



**CITY OF PORTERVILLE - CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 4, 2026, 5:30 PM**

The City of Porterville provides members of the public the opportunity to attend and participate in City Council meetings both in person and remotely.

City Council Meeting will be livestreamed (viewing only) on YouTube at:

<https://www.youtube.com/@cityofporterville4149>

Members of the public may also participate remotely via Zoom using the following information:

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/89440080110?pwd=PR8CM8nWvjHcrSuUZ0c4p9FeEs5qj.1>

Or via Telephone: 1-669-900-6833 Webinar ID: 894 4008 0110 Passcode: 336296

Persons attending the meeting remotely will have the opportunity to provide public comment during the designated public comment periods. To request to speak, click the "Raise Hand" button in the Zoom webinar or, if participating by telephone, press *9 to raise your hand. When it is your turn to speak, you will be prompted to unmute your microphone and will be asked to state your name for the record before providing your comments.

Public comments submitted remotely will be accepted in the same manner as comments from individuals attending the meeting in person and will be subject to the same time limits, rules of decorum, and meeting procedures established by the City Council.

Please direct any questions to the Office of City Clerk at 559-782-7464.

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, each speaker shall be limited to three minutes. The total time for public comment shall not exceed one hour.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1- Government Code Section 54956.95 – Liability Claim: Claimant: Alma D. Mejia. Agency claimed against: City of Porterville.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Javier Padilla. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Alfaro, Perla Nayeli Pineda et al. v. City of Porterville et al., Tulare County Superior Court Case No. PCU 336691
- 4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Torres, Eva Lizeth v. Clayton, Henry Dignam et al., Tulare County Superior Court Case No. PCU 327880
- 5 - Government Code Section 54956.9(d) (2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) 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 Rivas

Invocation

COUNCIL COMMENTS

PRESENTATIONS

Employee of the Month - Ruben Rodriguez
Porterville Little League U11 All-Stars

REPORTS

This is the time for all staff informational items.

I. Staff Informational Reports

1. Building Permit Activity Quarterly Report Q4 FY 25/26
2. City Commission and Committee Attendance Quarterly Report Q4 FY 25/26
3. City Council Member Appointments Attendance Quarterly Report Q4 FY 25/26
4. Code Enforcement Quarterly Report Q4 FY 25/26
5. Golf Course Quarterly Report Q4 FY 25/26

6. Streets Performance Measure Quarterly Report Q4 FY 25/26
7. Transit Quarterly Report Q4 FY 25/26

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, each speaker shall be limited to three minutes. The total time for public comment shall not exceed one hour.

COUNCIL COMMENTS

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. **Authorize Replacement of City Hall Fire Alarm Sensor Duct Detectors**
Re: Consider adopting a resolution appropriating funds from the General Fund Facility Deferred Maintenance/Equipment Replacement Designated Fund for the replacement of the City Hall fire alarm sensor duct detectors by Jorgensen Company, in an amount not to exceed \$15,579.44, including a ten percent (10%) contingency.
2. **Authorization to Repair the Westwood Estates Perimeter Wall**
Re: Consideration of authorizing the repair of the Westwood Estates perimeter wall near the intersection of Westwood Street and Morton Avenue, by Advanced Engineering USA for an amount not to exceed \$8,580, including a ten percent contingency.
3. **Annual Renewal of Vector Solutions Scheduling Software**
Re: Consideration of the annual renewal of the Vector Solutions Scheduling software subscription with TargetSolutions Learning LLC in the amount of \$5,946.60.
4. **Award of Contract for the Pedestrian Crossings with Rapid Flashing Beacons Project**
Re: Council to consider awarding the Pedestrian Crossings with Rapid Flashing Beacons Project to Anderson Striping & Construction, Inc. in the amount of \$442,401.38 and approve the associated Measure R reimbursement agreement.
5. **Authorization to Award the Contract for the Veterans Park Parking Lot Repaving Project**
Re: Consideration of adopting a Resolution appropriating funds from the General Fund Reserve Deferred Maintenance Fund and awarding the contract for the Veterans Park Parking Lot Repaving Project to Central Valley Asphalt in an amount not to exceed \$107,962, including a ten percent contingency.
6. **Intent to Schedule a Public Hearing for the 2025-2026 Consolidated Annual Performance Evaluation Report (CAPER)**

Re: Consideration to notice and schedule a public hearing for September 1, 2026, to receive public comment and consider approval of the 2025-2026 Consolidated Annual Performance Evaluation Report (CAPER), and authorize publication of the required public notice.

7. Intent to Schedule a Public Hearing for a Conditional Use Permit at 1200 South Main Street

Re: Consideration to notice and schedule a Public Hearing for August 18, 2026, to receive public comment and consider a request for a Conditional Use Permit (PRC No. 2026-013) to reopen the former Harley's Tavern as Dead End Saloon at 1200 South Main Street, including the related environmental determination.

8. Approval of a Professional Services Agreement with MGT Impact Solutions, LLC for State Mandated Cost Reimbursement (SB 90) Services

Re: Consideration of approving a three-year Professional Services Agreement with MGT Impact Solutions, LLC in an amount not to exceed \$13,950 to provide State Mandated Cost Reimbursement (SB 90) services.

9. Approval of an Agreement with Spectrum Business for Network Connectivity Services Supporting the Police Radio System Upgrade Project

Re: Consideration of approving a thirty-six (36) month agreement with Spectrum Business to provide network connectivity services supporting the Police Radio System Upgrade Project.

10. Authorization to Utilize Funds for the Public Works Conference Room, Warehouse, and Breakroom Improvement Project

Re: Consideration of authorizing the expenditure of an amount not to exceed \$30,000 from the Fiscal Year 2026-2027 Water Operating Fund Budget for the Public Works Conference Room, warehouse, and breakroom Improvement Project located at 555 N. Prospect, Porterville, CA 93257.

11. Approval of a Sixty-Month Lease with Quadient and Maintenance Agreement with JMP Office Technologies for Mail Processing Equipment

Re: Consideration of approving a sixty-month lease agreement with Quadient and a maintenance agreement with JMP Office Technologies in the amount of \$40,019.40, plus applicable taxes, for replacement mail processing and folder inserter equipment.

12. Acceptance of Preliminary Quarterly Financial Status Reports – June 30, 2026

Re: Acceptance of the Preliminary Quarterly Financial Status Reports for the period ending June 30, 2026.

13. Acceptance of the Quarterly Investment Portfolio Summary

Re: Consideration of acceptance of the Quarterly Investment Portfolio Summary for the quarter ended June 30, 2026.

14. Amendment to Employee Pay and Benefit Plan – Unrepresented Management Employees

Re: Consideration to adopt a Resolution approving amendments to the Employee Pay and Benefit Plan for Unrepresented Management Employees for the period of July 1, 2026, through June 30, 2028, and authorize the Administrative Services Director to implement the approved compensation and benefit changes.

15. Amendment to Employee Pay and Benefit Plan – Management and Confidential Series Employees

Re: Consideration to adopt a Resolution approving amendments to the Employee Pay and Benefit Plan for the Management and Confidential Series for the period of July 1, 2026, through June 30, 2028, and authorize the Administrative Services Director to implement the approved compensation and benefit changes.

16. Program Supplement No. B059 to the Administering Agency-State Agreement for the Non-Infrastructure Component of the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project

Re: Consideration of adopting a resolution authorizing the execution of Program Supplement No. B059 to the Administering Agency-State Agreement for State-Funded Projects No. 06-5122S21 for the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project.

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

PUBLIC HEARINGS

17. Public Hearing and First Reading of an Ordinance Amending Chapter 2, Article IV of the Porterville Municipal Code Relating to the Code Enforcement Section

Re: Council to conduct a public hearing to receive public comment and consider the first reading of an ordinance amending Chapter 2, Article IV of the Porterville Municipal Code relating to the organization and administration of the Code Enforcement Section

18. Public Hearing and First Reading of an Ordinance Amending Chapter 15 of the Porterville Municipal Code Relating to the Administrative Transfer of Business License Functions

Re: Council to conduct a public hearing to receive public comment and consider the first reading of an ordinance amending Chapter 15 of the Porterville Municipal Code relating to the administration of the Business License Division.

SCHEDULED MATTERS

19. Award of Contract for the Pavement Preservation Project

Re: Consideration of awarding the Pavement Preservation Project to VSS International in the amount of \$989,120; authorizing a ten percent construction contingency and an additional ten percent for construction management, construction surveying, quality assurance, materials testing, and inspection services; and appropriating an additional \$86,944 in Measure R Local Funds.

AB 1234 REPORTS

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

1. Downtown Porterville Committee Meeting - July 23, 2026

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 August 18, 2026, at 5:30 p.m.

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, requesting electronic participation as an accommodation, 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 N. Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 1. Building Permit Activity Quarterly Report Q4 FY 25/26

SOURCE: Planning and Engineering

COMMENT: This informational report summarizes building permit activity for the fourth quarter of Fiscal Year 2025-2026 (April through June 2026), including both residential and commercial development.

During the fourth quarter, the City issued 39 new residential permits, representing a 44.28% decrease compared to the same period last fiscal year (70 permits) and a 69.56% increase compared to Fiscal Year 2023-2024 (23 permits). No new commercial permits were issued during this quarter, a decrease from the two permits issued during the same quarter last year and consistent with the level of activity observed two years ago.

On a year-to-date basis (July 2025 through June 2026), the City has issued 134 residential permits, which reflects a 37.67% decrease compared to the same period last fiscal year (215 permits), but a 39.58% increase compared to Fiscal Year 2023-2024 (96 permits). Commercial permit activity has remained consistent year-to-date, with five permits issued, matching the total for both the previous fiscal year and Fiscal Year 2023–2024.

The attached monthly reports provide detailed information on permit activity, valuation, and associated fees. Overall, the data reflects continued residential and commercial development activity within the City. While residential permit activity declined compared to the previous fiscal year, it remains above Fiscal Year 2023–2024 levels. Commercial permit activity has remained relatively consistent over the past three fiscal years. The year-over-year fluctuations in permit activity are also consistent with historical trends observed during years in which a new California Building Code has been adopted.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Building Permit Activity - April 2026
2. Building Permit Activity - May 2026
3. Building Permit Activity - June 2026

Appropriated/Funded:

Review By:

Department Director:

Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2024 - 4/30/2025 AND
7/1/2025 - 4/30/2026

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	APRIL 2026	APRIL 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	APRIL 2026	APRIL 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	APRIL 2026	APRIL 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW	16	41	111	186	5,576,640	14,367,131	37,555,054	57,672,445	56,367.64	110,688.81	319,902.08	460,823.13
RESID												
NEW	0	0	5	3	0	0	3,071,000	7,412,500	0.00	0.00	16,619.05	31,396.06
COMM												
RESID	13	8	121	95	722,986	405,460	2,868,806	2,164,167	10,069.38	7,164.34	59,198.52	49,840.36
IMPROV												
COMM	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
IMPROV												
OTHER	22	33	245	275	766,030	431,603	10,084,978	11,380,232	4,886.00	6,834.00	54,750.46	60,831.75
ELECT	44	61	412	628	821,767	1,225,428	7,261,565	16,395,007	8,264.80	11,196.00	84,398.35	126,571.50
PLUMB	74	61	594	585	241,314	341,388	2,267,870	2,423,256	11,730.00	8,444.00	93,049.00	87,198.00
TOTALS	169	204	1,488	1,772	8,128,736	16,771,010	63,109,273	97,447,606	91,317.82	144,327.15	627,917.46	816,660.80

	NEW DWELLING UNITS TOTALS			
	APRIL 2026	APRIL 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	14	39	103	183
MULTI FAMILY	8	6	20	9
TOTAL	22	45	123	192


CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2024 - 5/31/2025 AND
7/1/2025 - 5/31/2026

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	MAY 2026	MAY 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	MAY 2026	MAY 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	MAY 2026	MAY 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	12	5	123	191	3,213,743	612,440	40,768,797	58,284,885	31,891.45	10,001.17	351,793.53	470,824.30
NEW COMM	0	2	5	5	0	18,675,000	3,071,000	26,087,500	0.00	6,183.85	16,619.05	37,579.91
RESID IMPROV	19	15	140	110	435,319	686,028	3,304,125	2,850,195	10,931.99	12,122.13	70,130.51	61,962.49
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	22	29	267	304	339,326	1,594,424	10,424,304	12,974,656	4,953.00	6,183.70	59,703.46	67,015.45
ELECT	43	48	455	676	718,263	905,629	7,979,828	17,300,636	8,079.00	9,606.80	92,477.35	136,178.30
PLUMB	68	55	662	640	286,400	171,699	2,554,271	2,594,955	10,829.00	8,448.00	103,878.00	95,646.00
TOTALS	164	154	1,652	1,926	4,993,051	22,645,221	68,102,324	120,092,827	66,684.44	52,545.65	694,601.90	869,206.45

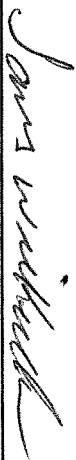
	NEW DWELLING UNITS TOTALS			
	MAY 2026	MAY 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	11	5	114	188
MULTI FAMILY	0	0	20	9
TOTAL	11	5	134	197


 CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2024 - 6/30/2025 AND
7/1/2025 - 6/30/2026

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JUNE 2026	JUNE 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2026	JUNE 2025	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2026	JUNE 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	11	24	134	215	3,267,564	7,212,877	44,036,361	65,497,762	29,035.87	57,247.75	380,829.40	528,072.05
NEW COMM	0	0	5	5	0	0	3,071,000	26,087,500	0.00	0.00	16,619.05	37,579.91
RESID IMROV	19	13	159	123	363,585	356,556	3,667,710	3,206,751	12,054.58	6,171.31	82,185.09	68,133.80
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	27	31	294	335	373,915	566,380	10,798,219	13,541,036	5,596.00	7,303.35	65,299.46	74,318.80
ELECT	43	49	498	725	1,013,936	941,832	8,993,764	18,242,468	8,243.00	8,919.00	100,720.35	145,097.30
PLUMB	48	69	710	709	173,839	312,518	2,728,110	2,907,473	8,040.00	10,891.00	111,918.00	106,537.00
TOTALS	148	186	1,800	2,112	5,192,839	9,390,163	73,295,163	129,482,990	62,969.45	90,532.41	757,571.35	959,738.86

	NEW DWELLING UNITS TOTALS			
	JUNE 2026	JUNE 2025	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	11	24	125	212
MULTI FAMILY	0	0	20	9
TOTAL	11	24	145	221


CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 2. City Commission and Committee Attendance Quarterly Report Q4 FY 25/26

SOURCE: Administrative Services

COMMENT: The purpose of this report is to provide the City Council with an update on attendance records for City commissions and committees as of the fourth quarter of Fiscal Year 2025–2026, covering the period of April through June 2026.

Regular monitoring of attendance ensures that all appointed members are actively participating in meetings and contributing to the work of their respective bodies. Attendance is tracked and reported quarterly in accordance with City policy and provides transparency regarding participation across City boards and commissions.

The following commissions and committees are included in this quarterly report:

- Animal Control Commission
- Arts Commission
- CDBG Advisory and Housing Opportunities Committee
- Library & Literacy Commission
- Parks & Leisure Services Commission
- Transactions and Use Tax Oversight Committee

The attached reports summarize each member's attendance through June 30, 2026. Staff will continue to monitor attendance and report to the City Council quarterly.

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Animal Control Commission Attendance
2. Arts Commission Attendance
3. CDBG Advisory and Housing Opportunities Committee

Item No.

Attendance

4. Library & Literacy Commission Attendance
5. Parks and Leisure Services Commission Attendance
6. Transactions and Use Tax Oversight Committee Attendance

Appropriated/Funded:

Review By:

Department Director:

Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

**Animal Control Commission
Attendance Records**

As of June 30, 2026

	2025 10-Apr	2025 14-Aug	2025 9-Oct	2026 8-Jan	2026 8-Jul			Notes:
Kathy Guinn	P	P	*	P	P			
Jerry Hall	P	P	*	P	P			
Kat Harris	P	P						<i>Resigned on 08/19/2025</i>
Shawn Schwartzenberger	P	A	*	P	A			
Lacie Goodlett	A	A	*	P	P			
Amy Parr					P			Appt. 02/03/2026

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2023 13-Jul	2023 12-Oct	2024 11-Jan	2024 11-Apr	2024 11-Jul	2024 21-Oct	2025 9-Jan	Notes:
Kathy Guinn	P	A	*	P	P	A	P	
Jerry Hall	P	P	*	P	P	P	P	
Kat Harris	P	P	*	P	P	P	A	
Shawn Schwartzenberger	P	A	*	P	P	P	P	
Lacie Goodlett	P	P	*	A	P	A	P	

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2022 May	2022 June	2022 July	2022 11-Aug	2022 13-Oct	2023 12-Jan	2023 13-Apr	Notes:
Kathy Guinn	*	*	*	P	P	P	P	
Jerry Hall	*	*	*	A	P	P	P	
Art Duron	*	*	*	P				
Kat Harris	*	*	*	P	P	P	P	
Shawn Schwartzenberger		*	*	P	A	P	P	
Lacie Goodlett					P	P	P	

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

**Arts Commission
Attendance Records**

As of June 30, 2026

	2026 28-Apr	2026 14-Jul						
Yesenia Acscencio		P	Voluntarily Resigned on 05/15/2026					
Bonnie Boyd		P	Voluntarily Resigned on 05/15/2026					
Jackie Buttice		P	Voluntarily Resigned on 05/15/2026					
Aracelie Padilla		A	Member has not attended since appointment.					

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2025 28-Jan	2025 10-Feb	2025 22-Apr	2025 22-Jul	2025 28-Oct	2026 27-Jan	2026 10-Feb	2026 18-Feb	
Kyree Perkins	*	P							<i>Vacated seat 4/2025</i>
Emily Luna	*	P							<i>Vacated seat 4/2025</i>
Maria Menga	*	A							<i>Vacated seat 2/2025</i>
Emilie Dummar	*	A							<i>Vacated seat 3/2025</i>
Yesenia Acscencio			*	P	P	P	*	P	
Bonnie Boyd	*	P	*	P	A	P	*	P	
George Albanez				A	A	A	*	A	<i>Vacated seat 08/2026</i>
Jackie Buttice				A	P	A	*	P	
Aracelie Padilla					A	A	*	A	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2023 25-Jul	2023 24-Oct	2024 23-Jan	2024 19-Apr	2024 23-Apr	2024 23-Jul	2024 10-Sep	2024 22-Oct	
Kyree Perkins	*	*	P	P	P	*	P	A	
Emily Luna	*	*	P	P	P	*	P	A	
Maria Menga	*	*	A	A	A	*	A	A	
Dawn Bennett									<i>Vacated seat 7/2023</i>
Emilie Dummar		*	P	P	P	*	P	A	
Bonnie Boyd							P	P	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2022 Apr	2022 May	2022 June	2022 July	2022 Aug	2022 Oct	2023 Jan	2023 April	
Kyree Perkins	P	P	P	**	P	*	P	P	
Emily Luna	P	P	P	**	P	*	P	P	
Diego Monterrubio	A	A	A	**	A	*	A		
Eden Santos	A	A	P	**					<i>Vacated seat 8/2020</i>
Maria Menga	P	P	P	**	P	*	P	P	
Dawn Bennett							P	P	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Records**

As of June 30, 2026

Committee Member	Reg. Mtg 4/18/2024	Reg. Mtg 2/11/2025	Reg. Mtg 2/4/2026	Reg. Mtg	Reg. Mtg
Pat Contreras	A	P			
Linda Mendez	P	P	P		
Eriselda Lizarraga	P	P	P		
Isabel Olmos	P	P	A		
Guadalupe Ruiz			P		
Rebecca Contreras	A	P	P		
Yalimar Garcia	A	A			
Jacqueline Verduzco Alanis	P	A	A		

Committee Member	Reg. Mtg 3/4/2020	Reg. Mtg 2/25/2021	Reg. Mtg 3/14/2022	Reg. Mtg 2/28/2023	Reg. Mtg 2/29/2024
Pat Contreras	P	P	P	P	P
Linda Mendez	P	P	P	A	P
Grace Munoz-Rios	P				
Doug Heusdens	A	A	A		
Rebecca Vigil	A	A	P		
Kelle Jo Lowe	P	P			
Maria Gonzalez	P				
Eriselda Lizarraga		P	A	A	A
Isabel Olmos			P	P	P
Rebecca Contreras			P	P	P
Yalimar Garcia				P	P
Jacqueline Verduzco Alanis				P	P

* No meeting was held due to COVID.

LIBRARY & LITERACY COMMISSION - Attendance Record

As of June 30, 2026

P = Present; A = Absent; E = Excused absence; T = Tardy

= Summer Hiatus

** = No meeting held

	2025 Dec	2026 Jan	2026 Feb	2026 March	2026 April	2026 May	2026 June				
Obdulia Alvarado	P	P	**	P	P	**					Appt. 10/25
Esther Figueroa	P	E	**	P	P	**					
Edith LaVonne	P	P	**	A	A						Resigned 4/26
Susan Uptain	E	P	**	A	E	**					
Sonya Lopez	P	E	**	P	P	**					
Grant Wagner		P	**	P	E	**					Appt. 12/25
Irene Ortega	P	E	**	P	P	**					

*Attended via Zoom as non-voting member.

	2025 Feb	2025 Mar	2025 Apr	2025 May	2025 June	2025 July	2025 Aug	2025 Sept	2025 Oct	2025 Nov	
Kim Baumgardner	P	P	P	P				P	P	**	Term Expired 10/25
Esther Figueroa	P	P	P	P				P	P	**	
Edith LaVonne	P	P	P	P				A	E	**	
Susan Uptain	E	E	E	P				A	A	**	Re-appt. 11/25
Fernando Serrano	P	P	A	P				P	P	**	Term Expired 10/25
Sonya Lopez	P	P	P	P				P	P	**	
Irene Ortega	P	P	P	E				P	P	**	

*Attended via Zoom as non-voting member.

	2024 Apr	2024 May	2024 June	2024 July	2024 Aug	2024 Sept	2024 Oct	2024 Nov	2024 Dec	2025 Jan	
Kim Baumgardner	P	P				P	P	P	P	P	
Esther Figueroa	P	P				P	P	E	P	P	
Edith LaVonne	P	T				P	P	P	P	P	
Susan Uptain	A	P				P	E	E	P	P	
Fernando Serrano	P	A				A	P	P	A	T	
Sonya Lopez	P	P				P	P	P	P	E	
Irene Ortega	P	P				P	P	E	P	P	

*Attended via Zoom as non-voting member.

