putnam, and Olive Avenues; estimated cost: \$4,800.

The Parks and Leisure Services Commission recommended Option 1.

**Playground fencing -** City Council requested staff bring forward quotes for playground fencing at Veteran's and Murry Park. Staff solicited quotes for a four-foot high wrought iron fence. Quotes for the following options were received:

Option 1- Fence the two sides of the playground in closest proximity to the intersection; Veteran's Park cost: \$5,718.70; Murry Park cost: \$3,829.

Option 2- Fence the entire playground; Veteran's Park cost: \$9,985.94; Murry Park cost: \$7,300.

The Parks and Leisure Services Commission recommended Option 1.

**Military Banner Program-** City Council requested staff bring information forward on a military banner program. Staff looked at several cities with a program already in place to frame a discussion with the Parks and Leisure Services Commission.

From the discussion that took place August 6, 2015, the Parks and Leisure

Services Commission recommended:

1. All active and veterans are eligible to be honored.
2. There be an application process that will be reviewed by a volunteer committee twice a year.
3. The banner will be displayed for one year, and may be requested to be displayed for additional one year periods.
4. The individual submitting the application is responsible for paying for the banner (approximately \$150).
5. City staff will designate two days per year to put up and take down the banners.

**Main Street Planters Revitalization** - City Council requested staff to look into what it would take to revitalize the Main Street planters. The current condition of the planters will require irrigation repair, bolstering curbing, adding soil, and adding drought tolerant plants, groundcover, and trees as needed. The Porterville Breakfast Lions Club has indicated plans to spearhead an adopt-a-block program to include the planters. Staff also plans to reach out to local schools to see about possible partnerships. The estimated cost to revitalize the Main Street planters from Morton to Olive Avenues is \$30,000.

RECOMMENDATION: That the City Council provide direction to staff regarding the Main Street Christmas lights, playground fencing at Veteran's and Murry Park, military banner program, and the Main Street planters.

ATTACHMENTS:

1. Temecula Military Banner Program
2. Montclair Military Banner Program
3. Colton Military Banner Program
4. Skyline Decor
5. Pole Decor
6. Veteran's Park
7. Murry Park

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

# City of Temecula Active Military Banner Program Application

The City of Temecula Active Military Banner Program recognizes and honors those brave individuals that are serving active duty in the United States Armed Forces. To participate in this program, complete the following application and include proof of residency. Applicants must be residents of Temecula. Honorees do not need to be residents of the City; however preference will be given to residents. In addition, please include verification of active duty status and a 5x7 or larger official military color portrait of the serviceperson in his or her uniform for display on the banner. Digital photographs with a resolution of 300 dpi or higher will also be accepted. There will be no cost to the applicant or the honoree for this program.

## Military Honoree Information

Name of Military Serviceperson \_\_\_\_\_

Is the Serviceperson a Resident of Temecula? *(Please note that residents of Temecula will be given priority. All other applicants will be prioritized on a first come, first served basis.)*

☒ Yes *(Please provide proof of residency such as a copy of driver's license or utility bill)*

☐ No

Branch of United States Military Service:

☒ Army ☐ Marine Corps ☐ Navy ☐ Air Force ☐ Coast Guard Rank \_\_\_\_\_

## Applicant Contact Information

Name \_\_\_\_\_ Relationship to Honoree \_\_\_\_\_

Applicant Address *(must be a resident of Temecula)* \_\_\_\_\_

Applicant Telephone Number \_\_\_\_\_ Applicant Email \_\_\_\_\_

Please send completed application, photograph, and proof of residency to:

City of Temecula Development Services Department  
Attn: Military Banner Program  
41000 Main Street  
PO Box 9033  
Temecula, CA 92589-9033  
Or email [militarybanners@cityoftemecula.org](mailto:militarybanners@cityoftemecula.org)

For more information, please contact the City of Temecula at 951.694.6476 or visit our website at [www.cityoftemecula.org](http://www.cityoftemecula.org).

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### For Internal Use Only

Date Application Received \_\_\_\_\_ Residency Confirmed ☐ Yes ☐ No

Installation Date \_\_\_\_\_ Location of Banner \_\_\_\_\_

Retirement Date \_\_\_\_\_ Presentation Date for City Council \_\_\_\_\_



[Home](#) > [Residents](#) > [City of Temecula Military Banner Program](#)

## City of Temecula Military Banner Program

The Military Banner Program was created for the community of Temecula to honor and recognize active duty military personnel that reside in or have immediate family living in the City of Temecula. Banners will display the official military photo of the service person, as well as their name, rank, and branch of the United States Armed Forces. There will be no cost to the honoree or the applicant for this program.

### Criteria

To qualify for the Military Banner Program, the following criteria must be met:

The honoree is an active duty member of the United States Armed Forces

The applicant must be a current resident of Temecula (priority is given to honorees that currently reside in the City)

### Process

Applications ([download here, pdf](#)) will be accepted on an on-going basis. Banners will be raised in the order that the application was received. Priority will be given to active military members that reside in the City of Temecula.

Applications must include an official military photo of the honoree, verification of military status, and proof of residency. To verify active military status, please visit the Department of Defense website (<https://www.dmdc.osd.mil/appj/scra/welcome.xhtml>) and submit a copy of the verification page with your application. Applications can be emailed to



[militarybanners@cityoftemecula.org](mailto:militarybanners@cityoftemecula.org) or mailed to:

**City of Temecula  
Attn: Military Banner Program  
41000 Main Street  
Temecula, CA 92590**

## Installation

Banners will be located throughout Old Town Front Street and Civic Center Plaza. Banners will be installed periodically throughout the year, and will be displayed for a period of one year. After one year, banners will be presented to the honoree (or applicant) at a future City Council meeting. If the honoree is still active in the Armed Forces at this time, the applicant may re-apply to the banner program.

For more information, please contact Kathi Syers, Economic Development Department at 951.693.3961.



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### **City of Temecula Civic Center**

41000 Main Street  
Temecula, California  
92590

Local: 951-694-6444

1-888-TEMECULA

[Maps, Directions  
& Phone Numbers](#)

## Military Banner Program

### 2015 Military Banner Programs

Current Member of the Armed Forces	Veteran
	

The City of Montclair will be taking submissions for two banner programs, the Current Member of the Armed Forces banner program for those currently serving in the armed forces (offered free of charge) and the Veteran banner program for those who have been honorably discharged from the armed forces (\$300 for the first year, including banner production and labor, and \$65 every additional year banner is displayed). Banners are available for Montclair residents or Montclair High School graduates only.

Banners are displayed every February through November on Montclair streets. After the banner holder in the Current Member of the Armed Forces program is discharged or the banner holder in the Veteran program chooses to not display their banner it will be presented to them or their family at a City Council meeting.

Applications will be accepted until November 10, 2015 or until all banner spaces are full.

[Click here for event flyer](#)

[Click here for Military Banner Program application](#)

To submit application information email [here](#) or call 625-9451.





## CITY OF COLTON HOMETOWN HEROES MILITARY BANNER PROGRAM

The City of Colton Hometown Heroes Military Banner Program was coordinated for Colton residents to pay tribute and honor family members that are active military service personnel. The City of Colton would like to pay tribute to their service and commitment to our nation and our community by flying a prestigious banner in a main thoroughfare in our City as a way to publicly express our gratitude. Any names that are submitted will be considered for City recognition.