	2023 June	2023 July	2023 Aug	2023 Sept	2023 Oct	2023 Nov	2023 Dec	2024 Jan	2024 Feb	2024 Mar	
Kim Baumgardner				P	P	P	P	P	P	P	
Patience Christenson				E							Resigned 9/23
Esther Figueroa				P	P	P	P	P	P	P	
Edith LaVonne				P	P	P	P	P	P	P	
Susan Uptain				E	P	P	P	E	E	A	
Fernando Serrano				P	P	P	P	P	P	P	
Sonya Lopez				P	P	P	P	P	P	P	
Irene Ortega						P	P	P	P	P	

*Attended via Zoom as non-voting member.

	2022 Aug	2022 Sept	2022 Oct	2022 Nov	2022 Dec	2023 Jan	2023 Feb	2023 Mar	2023 Apr	2023 May	
Kim Baumgardner	P	P	P	P	E	P	P	P	P	P	
Patience Christenson	P	P	E	E	E	P	P*	A	A	P	
Esther Figueroa	P	P	P	P	P	P	P	P	P	P	
Edith LaVonne	P	P	P	P	P	P	P	P	P	P	
Susan Uptain	P	P	P	P	P	P	P	A	A	P	
Fernando Serrano			P	P	P	P	P	A	A	P	
Sonya Lopez			P	P	P	P	P	P	P	P	

*Attended via Zoom as non-voting member.

Parks & Leisure Services Commissioner's Record of Attendance

	2025	2025	2025	2025	2025	2025	2026	2026	2026	2026	2026	2026	
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	
Jose Acuna								P	P	*	*	A	
Cathy Capone	**	**	P	P	**	P	**	A	A	*	*	P	
Diane Graybehl	**	**	P	P	**			Term Expired 10/25					
Kieran Daly	**	**	P	P	**			Term Expired 10/25					
Janet Uresti	**	**	P	P	**			Term Expired 10/25					
Jason Gurrola	**	**	P	P	**	P	**	P	P	*	*	P	
Hannah Moore	**	**	P	A	**	P	**	E	P	*	*	A	
Blaine Smotherman	**	**	P	A	**	P	**	E	E	*	*	P	
Arlene Pena	**	**	P	P	**	P	**	P	P	*	*	P	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2024	2024	2024	2024	2024	2024	2025	2025	2025	2025	2025	2025	
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
Cathy Capone	**	**	P	A	P	P	**	P	P	P	E	**	
Diane Graybehl	**	**	P	P	P	A	**	P	P	P	E	**	
Kieran Daly	**	**	P	P	P	A	**	P	P	E	E	**	
Janet Uresti	**	**	P	P	A	P	**	E	P	P	P	**	
Jason Gurrola	**	**	P	P	P	P	**	E	P	P	P	**	
Hannah Moore					P	P	**	P	E	P	P	**	
Blaine Smotherman	**	**	P	P	P	P	**	P	P	P	P	**	
Arlene Pena	**	**	P	P	P	P	**	P	P	P	P	**	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2023	2023	2023	2023	2023	2023	2024	2024	2024	2024	2024	2024	
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
Phillip Duncan	**	**	P	P	P	E	A	E	Resigned				
Diane Graybehl	**	**	P	P	P	P	P	P	E	P	P	**	
Kieran Daly	**	**	P	E	P	E	P	P	P	P	P	**	
Janet Uresti	**	**	P	P	P	P	E	P	P	P	P	**	
Tom Fiormonti	**	**	P	A					Term Expired 10/23				
Jason Gurrola	**	**	P	P	P	P	E	P	P	A	P	**	
Jason Pommier	**	**	P	P	P	P	P	P	P	P	P	Res.	
Blaine Smotherman								P	P	P	P	**	
Arlene Pena	**	**	A	P	P	P	P	P	P	P	P	**	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2022	2022	2022	2022	2022	2022	2023	2023	2023	2023	2023	2023	
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
Phillip Duncan	**	**	P	A	P	E	E	P	P	E	P	A	
Diane Graybehl	**	**	E	P	P	P	P	P	E	P	P	E	
Kieran Daly	**	**	P	P	A	P	P	P	P	P	E	P	
Janet Uresti	**	**	P	P	P	P	P	P	P	A	P	P	
Tom Fiormonti	**	**	P	P	P	P	P	E	P	P	P	E	
Jason Gurrola	**	**	E	P	P	A	A	P	P	P	P	P	
Jason Pommier	**	**	P	P	E	P	P	P	E	P	P	P	
Arlene Pena	**	**	P	A	P	P	P	P	E	A	A	A	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Transactions and Use Tax Oversight Committee
Attendance Records

As of June 30, 2026

	2026 25-Feb	2026 27-May					
Margaret Stinson	A	<i>Vacated - Deceased</i>					Apptd 05/21; Term exp 5/2028
Jerry Hall	P	P					Term expires 5/2026
Shawn Byars	A	P					Term expires 5/2026
Taha Saleh		P					Apptd 04/07; Term exp 5/2028
Rae Dean Strawn	P	P					Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.	A	A					Apptd 05/21; Term exp 5/2028

* Meeting cancelled

	2024 28-May	2024 27-Aug	2024 26-Nov	2025 25-Feb	2025 27-May	2025 26-Aug	2025 25-Nov	
Margaret Stinson	P	P	*	P	A	A	*	Apptd 05/21; Term exp 5/2028
John Billiou	P	P	*	P	A			Term expires 5/2026, Vol. Vacated Seat
Jerry Hall	P	P	*	P	P	P	*	Term expires 5/2026
Janice Kovars	P							Term ended
Shawn Byars	P	P	*	P	P	P	*	Term expires 5/2026
Joshua Sulier	A							Term ended
Angela Dennis	A							Term ended
Rae Dean Strawn	A	P	*	A	P	A	*	Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.	P	P	*	A	P	A	*	Apptd 05/21; Term exp 5/2028

* Meeting cancelled

	2022 25-Aug	2022 17-Nov	2023 16-Feb	2023 25-May	2023 24-Aug	2023 28-Nov	2024 27-Feb	
John Simonich	P	P	A	P	P	A	P	Resigned eff. 02/28/2024
Margaret Stinson	P	P	P	P	P	A	P	Term expires 5/2024
John Billiou	P	P	A	P	P	P	A	Term expires 5/2026
Jerry Hall	P	P	P	P	P	P	P	Term expires 5/2026
Janice Kovars	P	P	P	P	P	A	P	Term expires 5/2024
Shawn Byars	P	A	P	A	P	P	P	Term expires 5/2026
Joshua Sulier	A	P	P	P	P	P	A	Term expires 5/2024
Angela Dennis	P	A	P	A	A	P	P	Apptd 12/20; Term exp 5/2024
Rae Dean Strawn	P	P	A	P	A	P	P	Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.	A	P	P	P	P	A	P	Apptd 07/19; Term exp 5/2024

* Meeting cancelled



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 3. City Council Member Appointments Attendance Quarterly Report Q4 FY 25/26

SOURCE: Administrative Services

COMMENT: At its meeting on January 21, 2020, the City Council directed staff to prepare a quarterly report on Council Member attendance at meetings of boards and committees to which Council Members are appointed.

The attached report summarizes attendance for the fourth quarter of Fiscal Year 2025-2026 (April through June 2026) across a variety of regional and local boards, committees, and joint agencies.

Overall, Council Member participation remained consistent during the quarter, with members regularly attending assigned meetings and representing the City on key regional and local issues. The report provides a detailed breakdown of attendance by committee and meeting date.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Quarterly Report (April-June 2026)

Appropriated/Funded:

Review By:

Department Director:
Richard Tree, City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

City Council Attendance - FY 2025-2026 Fourth Quarter Report

April 1, 2026 -June 30, 2026

Committee/Board	Member/Alternate	April	May	June
Ad Hoc Committee- COVID-19	Greg Meister - Member Ed McKervery- Member			
Ad Hoc Library Facility Planning Committee	Raymond Beltran - Member			P 6/25/26
Cannabis Committee	Ed McKervery - Member Raymond Beltran - Member AJ Rivas - Alternate			
Council of Cities	Greg Meister - Member Ed McKervery - Member			
Downtown Porterville Committee	Ed McKervery - Member Stan Green - Member		P 5/29/26 P 5/29/26	P 6/25/26 P 6/25/26
Flag Day Committee	Greg Meister - Member			
Ad Hoc Heritage Committee	Greg Meister - Member Ed McKervery - Member	P 4/22/26 P 4/22/26		P 6/8/26 P 6/8/26
Internal City Audit Committee	Ed McKervery - Member Stan Green- Member			
Joint City/School District Committee	Greg Meister - Member Ed McKervery - Member			
Library Facility Planning Committee	Raymond Beltran - Member			
Local Initiatives Navigation Center Committee (LINC)	Raymond Beltran - Member AJ Rivas -Alternate	P 4/1/26	P 5/6/26	P 6/3/26
Mighty190 Committee	Greg Meister - Member Ed McKervery - Member AJ Rivas- Alternate Claudia Calderon- Alternate			
Military Banner Committee	Greg Meister - Member			
Porterville Area Development Authority (PADA)	Raymond Beltran - Member Raymond Beltran - Member			
Porterville Municipal Airport Committee	Stan Green- Member AJ Rivas- Member			
PDC Advisory Board	Rich Tree - Member Ed McKervery- Alternate			
Porterville Flag Day Committee	Greg Meister - Member Stan Green - Member			
San Joaquin Valley Special City Selection Committee (Air Polution)	Greg Meister - Member Ed McKervery - Alternate			
Tulare County Association of Governments/ Transportation Planning Agency (TCAG)	Greg Meister - Member AJ Rivas - Alternate	P 4/20/26	P 5/18/26 P 5/18/26	P 6/15/26
Tulare County City Selection Committee	Mayor - City Member Designee - Alternate			
Tulare County Economic Development Corporation (TCEDC)	Greg Meister - Member Claudia Calderon - Alternate			
Tulare County Local Agency Formation Commission ("LAFCO")	Rich Tree			
Tulare County Taskforce on Homelessness	AJ Rivas- Member Stan Green- Alternate	P 4/15/2026	P 5/20/26	P 6/17/26
Tule East Groundwater Sustainability Agency (TEGSA)	Stan Green- Member Robert Alvarez-Alternate	P 4/1/26 & 4/29/26 P 4/1/26 & 4/29/26		P 6/3/26 P 6/3/26
Tule River Improvement JPA (TRIJPA)	Ed McKervery - Member Stan Green - Alternate	P 4/6/26 P 4/6/26		
Tule Sub Basin Policy Meeting	Stan Green- Member			
Tule Tribe MOU	Greg Meister - Member			

P = Present A = Absent C= Cancelled



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 4. Code Enforcement Quarterly Report Q4 FY 25/26

SOURCE: Planning and Engineering

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between April 1, 2026, through June 30, 2026. During the 4th quarter of fiscal year 2025/2026, each department of the City contributed towards recording 743 code enforcement issues. Of these, 616 were corrected and 127 were continued into the 1st quarter of 2026/2027 for additional corrective action. The Code Enforcement Division issued 7 Administrative Citations.

At its meeting on July 20, 2021, the City Council reviewed its Ordinance related to the parking and storing of recreational vehicles, boats, and trailers and directed staff to specifically report on these items quarterly in addition to the statistics detailed above. During the past quarter, Code Enforcement received nine (9) complaints of recreational vehicles, boats, and trailers, of which five (5) had been completed at the time of this report.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. Code Enforcement FY 25-26 Q4

Appropriated/Funded:

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Q4 Code Enforcement Activity	Requests	Completed	Closed
Abandoned Vehicle (Street)	34	34	100.00%
Animals- barking dogs	15	15	100.00%
Animal Control Services	13	13	100.00%
Animals- keeping too many or unauthorized species	1	1	100.00%
Animals- kept for commercial purposes	0	0	0.00%
Animals- roosters	5	5	100.00%
Building Department/ Permits	3	0	0.00%
CEO, Building permit check	6	5	83.33%
CEO, Business License	8	8	100.00%
CEO, Shopping Carts	121	121	100.00%
CEO, Sign Removal	15	15	100.00%
Code Enforcement, General	24	12	50.00%
Community Development, Gen. or MULT. violations	12	0	0.00%
Engineering	2	1	50.00%
Fences and freestanding walls	0	0	0.00%
Fire Hazard	2	1	100.00%
Fire Information, Reporting of	1	1	100.00%
Fireworks	1	1	0.00%
Garbage Collection/Illegal Dumping	10	3	30.00%
Graffiti	7	7	100.00%
Health Hazard	9	0	0.00%
Homeless Encampments	84	77	91.67%
Housing Issue (Structure Related)	1	0	0.00%
Itinerant Vendor, Solicitor, Peddler	25	25	100.00%
Landscaping/trees- private property	25	22	88.00%
Meter Request	71	52	73.24%
Neglected property/trash & debris	8	3	37.50%
Noise Complaint	1	1	100.00%
Outdoor Storage	3	0	0.00%
Parking Issue	1	1	100.00%
Parks	6	6	100.00%
Police/ Traffic Enforcement	30	30	100.00%
Potholes	15	8	53.33%
Refuse Can Replacement / Repair	15	11	73.33%
Report Leak	25	25	100.00%
Sheds or second units	2	0	0.00%
Sidewalk Condition	7	2	28.57%
Signs- In Public Right of Way	0	0	0.00%
Signs- Maintenance Issues	5	0	0.00%
Signs- Temporary	3	0	0.00%
Stop Light Issue	13	11	84.62%
Storm Water	0	0	0.00%
Street Light Issue	4	3	75.00%
Street Sweeping	0	0	0.00%
Vehicles- inoperable vehicles	16	7	43.75%
Vehicles- Parked on lawn	4	4	100.00%
Vehicles- RVs/boats/etc	9	5	55.56%
Water Waste	5	4	100.00%
Water Waste NOV	0	0	0.00%
Weed Abatement	76	76	100.00%
Yard Sales, Frequent	0	0	0.00%
Q4 Total	743	616	82.91%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	6	12	4	5	\$2,700
\$200	0	7	0	0	\$1,400
\$500	2	0	4	0	\$3,000
\$1,000	1	1	5	2	\$9,000
\$2,500	24	0	0	0	\$60,000
FY 25-26 Total Assesment	33	20	13	7	\$76,100

Shopping Carts	Q1	Q2	Q3	Q4	Total
Collected	135	194	183	121	633
Disposed (Lbs.)	0	0	0	19,940	19940

Private Property Vehicle Abatements	Q1	Q2	Q3	Q4	Total
Voluntary Abatement	20	34	22	19	95
Certified Voluntary Abatement	1	4	10	0	15
Towed	10	7	2	9	28
Total Vehicles Abated	31	45	34	28	138

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	39	12	24	79	154
Completed by Owner	15	8	24	52	99
Assigned to Contractor (private)	24	4	0	27	55
Assigned to Contractor (city owned)	0	0	0	0	0
Completed by Contractor	24	4	0	27	55
Admin Citations	0	0	0	0	0

Quarter 3 (3 Year History)

FY24-25	Requests	Completed	Closed
Q4 Total	1030	988	95.92%

Administrative Citations		
FY 24-25 Total Assesment	33	
Shopping Carts		Total
Collected	204	204
Disposed (Lbs.)	0	0
Private Property Vehicle Abatements		Total
Voluntary Abatement	24	24
Certified Voluntary Abatement	0	0
Towed	4	4
Total Vehicles Abated	28	28
Weed Abatement		Total
Properties Noticed	43	0
Completed by Owner	31	31
Assigned to Contractor (private)	2	2
Assigned to Contractor (city owned)	0	0
Completed by Contractor	2	2
Admin Citations	7	7

FY23-24	Requests	Completed	Closed
Q4 Total	880	690	78.41%

Administrative Citations		
FY 23-24Total Assesment	55	
Shopping Carts		Total
Collected	145	145
Disposed (Lbs.)	0	0
Private Property Vehicle Abatements		Total
Voluntary Abatement	20	20
Certified Voluntary Abatement	0	0
Towed	4	4
Total Vehicles Abated	24	24
Weed Abatement		Total
Properties Noticed	169	0
Completed by Owner	1459	1459
Assigned to Contractor (private)	4	4
Assigned to Contractor (city owned)	0	0
Completed by Contractor	1	1
Admin Citations	15	15

FY22-23	Requests	Completed	Closed
Q4 Total	871	634	72.79%

Administrative Citations		
FY 22-23 Total Assesment	132	
Shopping Carts		Total
Collected	54	54
Disposed (Lbs.)	0	0
Private Property Vehicle Abatements		Total
Voluntary Abatement	50	50
Certified Voluntary Abatement	3	3
Towed	3	3
Total Vehicles Abated	56	56
Weed Abatement		Total
Properties Noticed	12	0
Completed by Owner	1667	1667
Assigned to Contractor (private)	7	7
Assigned to Contractor (city owned)	0	0
Completed by Contractor	7	7
Admin Citations	22	22



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 5. Golf Course Quarterly Report Q4 FY 25/26

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Golf Course for informational purposes. The report reflects the fourth quarter of fiscal year 2025/26.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. Golf Course Quarter 4 Report

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Deputy City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

PORTERVILLE GOLF COURSE STATISTICS

	Apr-26	Apr-25	Apr-24
Golfers	1838	1739	1304
Repeat 9/Twilight	560	462	489
Tickets Used	639	832	559
Passes Sold	42	18	33
Carts	659	636	485
Total	\$22,474.00	\$ 18,126.00	\$ 15,477.00

	May-26	May-25	May-24
Golfers	1627	1720	1072
Repeat 9/Twilight	508	531	359
Tickets Used	659	681	450
Passes Sold	56	28	43
Carts	599	752	384
Total	\$ 18,997.00	\$ 21,894.00	\$ 14,183.00

	Jun-26	Jun-25	Jun-24
Golfers	1661	1643	1431
Repeat 9/Twilight	502	409	556
Tickets Used	693	687	575
Passes Sold	39	37	30
Carts	577	670	619
Total	\$18,048.00	\$19,711.00	\$17,788.00



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 6. Streets Performance Measure Quarterly Report Q4 FY 25/26

SOURCE: Planning and Engineering

COMMENT: The purpose of this report is to provide the City Council with an update on the City's street maintenance and rehabilitation activities for the fourth quarter of Fiscal Year 2025–2026, covering the period of April through June 2026.

During the fourth quarter, Public Works street crews focused primarily on overlay, street repairs, and pothole repair efforts. The Villa Street Culvert Reconstruction (Slough just North of Putnam) has been awarded and is preparing for construction.

As reflected in the attached quarterly performance report, City street crews have completed approximately 110,228 lineal feet of overlay, 62,293 square feet of pothole repairs, and no micro-surfacing work during this reporting period. Contractors have completed 17,382 lineal feet of street lane reconstruction work. During the same period of FY 24/25, City street crews completed approximately 85,308 lineal feet of overlay, 80,372 square feet of pothole repairs, and no micro-surfacing work or street lane reconstruction work. In the same period of FY 23/24, City crews completed approximately 79,130 lineal feet of overlay, 90,742 square feet of pothole repairs, and no micro-surfacing work. Contractors completed 22,402 lineal feet of street lane reconstruction work.

The Level of Service Report provides a visual summary of progress toward the City's annual maintenance goals and will continue to be updated and presented quarterly for City Council review.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. 2025-2026 Level of Service Progress Report 4th quarter

Appropriated/Funded:

Review By:

Department Director:

Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

4th QUARTER REPORT - July 1, 2025 - June 30, 2026

4th QUARTER REPORT - July 1, 2025 - June 30, 2026



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: 7. Transit Quarterly Report Q4 FY 25/26

SOURCE: Transportation

COMMENT: **Transit Ridership Analysis – Quarterly Report (FY 2025/26)**

Overall Summary

During FY 2025/26, the City's transit system experienced mixed ridership trends across its service types. Fixed Route service declined significantly compared to the previous fiscal year, while Dial-A-Colt continued to experience strong growth and transPORT (MicroTransit) remained relatively stable. The decline in Fixed Route ridership is largely attributable to the route restructuring implemented at the beginning of the fiscal year and the reinstatement of passenger fares in December 2025 following a 17-month fare-free period.

Fixed Route Service

Total Fixed Route ridership through the fiscal year decreased from 414,388 passengers in FY 2024/25 to 224,775 passengers in FY 2025/26, representing an overall decrease of 46%.

Quarter 1 (July – September)

The first quarter reflected the transition to the new route network.

Total ridership decreased only 8% compared to the prior year.

Routes 1, 2, 3 and 5 all experienced increases ranging from 8% to 19%, indicating strong public acceptance of the revised routing.

Ridership on Route 4 declined 84% because the route was significantly shortened, and many passengers shifted to other routes.

Route 6 was eliminated and replaced through route restructuring.

Although overall ridership was slightly lower than the previous year, the redistribution of passengers demonstrates that the revised network was functioning as intended.

Quarter 2 (October – December)

Quarter 2 experienced the most significant decline, with total ridership decreasing 36%.

Several factors contributed to this reduction:

Passenger fares were reinstated in December 2025 after more than a year of fare-free service.

Seasonal ridership traditionally decreases during the holiday months.

Riders continued adjusting to the revised service network.

December alone showed a 60% decline compared to the previous December, illustrating the immediate impact of fare reinstatement.

Quarter 3 (January – March)

Quarter 3 ridership declined 67% compared to FY 2024/25.

This quarter reflects the first full quarter operating with the revised service plan and restored fares.

Additionally:

Route 5 service had been discontinued.

Ridership levels began stabilizing at the new operating level after the significant decrease experienced in December.

Although overall passenger counts remain below historical levels, month-to-month totals remained relatively consistent throughout the quarter.

Quarter 4 (April – June)

Quarter 4 remained consistent with Quarter 3, showing an overall decline of 67%.

Ridership stabilized throughout the quarter, suggesting the system has established a new baseline following the service modifications and fare reinstatement.

Route Performance

Route 2 experienced the smallest annual decline (20%) and remains one of the strongest performing routes.

Route 3 also performed well with only a 25% annual reduction, continuing to serve as one of the highest ridership corridors.

Route 1 decreased 38%, largely reflecting the effects of fare reinstatement.

Route 4 declined 72%, consistent with the significant service reduction implemented during the route redesign.

Route 5 decreased 58% before ultimately being eliminated.

Route 6 was discontinued as part of the route restructuring.