Upon submittal of this application, please review the City of Colton Hometown Heroes Military Banner Program Guidelines for further details. The cost per banner is \$300 for the production and installation. Please send a check or money order payable to the City of Colton Military Banner Program with the enclosed completed application to:

**Colton Hometown Heroes Military Banner Program**  
**c/o City Clerk's Office**  
**650 N. La Cadena Drive**  
**Colton, CA 92324**

### Honoree Information

Name of Service person: \_\_\_\_\_  
First Last MI (if used on banner)  
\*Spelling of Service person's name on the banner will be taken directly from the application.

Is Service person a resident of the City of Colton? Yes ☐ No ☐

Branch of the U. S Military Service:

U.S. Army ☐ U.S. Marine Corps ☐ U.S. Navy ☐ U.S Air Force ☐ U.S. Coast Guard ☐

Please indicate the type of banner you would like to order:

Active Duty ☐ Veteran ☐ Memorial ☐

To qualify for an active duty banner, honorees must meet the following requirements:

- Active duty military personnel of the United States Armed Forces deployed in a Presidential decreed war zone; AND
- Current Colton resident; OR
- An immediate family member of a Colton resident. (Immediate family would include a wife or husband, son or daughter, grandson or granddaughter, son-in-law or daughter-in-law).

**Photograph:** A 5x7 or larger color photograph must be provided. The photograph must be of the service person in uniform. Photograph must be of good quality and will not be returned. Please do not send original photograph.

**Sponsor:** Please also provide the name of the sponsor (family or organization – no more than two) that you would like to be printed on the banner.

\_\_\_\_\_  
Sponsored By

**Applicant Contact Information**

Name of person submitting application (Applicant) \_\_\_\_\_

Relation to Service person \_\_\_\_\_

Address of applicant \_\_\_\_\_  
Address City State

Phone number of applicant \_\_\_\_\_ (H) \_\_\_\_\_ (C)

E-mail of applicant \_\_\_\_\_

**Applications must include:**

**Official military photo (5X7 or larger) and verification of military status (Military ID or DD 214 form)**

**To verify military status, please visit**

**The Department of Defense website <http://www.defense.gov/> or**

**Veterans Service Records <http://www.archives.gov/veterans/military-service-records/>**

For additional information please contact the City of Colton City Clerk's Office:

Sabdi Sanchez, Chief Deputy City Clerk (909)370-5001

Faviola Medina, Office Specialist (909)370-5191

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For Office Use Only

Date Received \_\_\_\_\_

Photograph received: Yes ☐ No ☐

Verification of military status: Yes ☐ Type: \_\_\_\_\_ No ☐

Date of Installation \_\_\_\_\_

Location of Banner \_\_\_\_\_

Date Banner was removed \_\_\_\_\_

Notes:





## **CITY OF COLTON HOMETOWN HEROES MILITARY BANNER PROGRAM GUIDELINES**



### **MISSION STATEMENT**

The purpose of the City of Colton Hometown Heroes Military Banner Program is to:

- Honor our Colton military currently active and deployed; and
- Pay tribute to our veterans and deceased veterans
- Ensure that the aesthetic appeal of Colton's main thoroughfares is maintained
- Promote the recognition of our military currently serving, veterans and deceased veterans
- Manage the military banner approval process

### **GUIDELINES**

#### **Eligibility for Placement of the Hometown Heroes Military Banner Program Banners**

- By enactment and administration of the Hometown Heroes Military Banner Program, the City does not intend to designate City light poles for expressive activity or render City light poles into a public forum for expressive activity.

#### **Banner Content and Specifications**

1. The Hometown Heroes Military Banner Program is to be used for the benefit of recognizing those who are currently serving or who have served in the United States Armed Forces.
2. The City Manager or his/her designee shall manage the Hometown Heroes Military Banner Program and have sole authority to approve the installation of banners meeting the requirements as stated in these guidelines for this program.
3. All banners shall conform to the following specifications unless specified otherwise.

Banner Fabric:	Synthetic or synthetic blend
Banner Size:	3' (36") wide by 7' (84") long
Banner Fabrication:	Double-layered hems with 5/8 inch grommets for stability located in all 4 corners
Font Size:	Font must be at least 4" tall
Banner safety cable	

4. The text of a banner must list the name of the person, service branch and logo, and name of sponsor. The banner shall also include the words “Colton Proudly Honors Our Hometown Heroes” on each printed banner.

### **Procedure**

1. The banner installation guidelines and form may be obtained from the City of Colton’s website at [www.ci.colton.ca.us](http://www.ci.colton.ca.us) or you may contact the City Clerk’s Office to have one emailed to you by contacting Sabdi Sanchez, Chief Deputy City Clerk, at (909)370-5001 or by email at [ssanchez@ci.colton.ca.us](mailto:ssanchez@ci.colton.ca.us) or Faviola Medina, Office Specialist, at (909)370-5191 or by email at [fmedina@ci.colton.ca.us](mailto:fmedina@ci.colton.ca.us). Applications will also be available in the City Hall lobby, located at 650 N. La Cadena Drive, Colton, California.
2. The City’s decision to install any banners will be based on the availability of City staff, resources and staff scheduling for installation and removal, as well as the banners’ compliance with the banner program, including fulfillment of the criteria described above under “Banner Content and Specifications.”
3. The applicant may request the general location where they would like the banner displayed. However, the City shall make the final determination of the banner location.
4. The banner design was approved by the Military Banner Program Ad Hoc Committee and shall be used as the template for all banners produced through this program.
5. Once the banner has been produced, City staff shall contact the requestor to confirm the location of the pole and schedule the installation of the banner.
6. Once banners are installed they will remain up until they start to show deterioration. At that time, City staff will contact the family to schedule an appearance at a Council meeting for a formalized delivery of the banner or arrangements can be made for pick up from City Hall within a reasonable timeframe once the banner has been taken down. Any banners unclaimed after this time will become the property of the City.
7. The City shall not be responsible for damage to banners, however, will assist to put them back up in the case of a banner falling off the pole due to extreme elements.

### **Other Specifics and Requirements**

1. Installation shall be the responsibility of the City.
2. The cost of installation by the City is based on the annual billable hourly rate schedule in effect at the time of installation.

3. Fabrication and design of banners is the sole responsibility of the City. Banner specifications will be provided by the City.
4. Once produced and installed, banners shall remain the property of the City until removed and presented to the family or requestor.
5. All banner requests shall be submitted by the approved application along with a picture and military branch of the officer.
6. Banner installation shall be limited to City poles with approved banner brackets.
7. The City reserves the right not to install a banner if the requirements of this banner program are not met.



F.

G.





J. 4' Holly Leaf Spray



## GARLAND

### Sprays

Our sprays arrive pre-decorated and ready to hang. For custom colors, choose from the wide variety of ornaments on page 46.