Dial-A-Colt (ADA Paratransit)

Dial-A-Colt experienced another year of substantial growth.

Annual ridership increased from 5,832 passengers to 9,103 passengers, representing an overall increase of 56%.

Highlights include:

Quarter 1 increased 152%

Quarter 2 increased 69%

Quarter 3 remained relatively stable with only a 6% decrease

Quarter 4 continued to show steady ridership growth

The continued increase demonstrates a growing demand for ADA complementary paratransit services and reflects the City's commitment to providing accessible transportation for eligible riders.

transPORT (MicroTransit)

transPORT remained relatively stable throughout the fiscal year despite fluctuations in Fixed Route ridership.

Annual ridership decreased only 3%, from 17,134 passengers to 16,547 passengers.

Quarterly performance included:

Quarter 1: 8% decrease

Quarter 2: 10% decrease

Quarter 3: 8% increase

Quarter 4 continued strong ridership following the introduction of the revised service area.

Notably, March experienced a 24% increase over the previous year, indicating growing public acceptance of the on-demand service model. Overall, transPORT continues to serve as an important mobility option, particularly for riders requiring flexible transportation outside traditional fixed-route service.

Overall Assessment

While Fixed Route ridership declined significantly during FY 2025/26, the reduction is largely attributable to planned operational changes rather than a loss of demand alone. The implementation of a redesigned route network, elimination of redundant routes, and reinstatement of passenger fares all contributed to lower ridership totals. Ridership appears to have stabilized during the second half of the fiscal year, establishing a new operating baseline.

Conversely, Dial-A-Colt continued to demonstrate strong growth, reflecting increasing demand for ADA paratransit services, while transPORT maintained relatively consistent ridership and showed encouraging growth during the latter part of the year. Collectively, these trends indicate that while traditional

Fixed Route service has adjusted to a new operating model, demand for flexible and specialized transit services continues to grow, supporting the City's ongoing efforts to provide a balanced and responsive public transportation system.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. Transit Quarterly Report

Appropriated/Funded:

Review By:

Department Director:
Russell Isom, Director of Transportation

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Porterville Transit
Q2 FY 25/26
Ridership Report

FIXED ROUTE

	Route 1			Route 2			Route 3			Route 4			Route 5			Route 6			Total	Total	
<u>Month</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>
July	4957	6910	39%	4753	5696	20%	5143	6700	30%	2185	446	-80%	4874	6320	30%	2200	0		24112	26072	8%
August	6860	7676	12%	5959	6690	12%	7256	8738	20%	3693	613	-83%	6155	6235	1%	3562	0		33485	29952	-11%
September	6979	7116	2%	6011	6318	5%	8225	9033	10%	4442	578	-87%	6167	5996	-3%	3345	0		35169	29041	-17%
October	7631	7901	4%	6953	6427	-8%	8912	9350	5%	4985	600	-88%	7225	6598	-9%	4029	0		39735	30876	-22%
November	6779	6077	-10%	6142	5170	-16%	7180	6873	-4%	3937	536	-86%	6827	5599	-18%	3356	0		34221	24255	-29%
December	6245	2889	-54%	6263	3381	-46%	6482	3352	-48%	2939	282	-90%	6490	2638	-59%	3322	0		31741	12542	-60%
January	6955	2040	-71%	6491	4305	-34%	7096	3215	-55%	3347	1113	-67%	6386	0		3496	0		33771	10673	-68%
February	6786	2139	-68%	6074	4041	-33%	6760	3103	-54%	4070	1375	-66%	6388	0		3459	0		33537	10658	-68%
March	7312	2448	-67%	7017	5149	-27%	7962	4144	-48%	3905	1783	-54%	7451	0		3835	0		37482	13524	-64%
April	7489	2135	-71%	6666	4549	-32%	8564	4175	-51%	4499	1982	-56%	7474	0		4143	0		38835	12841	-67%
May	7945	2062	-74%	6920	4700	-32%	9094	4747	-48%	4064	1749	-57%	7496	0		4110	0		39629	13258	-67%
June	6592	1927	-71%	6515	4355	-33%	6696	3345	-50%	2908	1456	-50%	6660	0		3300	0		32671	11083	-66%
Q1	18796	21702	15%	16723	18704	12%	20624	24471	19%	10320	1637	-84%	17196	18551	8%	9107	0	0%	92766	85065	-8%
Q2	20655	16867	-18%	19358	14978	-23%	22574	19575	-13%	11861	1418	-88%	20542	14835	-28%	10707	0	0%	105697	67673	-36%
Q3	21053	6627	-69%	19582	13495	-31%	21818	10462	-52%	11322	4271	-62%	20225	0	-100%	10790	0	0%	104790	34855	-67%
Q4	22026	6124	-72%	20101	13604	-32%	24354	12267	-50%	11471	5187	-55%	21630	0	-100%	11553	0	-100%	111135	37182	-67%
Total	82530	51320	-38%	75764	60781	-20%	89370	66775	-25%	44974	12513	-72%	79593	33386	-58%	42157	0	0%	414388	224775	-46%

DIAL-A-COLT

<u>Month</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>
July	402	1082	169%
August	469	1182	152%
September	524	1255	140%
October	657	1319	101%
November	618	1078	74%
December	619	802	30%
January	785	734	-6%
February	816	801	-2%
March	942	850	-10%
April	*0	887	#VALUE!
May	*0	961	#VALUE!
June	*0	969	#VALUE!
Q1	1395	3519	152%
Q2	1894	3199	69%
Q3	2543	2385	-6%
Q4	#VALUE!	2817	#VALUE!
Total	5832	9103	56%

transPORT

<u>Month</u>	<u>FY 24/25</u>	<u>FY 25/26</u>	<u>%</u>
July	2106	2021	-4%
August	2037	1825	-10%
September	1794	1613	-10%
October	1984	1803	-9%
November	1853	1539	-17%
December	1853	1787	-4%
January	1842	1853	1%
February	1752	1726	-1%
March	1913	2380	24%
April	*0	1979	#VALUE!
May	*0	1801	#VALUE!
June	*0	1882	#VALUE!
Q1	5937	5459	-8%
Q2	5690	5129	-10%
Q3	5507	5959	8%
Q4	#VALUE!	5662	#VALUE!
Total	17134	16547	-3%



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Authorize Replacement of City Hall Fire Alarm Sensor Duct Detectors

SOURCE: Parks and Leisure Services

COMMENT: The fire alarm sensor duct detectors serving City Hall were installed in 2019 and are no longer operating reliably. The detectors are generating recurring false alarms that periodically shut down the building's HVAC system and, on occasion, have resulted in unnecessary responses by the Fire Department. Staff recommends replacing the existing detectors to restore the reliability of the City's fire alarm system and minimize operational disruptions.

Fire alarm sensor duct detectors are a critical life-safety component designed to detect smoke within a building's ventilation system. When activated, they automatically shut down the HVAC system to help prevent the spread of smoke throughout the building and provide notification to the fire alarm control panel. Replacing the existing detectors will improve the reliability of the City's life-safety systems and help ensure the continued operation of City Hall.

Jorgensen Company installed the existing fire alarm system and is the City's current service provider for the system. Utilizing the original installer will help ensure compatibility with the existing fire alarm equipment and minimize operational disruptions during the replacement process.

Funding for the project is available within the General Fund Facility Deferred Maintenance / Equipment Replacement Designated Fund. Jorgensen Company's proposal totals \$14,163.13. Staff recommends authorizing a total project budget not to exceed \$15,579.44, which includes a ten percent (10%) contingency to address any unforeseen conditions encountered during the replacement. Prompt completion of this work will reduce unnecessary emergency responses, improve the reliability of the City's fire alarm system, and help ensure the continued operation of City Hall.

RECOMMENDATION: That the City Council:

1. Adopt the attached Resolution authorizing the appropriation of funds from the General Fund Facility Deferred Maintenance /

Item No. 1.

Equipment Replacement Designated Fund; and
2. Authorize the City Manager or designee to execute the necessary documents and authorize payment to Jorgensen Company in an amount not to exceed \$15,579.44 for the replacement of the City Hall fire alarm sensor duct detectors, including a ten percent (10%) contingency.

ATTACHMENTS:

1. Sensor Duct Detector Quote
2. Draft Resolution

Appropriated/Funded: General Fund Facility Deferred Maintenance / Equipment Replacement Designated Fund

Review By:

Department Director:
Donnie Moore, Deputy City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

PROPOSAL AND CONTRACT
JORGENSEN COMPANY
2467 FOUNDRY PARK AVENUE
FRESNO, CALIFORNIA 93706
PHONE: (559) 268-6241 FAX (559) 268-5239
CONTRACTOR'S STATE LICENSE NO. 262995
CLASSIFICATIONS: C-16, C-10 & C-7
DIR#1000005961

Bill to: PORTERVILLE CITY HALL
291 N MAIN ST
PORTERVIL CA 93257

July 23, 2026
KB260723-01
Page 1 of 2

Project: PORTERVILLE CITY HALL
291 N MAIN ST
PORTERVIL CA 93257
559-782-7499

Attn: VANESSA

Jorgensen Company proposes to furnish all materials and perform all labor necessary to complete the following

1. REPALCE (13) POTTER DUCT DETECTORS THAT KEEP GOING INTO ALARM WHEN NO ALARM CONDITION IS PRESENT WITH NEW SYSTEM SENSOR DUCT DETECTORS.

If field conditions warrant replacement of additional components required for proper operation not included within the original scope of work then Jorgensen Company will complete the remaining work on a Time & Material basis.

Note: Price is quoted at current market standards and could be subject to change due to unstable material costs.

This quote is based on the job being a prevailing wage project. If prevailing wage is not required, at any time, on this project the additional costs shall be deducted from the installed price quoted.

EXCLUSIONS:

1. Fire Watch
2. Plan check, engineering, or permit fees, if required
3. Removing or relocating customer's equipment or product to access work areas.
4. Coring, patching, or painting sheetrock, plaster, concrete, asphalt, or siding.
5. Access to attic or concealed spaces or installation of access panels.
6. Premium time or overtime. (Work shall be performed during regular hours, 7:00-4:00, Mon - Fri)
7. Any upgrades or additional items not quoted.

All of the above work to be completed in a substantial and workmanlike manner according to standard practices for the following:

Sum of

\$14,163.13

Note: Price is quoted at current market standards and could be subject to change due to unstable material costs.

The full amount is due and payable in advance unless credit has been approved by Jorgensen Company Credit Department

If credit is approved progress payments are to be made as the work progresses to the value of one hundred percent (100%) of all work completed. A mobilization fee of 10% of the contract value is due and payable at the acceptance of the contract with incremental payments due as follows: Progressive payments shall be due and payable within 30 days of invoice date. Final payment is due and payable within 30 days of Jorgensen Company's work completion invoice date. Note: The AHJ (Authority Having Jurisdiction) acceptance will not be required for final payment. All amounts are due and payable in U.S. dollars in Fresno, CA. I/We give permission for personal credit information to be obtained regarding sole proprietorships and partnerships. I/We authorize a full investigation of any and all application information, including but not limited to consumer and/or commercial credit reports in connection with this application. The credit user agrees to pay a finance fee of 18% per annum on balances over 31 days. In the event of assignment of an account to collections, Jorgensen Company is entitled to collection agency fees as enumerated as follows: 25% for full service collections, 35% for attorney involvement/litigation, and 50% for special handling: bankruptcy, closed businesses, and skip tracing. If legal action is necessary, the credit user agrees to pay court costs and attorney's fees as awarded by the Court. The venue shall be in the City of Fresno, the County of Fresno, and the State of California. All invoices are due upon issuance date of each invoice and will be considered delinquent 31 days after the date of the invoice. Any variations involving extra costs require the execution of a change order and will become due along with the final payment. All agreements must be made in writing.

Bill to: PORTERVILLE CITY HALL
291 N MAIN ST
PORTERVIL CA 93257

July 23, 2026
KB260723-01
Page 2 of 2

Project: PORTERVILLE CITY HALL
291 N MAIN ST
PORTERVIL CA 93257

Name and Registration Number of any salesperson who
solicited or negotiated this contract:

Kevin Becker (559) 355-9364 ext. 4103
Kbecker@jorgensenco.com

Respectfully submitted by:
Jorgensen Company
2467 Foundry Park Avenue
Fresno, California 93706

Contractors are required by law to be licensed and regulated by
the Contractor's State License Board. Any questions
concerning a contractor may be referred to the registrar of the
board whose address is:

Contractor's State License No. 262995
Classifications: C-16, C-10, C-7

Contractor's State License Board
9821 Business Park Dr.
Sacramento, California 95827

You, the buyer, may cancel this transaction at any time prior
to midnight of the third business day after the date of this
transaction.

Should Jorgensen Company incur attorney's fees with or without the institution of court or arbitration proceedings in
connection with the collection of any account due by the undersigned, the undersigned agrees to pay reasonable attorney's
fees and all court and arbitration costs in connection with any such proceeding.

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal,
for which PORTERVILLE CITY HALL agree to pay the amount mentioned in said proposal, and according to the terms
thereof.

ACCEPTED BY _____ Date _____, 2026

PRINT NAME AND TITLE _____

LEGAL BUSINESS NAME _____
____ Corporation ____ LLP ____ Sole Proprietor

JORGENSEN COMPANY
AUTHORIZED SIGNATURE _____ Date _____, 2026

PRINTED NAME AND TITLE _____

NOTICE TO OWNER

Under the Mechanic's Lien Law, any contractor, subcontractor, laborer, material man or other person who helps to improve your property and is not paid
for his labor, services or material, has a right to enforce his claim against your property. Under the law, you may protect yourself against such claims by
filing, before commencing such work of improvement, an original contract for the work of improvement or a modification thereof, in the office of the
county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be
in an amount not less than fifty percent (50%) of the contract price and shall in addition to any conditions for the performance of the contract, be
conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

RESOLUTION NO. ____-2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE
APPROPRIATION OF FUNDS FROM THE GENERAL FUND RESERVE DEFERRED MAINTENANCE
DESIGNATED FUND FOR THE REPLACEMENT OF CITY HALL FIRE ALARM SENSOR DUCT
DETECTORS**

WHEREAS: In 2019, the City of Porterville installed a fire alarm system by Jorgensen Company in City Hall;

WHEREAS: The HVAC fire alarm sensor duct detectors are not functioning properly emitting false alarms and shutting down the entire system at times;

WHEREAS: Fire alarm sensor duct detectors play a critical role in by preventing the recirculation of smoke, gases, and flames through a building's ventilation system. Replacement of the current duct detectors will enable accurate monitoring alerts so emergency services can be dispatched to the exact air handler experiencing the fault in an emergency.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville make a finding that the purchase of City Hall fire alarm sensor duct detectors is within the intent and purpose of the General Fund Reserve Deferred Maintenance Fund; and
2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of funds \$15,579.44 from the General Fund Reserve Deferred Maintenance Fund for the purchase of fire alarm sensor duct detectors for City Hall.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga, Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Authorization to Repair the Westwood Estates Perimeter Wall

SOURCE: Parks and Leisure Services

COMMENT: On July 22, 2026, a vehicle collided with the perimeter masonry wall at Westwood Estates near the intersection of Westwood Street and Morton Avenue, causing significant structural damage to a portion of the wall. Staff has determined that the damaged section presents a potential public safety hazard and should be repaired promptly to prevent further deterioration or a possible partial wall collapse. The wall is a landscape improvement maintained through the Westwood Estates Landscape and Lighting Maintenance District.

The City is proceeding with the repair to protect public safety, preserve the integrity of the existing improvement, and restore the appearance of the neighborhood entrance. The City has initiated the appropriate insurance claim and will pursue reimbursement from the responsible party to the extent available.

Staff obtained three quotations to complete the repair:

<u>Contractor</u>	<u>Amount</u>
Advanced Engineering USA	\$7,800
Advanced Concrete	\$10,200
American Enviro Services, Inc.	\$13,920

Advanced Engineering USA submitted the lowest responsive quotation and is capable of completing the repairs consistent with the existing wall design. The proposed work includes demolition and removal of the damaged wall section, reconstruction of approximately 25 feet of masonry wall using materials that match the existing wall, replacement of one damaged bollard, debris removal, and site cleanup.

Staff recommends including a ten percent contingency to address any unforeseen conditions that may be encountered once the damaged wall is demolished, including concealed structural damage or additional work necessary to safely restore the wall.

Funding for the repair is available within the Westwood Estates Landscape and Lighting Maintenance District Fund, which is responsible for maintaining improvements within the district.

Promptly completing these repairs will eliminate a potential public safety hazard, restore the damaged neighborhood improvement, and help protect the City's financial interests by pursuing available insurance reimbursement while minimizing the risk of additional deterioration.

RECOMMENDATION: That the City Council authorize the repair of the Westwood Estates perimeter wall by Advanced Engineering USA in an amount not to exceed \$8,580, including a ten percent contingency, and authorize the City Manager or designee to execute any documents necessary to complete the work.

ATTACHMENTS: 1. Wall Repair Quotes

Appropriated/Funded: Westwood Estates Landscape and Lighting Maintenance District Fund

Review By:

Department Director:
Donnie Moore, Deputy City Manager

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

ADVANCED ENGINEERING USA

671 W. Teapot Dome Ave
Porterville, CA 93257

License # 1132635
DIR # 2000007691

Project Proposal:

Date: 7/27/2026

To: CITY OF PORTERVILLE

Project: WESTWOOD & MORTON

Scope of work: BLOCK WALL REPAIR

Item #	Description	Quantity	Unit	Unit Price	Total Price
1	APROX 25' LONG X 5.5' HIGH, GREY BLOCK DAMAGED WALL AND REPAIR				\$0.00
1	GREY BLOCK WALL 8" CMU WITH ROUND CAP MATCHING THE EXISTING WALL WITH REINFORCED REBAR				\$0.00
1	REBAR WILL BE GROUTED WITH P-GRAVEL 5 SACK CONCRETE				\$0.00
1	1 WHITE BOLLARD REPLACEMENT TO MATCH EXISTIG BOLLARDS				\$0.00
1	CLEAN-UP, REMOVE AND HAUL OF ALL DEBRI				\$0.00
1	PRICE INCLUDES MATERIAL AND LABOR		L.S.		\$0.00
				Total	\$7,800.00

Total: \$ 7,800.00

Addendums:

Notes:

Exclusions: 1. Permits, staking, testing & bonds.
2. Compaction testing

THANKS FOR THE OPPORTUNITY TO PROVIDE THIS PROPOSAL, PLEASE CALL WITH ANY QUESTIONS.

Sal Limon, Estimator

O: (559) 853-7303

C: (559) 202-9333

advancedcusa@gmail.com

Terms & Conditions:

1. All proposals include all labor, materials, & machinery necessary to complete the scope of work identified unless specifically listed.
2. All proposals are quoted exactly as written above and do not include any additional materials, labor, or construction efforts not specifically included in the scope of work. It is the responsibility of the owner or owners' representative to confirm that this quote includes all work that is desired quoted.
3. All proposals are quoted using standard wage scale. Projects known to require state prevailing wages will be identified specifically in the scope of work.
4. All proposals are price guaranteed for 30 calendar days. Proposals whose date has expired are subject to price revision. Even proposals that are signed & authorized now and whose project start date is beyond the 30th day are subject to revision as well.
5. All payment terms are due in full upon completion unless otherwise agreed.
6. Advanced Engineering USA is a fully insured company; insurance documents are available upon request.
7. This document, when signed, is a legal and binding contract between Advanced Engineering USA and the subject property owner and is governed by the State of California including lien rights by all interested parties.

Authorization: A signature below acknowledges the completeness and accuracy of the above scope of work and agreement of the price and terms & conditions. This also acts as formal authorization to proceed.

Sign:

Print:

Title / Company:

Date:

PROPOSAL

DATE:
7/28/2026

PROPOSAL #:
5623

LICENSE #: 1085269
DIR #: 1000043065
DBE #: 46217

ADVANCED CONCRETE
2192 E. ALPINE
TULARE, CA 93274
559-782-6322

PROJECT

CITY

N. WESTWOOD & W MORTON	PORTERVILLE		
------------------------	-------------	--	--

[illegible]

PLEASE WITH ANY QUESTIONS, THANK YOU!

American Enviro Services, Inc.

15513 Chateau Montelena Dr
Bakersfield, CA 93314 USA
danielle_aeservices@yahoo.com



Estimate

ADDRESS
City of Porterville.

ESTIMATE 1049
DATE 07/2072026

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	Services	Westwood & Morton block wall repair			
	Services	1)25' long X 5.5' high block wall damaged & repair, grey block 8" CMU with round cap, matching existing wall with reinforced rebar. Rebar will be grouted with p-gravel concrete(5 sack)			
	Services	One white bollard replacement matching the other price included.			
	Service	Remove & haul off debris			
	Services	Includes clean -up, parts & labor			

TOTAL 13,920.00

Accepted By

Accepted Date



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Annual Renewal of Vector Solutions Scheduling Software

SOURCE: Fire

COMMENT: The Porterville Fire Department operates a 24-hour emergency response system that requires continuous staffing of fire stations and emergency response personnel. Vector Solutions Scheduling serves as the Department's primary workforce management platform, allowing staff to efficiently manage daily staffing assignments, overtime, shift trades, leave requests, callback assignments, and minimum staffing requirements.

The software has become an essential operational tool by improving scheduling efficiency, maintaining staffing compliance, reducing administrative workload, and supporting accurate payroll processing. It also provides supervisors with real-time staffing information to help ensure appropriate emergency response coverage is maintained at all times.

The Department has successfully utilized the software for several years and continues to rely on it as its primary scheduling platform. Renewing the annual subscription will ensure uninterrupted access to the system and avoid disruptions to employee scheduling, payroll administration, and daily fire operations.

Vector Solutions Scheduling, formerly known as TargetSolutions Scheduling, is provided by TargetSolutions Learning LLC, the legal contracting entity identified on the attached renewal invoice. The software is marketed under the Vector Solutions brand, while the annual renewal invoice is issued by TargetSolutions Learning LLC.

The annual renewal cost is \$5,946.60 for the period of July 26, 2026, through July 25, 2027. Funding is available within the Fire Department's adopted operating budget. Continued use of the software supports efficient workforce management, reliable emergency response operations, and uninterrupted scheduling services for the Department.

RECOMMENDATION: That the City Council authorize renewal of the annual Vector

Item No. 3.

Solutions Scheduling software subscription with TargetSolutions Learning LLC in the amount of \$5,946.60 and authorize the City Manager or designee to execute any documents necessary to complete the renewal.