## NATURAL SPRAYS

4' Natural Sprays

(10 watts, 100 LED bulbs, 9 lbs)

\$ 25

- |                       |              |
|-----------------------|--------------|
| A. 18" Red Bow        | GARSP24X48NY |
| B. 18" Gold Bow       | GARSP24X4    |
| C. 18" Candy Cane Bow | GARSP24X     |
| D. 18" Burgundy Bow   | GARSP24X48I  |

## DECORATED SPRAY

4' Decorated Sprays with 18" Bows

(10 watts, 100 LED bulbs, 10 lbs)

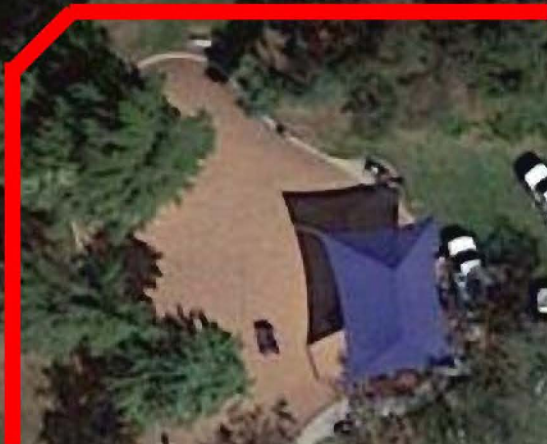
\$ 29

- |                |            |
|----------------|------------|
| E. Classic     | GARSP24X4E |
| F. Coastal     | GARSP24X48 |
| G. Candy Cane  | GARSP24X4  |
| H. Traditional | GARSP24X   |
| I. Royal       | GARSP24X   |
| J. Holly Leaf  | GARSP24X4  |



derson Ave

W Henderson Ave









## CITY COUNCIL AGENDA – AUGUST 18, 2015

**SUBJECT:** Status and Review of Declaration of Local Drought Emergency

**SOURCE:** City Manager's Office

**COMMENT:** As previously reported to the City Council, Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions, in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

At the City Council's last meeting on August 4th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Approximately twenty-five (25) residences within the city have now been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the summer months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration, and another survey of this area has been undertaken to determine if there are additional residences in the area with dry wells. It is staff's perception that the State is not inclined to provide funding for this water connection project, thus, staff is planning for an outreach meeting in the area to begin discussions regarding the possibility of forming a water utility district.

Also at the City Council's August 4th meeting, the Council continued its authorization for the County to purchase up to 500,000 gallons of City water over the next thirty (30) days in support of the County's Household Tank Program in East Porterville, requiring that the water continue to be drawn exclusively from the City's "Jones Corner" water system. County OES has continued to work toward developing additional water sources, which representatives indicate that



an additional two (2) sources have been secured, to assist in an ultimate goal to place 700 tanks in the East Porterville area. Also, as previously reported to Council, County OES has indicated that it will likely soon terminate its Mutual Aid Request with the City for the filling of tanks placed by PACC, due to 2,500-gallon tanks having been placed to replace the 300-gallon tanks.

City staff has been in continued coordination with both State and County representatives on the funding and development of the new well, with the Draft Agreement between the City and the County having been approved by the Council at its July 7th meeting. The County is still reviewing the draft Agreement, which the Board of Supervisors may consider at their August 18th meeting. At its August 11th meeting, the Board approved a contract to begin drilling the new well at the end of this month, which will be located on County property on a parcel located at the southeast corner where Olive Avenue crosses the Tule River.

City staff recently met with representatives from Porter Vista Utility District regarding the potential of the District serving as a water purveyor within their jurisdiction. The District had undertaken a feasibility study in the 1980's in this regard. The study established that it was not practically or financially feasible for the District to provide water to its potential customers without the City providing the necessary water. Without the State providing upwards of \$25 million in grant-funding to the District to fund the necessary District infrastructure and new City water sources, the District representatives continue to believe it is infeasible for them to serve as the water purveyor in their jurisdiction.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Review any modifications to the draft Agreement between the City and County of Tulare.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. Draft Agreement
4. CalOES Drought Update

Appropriated/Funded: MB

Review By:  
Department Director:  
Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY  
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

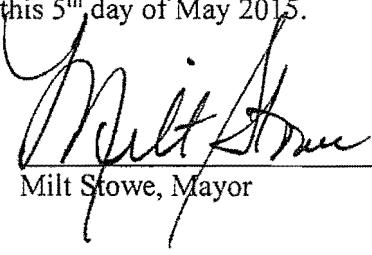
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

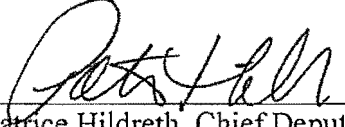
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2015.

  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

  
By: Patrice Hildreth, Chief Deputy City Clerk

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-29-15**

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS** California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

**WHEREAS** the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

**WHEREAS** a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

**WHEREAS** new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

**SAVE WATER**

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.



8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

#### **INCREASE ENFORCEMENT AGAINST WATER WASTE**

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

#### **INVEST IN NEW TECHNOLOGIES**

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

#### **STREAMLINE GOVERNMENT RESPONSE**

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.







26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused the  
Great Seal of the State of California to  
be affixed this 1<sup>st</sup> day of April 2015.

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EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

## **TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT**

THIS AGREEMENT is entered into this day of, 2015, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony area; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing a short-term emergency water supply for COUNTY's Household Tank Program and providing long-term capacity to enable permanent water connections to single family residential properties that comply with CITY'S Annexation and Extension of Municipal Services procedures. These procedures are defined by two Resolutions, 74-2014 and 75-2014, which are attached hereto as Exhibit 'B'. A review of properties in the East Porterville/Doyle Colony area show approximately 115 single family residences meet these parameters; and
- D. WHEREAS, COUNTY AND CITY have defined three potential well sites, two of which are CITY owned, and one which is COUNTY owned. Location of the potential municipal well sites are attached hereto as Exhibit 'C'. The COUNTY owned parcel is the preferred site as the site is more conducive to providing the required capacity and water quality. Further, should this site become the agreed upon location, the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony area, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony area is the most feasible means to address the area's water needs; and

- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services procedures, attached hereto and made a part thereof as Exhibit 'B'; and

**ACCORDINGLY, IT IS AGREED:**

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – WELL CONSTRUCTION:**  
Refer to attached Exhibit 'D'.
- 3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
  - A. CITY shall sell to COUNTY, upon COUNTY's request, water from the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall charge COUNTY the water rate effective as of the date the agreement is fully executed for all water sold to COUNTY. CITY shall provide a maximum of 3,000,000 gallons per month to the COUNTY for the household tank program from the CITY's water system upon integration of the new well into the system.
  - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new residential service connections and agreements in East Porterville/Doyle Colony area. CITY agrees to provide source water for up to one hundred fifteen (115) new residential connections in the East Porterville/Doyle Colony area that are in compliance with the CITY'S Annexation and Extension of Municipal Services procedures. CITY agrees to authorize permanent connection of prequalified properties upon termination and cessation of the COUNTY's household tank program. A list and map of the qualifying properties are attached hereto as Exhibit 'E'. The listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation and associated monthly

fees. CITY shall have sole discretion to determine the number of connections, if any, above the minimum number of residential properties provided herein.

- C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in the same fashion as CITY's other wells, for the duration of the well's useful life.
- D. If the well provided under this agreement is situated on COUNTY property, COUNTY shall grant the relevant portion to the CITY by Grant Deed at a cost of \$1. A 50-foot control zone around the well site is a requirement of the California Department of Public Health, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall remain COUNTY jurisdiction by execution of easements
- E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing of this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's unrestricted use within its water system. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.
- F. All recipients of water, whether permanent or temporary sources, are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

Administrative Building  
2800 W. Burrel Avenue  
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager  
291 N. Main St.  
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

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

COUNTY OF TULARE

BY \_\_\_\_\_  
Steve Worthley Chairman,  
Board of Supervisors

ATTEST: Jean M. Rousseau,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

By \_\_\_\_\_  
Deputy Clerk

Approved as to Form  
County Counsel

By \_\_\_\_\_  
Deputy

CITY OF PORTERVILLE

BY \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
City Clerk of the City of Porterville

BY \_\_\_\_\_  
John Lollis, City Manager



Approved as to Form

BY \_\_\_\_\_  
City Attorney

## EXHIBIT 'A'



*Grand*

●

East Porterville (1,361)



EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

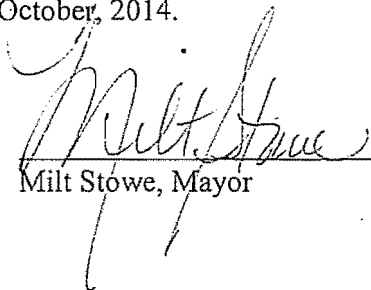
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

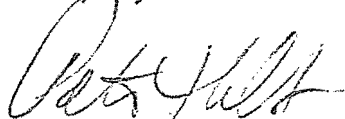
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

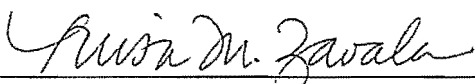
STATE OF CALIFORNIA     )  
CITY OF PORTERVILLE    )     SS  
COUNTY OF TULARE     )

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 regular meeting of the Porterville City Council duly called and held on the 21<sup>st</sup> day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

  
By: Luisa M. Zavala, Deputy City Clerk



RESOLUTION NO. 75 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF  
MUNICIPAL SERVICES

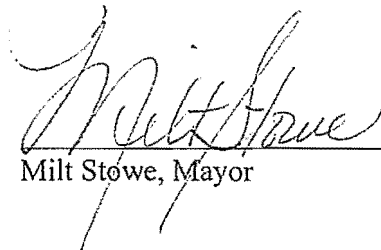
WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

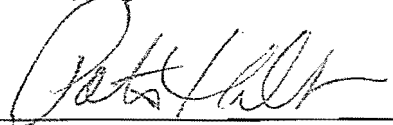
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

## **ANNEXATION APPLICATION PROCEDURE**

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

## **ANNEXATION EXEMPTION PROCEDURE**

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

## EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
  - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
  - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
  - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
  - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

## **EXEMPTIONS AND EXCEPTIONS**

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

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 regular meeting of the Porterville City Council duly called and held on the 21<sup>st</sup> day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

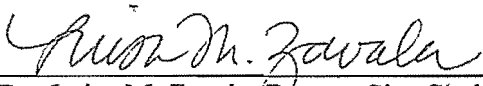
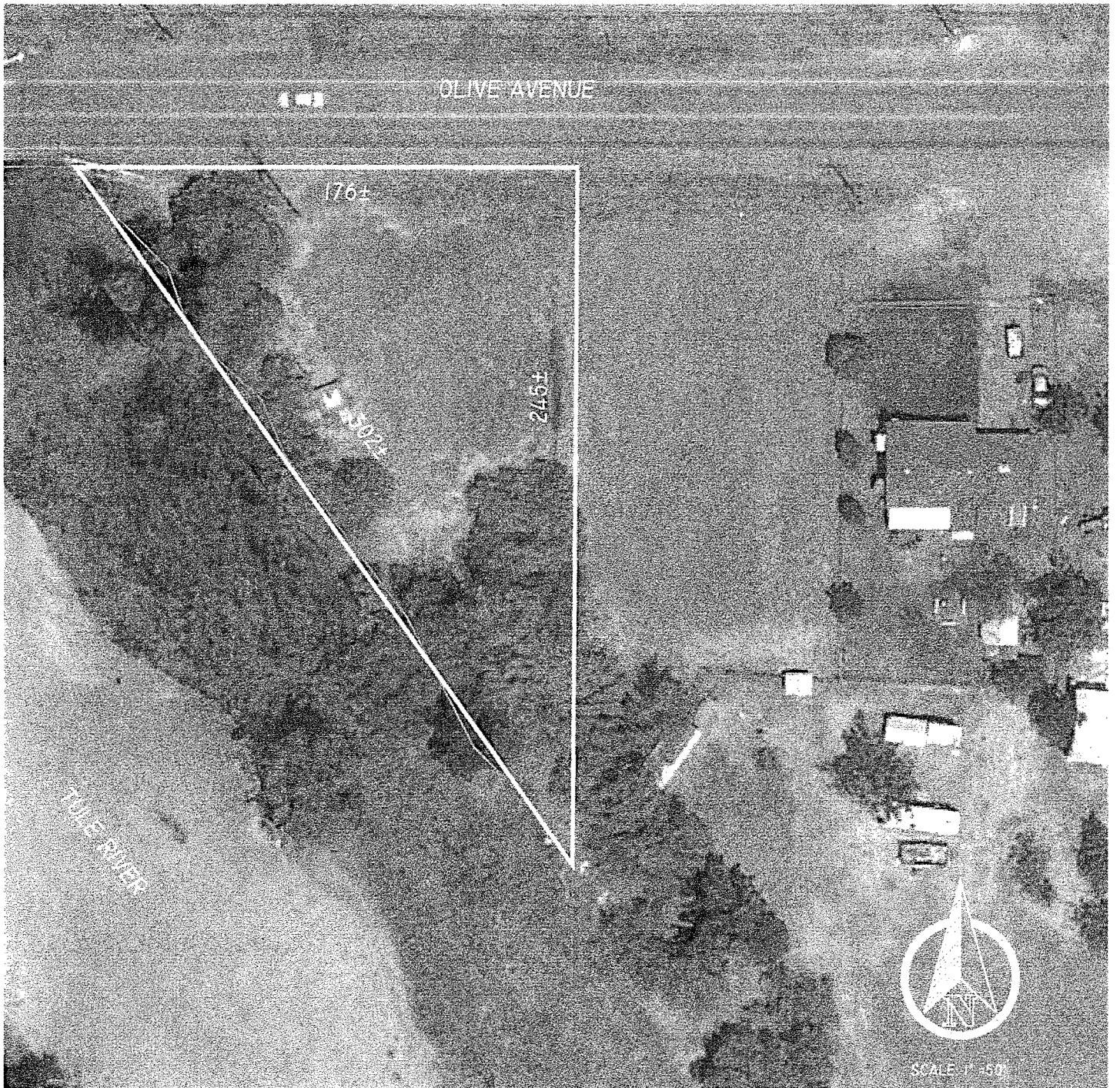
  
By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT 'C'