ATTACHMENTS: 1. Fire Vector Scheduling Invoice

Appropriated/Funded: Fire Department's Operating Budget

Review By:

Department Director:
Bryan Cogburn, Fire Chief

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



TargetSolutions Learning LLC
4890 W. Kennedy Blvd.
Suite 300
Tampa, FL 33609
866-546-1212 Opt. 2
invoicing@vectorsolutions.com

Invoice

#INV145640

Invoice Date: 7/26/2026

Due Date: 8/25/2026

Bill To

Porterville Fire Department (CA)
40 W Cleveland Avenue
Porterville CA 93257
United States

Contract	Customer ID	Salesperson ID	Payment Terms
	0014100000i4ANIAAM	Jonathan Tamayo	Net 30
Billing Frequency	Billing Start Date	Billing End Date	PO #
Annually	7/26/2026	7/25/2027	

Qty	Item	Rate	Amount
60	TSSCH - Vector Scheduling	99.11	\$5,946.60

Subtotal \$5,946.60

Tax (0%) \$0.00

Total \$5,946.60

Balance Due: \$5,946.60

For U.S. customers, Vector is required to collect and remit sales tax in various jurisdictions. Exempt customers should send completed certificates to certs@vectorsolutions.com

For a Copy of our W-9: <http://www.vectorsolutions.com/w9/TSw9-19.pdf>

By remitting payment of this invoice, Customer hereby acknowledges that it has been provided prior notice of, and a reasonable opportunity to review, Vendor's Master Service Agreement. Customer further agrees to be bound by all terms and conditions set forth therein, including those governing the use of Vendor's services and products, available at www.vectorsolutions.com/master-software-as-a-service-agreement/. Copies of the Master Service Agreement are available upon request.

Upon expiration of the initial or any Renewal Term of your Client Agreement, access to the Services may remain active for thirty (30) days solely for purpose of Company's record keeping (the "Expiration Period"). Unless otherwise provided in your Client Agreement, any access to or usage of the Services following the Expiration Period shall be deemed Client's renewal of the Agreement under the same terms and conditions.



TargetSolutions Learning LLC
4890 W. Kennedy Blvd.
Suite 300
Tampa, FL 33609
866-546-1212 Opt. 2
invoicing@vectorsolutions.com

Invoice

#INV145640

Invoice Date: 7/26/2026

Due Date: 8/25/2026

Remittance Information:

Remit Checks To:

TARGET SOLUTIONS LEARNING
PO Box 736510
Dallas, TX 75373-6510

Courier Deposits (FedEx, UPS, etc.):

** Deposits received by courier may not post same day **

JPMorgan Chase (TX1-0029)
Attn: Target Solutions Learning, LLC 736510
14800 Frye Road, 2nd Floor
Ft. Worth, TX 76155

Electronic Transfers Only:

JPMorgan Chase
Wire Instructions:
Routing # 021000021
Account # 789086375
SWIFT code CHASUS33
City and State New York, New York

ACH Instructions:

Routing # 072000326
Account # 789086375

If you would like to make a secure online payment via ACH or credit card under \$5,000.00, please use the below link:

[Pay Online Here](#)



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Award of Contract for the Pedestrian Crossings with Rapid Flashing Beacons Project

SOURCE: Planning and Engineering

COMMENT: The Pedestrian Crossings with Rapid Flashing Beacons Project is intended to improve pedestrian visibility and safety at uncontrolled crossings located near schools, residential neighborhoods, parks, and other areas with high pedestrian activity throughout the City.

Project improvements include installation of Rapid Rectangular Flashing Beacons (RRFBs), upgraded pavement markings and warning signage, accessibility improvements to curb returns, and installation of detectable warning surfaces intended to improve pedestrian accessibility and crossing visibility. The project will also include straight curb returns within crosswalk paths and replacement of curb ramps that do not meet current accessibility standards.

The project includes improvements at the following locations:

- W Mullberry Avenue at Verdugo Way (Oak Grove Elementary)
- W Putnam Avenue at West Putnam School
- W Westfield Avenue at Villa Street (Monte Vista)
- W Orange Avenue at G Street and F Street (Olive Street & PHS)
- Pioneer Avenue at Milo Street (Military Academy, Butterfield, and Vine Street)
- Prospect Street at Castle Avenue (Sequoia Middle)

The project also includes three additive bid alternatives to provide flexibility based on bid pricing and funding availability:

- N Elderwood Street and Burton Middle School (add alternate #1)
- W Westfield Avenue at Linda Way (add alternate #2)
- Mulberry Avenue at Belmont St (add alternate #3)

On May 15, 2026, staff received four (4) bids for the Pedestrian Crossings with

Item No. 4.

Rapid Flashing Beacons Project. The bids received were as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Anderson Striping & Construction, Inc	\$394,688.53
MAC General Engineering, Inc	\$579,506.05
Advanced Engineering USA	\$617,050.00
PTM General Engineering Services	\$871,323.00

The Engineer's Estimate for the project was \$465,000. Staff has reviewed the bids received and determined the lowest responsive bid submitted by Anderson Striping & Construction, Inc. to be acceptable.

The project also included three additive bid alternatives to provide flexibility based upon available funding and project priorities. Staff evaluated the additive bid alternatives based upon available funding, pedestrian safety priorities, and site readiness. Staff recommends inclusion of Add Alternate #2 at W. Westfield Avenue and Linda Way because the location is ready for construction and provides an additional pedestrian safety improvement within a residential area. Add Alternate #1 was not recommended because additional improvements by the school district are necessary to avoid creating a potential safety conflict at the site. Add Alternate #3 was not recommended based upon current funding availability.

The cost for Add Alternate #2 is \$47,712.85, bringing the total construction contract amount to \$442,401.38. In addition to the construction contract amount, staff recommends a 10% construction contingency for unforeseen field conditions and an additional 10% for construction management, surveying, inspection, and quality control services, resulting in a total project cost of approximately \$530,881.38.

The project is eligible for 100% reimbursement of eligible construction and construction management costs through Measure R Active Transportation Program funding administered by the Tulare County Association of Governments (TCAG). The attached Program Supplement to the Cooperative Agreement will allow the City to receive reimbursement for eligible project costs during Fiscal Year 2026/2027.

Funding for the project is available through Measure R Active Transportation Program funds in an amount up to \$560,000 as designated within the FY 2025/2026 budget.

RECOMMENDATION:

That the City Council:

1. Award the Pedestrian Crossings with Rapid Flashing Beacons Project to Anderson Striping & Construction, Inc. in the amount of \$442,401.38, including Add Alternate #2;
2. Authorize a 10% construction contingency and an additional 10% for construction management, surveying, inspection, and quality control services, for a total project cost of approximately \$530,881.38;
3. Adopt the attached Resolution approving the Measure R Program Supplement to the Cooperative Agreement for reimbursement of eligible project costs; and
4. Authorize the Mayor and City Clerk to execute all necessary project and reimbursement documents associated with the project.

ATTACHMENTS:

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

Appropriated/Funded: Measure R Active Transportation Program

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

MEASURE 'R' PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

This Program Supplement is made and entered into August 4, 2026, 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, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ____-2026, approved by the Sponsor on August 4, 2026 (see copy attached).

Project scope and costs are incorporated herein as Exhibit "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 phase(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. The 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 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

CITY OF PORTERVILLE

By: _____
Authority Director

By: _____
Greg Meister, Mayor

Attest:

By: _____
Richard Tree, City Clerk

EXHIBIT "A"

Pedestrian Crossings with Rapid Flashing Beacons Project

Project Scope

Installation of Pedestrian Rapid Flashing Beacons, updated road markings, warning signs for School Zone Crosswalks, straight curb returns in the crosswalk paths, replacement of curb returns that do not meet current accessibility standards, and installation of detectable warning signs. Project will enhance pedestrian safety at key uncontrolled crosswalk locations throughout the City.

Project Costs

Project Tasks	Project Costs
Construction	\$486,641.38
Construction Management and Quality Control	\$44,240.00
Right of Way	
Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval	
Total Estimated Costs	\$530,881.38
Current Funding Sources	
Measure 'R' ATP	\$530,881.38
Total Funding Available	\$530,881.38

Project Schedule

Butterfield Stage Corridor Project Tasks	Date
Award Construction Project	06/02/2026
Begin Construction	08/01/2026
End Construction	12/31/2026

RESOLUTION NO. _____ - 2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
PEDESTRIAN CROSSINGS WITH RAPID FLASHING BEACONS PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the construction costs, construction management and quality control costs (\$530,881.38) for the construction costs associated with the Pedestrian Crossings with Rapid Flashing Beacons Project, which meets the Measure 'R' guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all construction and construction management costs for the project in Fiscal Years 2026/2027;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Pedestrian Crossings with Rapid Flashing Beacons Project and authorizes the Mayor and City Clerk to execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: Fernando Gabriel-Moraga,
Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Authorization to Award the Contract for the Veterans Park Parking Lot Repaving Project

SOURCE: Public Works

COMMENT: Veterans Park is one of the City's most heavily used recreational facilities, serving residents and visitors attending youth and adult sports, community events, and other public activities throughout the year. The existing parking lot has deteriorated due to age, weather, and continuous vehicle traffic, creating pavement failures that should be rehabilitated to improve public safety, accessibility, and the long-term preservation of City infrastructure.

The proposed project includes removal of the existing deteriorated asphalt surface, grading and compaction of the existing base as necessary, installation of new asphalt pavement, restriping of parking stalls and pavement markings, and restoration of disturbed areas. These improvements will provide a safer and more durable parking surface while extending the useful life of the facility.

Staff recommends utilizing a contractor for this project to allow City street maintenance crews to remain focused on the Fiscal Year 2026-2027 asphalt overlay program. Outsourcing the parking lot improvements allows both projects to proceed concurrently without delaying the City's approved street rehabilitation schedule.

Staff solicited competitive quotations from qualified paving contractors. Three quotations were received:

<u>Contractor</u>	<u>Quote</u>
Central Valley Asphalt	\$98,148
Volmer Excavation Inc.	\$100,685
Yarbs Grading and Paving	\$131,850

Central Valley Asphalt submitted the lowest responsive and responsible quotation and is qualified to complete the work. Staff recommends including a ten percent contingency to address any unforeseen field conditions encountered during removal of the existing pavement or preparation of the subgrade. The recommended contract authorization includes the contractor's

base proposal of \$98,148 plus a 10 percent contingency, resulting in a total authorized amount of \$107,962.

Funding for the project is available through the General Fund Reserve Deferred Maintenance Fund. Because reserve funding is being utilized, staff is also requesting that the City Council adopt the accompanying resolution appropriating the necessary funds for the project.

Awarding the contract will improve public safety, enhance accessibility for park users, preserve a heavily utilized public asset, improve the appearance of Veterans Park, and reduce future maintenance costs associated with temporary asphalt repairs.

RECOMMENDATION: That the City Council:

1. Adopt the attached Resolution appropriating \$107,962 from the General Fund Reserve Deferred Maintenance Fund for the Veterans Park Parking Lot Repaving Project;
2. Award the contract for the Veterans Park Parking Lot Repaving Project to Central Valley Asphalt in an amount not to exceed \$107,962, including a ten percent contingency; and
3. Authorize the City Manager or designee to execute the construction contract and any non-substantive documents necessary to complete the project.

ATTACHMENTS:

1. Draft Resolution_Veterans Park Lot Project
2. Central Valley Asphalt Quote
3. Yarbs Quote
4. Vollmer Excavation Quote

Appropriated/Funded: General Fund Reserve Deferred Maintenance Budget.

Review By:

Department Director:
Robert Alvarez, Public Works Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RESOLUTION NO. ____-2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE
APPROPRIATION OF FUNDS FROM THE GENERAL FUND RESERVE DEFERRED MAINTENANCE
FUND FOR THE VETERANS PARK PARKING LOT REPAVING PROJECT**

WHEREAS, Veterans Park is one of the City's most heavily used recreational facilities, serving residents and visitors attending sporting events, community activities, and other public gatherings throughout the year; and

WHEREAS, the existing parking lot has deteriorated due to age, weather, and continuous vehicle traffic and requires rehabilitation to improve public safety, accessibility, and preserve the City's infrastructure; and

WHEREAS, the proposed project includes removal and replacement of the existing asphalt pavement, grading and compaction of the existing base as necessary, restriping of parking stalls and pavement markings, and related improvements; and

WHEREAS, the City Council has determined that the project is consistent with the purpose and intent of the General Fund Reserve Deferred Maintenance Fund by addressing the rehabilitation of an existing City-owned public facility.

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

1. The City Council finds that the Veterans Park Parking Lot Repaving Project is within the intent and purpose of the General Fund Reserve Deferred Maintenance Fund.
2. The City Council hereby approves and authorizes the appropriation of \$107,962 from the General Fund Reserve Deferred Maintenance Fund for the Veterans Park Parking Lot Repaving Project.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga, Chief Deputy City Clerk



CSLB Lic. # 777434 Class: A
DIR #1000001173 SBE #20916
23494 Road 196 Lindsay, CA 93247
Office: 559-562-7802 Fax: 559-562-7902

Proposal

Date	Proposal #
7/17/2026	58608

City of Porterville
291 North Main Street
Porterville, CA 93257

Veterans Park

PO Number	Rep	Project	Job Name			
	NS	Paving	COP04-PW (Veterans Park)			
Description		Qty	U/M	Unit	Rate	Total
Remove existing 3" thick over 21,627 sq.ft. off-haul material from site.						
Grade and compact existing sub-base over 21,627 sq.ft.						
Install Hot Mix Asphalt 3" thick over 21,627 square feet, rolled and compacted.						
Re-stripe all lines and symbols.						
Total for Project at prevailing wages					98,148.00	98,148.00
We look forward to doing business with you.				Total \$98,148.00		

Any alteration or deviation from the above involving extra costs will only be executed upon written orders for the same, and will become an extra charge over and above the estimate. All agreements must be made in writing. This proposal is only good for 30 days. All material is guaranteed.

ACCEPTANCE OF PROPOSAL

By signing this proposal I am confirming that I am in agreement of the following:

The price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work specified. Payment will be made in full upon completion. I understand that a Finance Charge of 1 1/2% per month, which is 18% Annual Percentage Rate will be charged on past due payments. I also agreed that, if collection is made by suit or otherwise we agree to pay interest per month after 30 days, along with collection costs, including attorney's fees as may be adjudged by court.

Signature _____

PROPOSAL - VETERAN'S PARK PAVING



Yarbs Grading & Paving, Inc.

P.O. Box 87 Fowler Ca. 93625

License: 964071 / DIR: 1000004120

Contact: Jim Leppo

Phone: (559) 834-4818

Fax: (559) 834-4897

GC/Owner: City of Porterville

Contact: David Payne

Date: 7/28/26

Phone: 559-782-7516

Addendums: N/A

Soils Report: N/A

Date of Plans: N/A

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
100	GRIND PARKING LOT	24,000.00	SF	0.85	20,400.00
101	HOT MIX ASPHALT	550.00	TON	155.00	85,250.00
102	PAVEMENT MARKING	1.00	LS	8,200.00	8,200.00
103	MOBILIZATION	1.00	LS	13,000.00	13,000.00
104	TRAFFIC CONTROL	1.00	LS	5,000.00	5,000.00

GRAND TOTAL

131,850.00

NOTES:

- All terms and conditions of this proposal must be a part of any subcontract between the City of Porterville and Yarbs.
- 100% payment within 30 days of completion, no retention.
- All items include water for our work only.
- Proposal good for 30 days from date of proposal.
- Proposal based on 1 day for grinding, 1 day for paving and 1 day for pavement marking.
- Proposal is based on day work only.
- Proposal based on the measurements provided via email on 7/23/26 @ 10:16 AM.

BID ITEM INCLUSIONS/EXCLUSIONS:

GRIND PARKING LOT:

- Includes grind/offhaul 3" of asphalt from existing parking lot, approx 24,000 SF.
- Includes sweeping following grinding operations.
- Excludes lowering/raising of underground utilities.
- Excludes grinding behind parking bumpers, if any.

HOT MIX ASPHALT:

- Includes sweeping & tack oil prior to paving.
- Includes all work involved with furnish & installing 3" hot mix asphalt.
- Excludes trench paving for underground utilities & related outside the paving limits.
- Excludes prime coat, fog seal, slurry seal & related.
- Excludes adjustment of the following, manholes, water valves, vaults and related.

PAVEMENT MARKINGS:

- Includes: 32 ea - 4" single stall lines, 867 LF red curb, 40 LF of blue curb, 1 - 8' hash with no parking stencil, 2 handicap signs/symbols & post in dirt, 1 - R100B sign & post in dirt.
- Excludes 2 existing handicap stalls, stalls are out of compliance.
- Excludes thermo striping.

- Excludes signage.

Traffic Control:

- Includes temporary closing parking lot prior to work starting.
- Includes 2 shifts of flagging along Henderson Ave. One lane will have to be closed for trucks and equipment to utilize.
- Excludes any kind of signage or message boards. We will use flag trees only.

MOBILIZATION:

- Includes one (1) move-in for all work listed.

EXCLUSIONS:

- Permits, fees and bonding. If bonding is required add 1%.
- Staking, survey, testing & inspection fees.
- The handling of hazardous materials and debris.
- SWPPP/WPCP & it's implementation, including but not limited to installation, maintenance and removal.
- Dust control plan.
- Removing/Replacing parking bumpers, if any.
- Trimming of trees.

Jim Leppo
Estimator



Vollmer Excavation, Inc.
19760 Road 222
Strathmore, CA 93267

Proposal

Date	Estimate #
7/28/2026	5488

Name / Address
CITY OF PORTERVILLE ATTN: DAVID 291 N. MAIN STREET PORTERVILLE, CA 93257-3737

Ship To
VETERANS PARK

		P.O. No.	Terms
			30 DAYS NET
Description	Qty	Cost	Total
REMOVE 20,976 SQFT OF ASPHALT, REGRADE AND COMPACT EXISTING BASE FOR 3" OF ASPHALT. PAVE AREA WITH 1/2" 64 - 10 ASPHALT. PAINT 30 STALL LINES, 2 H/C SYMBOLS, 1 - 8' HASHED AISLE AND 1 "NO PARKING" STENCIL. **NOTE** BASED ON PREVAILING WAGE	20,976	4.80	100,684.80
NOTE: THIS PROPOSAL MAYBE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS. PLEASE SIGN FOR ACCEPTANCE.		Subtotal	\$100,684.80
		Sales Tax (7.75%)	\$0.00
		Total	\$100,684.80

Phone #	Fax #
559-568-0178	559-568-2467

Web Site
vollmerexcavation.com



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Intent to Schedule a Public Hearing for the 2025-2026 Consolidated Annual Performance Evaluation Report (CAPER)

SOURCE: Planning and Engineering

COMMENT: The City's 2025-2026 Consolidated Annual Performance Evaluation Report (CAPER) summarizes the use of Community Development Block Grant (CDBG) funds and other applicable federal assistance received during the program year of July 1, 2025, through June 30, 2026. The CAPER is required annually by the U.S. Department of Housing and Urban Development (HUD) and documents the City's progress in meeting the goals and objectives identified in its adopted Annual Action Plan.

Prior to City Council consideration, HUD requires the CAPER to be made available for public review and comment in accordance with federal regulations and the City's adopted Citizen Participation Plan. To satisfy these requirements, staff proposes a 15-day public review and comment period from August 17, 2026, through September 1, 2026, during which the draft CAPER will be available for review on the City's website and at City Hall.

Scheduling the public hearing at this time allows staff to publish the required public notice, complete the mandatory public review process, and return the CAPER to the City Council for consideration following the close of the comment period. Any public comments received during the review period will be presented to the City Council as part of the final CAPER for consideration.

RECOMMENDATION: That the City Council authorize the scheduling of a public hearing on September 1, 2026, to receive public comment and consider approval of the 2025-2026 Consolidated Annual Performance Evaluation Report (CAPER).

ATTACHMENTS: 1. Public Notices

Appropriated/Funded: CDBG Administrative Funds

Review By:

Department Director:

Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

**NOTICE OF PUBLIC REVIEW AND COMMENT AND
NOTICE OF PUBLIC HEARING**

The City of Porterville is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2025/2026 Action Plan (AP). The AP is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submittal to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2025, through June 30, 2026. The CAPER is the performance reporting tool for the 2025/26 AP Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The 15-day public review period for the CAPER begins August 17, 2026, and ends on September 1, 2026, at 5:00 p.m. The CAPER is available for inspection by any and all persons interested therein; on the City's website www.ci.porterville.ca.us or at 291 N. Main Street, Porterville, CA 93257. Written comments may be sent to that same address or emailed to housing@ci.porterville.ca.us.

Additionally, a **Public Hearing will be held by the City Council of the City of Porterville on Tuesday, September 1, 2026, at 6:30 p.m.** or as soon thereafter in order to consider the approval of the 2025/26 CAPER. The matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California and will be live streamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>.

This notice is given in order to provide all parties an opportunity to be heard and to present their views regarding this report. Any and all persons interested in this matter may provide comments. Persons of low and moderate income, disabled and elderly persons, members of minority groups, and persons residing in eligible CDBG Program areas are particularly encouraged to comment.

For more information about the CAPER or to present oral comment regarding the CAPER, please contact Christina Tank at (559) 782-7460.

DATED: August 14, 2026
Clayton Dignam, Planning and Engineering Director

NOTICIA PÚBLICA PARA REVISIÓN Y COMENTARIO Y AVISO DE AUDIENCIA PÚBLICA

La Ciudad de Porterville solicita revisión y comentarios públicos para el Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de Acción (AP) 2025/2026 de la Ciudad de Porterville. El Plan de Acción (AP) es enviado anualmente al Departamento de Viviendas y Desarrollo Urbano de los Estados Unidos (HUD) para habilitar que la ciudad reciba fondos federales bajo la Beca del Desarrollo de la Comunidad (CDBG).

El CAPER, cual ha sido preparado para ser entregado a HUD, reporta asistencia específica federal asignada a la Ciudad de Porterville para el periodo 1 de Julio de 2025 al 30 de Junio de 2026. El CAPER es el reporte acerca de los programas del Plan de Acción del Año 2025/2026, y es requerido por los reglamentos de HUD como escritas en el Memorando de HUD con fecha de Febrero 18, 1998.