TULE RIVER

125±

398±

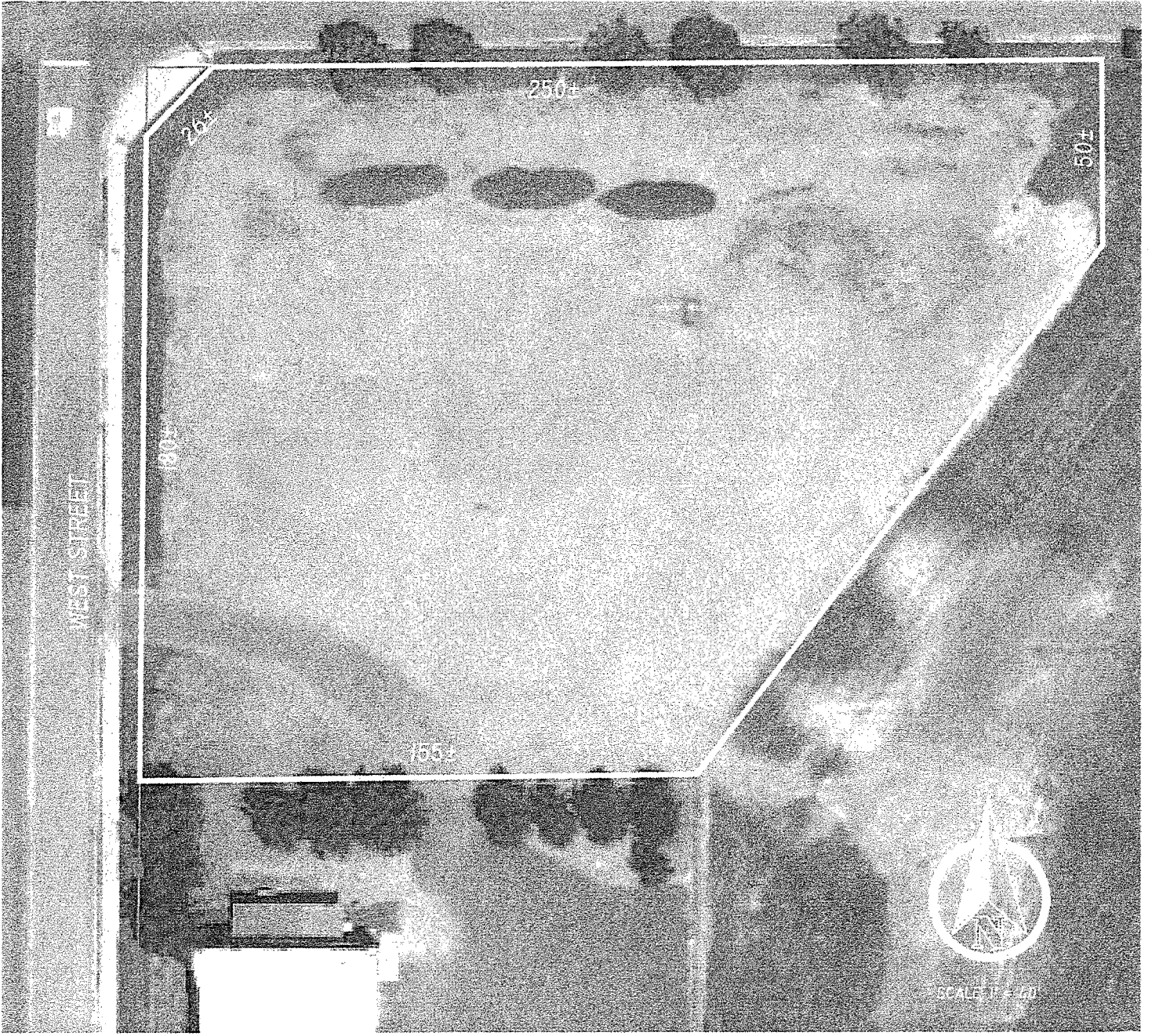
406±

52±

MAIN STREET



SCALE: 1" = 50'



## EXHIBIT 'D'



## SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES WELL CONSTRUCTION

(insert Dee Jaspar work plan, add City/County division of responsibilities)

### CITY Scope of Work

Task	Description	Cost
1.2	Review prepared Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Review prepared Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Construction Management	\$1,357.43
CITY Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to **Dee Jaspar & Associates** under Tulare County Agreement No. #####, including the following tasks:

### Dee Jaspar & Associates Fiscal Year 2015 Scope of Work

Task	Description	Cost
1.1	Project Evaluation and Pre-Design Engineering	\$6,168.00
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$9,360.00
3.1	Project Evaluations and Field Surveying	\$3,298.00
3.2	Prepare Well <i>Equipping</i> Plans, Specifications, and Estimates	\$30,520.00
3.3	Prepare and Assist with SCE Application & Telephone Service	\$2,114.00
3.4	Bid Assistance	\$4,332.00
5.1	Ph. 1 Preconstruction Meeting	\$1,114.00
5.2	Ph. 1 Construction Surveying	\$1,932.00
5.3	Ph. 1 Construction Inspection & Administration	\$33,342.00
FY 2015 Total:		\$92,180.00

**Deliverables**

1.1	Pre-Design
1.2	Plans, Specs, & Estimates
3.1	Field Logs, Notes, or Reports
3.2	Plans, Specs, & Estimates
3.3	SCE Application & Telephone Service Application
5.2	Field Logs, Notes, or Reports

**Dee Jaspar & Associates Fiscal Year 2016 Scope of Work**

Task	Description	Cost
5.4	Ph. 1 Water Quality Testing	\$7,000.00
5.5	Ph. 1 Project Close Out	\$1,346.00
5.6	Ph. 2 Project Meetings and Correspondence	\$18,876.00
5.7	Ph. 2 Submittal Review, RFI Responses, Change Order Review, & Progress Payment Review	\$14,304.00
5.8	Ph. 2 Construction Surveying	\$3,864.00
5.9	Ph. 2 Construction Inspection and Quality Control	\$47,931.00
5.10	Ph. 2 Start-up, Testing, and Troubleshooting	\$3,864.00
5.11	Ph. 2 Project Close Out and As-Builts	\$2,754.00

Contingency	\$61.00
Task Total	\$99,939.00
<b>Total FY 2016 Contract: \$100,000.00</b>	

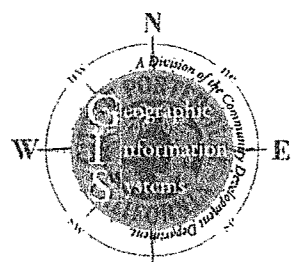
**Deliverables**

5.3	Field Reports
5.4	Test Results
5.5	Close Out Documents
5.9	Field Logs, Notes, or Reports
5.10	Field Logs, Notes, or Reports
5.11	As Builts

The COUNTY will be the lead agency on the project. The COUNTY has executed State of California Department of Water Resources Grant Agreement No. 20150518-1 to be reimbursed for the work described herein as well as work to be performed by a well drilling contractor.

EXHIBIT 'E'





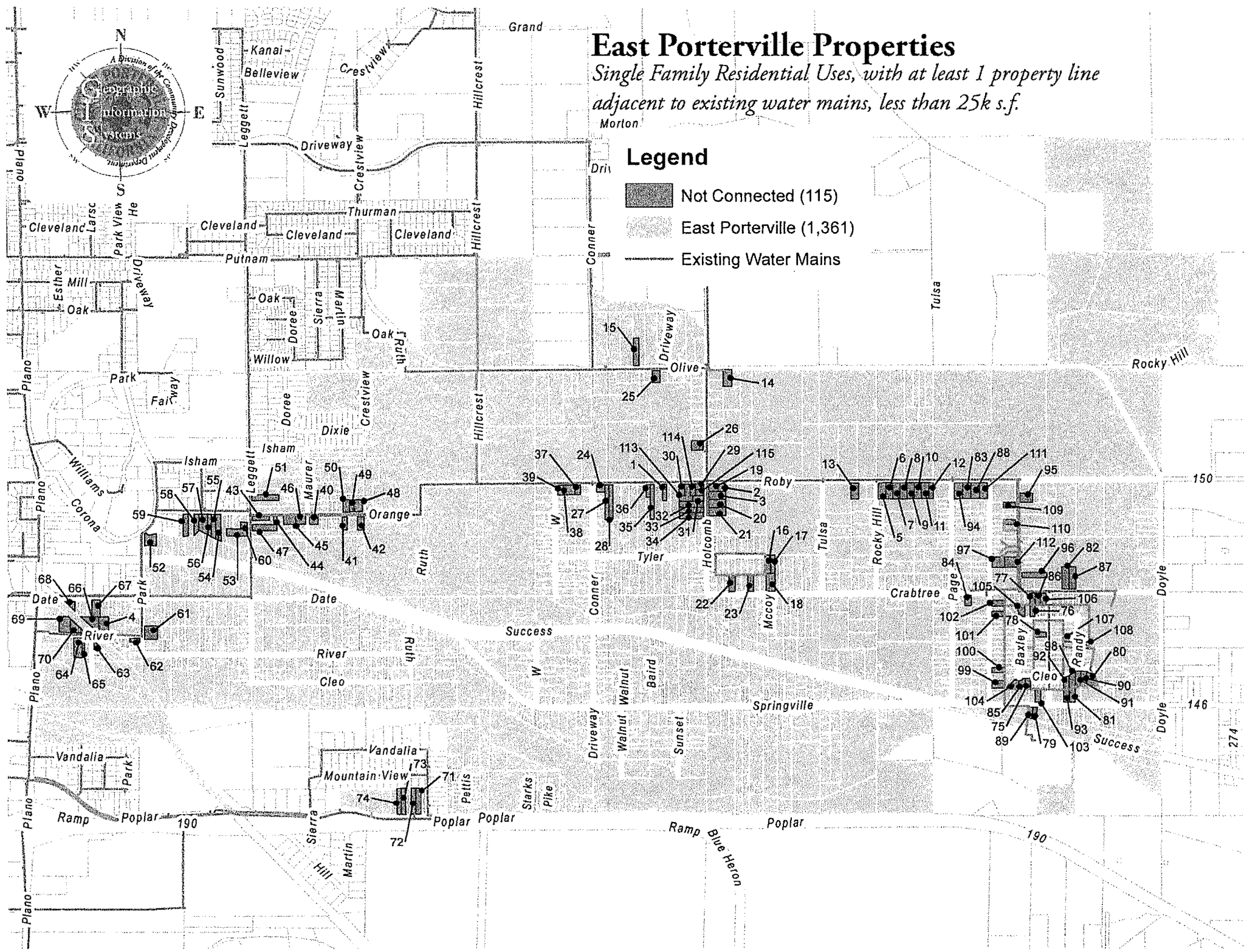
# East Porterville Properties

Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

Morton

## Legend

- Not Connected (115)
- East Porterville (1,361)
- Existing Water Mains



ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS
1	262091028	8,929.45	NO SITE ADDRESS	40	262023001	8,038.96	907 E ORANGE AVE	79	263150006	7,770.54	2173 E SPRINGVILLE DR
2	263010049	8,322.27	1629 E ROBY AVE	41	262023007	9,023.71	965 E ORANGE AVE	80	263120029	14,068.21	2277 E CLEO AVE
3	263010050	18,376.21	226 S HOLCOMB ST	42	262023014	11,476.01	991 E ORANGE AVE	81	263120020	10,473.73	2186 E SPRINGVILLE AVE
4	261012017	21,929.52	518 E RIVER AVE	43	262024001	9,982.88	831 E ORANGE AVE	82	263100017	20,912.37	2292 E CRABTREE AVE
5	263050018	15,552.02	1911 E ROBY AVE	44	262024003	3,991.14	843 E ORANGE AVE	83	263070046	17,829.96	2069 E ROBY AVE
6	263050019	15,631.45	1911 E ROBY AVE	45	262024013	13,967.44	861 E ORANGE AVE	84	263170052	8,886.05	2061 E CRABTREE AVE
7	263050020	15,626.31	NO SITE ADDRESS	46	262024014	11,961.07	261 S MAURER ST	85	263162028	9,134.32	2157 E CLEO AVE
8	263050021	15,621.24	1949 E ROBY AVE	47	262024011	20,056.93	280 S LEGGETT ST	86	263162007	8,149.61	2168 E CRABTREE AVE
9	263050022	15,616.14	1963 E ROBY AVE	48	262022008	14,064.17	994 E ORANGE AVE	87	263100015	20,831.65	2308 E CRABTREE AVE
10	263050001	15,611.05	1975 E ROBY AVE	49	262022009	7,032.06	978 E ORANGE AVE	88	263070026	18,194.63	2075 E ROBY AVE
11	263050002	15,605.94	1989 E ROBY AVE	50	262022010	10,529.88	960 E ORANGE AVE	89	263150005	7,080.46	2167 E SPRINGVILLE AVE
12	263050026	10,238.64	1995 E ROBY AVE	51	262021003	21,846.36	224 S LEGGETT ST	90	263120028	10,608.61	2263 E CLEO AVE
13	263040024	16,908.53	1863 E ROBY AVE	52	261251002	18,771.64	304 S PARK ST	91	263120027	11,862.07	2251 E CLEO AVE
14	263030032	20,000.14	1643 E OLIVE AVE	53	261243019	19,878.98	287 S LEGGETT ST	92	263120025	9,930.29	2229 E CLEO AVE
15	254050056	20,800.75	1478 E OLIVE AVE	54	261243012	19,512.38	739 E ORANGE AVE	93	263120021	9,894.27	2186 E SPRINGVILLE AVE
16	263020009	10,727.83	1703 E TYLER AVE	55	261243011	13,865.77	729 E ORANGE AVE	94	263070045	17,805.15	2042 E ROBY AVE
17	263020010	11,347.61	1705 E TYLER AVE	56	261243010	11,130.20	721 E ORANGE AVE	95	263070019	15,591.77	214 BAXLEY ST
18	263020008	22,350.60	1706 E CRABTREE AVE	57	261243009	21,564.88	711 E ORANGE AVE	96	263060023	17,427.95	366 BAXLEY ST
19	263010048	10,067.12	NO SITE ADDRESS	58	261243008	12,481.75	703 E ORANGE AVE	97	263060015	17,886.82	350 ALTA VISTA ST
20	263010046	19,211.22	NO SITE ADDRESS	59	261243006	15,465.49	675 E ORANGE AVE	98	263120026	11,564.19	2237 CLEO AVE
21	263010047	19,164.39	248 S HOLCOMB ST	60	261243018	6,224.92	275 S LEGGETT ST	99	263163023	12,461.65	570 ALTA VISTA ST
22	263020041	14,152.20	1640 E CRABTREE AVE	61	261260033	23,839.14	460 S PARK ST	100	263163018	8,704.92	554 ALTA VISTA ST
23	263020044	14,152.18	1674 E CRABTREE AVE	62	261013006	6,009.86	577 E RIVER AVE	101	263163005	9,268.01	436 ALTA VISTA ST
24	262101019	7,822.17	1411 E ROBY AVE	63	261013013	4,073.53	478 S LARSON ST	102	263163003	9,245.70	422 ALTA VISTA ST
25	262282002	12,512.48	NO SITE ADDRESS	64	261015007	22,466.00	475 E RIVER AVE	103	263162034	9,519.39	2186 E SPRINGVILLE AVE
26	262290003	15,056.68	121 S HOLCOMB ST	65	261015008	6,692.02	NO SITE ADDRESS	104	263162027	10,315.76	2143 E CLEO AVE
27	262101006	18,962.56	1419 E ROBY AVE	66	261012018	21,161.90	510 E RIVER AVE	105	263162013	9,824.18	2164 E RICHARD AVE
28	262101007	19,444.23	1431 E ROBY AVE	67	261012005	19,360.32	505 E DATE AVE	106	263162008	9,441.85	2168 E CRABTREE AVE
29	262091024	6,812.13	1593 E ROBY AVE	68	261012001	6,775.68	451 E DATE AVE	107	263110033	8,040.99	483 S RANDY ST
30	262091001	8,833.48	1557 E ROBY AVE	69	261012024	24,599.32	448 E RIVER AVE	108	263110031	8,609.81	494 S RANDY ST
31	262091003	8,816.34	227 S HOLCOMB ST	70	261012025	15,095.24	935 E RIVER AVE	109	263070041	9,091.82	NO SITE ADDRESS
32	262091004	19,207.92	235 S HOLCOMB ST	71	262220062	19,761.17	1094 E POPLAR AVE	110	263070013	8,380.13	271 BAXLEY ST
33	262091005	19,538.90	245 S HOLCOMB ST	72	262220061	18,112.05	1088 E POPLAR AVE	111	263070008	18,100.87	223 ALTA VISTA ST
34	262091006	19,193.11	253 S HOLCOMB ST	73	262220059	16,131.13	1066 E POPLAR AVE	112	263060016	18,005.03	345 BAXLEY ST
35	262091020	19,520.59	1503 E ROBY AVE	74	262220058	16,459.29	1056 E POPLAR AVE	113	262091027	19,280.15	1565 E ROBY AVE
36	262091022	7,172.30	1493 E ROBY AVE	75	263162029	7,896.00	2165 E CLEO AVE	114	262091026	8,141.19	1565 E ROBY AVE
37	262071001	6,929.42	1373 E ROBY AVE	76	263162011	8,279.43	NO SITE ADDRESS	115	262091025	6,792.49	213 S HOLCOMB ST
38	262071020	14,836.29	1353 E ROBY AVE	77	263162006	8,195.29	2168 E CRABTREE AVE				
39	262071021	7,068.23	1343 E ROBY AVE	78	263161003	8,667.06	479 BENNETT ST				