El período de revisión pública de 15 días del CAPER comienza el 17 de agosto de 2026 y termina el 1 de septiembre de 2026 a las 5:00 p.m. El CAPER están disponible para inspección por todas las personas interesadas en el mismo en el sitio web de la Ciudad www.ci.porterville.ca.us o en 291 N. Main Street, Porterville, CA 93257. A ese mismo domicilio se pueden enviar los comentarios por escrito o por correo electrónico a housing@ci.porterville.ca.us.

Además, el **Concilio de la Ciudad de Porterville tendrá una Audiencia Pública el martes 1 de septiembre de 2026 a las 6:30 p.m.** o tan pronto como el asunto pueda ser escuchado en la sala de juntas del Concilio, para considerar la aprobación del CAPER 2025/2026. El tema se puede escuchar en la sala del Concilio de la Ciudad en 291 N. Main Street, Porterville, California, y se transmitirá en vivo en YouTube en: <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>.

El propósito de este aviso es para brindar a todas las partes, la oportunidad de ser escuchadas y presentar sus puntos de vista con respecto a este informe. Todas y cada una de las personas interesadas en este asunto pueden dar comentarios; en especial a las personas de ingresos bajos y moderados, las personas discapacitadas y las personas mayores, los miembros de grupos minoritarios y las personas que residen en áreas elegibles para uso de fondos CDBG.

Para obtener más información sobre el CAPER o para presentar un comentario oral sobre el CAPER, comuníquese con Christina Tank al (559) 782-7460.

FECHA: 14 de agosto de 2026

Clayton, Dignam, Planning and Engineering Director



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Intent to Schedule a Public Hearing for a Conditional Use Permit at 1200 South Main Street

SOURCE: Planning and Engineering

COMMENT: The purpose of this item is to authorize publication and distribution of the required public notice and schedule a public hearing for August 18, 2026, to consider a request for a Conditional Use Permit (PRC No. 2026-013).

The applicant, Don Burns, on behalf of property owner Mike Colletto, has submitted an application for a Conditional Use Permit to reopen the former Harley's Tavern as Dead End Saloon. The request includes authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 48 license for the sale of beer, wine, and distilled spirits for on-site consumption.

The approximately 0.16-acre project site is located at 1200 South Main Street (APN 270-160-022-000). The property is located within the City's CR (Retail Centers) Zone District and has a Retail Centers General Plan Land Use designation. The Porterville Development Ordinance requires approval of a Conditional Use Permit by the City Council for tavern and bar uses within this zoning district.

Prior to consideration of the request, state law and the Porterville Development Ordinance require publication of a public notice and the conduct of a duly noticed public hearing.

Staff has completed a preliminary review of the application and has determined that the project appears capable of satisfying the required findings for approval of a Conditional Use Permit pursuant to Section 604.04 of the Porterville Development Ordinance, including:

1. General Plan Consistency. The proposed use is consistent with the Retail Centers General Plan Land Use designation and applicable provisions of the Porterville Development Ordinance.
2. Site and Operational Suitability. The proposed use will occupy an existing commercial building that has historically operated as a tavern and is appropriately located within the CR (Retail Centers) Zone

District.

A comprehensive staff analysis, environmental determination, recommended conditions of approval, and all evidence supporting the required findings will be presented to the City Council as part of the public hearing on August 18, 2026.

Staff has also completed a preliminary environmental review and determined that the project qualifies for a Class 1 Categorical Exemption (Existing Facilities) pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. The environmental determination will be presented to the City Council for consideration during the public hearing.

RECOMMENDATION: That the City Council:

1. Authorize staff to publish and distribute the Notice of Public Hearing for a Conditional Use Permit (PRC No. 2026-013); and
2. Schedule a public hearing for Tuesday, August 18, 2026, at 6:30 p.m. to consider the requested Conditional Use Permit and related environmental determination.

ATTACHMENTS: 1. Draft Resolution

 2. Locator Map

Appropriated/Funded: No fiscal impact for a Public Hearing request.

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RESOLUTION NO. ____-2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
CONDITIONAL USE PERMIT FOR THE OPERATION
OF A TAVERN (DEAD END SALOON) AT 1200 S. MAIN STREET**

WHEREAS: The Project Review Committee (PRC) of the City of Porterville at its meeting of May 20, 2026, reviewed a proposal (Project No. 2026-013) to reopen the previously-operated Harleys Tavern as a bar/tavern located at 1200 South Main Street (APN 270-160-022-000); and

WHEREAS: the applicant, Don Burns, on behalf of property owner Mike Colletto, wishes to apply for a Conditional Use Permit to allow for the acquisition of a State of California Type 48 ABC license, authorizing the sale of beer, wine, and distilled spirits for on-site consumption; and

WHEREAS: the subject property is located within the CR (Retail Centers) Zone District and carries a General Plan Land Use designation of Retail Centers, which permits tavern uses subject to a Conditional Use Permit; and

WHEREAS: a ten (10) day Public Hearing notice was published in the Porterville Recorder and mailed to adjacent property owners within the required radius of the subject site; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 18th, 2026, conducted a public hearing to consider approval of the Conditional Use Permit for the tavern use; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to this matter; and

WHEREAS: the Environmental Coordinator has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and

WHEREAS: The City Council makes the following findings pursuant to Porterville Development Code Section 604.04, the evidence for said findings substantiated in the record:

1. Approval of 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.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council.

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

1. The project is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15301, Existing Facilities.
2. The Conditional Use Permit to authorize the operation of a tavern (Dead End Saloon) with a Type 48 ABC license at 1200 S. Main Street is hereby approved.
3. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval of a modification to the Conditional Use Permit by the City Council.
4. Unless an extension of time is granted by the City Council, this Conditional Use Permit shall expire two years after the date of approval (August 18, 2028).
5. The development and ongoing operation shall comply with the Porterville Municipal Code, Chapter 21 Development Code, and all departmental conditions outlined in the Project Review Committee (PRC) letter for Project No. 2026-013.

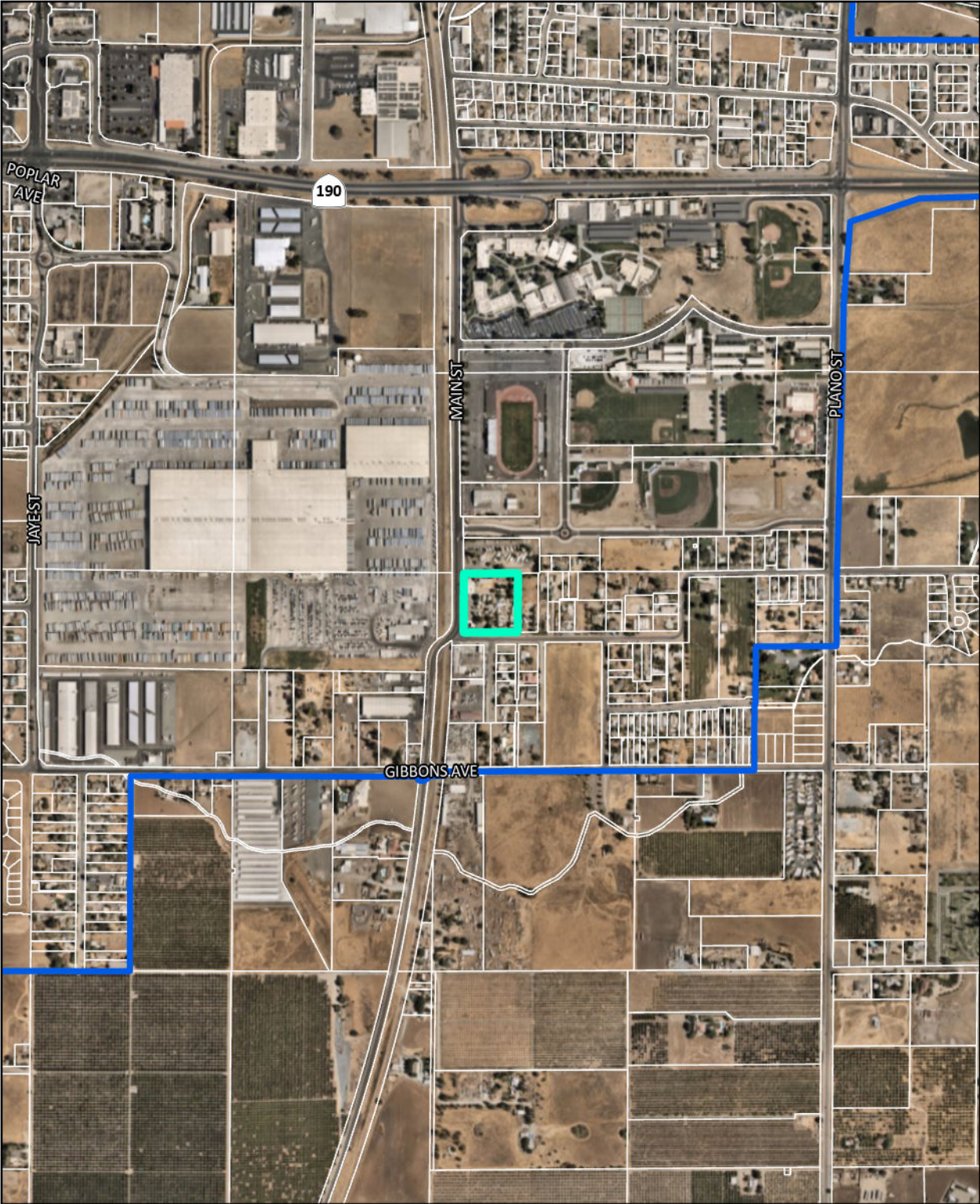
PASSED, APPROVED AND ADOPTED this 18th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

By: _____
Fernando Gabriel-Moraga, Chief Deputy City Clerk

Locator Map
PRC 2026-013



Tavern
@ 1200 S. Main St

-  Project Location
-  City Limits

1 in = 1,000 feet





CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Approval of a Professional Services Agreement with MGT Impact Solutions, LLC for State Mandated Cost Reimbursement (SB 90) Services

SOURCE: Finance

COMMENT: The City has retained MGT Impact Solutions, LLC (MGT) for more than ten years to provide State Mandated Cost Reimbursement (SB 90) services. These specialized services assist the City in recovering eligible costs incurred in complying with state-mandated programs while reducing the administrative burden on City staff.

Under the proposed agreement, MGT will identify eligible reimbursement opportunities, prepare and submit annual and new SB 90 claims, develop indirect cost rate proposals, assist with State Controller reviews and audits, and monitor changes to the State's reimbursement program. MGT also coordinates directly with City departments to collect the necessary information and ensure claims are prepared accurately and submitted in a timely manner.

MGT has extensive experience providing SB 90 reimbursement services to California public agencies and has successfully assisted the City with these specialized services for more than a decade.

The value of these services is demonstrated by the City's reimbursement history. During the past five fiscal years, the City has recovered approximately \$313,063 in eligible State Mandated Cost Reimbursements, averaging more than \$62,600 annually. These reimbursements significantly exceed the annual cost of the proposed agreement and help offset the City's costs of complying with state-mandated programs.

The proposed agreement is for a three-year term beginning with the Fiscal Year 2026-2027 claim cycle at a fixed cost of \$13,950 (\$4,650 annually), billed quarterly. Funding is available within the Finance Department's adopted operating budget. Staff recommends approval of the Professional Services Agreement to continue these revenue recovery services and maximize reimbursement of eligible state-mandated costs.

RECOMMENDATION:

That the City Council:

1. Approve a three-year Professional Services Agreement with MGT Impact Solutions, LLC for State Mandated Cost Reimbursement (SB 90) services in an amount not to exceed \$13,950; and
2. Authorize the City Manager or designee to execute the Professional Services Agreement and any non-substantive documents necessary to implement the agreement.

ATTACHMENTS:

1. MGT Impact Solutions, LLC Proposal for SB 90 State-Mandated Cost Reimbursement Services

Appropriated/Funded: Finance Department's Operating Budget

Review By:

Department Director:
Trisha Whiteley, Acting Finance Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



Proposal

APRIL 2026

SB 90 STATE MANDATED COST REIMBURSEMENT SERVICES

CITY OF PORTERVILLE, CALIFORNIA

Submitted by:

LAWRENCE COWAN, COO REVENUE
OPERATIONS

SOCIAL IMPACT SOLUTIONS - FISCAL

4320 W. KENNEDY, SUITE 200

TAMPA, FL 33609

916.502.5243

LCOWAN@MGT.US



Transmittal Letter

April 29th, 2026

Ms. Trisha Whiteley
Assistant Finance Director, City of Porterville
291 N. Main Street
Porterville, CA 93257



Subject: Proposal for State Mandated Cost Claiming Services (SB 90)

Dear Ms. Trisha:

We appreciate the opportunity to provide the City of Porterville (City) with this proposal for State Mandated Cost Claiming Services (SB 90). MGT Impact Solutions, LLC (MGT) believes that we offer the City solutions that will meet your specific objectives while providing the best value. MGT is uniquely qualified to provide the City with the best staffing and highest level of service available in the state-mandated claiming area. Our primary goal for this SB 90 engagement is to produce and file state-mandated cost claims that maximize revenue while being technically sound and accurate. We will continue to provide the City with our turnkey approach to state-mandated cost claims while minimizing impact on your department staff and resources. The MGT consultant proposed for this engagement, Trevor Zagara, is familiar with and knowledgeable of your organizational structure, systems, department contact, processes and needs.

- ♦ **Full Suite of SB 90 Services Tailored for the City** – MGT continues to offer a full suite of SB 90 services to the City with all annual claims due on February 15th, plus all new or first-time claims that are due during the fiscal year, for a fixed fee. Please see the cost section in this proposal for pricing details. In addition to annual and new claim preparation, this proposal includes up to four hours of audit assistance plus SB 90 program training and updates on what's happening with SB 90 payments and future eligible programs.
- ♦ **Leaders in Local Government SB 90 Services** – No other firm comes close to meeting our staff experience, knowledge, and expertise. MGT is the only firm that has six consultants with over 15 years of experience and the largest team of experts in the SB 90 arena.

For more than ten years our professional staff have been key partners in the City's SB 90 claiming process. We appreciate the opportunity to continue this partnership. If you have any questions, please contact Trevor Zagara at (708) 606-1483 or by email at tzagara@mgt.us. As a Vice President, I am authorized to make commitments, including financial ones, on behalf of MGT for all aspects of this proposal.

Sincerely,

Lawrence Cowan, Chief Operations Officer for Revenue Operations
MGT Impact Solutions, LLC



Firm Profile

Impacting communities for good.

MGT brings **50 years** of experience driving positive social change and performance in education, government, nonprofits, and critical infrastructure/private industries by assisting clients to strengthen their foundations, change systematically, and build resilience **for long-lasting change**. Since its inception, MGT has significantly grown in size and capacity, working with state and local governments and education partners. Today, we bring a team of over **900 professionals** with in-depth market knowledge and understanding, so we can hit the ground running.

MGT is a privately held, employee-owned, and financially stable limited liability company with a deep roster of staff and a commitment to serving the public. Our clients care about addressing the world's most pressing problems, and so do we. Their "why" is our why.

What sets us apart is our ability to customize and offer individualized support, as well as the resources of a larger infrastructure to enable flexibility in scaling impact. Throughout our history, MGT has successfully delivered more than **30,000 projects** by balancing the "immediate" needs with system changes to plan for future resilience and success. More specifically, our SB 90 consultants' knowledge and understanding of local government give us the ability to hit the ground running from the very start of a project.

Our Commitment

MGT embraces the most complex challenges on the leadership agenda, with deep commitment, agility, and local expertise to deliver measurable, profound impact. Simply stated, **we are impacting communities for good.**

MGT | FIRST LOOK

Name: MGT Impact Solutions, LLC (MGT)

Locations: Headquarters in Tampa Florida; Branch offices nationwide

Cooperative Contracts:

Allied States Cooperative (ASC) #23-7449
The Interlocal Purchasing System (TIPS)
#220601

Structure: Privately held, employee-owned, client-driven Limited Liability Company

Lines of Business: Government Consulting, Education and Financial Solutions, Strategy and Implementation, Performance and Operations, IT Infrastructure, and Cyber Security and Resilience for public sector and commercial companies.



 **50**
years

 **1,200**
consultants

 **30,000**
projects

A Social Impact Commitment

DEFINED BY IMPACT

Making a profound impact on society is at the heart of who we are and what we do. The City of Porterville should be proud to make a difference in the lives of the citizens in your community, and we are proud to work with you toward this goal. Our team empowers organizations through innovations in people, processes, and technology to lift and strengthen your solutions.

MGT's Expertise

Our firm includes more than **900 professionals**, structured into the following primary groups, along with various internal infrastructure groups to support our operations and growth.



Strategy & Implementation

Working alongside an organization's C-suite, we help leaders co-create strategy through organizational reviews and data analytics to create actionable roadmaps for success.



IT Infrastructure & Digital

We provide engineering expertise to modernize IT infrastructure and ensure your technology implementation is properly designed, integrated, modernized, and maintained.



Cyber Security & Resilience

From real-time, 24/7 monitoring to proactive threat detection and rapid incident response, we can give you the tools to heighten your network's security posture and keep it there.



Performance & Operations

Bridging the gap between strategy and enduring change, we support efficient revenue allocation, promote economic development, and create fairness in hiring and contracting systems.



Our MGT Vision

To achieve our mission of being the social impact and performance leader in our industry, we are continuously improving to earn the privilege of being selected as our clients' partner of choice in the mission-critical domains we impact. By elevating education systems, managing and securing critical networks, solving complex human capital and fiscal problems, and advancing equity as a performance imperative, we can impact communities, for good through client partnership.

We deliver these solutions through our "three-point stance" of technology, education, and performance offerings. With our long-term vision of creating profound social impact through client performance, we seek out the "best of the best" to join us in our work supporting clients' top priorities.

Markets we serve:

- Higher Education
- Prek-12
- Government
- Nonprofits
- Commercial Industries

PEOPLE



We believe in the power of connecting people and ideas which solve mission-critical, complex challenges to foster a trusted connection with our clients...for life.

PURPOSE



We are led by a transformative movement, fueled by people, innovation, and solutions designed to provide enduring opportunities for prosperity and well-being.

PERFORMANCE



We partner with clients to advance learning outcomes, reduce operational costs, recover revenue, improve workflows, and provide resilient and hardened technology networks and infrastructure.

FIRM PROFILE

We believe our firm is uniquely able to assemble the most experienced, best qualified professional staff for this engagement.

RICARDO CEPIN, DIRECTOR | PROJECT DIRECTOR

Ricardo Cepin, a Director with MGT, is a skilled audit and accounting professional with over 10 years of experience in government audit and consulting. With a deep understanding of public sector financial management, Mr. Cepin has successfully led numerous user fees, audits, and consulting projects for local and state government agencies.

In addition to his technical skills, Mr. Cepin is a dedicated professional who values integrity, accountability, and continuous improvement. He is passionate about serving the public interest and contributing to the sound financial management of government resources.

TREVOR ZAGARA, CONSULTANT | PROJECT CONSULTANT

Mr. Zagara is a Consultant with MGT with experience in advising government agencies on the implementation, compliance, and reimbursement processes related to SB90 (Senate Bill 90). He helps government agencies navigate the complex requirements of SB90, ensuring they are properly compensated for the costs of complying with state mandates. With his strong analytical skills, attention to detail, and a deep knowledge of government operations are essential for SB90, he is a valuable contributor to projects.

He will also have direct responsibility for coordinating the collection of all applicable data from the City's departments, and will also be responsible for the following:

- ♦ Staff interviews
- ♦ Preparation of all indirect cost rates (ICRP), mandated cost claims and claim review
- ♦ Timely submittal of claims to State Controller
- ♦ Interfacing with the SCO related to field audits
- ♦ Responding to desk reviews performed by the SCO



Project Approach

Scope of Services

MGT provides true turnkey mandated-cost claiming services to its clients, and our approach is based on personal interaction. Our staff is involved in our clients' claims process throughout the year, providing proactive news, reports, and the earliest possible notification of new SB 90 claims.

We provide our clients with claiming summaries and data collection guides to help them understand all eligible components of each program. This process supplements the interviews our staff conduct to ensure each department contact understands precisely what data is required and the internal deadlines for submission.

Most cities and counties are at risk of desk reviews from the State Controller. We believe that part of our job is to assist your departments in understanding the appropriate levels of documentation required for each claim the City files.

Finally, the project manager will complete all claims and all indirect cost rate proposals, compile all elements of the claims into electronic format, and send them to the City for review and signature well in advance of the claiming deadline.

MGT will provide the following services to the City:

- ♦ Identify all possible SB 90 claiming opportunities.
- ♦ Prepare and file all eligible annual SB 90 claims with the SCO.
- ♦ Prepare and file all eligible first-time or new SB 90 claims that are due during the fiscal year of the contract.
- ♦ Assist with SCO desk reviews and up to eight hours of assistance in responding to field audits.
- ♦ Assist the City with knowledge transfer and training on the eligible components of each State-mandated program.

Work Plan

MGT has identified the following order of activities as the most important milestones for the City to have a successful SB 90 claiming engagement.

TASK 1.0: NEW CLAIMS

- 1.1 Establish a schedule and approach needed to complete all new or first-time claims due within the fiscal year.
- 1.2 Assist department staff in understanding the specific mandated requirements for each new SB 90 program, and how the City complies with the specific reimbursable portions of each program.
- 1.3 Prepare all necessary department ICRPs associated with the new SB 90 program(s).
- 1.4 Prepare claims and perform a quality assurance review of the City's new SB 90 claim(s) to ensure the costs are supported by appropriate source documentation.
- 1.5 Provide the completed claims and ICRPs to the City for review and signature before the claiming deadline.
- 1.6 File the signed claims with the SCO before the deadline.

TASK 2.0: ANNUAL CLAIMS: DUE TO THE STATE BY FEBRUARY 15TH

- 2.1 Establish a schedule and approach needed to complete all annual claims due to the state by February 15th.
- 2.2 Work with department staff in describing how the City complies with the specific mandated programs and help the City determine eligible costs.
- 2.3 Meet with staff to discuss data collection needs and establish deadlines for data to be due.
- 2.4 Prepare all necessary department-wide ICRPs as they apply to the eligible SB 90 programs.
- 2.5 Prepare claims from the City for SB 90 programs and review the claims for completeness, propriety, and eligibility of costs.
- 2.6 Perform a quality assurance review of the City's SB 90 claims to ensure they mesh with the associated department ICRPs.
- 2.7 Discuss any potential or necessary changes with the appropriate City staff member.
- 2.8 Provide the completed claims and ICRPs to the City for review and signature before the claiming deadline.
- 2.9 File the signed claims with the SCO before the deadline.