## Drought Update

### Monday, August 10, 2015

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#### **KEY ACTION ITEMS FROM THIS WEEK**

- **Governor Brown Declares State of Emergency in California to Bolster Wildfire Response:** On July 31, Governor Brown [declared](#) a state of emergency in California to help mobilize additional firefighting and disaster response resources due to the wildfires burning throughout the State. Due to severe drought conditions and extreme weather, the State's risk of wildfires have increased, caused millions of trees to die, and elevated the severity and spread of the fires throughout the State.
- **DWR Releases New Guidebook to Assist With Agricultural Water Management Plans:** On August 8, the Department of Water Resources (DWR) [released](#) the 2015 Agricultural Water Management Plan (AWMP) Guidebook to provide assistance to mid-sized farm water districts. The guidebook is intended to help agricultural water suppliers understand AWMP requirements and assist them in developing a plan. AWMPs provide information on water supplies, demands and deliveries to farm customers and must include reporting on water efficiency measures implemented by the water agency. For more information, visit the [AWMP website](#).
- **CDFW Now Accepting Proposals for Proposition 1 Restoration Grant Programs:** On August 6, the California Department of Fish and Wildlife (CDFW) [announced](#) that they are accepting proposals for restoration projects that further the objectives of the California Water Action Plan. A total of \$31.4 million in Proposition 1 funds will be made available through CDFW's Watershed Restoration Grant Program and the Delta Water Quality and Ecosystem Restoration Grant Program.

Approved by California voters in November 2014, Proposition 1 provides funds to implement the [California Water Action Plan](#) which establishes more reliable water supplies, restores important species and habitat, and creates a more resilient, sustainably managed water resources system (water supply, water quality, flood protection and environment) that can better withstand inevitable and unforeseen pressures in the coming decades.

- **State Accepting Pre-Applications for Groundwater Quality Funding:** On August 3, the State Water Board [announced](#) they are now accepting preliminary applications for Groundwater Quality Funding (GWQF) Projects through the online Financial Assistance Application Submittal Tool (FAAST). Successful pre-applications will be invited to submit a final application, either for Proposition 1 Groundwater Sustainability Program or the Site Cleanup Subaccount Program, or may be advised to apply for another potential source of funds. For more information, visit the State Water Board's [Groundwater Quality Fund Programs website](#).

- **California Coastal Conservancy Prop 1 Grant Solicitation:** The State Coastal Conservancy announced a new round of competitive grants to fund watershed restoration and ecosystem protection projects. These grants will be funded by the Proposition 1 Water Bond approved by California voters last fall. For more information, view the [proposal solicitation](#).
- **California's Water Conservation Education Program Campaign:** Save Our Water is transitioning the conservation message from "Turn It Off" to "Let It Go" in their social and digital campaign. Save Our Water's viral campaign that asks Californians to share a helping hand by "[Saving Together](#)" continues as music stars Brett Eldredge, Baby Bash, and NEF The Pharaoh join the effort.

This week, Raley's and Save Our Water are partnering together to host a live event Twitter Feed on August 12. In addition, Save Our Water and Clear Channel Outdoor will be featuring billboards throughout Northern California. For tips and tools to help conserve water and keep trees healthy during the drought, please visit Save Our Water's website, which is available in both [English](#) and [Spanish](#), or connect with the program on [Facebook](#), [Twitter](#) or [Instagram](#).

- **Governor's Drought Task Force:** The Task Force continues to take actions that conserve water and coordinate state response to the drought. During the most recent Task Force meeting on August 6, CAL FIRE reported that over 11,000 firefighters are currently battling 17 active wildfires in California, and have dropped over 1 million gallons of fire retardant from large airtankers.

In addition, the Labor Workforce Development Agency (LWDA) anticipates the California Drought Relief Employment Training Program to begin in the next few weeks. This program will provide training opportunities to workers, employers, and students at community colleges in regions severely impacted by the drought. For a list of participating community colleges, view the [LWDA brochure](#).

## **ONGOING DROUGHT SUPPORT**

- **Emergency Food Aid, Rental and Utility Assistance:** The Department of Social Services (CDSS) Drought Food Assistance Program (DFAP) provides food assistance to affected communities that suffer high levels of unemployment from the drought. To date, over 806,800 boxes have been provided to community food banks in drought-impacted counties, with an average of approximately 13,250 food boxes per week since June 2014. Approximately 718,762 boxes of food have been picked up by 378,270 households.

Food boxes distributions vary by county and occur 1-4 times per month. Over 70% of the food distributions have occurred in the Tulare Basin (Fresno, Kern, Kings and Tulare). There are 10,800 boxes scheduled for delivery for the week ending August 14, to Fresno, Kern, Riverside, Tulare, and Ventura County.

The Department of Community Services and Development (CSD) allocated an additional \$600,000, under the federally-funded Community Services Block Grant (CSBG), to continue the [Drought Water Assistance Program \(DWAP\)](#) which provides financial assistance to help low-income families pay their water bills. As of July 31, CSD has reported that a total of \$309,165 has been issued to 1,581 households.

CSD is in the process of allocating \$400,000, under CSBG, to continue the Migrant and Seasonal Farmworker (MSFW) drought assistance program, which provides assistance in employment training and placement services to individuals impacted by the drought. This program provides employment training and placement services to migrant and seasonal farmworkers suffering job loss or reduced employment due to the drought. To date, CSD has reported that a total of \$10,000 has been issued to the Center for Employment Training, California Human Development, and Central Valley Opportunity Center.

- **Drought Response Funding:** The \$687 million in state drought funding that was appropriated last March through emergency legislation, as well as \$142 million provided in the 2014 Budget Act, continues to advance toward meeting critical needs. To date, \$468 million has been committed, and nearly \$625 million of the emergency funds appropriated in March came from sources dedicated to capital improvements to water systems. Since March, the Department of Water Resources has expedited grant approvals, getting \$21 million immediately allocated to grantees that were pre-approved for certain projects.

As planned in March, the next \$200 million of expedited capital funding was awarded in October, and the remaining \$250 million will be granted by fall 2015. The 2014 Budget Act appropriated an additional \$53.8 million to CAL FIRE over its typical budget to enhance firefighter surge capacity and retain seasonal firefighters beyond the typical fire season.

As a result of continuing drought conditions, emergency legislation was enacted in March 2015 that appropriated over \$1 billion of additional funds for drought-related projects and activities. The Administration's May Revision proposal includes an additional \$2.2 billion for programs that protect and expand local water supplies, improve water conservation, and provide immediate relief to impacted communities.

## **CURRENT DROUGHT CONDITIONS**

- **Fire Activity:** Since the beginning of the year, firefighters from CAL FIRE and the U.S. Forest Service have responded to 5,500 wildfires across the state, burning 180,500 acres. Fire activity across California remains high with over 432 wildfires in just the past week.
- **CAL FIRE Suspends Outdoor Residential Burning:** California's increased fire activity this year, coupled with record-setting drought conditions, require CAL FIRE to take every step possible to prevent new wildfires from starting. To date, CAL FIRE has suspended burn permits in all counties in the State Responsibility Area.