STATE MANDATE REIMBURSEMENT INFORMATION

The SB 90 process is constantly changing and evolving. MGT will provide targeted, relevant communication on statewide issues, interpretations, and actions at the state capitol relating to the SB 90 process throughout the fiscal year via **MGT Instant Updates®**, a series of e-mail communiqués designed to keep our clients up to date with the latest mandate legislation, California Commission on State Mandates decisions, and state agency interpretations. MGT will sort through all pertinent activities to provide the City with the most relevant information throughout the year, saving the City time and resources.



AUDIT ASSISTANCE

MGT will monitor State Controller requests or issues that could affect the City's SB 90 claims. MGT will also provide liaison assistance to the SCO at the desk-review level. The SCO may call to request additional information or duplicate documentation that may have been misplaced in their offices. Our firm will field these calls and fulfill all appropriate requests, if possible, without the City's involvement.

Nobody wants to see the SCO auditing their claims, but higher levels of scrutiny are a fact of life. Our team has extensive experience preparing local agencies for field audits and assisting in their representation beyond the exit conference.

2024-2025 Budget: May Revision

On May 14, 2024, Governor Newsom revised his \$288 billion spending package for the upcoming budget year. The Governor's updated budget proposal includes decreases from his January budget in most of the key areas including housing, homelessness, education, health and human services and local government, due to a \$70 billion shortfall in revenues.

The good news for mandated programs continues in spite of uncertain economic times. The Governor's 2024-2025 May Revision saw increases over the prior year and continued the State's trend to **04**.

PROGRAM	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Commission on State Mandates	\$2,631,000	\$3,182,000	\$3,292,000	\$3,399,000
Annual SB 90 Claims and/or Reappropriations	\$40,323,000	\$62,903,000	\$136,016,000	\$128,026,000
Peace Officer Training: Mental Health	\$5,300,000	\$0	\$0	\$0
Special Program: Admin. License Suspension	\$2,008,000	\$0	\$1,800,000	\$1,869,000
Special Program: Pesticide Use Program	\$47,000	\$0	\$99,000	\$102,000
Vote-by-Mail Prepaid Postage	\$0	\$5,791,000	\$0	\$0
Racial Profiling	\$0	\$0	\$5,500,000	\$0
Sexual Assault Evidence Kits	\$0	\$0	\$22,800,000	\$0
Juvenile Interrogations (initial funding)	\$0	\$0	\$0	\$2,230,000
Expired and Repealed Mandates	\$0	\$0	\$0	\$0
Total SB 90 Funding	\$50,309,000	\$71,876,000	\$169,507,000	\$135,626,000

CALIFORNIA STATE BUDGET

Program Comm. on State Mandates
SB 90 Programs*
Total SB 90 Funding

Funding
3.39M
\$132.27M
\$135.62M

MGT
1 | INSTANT UPDATE | FALL 2024

This engagement includes up to eight hours of audit assistance. Although unlikely, if the City requests additional audit assistance, MGT will bill the City at the staff member's hourly rate.



PROFESSIONAL FEES

MGT values its partnership with the City of Porterville and is eager to retain your business. MGT proposes to perform the annual claims SB 90 services included in this proposal for a period of three years for a fixed fee of **\$13,950**. This price includes filing all eligible annual claims for a period of three years beginning with the claim due on February 15, 2027, as well as any new claims due during the City’s 2026-27 fiscal year. The detailed pricing is presented below.

Professional Fees – Three Years

F I S C A L Y E A R S - F I X E D F E E		
2025-2026 Annual & New Claims in FY 2026-2027	2026-27 Annual & New Claims in FY 2027-2028	2027-2028 Annual & New Claims in FY 2028-2029
\$4,650	\$4,650	\$4,650
<i>fixed fee, billable on a quarterly basis 25% of the annual fee in October, January, April, and July</i>		

Project Assumptions

We based our work plan and proposed fee on several main assumptions about the project. If the City changes these assumptions, it could affect our proposed fee. We would be happy to meet with the City to go over these assumptions, confirm or update them as needed with additional details, and adjust our work plan and budget as appropriate.

Below, we present our SB 90 project assumptions:

- The City will designate a Project Officer for this project. This person will serve as the project's primary point of contact and coordinate and facilitate the flow of information and communication among the City, key stakeholders, and MGT.
- The City Project Officer should have decision authority on behalf of the City to finalize deliverables from the study. Additional City stakeholder review may affect the study's timeliness and scope.
- The City Project Officer will ensure that comments on draft documents are consolidated into a single document, and any conflicting comments are reconciled before delivering the comments to MGT.
- We have provided for a fixed number of drafts of ICRPs and claim forms (two drafts and a final) in this proposal. If you request additional drafts, our Project Executive will discuss and assess the impact on the cost of our work, timelines, or scope.
- MGT will have access to and cooperation and participation by staff and management. MGT expects to have reasonable, timely access to City personnel and data. If the City stops the project for any reason, MGT will be due all fees for services performed to date and can bill the City immediately.
- To meet aggressive project timelines, the City will respond to MGT communications within two business days. The City will submit data in response to MGT requests within 10 business days, with a deadline to be agreed upon by the MGT Project Manager(s) and the City Project Officer.
- If necessary, on-site meeting facilities will be arranged for and used at the expense of the City. The City will provide all requested documents at its own expense.
- All costs and other data provided by the City will be considered accurate and valid. MGT will not be responsible for the audit and/or verification of any cost or other data provided by the City.
- The project proposal does not include on-site meetings. All project efforts, interviews, and status updates will be done remotely via Teams, Zoom, or the City's preferred remote meeting platform.
- The City will receive bi-annual invoices concluding with the SCO filing of SB 90 claims. Net 30 is MGT's standard payment terms.
- Material new or multi-year claims may require a budget change. The current fees quoted are based on historical filings by program for the City.



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Approval of an Agreement with Spectrum Business for Network Connectivity Services Supporting the Police Radio System Upgrade Project

SOURCE: Police

COMMENT: The Police Radio System Upgrade Project requires dedicated, high-speed network connectivity between the Police Department, Sierra View Medical Center, and the Scenic Heights radio site to support the City's new public safety radio communications system. Reliable connectivity between these locations is essential to ensure dependable radio communications for police officers and other emergency responders throughout the community.

On February 17, 2026, the City Council approved funding for the Police Radio System Upgrade Project as part of the City's 10-Year Capital Improvement Plan to modernize the Police Department's radio communications infrastructure. On May 5, 2026, the City Council approved an Antenna Agreement with Sierra View Medical Center allowing the installation of public safety radio communications equipment at the medical center to improve radio coverage throughout the City.

Motorola Solutions established minimum network performance standards necessary to ensure reliable, secure, and uninterrupted operation of the new radio system. Staff evaluated available telecommunications providers based on their ability to satisfy these operational requirements, network availability, overall cost, and completeness of service.

Staff evaluated proposals from Spectrum Business, AT&T, and OACYS.

- Spectrum Business proposed a fiber-based Ethernet Private Line (EPL) network connecting the Police Department, Sierra View Medical Center, and the Scenic Heights radio site under a single agreement. The proposed 100 Mbps service exceeds Motorola's minimum bandwidth requirement of 50 Mbps and includes no installation costs.
- AT&T proposed a Managed Switched Ethernet on Demand (ASEoD) solution through the State of California CALNET contract. While the monthly service cost is comparable, AT&T was unable to provide installation pricing for the Scenic Heights connection until after

execution of an agreement, creating uncertainty regarding the total project cost.

- OACYS proposed a licensed point-to-point wireless microwave connection between the Police Department and the Scenic Heights radio site. Although the proposal offers a lower monthly service cost, it does not include connectivity to Sierra View Medical Center and would require additional services to complete the radio network. The proposal also includes a one-time installation cost of \$5,400.

Vendor Comparison

Vendor	Coverage	Term	Service	Installation
Spectrum	All Sites	36 Months	\$1,680/month	\$0
AT&T	All Sites	NP	\$1,725/month	NP
OACYS	PD to SH	5 Years	\$1,485/month	\$5,400
Legend	PD – Police Department SH – Scenic Heights Radio Site NP – Not Provided			

Based on the evaluation, staff recommends Spectrum Business because it is the only vendor that provides a complete fiber-based solution connecting all three required sites under a single agreement with no installation costs. The proposed service exceeds the operational requirements established by Motorola Solutions while providing the most complete and cost-effective solution for the City's upgraded public safety radio system.

Approval of this agreement will provide the communications backbone necessary to support the Police Radio System Upgrade Project, improving the reliability, coverage, and interoperability of emergency communications for police officers and other first responders throughout the City.

RECOMMENDATION:

That the City Council:

1. Approve a thirty-six (36) month agreement with Spectrum Business to provide Ethernet Private Line network connectivity services supporting the Police Radio System Upgrade Project; and
2. Authorize the City Manager to execute the agreement, subject to final approval by the City Attorney.

ATTACHMENTS:

1. Spectrum Business

2. OACYS
3. AT&T

Appropriated/Funded: Police Department's Operating Budget

Review By:

Department Director:
Bobby Rader, Interim Chief of Police

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

SERVICE ORDER

THIS SERVICE ORDER ("Service Order") is executed and effective upon the date of the signature set forth in the signature block below ("Effective Date") and is by and between Charter Communications Operating, LLC on behalf of those operating subsidiaries providing the Service(s) hereunder ("Spectrum") and Customer (as shown below), and is governed by and subject to the applicable Spectrum Business - Enterprise Commercial Terms of Service posted at <https://enterprise.spectrum.com/legal/terms-and-conditions.html> (or successor URL) or, if applicable, an existing service agreement executed by the parties (each, as appropriate, the "Service Agreement"). Except as specifically modified herein, all other terms and conditions of the Service Agreement shall remain unamended and in full force and effect.

Spectrum Contact Information
Contact: Tony Rivas
Telephone: 661-395-3376
Email: tony.rivas@spectrum.com

Customer Information		
Customer Name CITY OF PORTERVILLE PUBL	Order # 15520137	
Address 291 N MAIN ST PORTERVILLE CA 93257		
Telephone (559) 791-7777	Email: rcampos@ci.porterville.ca.us	
Contact Name Robert Campos	Telephone (559) 791-7777	Email: rcampos@ci.porterville.ca.us
Billing Address 291 N MAIN ST		
Billing Contact Name	Telephone	Email:

NEW AND REVISED SERVICES AT 1091 N Highland Dr , Porterville CA 93257				
Service Description	Order Term	Quantity	Monthly Recurring Charge(s)	Total Monthly Recurring Charge(s)
Spoke	36 Months	1	\$0.00	\$0.00
EPL 100Mbps	36 Months	1	\$420.00	\$420.00
TOTAL				\$420.00

NEW AND REVISED SERVICES AT 350 N D St , Porterville CA 93257				
Service Description	Order Term	Quantity	Monthly Recurring Charge(s)	Total Monthly Recurring Charge(s)
EPL 100Mbps	36 Months	2	\$420.00	\$840.00
Hub - ELINE Master	36 Months	2	\$0.00	\$0.00
TOTAL				\$840.00

NEW AND REVISED SERVICES AT 465 W Putnam Ave , Porterville CA 93257

Service Description	Order Term	Quantity	Monthly Recurring Charge(s)	Total Monthly Recurring Charge(s)
EPL 100Mbps	36 Months	1	\$420.00	\$420.00
Spoke	36 Months	1	\$0.00	\$0.00
<u>TOTAL</u>				\$420.00

ONE TIME CHARGE(S) AT 1091 N Highland Dr , Porterville CA 93257

Service Description	Quantity	One Time Charge(s)	Total One Time Charge(s)
Ethernet Fiber Install	1	\$0.00	\$0.00
Demarc Wiring Service	1	\$500.00	\$500.00
Demarc Wiring Service - Promotion	1	(\$500.00)	(\$500.00)
<u>TOTAL</u>			\$0.00

ONE TIME CHARGE(S) AT 350 N D St , Porterville CA 93257

Service Description	Quantity	One Time Charge(s)	Total One Time Charge(s)
Ethernet Fiber Install	2	\$0.00	\$0.00
Demarc Wiring Service	2	\$500.00	\$1,000.00
Demarc Wiring Service - Promotion	2	(\$500.00)	(\$1,000.00)
<u>TOTAL</u>			\$0.00

ONE TIME CHARGE(S) AT 465 W Putnam Ave , Porterville CA 93257

Service Description	Quantity	One Time Charge(s)	Total One Time Charge(s)
Ethernet Fiber Install	1	\$0.00	\$0.00
Demarc Wiring Service	1	\$500.00	\$500.00
Demarc Wiring Service - Promotion	1	(\$500.00)	(\$500.00)
<u>TOTAL</u>			\$0.00

1. **TOTAL CHARGE(S).** Total monthly recurring charges and total one-time charges are due in accordance with the monthly invoice.
2. **TAXES.** Plus applicable taxes, fees, and surcharges as presented on the respective invoice(s).
3. **SPECIAL TERMS.**

By signing below, the signatory represents they are duly authorized to execute this Service Order

Customer

Signature: _____

Printed Name: _____

Title: _____

Date: _____



Wireless PtP Proposal

Date Produced May 30th, 2026

Customer City of Porterville

Service Description:

Point-to-Point licensed wireless link providing 600Mbps connectivity between Sites A & B

Site A: Scenic Heights COP tower – requires placement of 2-foot microwave dish with radio

Site B: Police Department tower at 350 N D Street – placement of 1-foot microwave dish with radio

Connections: Hand-off via 1Gbps fiber ethernet port at each site

Monthly Recurring Cost: \$1485/mo

One-time install fee: \$5400

Contract term: 5 years

Service and Installation Details:

- Tower climbing for installation and maintenance is included as part of package
- Install and frequency coordination process typically take 60-90 days after commitment
- Any hardware required specific to mounting equipment to each tower may be billed in addition to the install fee, and this mounting hardware will remain the property of City
- Equipment (radios and antennas) remain the property of OACYS
- Equipment warranty and replacement labor is provided by OACYS during the initial 5-year contract term
- Spare radios will be kept on hand by OACYS for timely replacement if equipment fails
- Any damage to equipment outside of the control of OACYS will be the responsibility of City – this would include vandalism or damage by lightning strike at COP tower
- Radios include encryption licensing for 256-bit AES
- Separate OACYS wireless basic Internet connections will be provided at Site A and Site B for the sole purpose of connecting to the out-of-band radio management for monitoring (also including OACYS routers at each site for monitoring access)
- Monitoring of radio signal and connectivity is provided by OACYS as part of monthly service
- 24x7 support is available for reported issues, and can be quickly escalated to our tower crew team for onsite tower climb. Typical time for tower climbing response is 4 hours, weather permitting

Best Regards,
Ryan Walker
President
OACYS Technology



Calnet AT&T Switched Ethernet on Demand (ASEoD)



Date: July 16, 2026

Customer:

City of Porterville

Class of Service:

RealTime

← Select CoS — drives CIR pricing for all rows below

Location / Description	Port	Port Charge	CIR Speed	CIR Charge	Qty	Monthly Total	Notes
Port charge + CIR charge x Qty = Monthly Total. CIR speed dropdown is limited to ≤1 Gbps when 1 Gbps port is selected.							

Site 1: 1091 N Highland Dr	1Gbps Port	\$150.00	50 Mbps	\$281.25	1	\$431.25	
Site 2: 350 N D St	1Gbps Port	\$150.00	50 Mbps	\$281.25	2	\$862.50	
Site 3: 132 W Putnam Ave	1Gbps Port	\$150.00	50 Mbps	\$281.25	1	\$431.25	
Site 4				\$0.00	0	\$0.00	
Site 5				\$0.00	0	\$0.00	
Site 6				\$0.00	0	\$0.00	
Site 7				\$0.00	0	\$0.00	
Site 8				\$0.00	0	\$0.00	
ASEoD Subtotal					4	\$1,725.00	

Monthly Summary	Installation						
Monthly Recurring ASEoD						\$1,725.00	
AT&T Dedicated Internet (ADI)						#REF!	#R
Wireless Back-Up:			AT&T Internet Air Standard (\$65/mo)*		0	\$0.00	⚠ AT&T Internet Air requires:
GRAND TOTAL — Monthly Recurring						#REF!	#R

*AT&T Internet Air for Business requires site qualification (coverage/eligibility check at the designated service address) prior to purchase. Pricing per current AT&T product briefs: AT&T Internet Air for Business (Standard \$65/mo, Premium \$105/mo), AT&T Wireless Broadband (Standard \$75/mo, Advanced \$85/mo, Premium \$105/mo), and AT&T Business Wireless Backup Advanced (\$30/mo). All plans require site eligibility and coverage verification; fees extra.

• Pricing is budgetary only and subject to change — see calnetinfo.att.com for exact rates and current Calnet terms

- Pricing excludes taxes, FCC charges, and other applicable fees
- All sites subject to availability verification after order
- Special construction may add cost

Prepared By: _____

Created by: Martin Levi 831-239-3337 Nobile Communications LLC



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Authorization to Utilize Funds for the Public Works Conference Room, Warehouse, and Breakroom Improvement Project

SOURCE: Public Works

COMMENT: The Public Works Conference Room serves as the department's primary meeting space for operational meetings, employee training, safety briefings, project coordination, interviews, consultant meetings, and collaboration with contractors, regulatory agencies, and other City departments. The room has not undergone significant improvements in many years and no longer provides the functionality or technology necessary to effectively support these activities.

The proposed Conference Room Improvement Project will modernize the space and improve its functionality to better serve Public Works staff and visitors. Planned improvements include:

- Interior painting of the conference room.
- Replacement of conference room furniture and seating.
- Installation of modern audiovisual equipment, including a wall-mounted display and video conferencing capabilities.
- Improvements to cabinetry, storage, and workspace organization.
- Minor aesthetic enhancements to create a more professional and welcoming environment.

In addition to the conference room improvements, the project includes minor remodels of the Public Works warehouse and employee break room. These improvements will modernize and enhance the functionality of both spaces by providing better organization, improving employee work areas, and creating a more efficient and professional work environment. Planned improvements may include interior painting, cabinetry and storage enhancements, and other aesthetic and functional upgrades as needed.

The proposed improvements will enhance employee training opportunities, strengthen collaboration among Public Works divisions, provide a professional setting for meetings with consultants, contractors, and regulatory agencies, and support more efficient project coordination and communication. Improvements

to the warehouse and break room will further support daily operations by creating functional and well-maintained spaces for staff use.

The project will be completed primarily by City staff, maximizing the value of the investment while minimizing construction and labor costs. Funding for this project was included in the adopted Fiscal Year 2026-2027 Water Operating Fund Budget as part of the department's ongoing efforts to improve operational efficiency and modernize employee workspaces.

RECOMMENDATION: That the City Council authorize the expenditure of an amount not to exceed \$30,000 from the Fiscal Year 2026-2027 Water Operating Fund Budget for the Public Works Conference Room, Warehouse, and Breakroom Improvement Project.

ATTACHMENTS:

Appropriated/Funded: Water Operating Budget.

Review By:

Department Director:
Robert Alvarez, Public Works Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Approval of a Sixty-Month Lease with Quadient and Maintenance Agreement with JMP Office Technologies for Mail Processing Equipment

SOURCE: Finance

COMMENT: The City's centralized mail processing equipment is used daily to prepare and distribute utility bills, business licenses, payroll documents, accounts payable checks, legal notices, and other official City correspondence. The current lease agreement for the City's mail processing machine and folder inserter expires on October 1, 2026. Staff is requesting approval of a new sixty-month lease and maintenance agreement to replace the existing equipment and ensure the continued, reliable operation of the City's centralized mailing services.

The replacement equipment will provide significant operational improvements, including enhanced automation, improved document-processing accuracy, reduced equipment downtime, expanded reporting capabilities, and more efficient preparation of multi-page mailings. These improvements will reduce manual processing, improve reliability, and increase productivity for the City departments that rely on centralized mailing services.

In accordance with the City's Purchasing Policy, the Finance Department solicited proposals through the NASPO ValuePoint Cooperative Purchasing Program. Three qualified vendors were contacted, resulting in the following:

Vendor	Total 60-Month Cost
JMP Office Technologies	\$40,019.40
Pitney Bowes	\$43,384.20
FP Mailing Solutions	No response

The City's Purchasing Policy authorizes the use of cooperative purchasing contracts in place of a separate formal bid process. Although the previous lease renewal was administratively executed, staff is bringing the proposed agreements before the City Council to ensure consistency with the City's current purchasing procedures and approval practices.

Staff recommends approval of the lease agreement with Quadient and the maintenance agreement with JMP Office Technologies. JMP submitted the

Item No. 11.

lowest responsive proposal, resulting in an estimated savings of \$3,364.80 over the five-year lease term compared with Pitney Bowes. The proposal also includes local installation, maintenance, and service support.

In addition, JMP will provide the newly released DS-77 iQ folder inserter system in place of the originally proposed DS64 model at no additional cost. The upgraded equipment provides expanded functionality and greater operational flexibility, including improved document collating, folding, inserting, reporting, and automated processing capabilities.

The total cost of the sixty-month lease is \$40,019.40, plus applicable taxes. Funding is available within the Finance Department's adopted operating budget. Upon approval, the replacement equipment will be installed before expiration of the current lease to ensure uninterrupted mail-processing operations.

RECOMMENDATION:

That the City Council:

1. Approve a sixty-month lease agreement with Quadient and a maintenance agreement with JMP Office Technologies for a mail processing machine and folder inserter system in an amount of \$40,019.40, plus applicable taxes; and
2. Authorize the City Manager to execute the agreements and any related non-substantive documents necessary to implement them.

ATTACHMENTS:

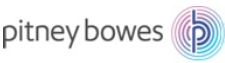
1. Pitney Bowes Proposal
2. JMP Office Technologies Proposal

Appropriated/Funded: Finance Department's Operating Budget

Review By:

Department Director:
Trisha Whiteley, Acting Finance Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



NASPO ValuePoint FMV Lease Agreement (Option C)

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Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee	Tax ID # (FEIN/TIN)
CITY OF PORTERVILLE	946000398

Sold-To: Address
291 N MAIN ST, PORTERVILLE, CA, 93257-3737, US

Sold-To: Contact Name	Sold-To: Contact Phone #	Sold-To: Account #
Letty Garcia	559-782-7451	0011267060

Bill-To: Address
291 N MAIN ST, PORTERVILLE, CA, 93257-3737, US

Bill-To: Contact Name	Bill-To: Contact Phone #	Bill-To: Account #	Bill-To: Email
Letty Garcia	559-782-7451	0011267060	lgarcia@ci.porterville.ca.us

Ship-To: Address
291 N MAIN ST, PORTERVILLE, CA, 93257-3737, US

Ship-To: Contact Name	Ship-To: Contact Phone #	Ship-To: Account #
Letty Garcia	559-782-7451	0011267060

PO #
.

Your Business Needs

Qty	Item	Business Solution Description
1	RELAY3500	Relay 3500
1	F381076	PB Kit, Relay 2500-4500
1	F790042-01	Power Cord
1	STDSLA	Standard SLA-Equipment Service Agreement (for Relay 3500)
1	TI35	Relay 3500 w/Install & Training
1	SENDPROMAILCENTER	MailCenter
1	1FS1	USPS Special Services Software
1	1FWW	10lb Interfaced Weighing Feature
1	7W00	MailCenter Meter
1	APAXL	Cost Acctg Accounts Level (100)
1	APKG	SendPro 360 Shipping Feature
1	APSD	145/70 LPM Speed
1	CAABL	Basic Cost Acctg for SP MailCenter
1	ERB1	eReturn Receipt Subscription - HV

1	ERR1	E-Return Receipt Feature
1	F9DD	USPS Special Services Welcome Kit
1	HV1P	MailCenter Printer
1	HV96000	MailCenter Weighing Platform
1	HVBB	MailCenter 2000
1	M9SS	USPS Tracking Services
1	ME1C	Meter Equipment - Low
1	MW90007	Drop Stacker
1	MW92705	MailCenter 15in Display
1	SJM2	SoftGuard - 2000
1	STDsla	Standard SLA-Equipment Service Agreement (for MailCenter)

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 723.07	\$ 2,169.21

**Does not include any applicable sales, use, or property taxes which will be billed separately.
If the equipment listed above is replacing your current meter, your current meter will be taken out of service once this lease commences.*

- ☐ Tax Exempt Certificate Attached
- ☐ Tax Exempt Certificate Not Required
- ☐ Purchase Power[®] transaction fees included
- ☒ Purchase Power[®] transaction fees extra

Your Signature Below

By signing below, you agree to be bound by your State's/Entity's/Cooperative's contract, which is available at <http://www.pb.com/states> and is incorporated by reference. The terms and conditions of this contract will govern this transaction and be binding on us after we have completed our credit and documentation approval process and have signed below. If software is included in the Order, additional terms apply which are either (i) included in your State's contract which is available at <http://www.pb.com/states> or (ii) available by clicking on the hyperlink for that software located at https://www.naspovaluepoint.org/search/?term=pitney+bowes&page_ref=contractors. Those additional terms are incorporated by reference.

NASPO VALUEPOINT CTR058808; 7-22-70-50-03
State/Entity's Contract#

Lessee Signature

Print Name

Title

Date

Email Address

Pitney Bowes Signature

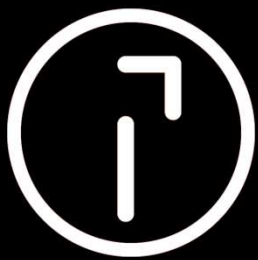
Print Name

Title

Date

Sales Information

Penny Vanderlaan	penny.vanderlaan@pb.com	
Account Rep Name	Email Address	PBGFS Acceptance



BUSINESS CASE

Updating of Mailing Equipment Solutions

Prepared for: City of Porterville

Proposal date: 5/26/2026

Valid until: 8/31/2026

Submitted by: Jason Jasso

Account Manager

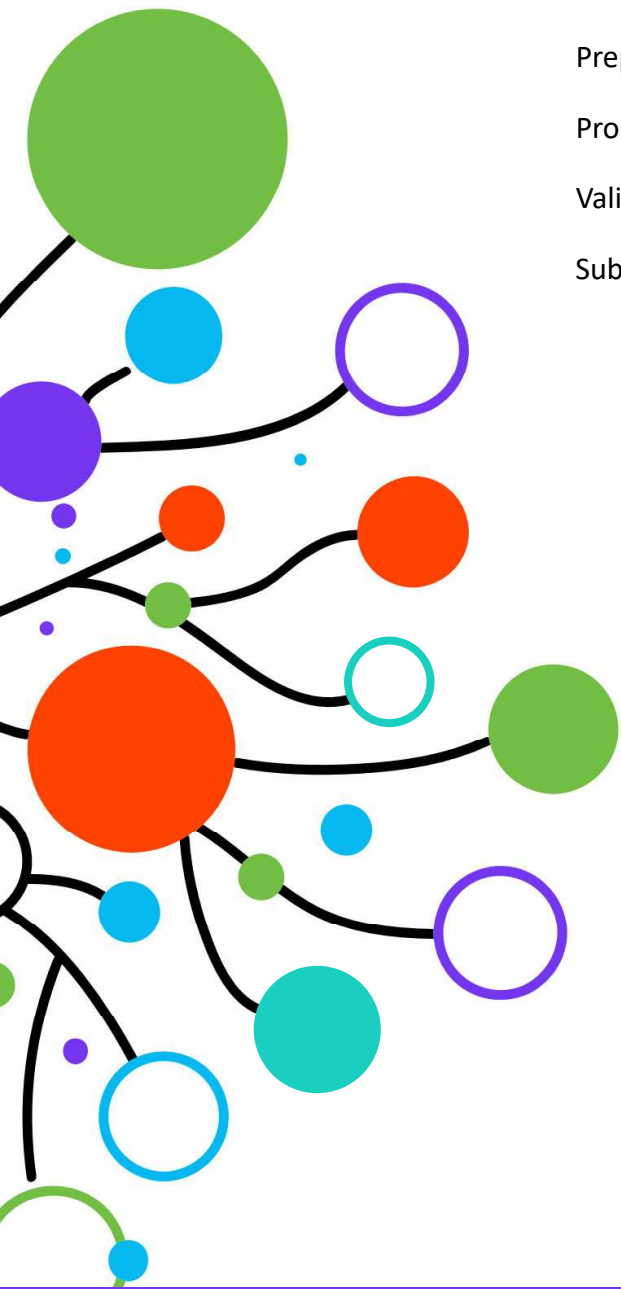
(559) 691-4290

jjasso@jmpbiz.com

JMP Office Technologies

Trisha Whiteley

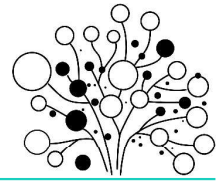
Letty Garcia



quadi⁷ent



Discovery Summary | Key Findings



The City of Porterville currently operates a mid-sized mailing system along with a Rely 3500 tabletop folding and inserting machine. These systems were implemented in 2021 under an agreement with a monthly service rate of \$666.30.

CHALLENGES

There are several operational tasks currently being completed, many of which require manual intervention due to limitations of the existing system.

Relay 3500 Inserting Machine

- Replacing current model would be with the same equipment and would not provide any technological improvements or process efficiencies.
- The machine frequently experiences jams and stalls that are difficult to access and resolve internally, often requiring a service technician. This results in additional downtime, which can extend to several days.
- The Relay 3500 is unable to collate and fold multiple documents simultaneously prior to insertion. Instead, documents are stacked and inserted separately, reducing processing efficiency by approximately 50% and requiring recipients to manually separate each page from the envelope upon receipt.
- Business reply envelopes often require manual processing due to frequent machine jams.
- Mid-month statements can contain up to five pages per envelope, requiring staff to manually separate, collate, and prepare each document set. This process is highly labor-intensive and typically requires two full days to complete manually.
- Departmental reporting is being pulled directly from the current mailing system and reports are manually being created and sent to the department for reconciliation.



Discovery Summary | Relevant Opportunities



Opportunities & Impact

Upgrading to the new Quadient mailing and document processing systems presents a significant opportunity to modernize operations, improve workflow efficiency, and enhance service reliability across departments. The proposed solution delivers measurable operational improvements while positioning the organization for long-term scalability and growth.

Operational Efficiency & Reliability

- Local service and support help minimize downtime while providing proactive preventative maintenance to ensure equipment operates at peak efficiency—not only when issues arise.
- A dedicated point of contact is available for additional support needs, ensuring responsive and streamlined communication.
- Easy access to the paper path on both the mailing and inserting systems allows for quick issue identification and resolution, reducing interruptions to production.
- The inserting system is capable of collating, folding, and inserting documents with minimal reduction in processing speed.
- Departmental online reporting is accessible through a desktop web portal, enabling users to generate and distribute reports electronically without operating directly from the mailing system.

Enhanced User Experience

The proposed intelligent inserting technology introduces advanced barcode and variable-page processing capabilities that significantly reduce manual intervention and improve accuracy.

- Optional barcode-reading technology can be leveraged for intelligent variable-page processing. Variable-page documents can be processed with barcodes that are securely read by the intelligent inserter system.
- Eliminates human error associated with manual document matching and verification.
- Removes the need for manual page-count sorting, reducing processing time from approximately two days to just minutes.
- Mid-month statements can be completed and mailed the same day, resulting in an estimated savings of approximately \$450 per month.

Business Impact

By automating labor-intensive processes and reducing manual handling requirements, the organization can improve productivity, increase mailing accuracy, and accelerate turnaround times. The upgraded solution also supports better accountability through reporting and analytics, while reducing operational risk associated with manual processing workflows.

Overall, the investment in the new Quadient mailing and document processing systems provides both immediate operational benefits and long-term value through increased efficiency, improved accuracy, reduced downtime, and enhanced customer service capabilities.



Product Overview

iX-7 SERIES

1. Mail Feeder

Wide deck with automatic feeding.
Process stacks of mixed-size/weight mail without sorting.

2. USPS® Based IMI Meter

Prints the Intelligent Mail® Indicia (IMI) in compliance with the latest USPS® requirements.

3. Weighing Platform

Instant weight-to-rate conversion for Letters, Large Envelopes or Packages, including Dimensional Weight.

4. Control Panel

Large color touchscreen with intuitive menus.
Shortcut keys for one-touch access to frequently used rates, services and jobs.

7. Envelope Sealer

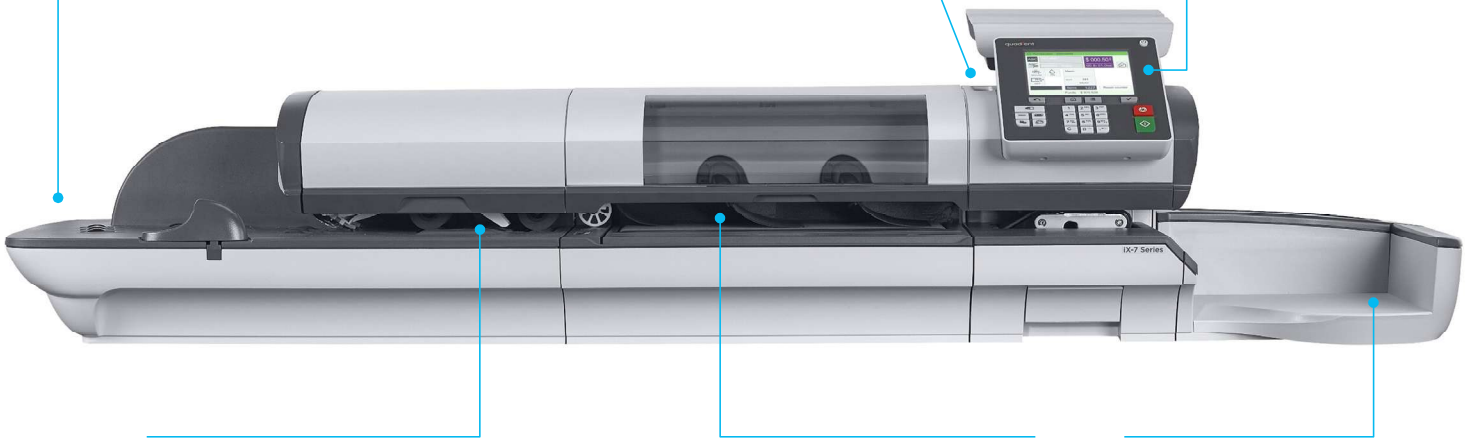
Dependable sealing secures the contents of your envelopes.
Easy-access fluid reservoir.

6. In-Line Dynamic Scale

Measures, classifies, weighs and rates mail pieces on-the-fly.

5. Catch Tray

Expandable for different sizes.
Finished mail pieces are neatly stacked as they exit the system.



Key Specifications

iX-7 DS

Processing speed: Up to 140 lpm

Dynamic weighing speed: Up to 75 lpm

Weighing platform capacity: 10, 30 or 70 lb.

Envelope thickness: Up to 5/8"

Accounts/departments: 100 standard, up to 500 optional

Online expense reporting (Neostats Basic): Standard

Connectivity: LAN standard, Wireless LAN optional

Postage labels: Self-adhesive with automatic dispenser

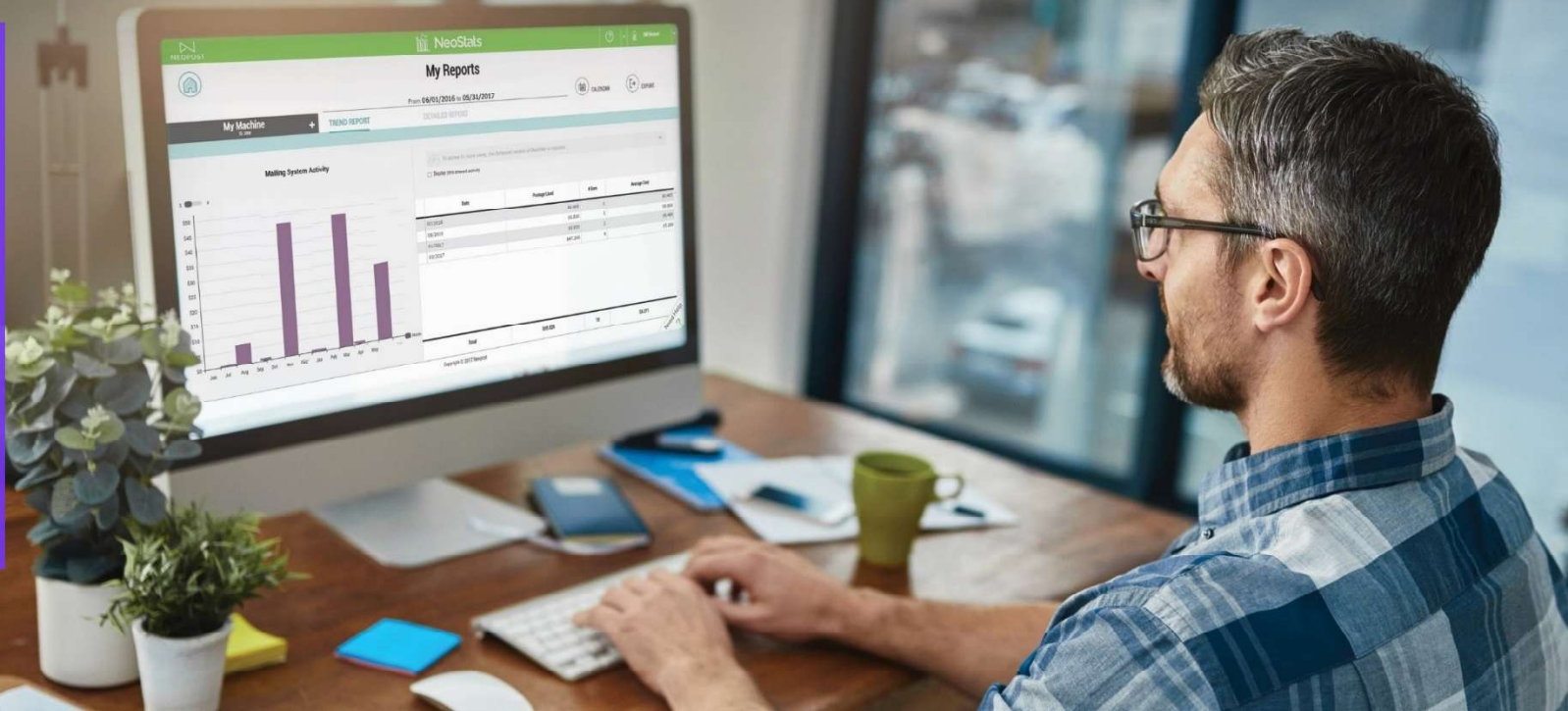
Security: 4-digit operator PIN codes

Job presets (imprint memories): Up to 9

Ink supply: Quick-change cartridge, up to 26,000 imprints

S.M.A.R.T. Online shipping software: Available

Take Control of Your Postage Expenses



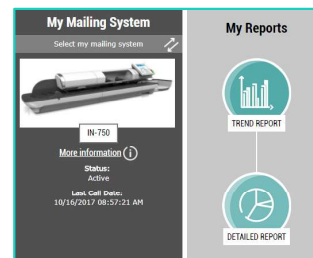
How it Works

- Your postage meter collects mailing activity data as you process mail including:
 - Operator, date, account/department, # pieces, mail class/service, weight, postage \$
- Mailing data from your meter is automatically uploaded to your online customer portal
- Simply log in from your web browser to:
 - View activity history & statistics for the last 2 years
 - Create & customize easy-to-read graphical reports
 - Share reports in friendly formats like spreadsheets

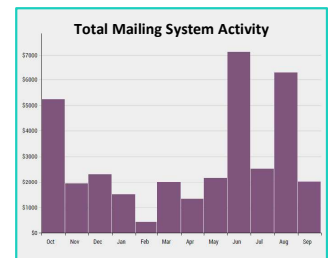
Powerful Reporting

- 30 reports available in trend or detail formats
- Standard and user-defined time periods
- Combination reports (e.g. departmental spending and volume by mail class)

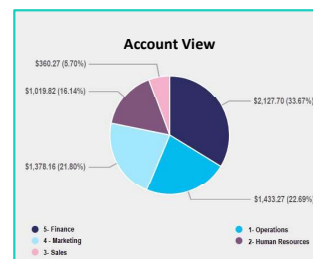
Graphical Views



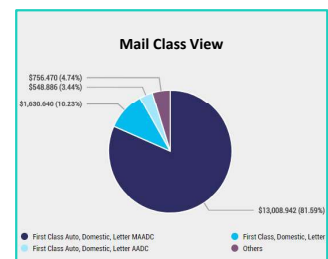
Dashboard



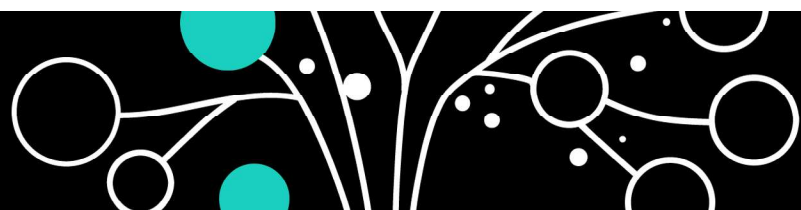
Total Activity



Activity by Account



Activity by Mail Class





Product Overview

DS-77 iQ

1. User Interface

State-of-the-art 7" color touchscreen with graphically rich menus and automatic new job setup.

2. CIS Scanner

Reads OMR, 1D and 2D codes printed anywhere on the document. Stores up to 25 reading code definitions.

3. Feeders

Up to 3 multi-format FlexFeeders. These feeders can transport full-size sheets that require folding or short inserts that don't.

7. Vertical Stacker

Holds up to 500 filled envelopes. Preserves printing order. On-the-fly unloading.

6. Envelope Feeder

325-envelope capacity. Reload on-the-fly. Adjust for different sizes in seconds. Envelopes can be sealed after filling.

5. Precision Folding

Up to 8 sheets tri-folded (C/Z), and up to 10 single-folded. Also performs double-parallel folds.

4. Collator

Accumulates sheets and inserts so they can be neatly folded together.