This suspension bans all residential outdoor burning of landscape debris including branches and leaves. For additional information on preparing for and preventing wildfires, please visit [www.ReadyForWildfire.Org](http://www.ReadyForWildfire.Org).

- **Dry Well Reports:** As California enters the fourth consecutive summer of drought, Cal OES continues to monitor and identify communities and local water systems in danger of running out of water. Approximately 2,182 wells statewide have been identified as critical or dry, which affects an estimated 10,910 residents. As of August 5, Cal OES has reported that 2,085 of the 2,182 dry wells are concentrated in the inland regions within the Central Valley.



- **Vulnerable Water Systems:** The State Water Board continues to provide technical and funding assistance to several communities facing drinking water shortages, and is monitoring water systems across the state. Since January 2014, 88 out of the 116 projects approved to receive emergency funding for interim replacement drinking water have been executed. On May 19, the State Water Board adopted Guidelines for administering the latest emergency drought appropriations of \$19 million announced this past March. To date, the State Water Board has received requests for \$4.1 million of those funds.
- **Projected Reservoir Management:** Shasta Reservoir recorded 1,951,315 acre-feet (AF) on August 6 with a 10-day average reduction in storage of 5,710 AF/day. Releases are being held lower than normal to keep cold water in the reservoir for Winter Run Chinook Salmon later in the fall. Shasta Reservoir is projected to reach 1,460,000 AF by the end of September. This is higher than the 1976-77 record low storage of 700,000 AF.

Oroville Reservoir recorded 1,123,272 AF on August 6 with a 10-day average reduction in storage of 6,222 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. These higher flows are to keep salt water from coming too far into the Delta and to meet other joint federal-state obligations. Oroville Reservoir is projected to reach 900,000 AF by the end of September. This storage is about the same as the record low 1976-77 storage level.

Folsom Reservoir recorded 262,874 AF on August 6 with a 10-day average reduction in storage of 3,799 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. Folsom Reservoir is projected to reach 120,000 AF by the end of September. This is lower than the 1976-77 record low storage of 150,000 AF.

[Reservoir Levels](#) as of August 9 remain low, including: Castaic Lake 38% of capacity (46% of year to date average); Don Pedro 33% of capacity (45% of average); Exchequer 10% of capacity (17% of average); Folsom Lake 26% of capacity (38% of average); Lake Oroville 32% of capacity (45% of average); Lake Perris 36% (46% of average); Millerton Lake 33% of capacity (57% of average); New Melones 14% of capacity (23% of average); Pine Flat 14% of capacity (30% of average); San Luis 23% of capacity (49% of average); Lake Shasta 42% of capacity (62% of average); and Trinity Lake 32% of capacity (41% of average). An update of water levels at other [smaller reservoirs](#) is also available.

- **Weather Outlook:** Dry weather and seasonable temperatures are expected this week, except for a slight chance of thunderstorms across the northern mountains. Temperatures return today to around average for mid-August, then warm again by the end of the week and through the weekend.

## **Local Government**

- **Local Emergency Proclamations:** A total of 60 local Emergency Proclamations have been received to date from city, county, and tribal governments, as well as special districts:
  - **27 Counties:** Butte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Madera, Mariposa, Merced, Modoc, Plumas, San Bernardino, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Siskiyou, Sonoma, Stanislaus, Sutter, Trinity, Tulare, Tuolumne and Yuba.

- **12 Cities:** City of Live Oak (Sutter County), City of Lodi (San Joaquin County), City of Manteca (San Joaquin County), City of Montague (Siskiyou County), City of Porterville (Tulare County), City of Portola (Plumas County), City of Ripon (San Joaquin County), City of San Juan Bautista (San Benito County), City of Santa Barbara (Santa Barbara County), City of Rancho Cucamonga (San Bernardino County) and City of West Sacramento (Yolo County) and City of Willits (Mendocino County).
  - **9 Tribes:** Cortina Indian Rancheria (Colusa County), Hoopa Valley Tribe (Humboldt County), Karuk Tribe (Siskiyou/Humboldt Counties), Kashia Band of Pomo Indians of the Stewarts Point Rancheria (Sonoma County), Picayune Rancheria of Chukchansi Indians (Madera County) Sherwood Valley Pomo Indian Tribe (Mendocino County), Tule River Indian Tribe (Tulare County), Yocha Dehe Wintun Nation (Yolo County) and Yurok Tribe (Humboldt County).
  - **12 Special Districts:** Carpinteria Valley Water District (Santa Barbara County), Goleta Water District (Santa Barbara County), Groveland Community Services District (Tuolumne County), Lake Don Pedro Community Services District (Mariposa Stanislaus County), Mariposa Public Utility District (Mariposa County), Meiners Oaks Water District (Ventura County), Montecito Water District (Santa Barbara County), Mountain House Community Service District (San Joaquin County), Nevada Irrigation District (Nevada County), Placer County Water Agency (Placer County), Tuolumne Utilities District (Tuolumne County) and Twain Harte Community Services District (Tuolumne County).
  - **Water Agency Conservation Efforts:** The Association of California Water Agencies (AWCA) [has identified](#) several hundred local water agencies that have implemented water conservation actions. These water agencies [are responding to the drought](#) by implementing conservation programs, which include voluntary calls for reduced water usage and mandatory restrictions where water shortages are worst.
- ACWA [released](#) a Drought Response Toolkit to assist water agencies as they take action to meet state-mandated water conservation target and communicate information about water use restrictions, enforcement and other issues with their customers, media and other audiences.
- **County Drought Taskforces:** A total of 33 counties have established drought task forces to coordinate local drought response. These counties include: Butte, Colusa, Glenn, Humboldt, Kern, Kings, Lake, Madera, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Siskiyou, Stanislaus, Solano, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yolo.
  - **Tribal Taskforce:** A total of 7 tribes have established drought task forces to coordinate tribal drought response. These tribes include: Hoopa Valley Tribe (Humboldt County), Hopland Tribe (Mendocino County), Karuk Tribe (Siskiyou County), La Jolla Band of Luiseno Indians (San Diego County), Sherwood Valley Tribe (Mendocino County), Trinidad Tribe (Humboldt County), and Yurok Tribe (Humboldt and Del Norte County).



## DROUGHT RELATED WEBSITES FOR MORE INFORMATION

### [Drought.CA.Gov](#): California's Drought Information Clearinghouse

State's Water Conservation Campaign, [Save Our Water](#)  
Local Government, [Drought Clearinghouse and Toolkit](#)

California Department of Food and Agriculture, [Drought Information](#)  
California Department of Water Resources, [Current Water Conditions](#)  
California Data Exchange Center, [Snow Pack/Water Levels](#)  
California State Water Resources Control Board, Water Rights, [Drought Info and Actions](#)  
California Natural Resources Agency, [Drought Info and Actions](#)  
State Water Resources Control Board, Drinking Water, [SWRCB Drinking Water Program](#)  
California State Water Project, [Information](#)

[U.S. Drought Monitor](#) for Current Conditions throughout the Region  
[U.S. Drought Portal](#), National Integrated Drought Information System (NIDIS)  
National Weather Service [Climate Predictor Center](#)  
USDA Drought Designations by County [CA County Designations](#)  
USDA Disaster and Drought Assistance Information [USDA Programs](#)  
U.S. Small Business Administration Disaster Assistance Office: [www.sba.gov/disaster](http://www.sba.gov/disaster)