Additional Specifications

Processing speed: Up to 3,800/hour

Feeder linking (automatic switching): Standard

FlexFeeder capacity: 325 sheets/slips or 50 reply envelopes

Security: Mechanical double feed control

Optional MaxiFeeder capacity: 1,200 sheets/slips or 325 reply envelopes

Standard document sizes: 8.5" x 11" and 8.5" x 14"

Optional hi-cap doc feeder capacity: 725 sheets

Standard envelope sizes: #10 and 6" x 9.5"

Multi-document feeding (from same feeder): Standard

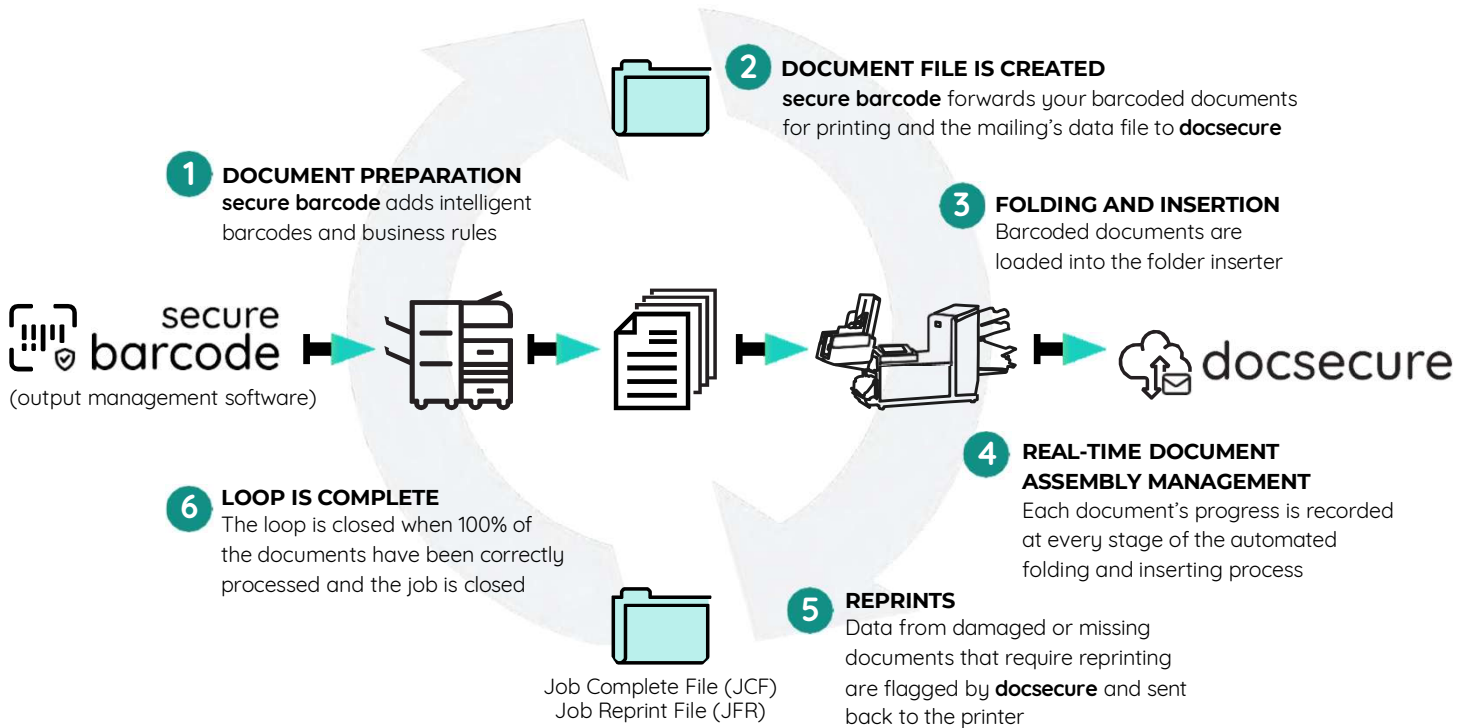
Job presets: Up to 50 programmable jobs

Multi-page hand feeding: Standard, stapled or unstapled

Remote diagnostics/assistance: Standard, via LAN or Wi-Fi



Product Overview

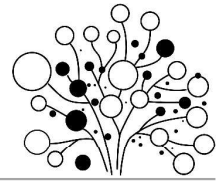


The mailing industry's only cloud-based closed-loop document integrity solution

- Monitors mail assembly jobs run on Quadient tabletop folder-inserters in real time
- Records point-to-point document movements through the folder-inserter and into the envelope
- Verifies, during production, that documents belonging together are enveloped correctly
- Identifies missing or incomplete mail pieces resulting from documents that were not processed as expected
- Creates reprint files and verifies replacement documents are processed accurately and completely
- Guarantees that all documents are in the right envelopes and the entire job is complete
- Generates historical reports up to 24 months (job, job details, analysis, etc.)
- Produces output files (.csv, .pdf) for audit requirements proving every mail piece was accurately assembled
- Ensures optimal compliance fulfillment and customer privacy protection
- Integrates seamlessly with Quadient's cloud-based barcode generator, secure barcode



Financial Considerations



A

Product Summary

Ix-7 Series Mailing System

- USPS Compliant
 - 10lb scale
 - Dynamic scale for true mixed size mail processing
 - 100 dept accounts
 - Web postage accounting
- DS64i folding and inserting system
- 2 sheet feeder station /325 pages each
 - 1 High capacity station/ 325 business replay or sheets
 - Able to link feeders for non stop processing

B

Product Summary

Ix-7 Series Mailing System

- USPS Compliant
 - 10lb scale
 - Dynamic scale for true mixed size mail processing
 - 100 dept accounts
 - Web postage accounting
- DS64i
Scanner
DocSecure variable page processing and configuration
- Able to link feeders for non stop processing

A

Cost Summary

60 month \$666.99

NASPO/ValuePoint Contract #: CTR058809 and / or State
Participating Addendum (PA) #: 7-22-70-50-04 (CA)

Includes-
delivery, Installation, user set up and training

B

Cost Summary

60 month \$846.20

NASPO/ValuePoint Contract #: CTR058809 and / or State
Participating Addendum (PA) #: 7-22-70-50-04 (CA)

Includes-
delivery, Installation, user set up and training
DocSecure Remote configuration for required jobs

Notes

Valid Until: 8/31/2026



(559) 691-4290



jjasso@jmbiz.com

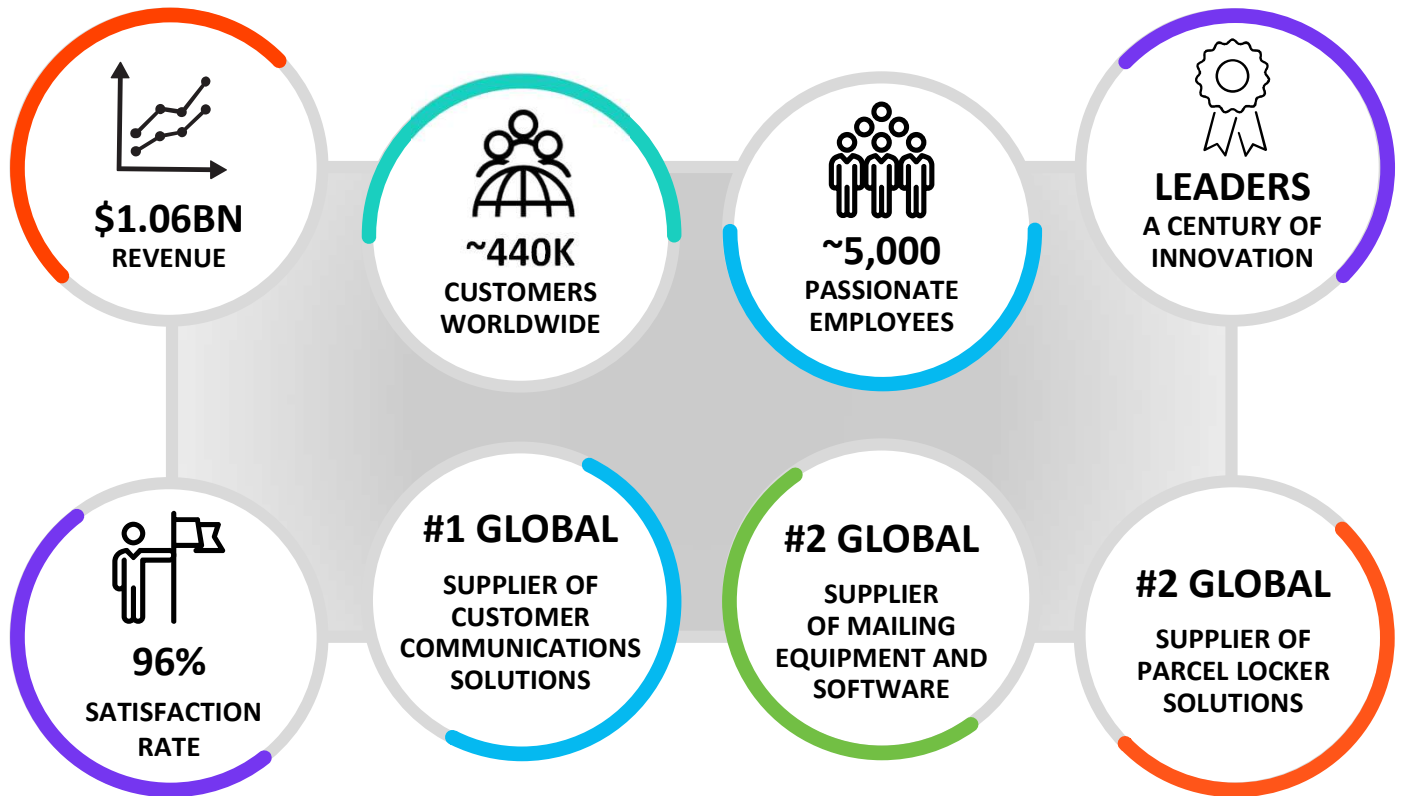


mail.quadient.com

quadient



Quadient at a Glance



Driving Business Results That Matter



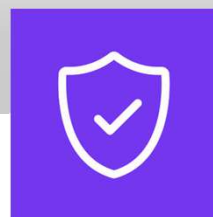
CUSTOMER & EMPLOYEE ENGAGEMENT

- ✓ Personalize the communications experience for each customer
- ✓ Remove workflow complexities that discourage employees



REVENUE GROWTH

- ✓ Speed up document delivery and increase on-time payments
- ✓ Turn more customer communications into marketing opportunities



RISK MITIGATION

- ✓ Eliminate mail assembly errors that compromise privacy or compliance
- ✓ Ensure inbound packages are delivered without loss or delay



EXPENSE CONTROL

- ✓ Reduce operational costs by automating physical mail processing
- ✓ Choose the optimal carrier and service for every package you ship

Quadi^{ent} helps organizations connect with their customers using integrated hardware and software solutions to improve document, mail and package workflows, customer and employee experience, and more.



Create personalized, automation-ready documents



Ensure mail deliverability



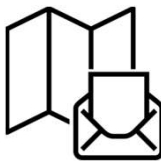
Manage print and digital delivery channels



Produce professional direct mail and marketing collateral



Prepare Certified Mail[®] electronically



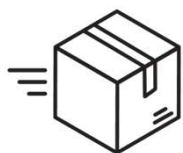
Automatically fold & insert documents



Meter outbound mail



Manage inbound mail & packages



Shop & ship across multiple carriers



Track mailing and shipping expenses



Outsource jobs with hybrid mail



Automate AP & AR





CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Acceptance of Preliminary Quarterly Financial Status Reports – June 30, 2026

SOURCE: Finance

COMMENT: In accordance with City Charter requirements and Council Minute Order No. 10-011607, staff is providing the preliminary quarterly financial status reports for the fiscal year ending June 30, 2026. The purpose of these reports is to provide the City Council with an overview of the City's preliminary year-end financial performance, compare actual revenues and expenditures to the adopted budget, and identify significant financial trends across all major operating funds. The financial information presented is preliminary and remains subject to year-end accounting adjustments and the City's annual independent audit.

The attached report provides a comparison of the City's adopted budget to preliminary year-end revenues and expenditures across all departments and major operating funds. As of June 30, 2026, preliminary General Fund revenues totaled approximately \$48.8 million (96.5%), while General Fund expenditures totaled approximately \$36.4 million (96.9%) of the amended budget. Overall, departments have generally operated within their authorized appropriations, reflecting continued fiscal discipline throughout the fiscal year. Final financial results may change as year-end accruals, grant reimbursements, and audit adjustments are completed.

Key preliminary observations include:

- **General Fund:** Revenues and expenditures are generally tracking consistent with the adopted budget, with overall expenditures remaining within appropriated funding levels.
- **Revenue Performance:** Property tax revenues exceeded budget projections, while sales tax and utility users tax generally performed within anticipated levels.
- **Department Operations:** Most City departments concluded the fiscal year within their authorized appropriations, demonstrating continued fiscal stewardship and responsible budget management.
- **Enterprise Funds:** Water, Sewer, and Solid Waste operations continue to report positive operating results, while the Golf Course continues to require operational subsidy support consistent with prior years.

- **Voter-Approved Revenues:** Measure H and Measure I continue to provide significant funding for public safety, street maintenance, and other voter-approved community priorities.

The attached Five-Year Trend Analysis provides additional context by illustrating historical General Fund revenue and expenditure trends, as well as financial activity by fund type. These trends assist the City Council in evaluating the City's long-term financial performance and identifying changes in revenue and expenditure patterns over time.

Overall, the City's preliminary financial position remains stable. General Fund revenues and expenditures are generally consistent with the adopted budget, departments have largely operated within their authorized appropriations, and enterprise operations continue to perform as expected. While the financial results presented remain preliminary pending completion of year-end accounting entries and the annual audit, staff believes the City remains on sound financial footing as it begins Fiscal Year 2026-2027.

Staff will continue finalizing year-end accounting entries, preparing the City's Annual Comprehensive Financial Report (ACFR), and coordinating with the City's independent auditors. Any significant adjustments identified during the audit process will be presented to the City Council as part of the audited financial statements.

RECOMMENDATION: That the City Council accept the Preliminary Quarterly Financial Status Reports for the period ending June 30, 2026, as presented.

ATTACHMENTS:

1. Preliminary Quarterly Financial Reports - June 30, 2026
2. Five-Year Trend Analysis

Appropriated/Funded: Not Applicable

Review By:

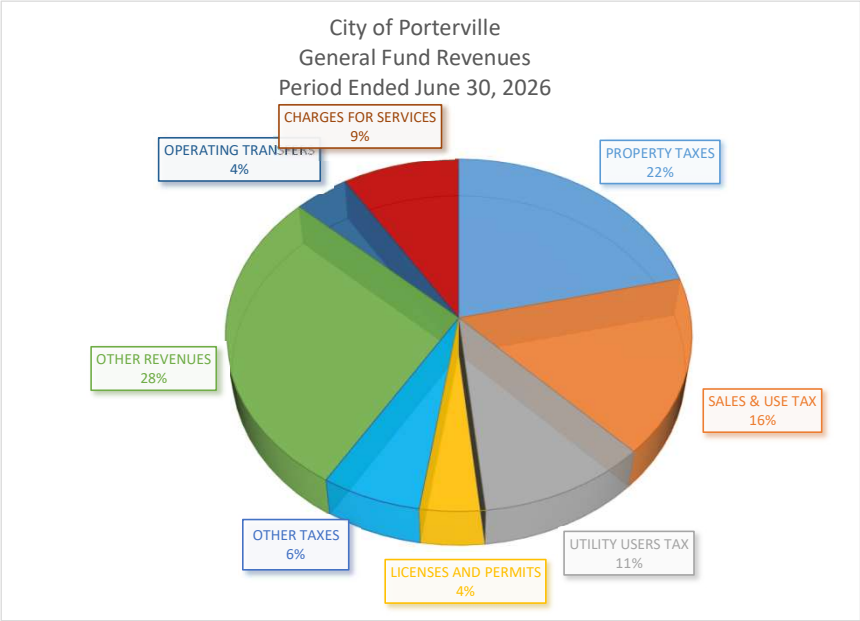
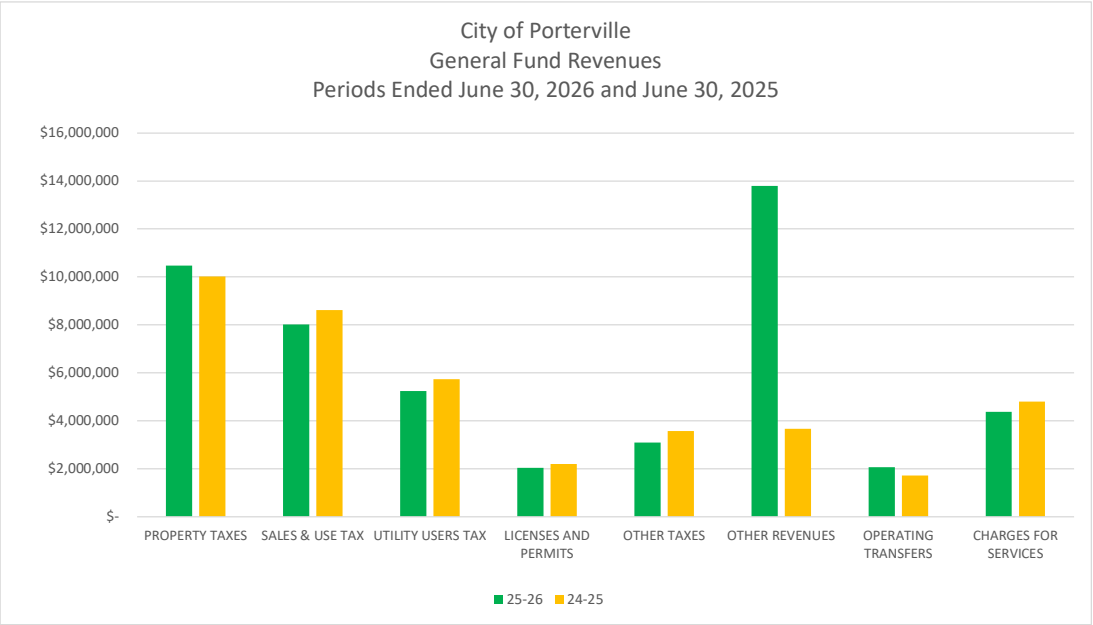
Department Director:
Trisha Whiteley, Acting Finance Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

CITY OF PORTERVILLE

**REVENUE STATUS REPORT - GENERAL FUND
FOR THE PERIODS ENDED
JUNE 30, 2026 AND JUNE 30, 2025
PRELIMINARY**

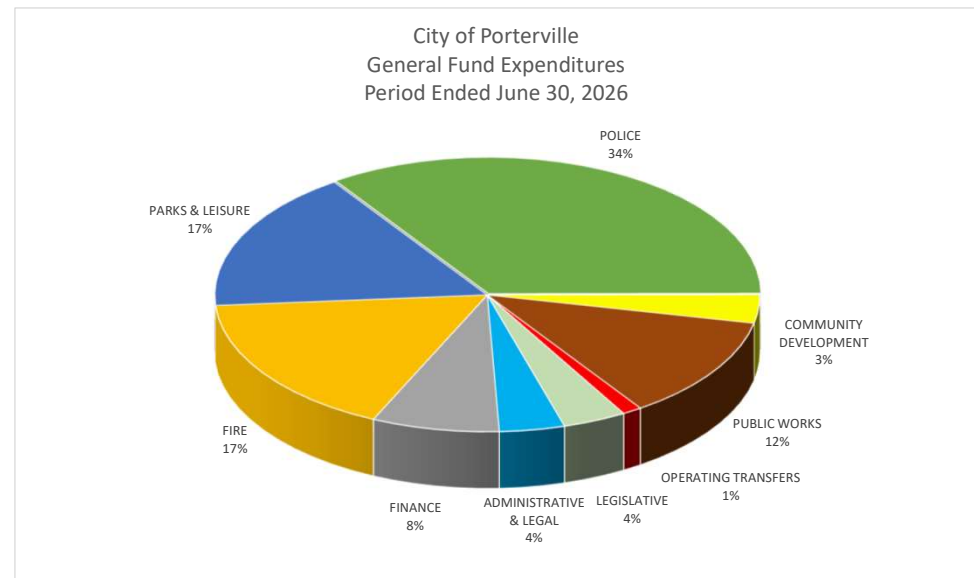
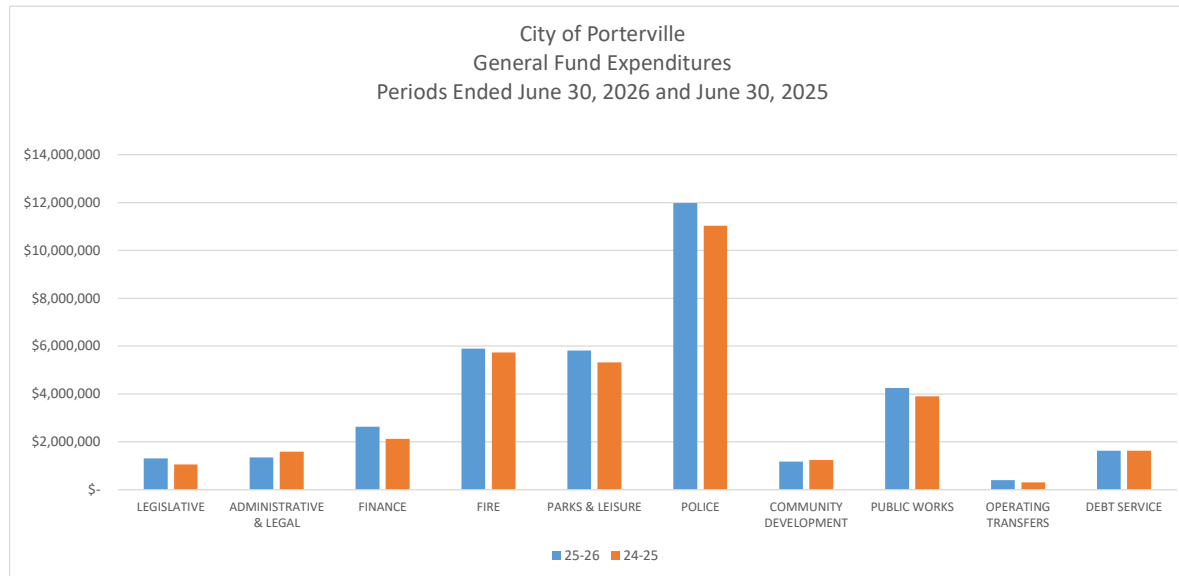
REVENUE SOURCE	2025-2026 ESTIMATED REVENUE	2025-2026 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2024-2025 ESTIMATED REVENUE	2024-2025 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 10,010,000	\$ 10,468,564	104.58%	\$ 9,395,000	\$ 10,013,704	106.59%
OTHER TAXES:						
SALES AND USE TAX	7,815,327	7,683,191	98.31%	8,301,435	8,217,471	98.99%
UTILITY USERS TAX	5,600,000	5,249,740	93.75%	5,250,000	5,731,918	109.18%
TRANSIENT OCCUPANCY TAX	800,000	561,593	70.20%	800,000	778,027	97.25%
PROPERTY TRANSFER TAX	106,000	124,470	117.42%	100,000	123,890	123.89%
FRANCHISE TAX	1,801,134	1,725,554	95.80%	1,861,134	1,776,906	95.47%
SALES TAX - PUBLIC SAFETY	386,000	324,811	84.15%	400,000	394,773	98.69%
PAYMENT IN LIEU OF TAXES	676,084	676,084	100.00%	676,084	676,084	100.00%
LICENSES AND PERMITS:						
BUSINESS AND OTHER LICENSES	1,206,000	1,157,871	96.01%	1,071,000	1,152,939	107.65%
CONSTRUCTION PERMITS	875,000	875,608	100.07%	665,000	1,044,383	157.05%
REVENUE FROM AGENCIES-TAXES:						
VEHICLE LICENSE FEES	85,000	-	-	77,000	195,446	-
OTHER TAXES	21,000	10,409	49.57%	21,000	20,720	98.67%
REVENUE FROM AGENCIES-GRANTS	13,330,673	5,226,643	39.21%	14,798,790	2,182,322	14.75%
USE OF MONEY AND PROPERTY	970,066	1,473,094	151.86%	850,065	1,122,743	132.08%
FINES AND FORFEITURES	21,500	17,089	79.48%	22,000	18,143	82.47%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	149,500	111,214	74.39%	122,000	164,945	135.20%
POLICE	455,000	406,760	89.40%	578,500	460,984	79.69%
FIRE	167,000	142,053	85.06%	117,000	219,557	187.66%
LIBRARY	17,000	19,588	115.22%	18,000	16,045	89.14%
RECREATIONAL	335,310	321,870	95.99%	317,900	349,390	109.91%
INTERDEPARTMENTAL	3,675,539	3,296,395	89.68%	2,800,000	3,487,831	124.57%
OTHER	90,454	79,900	88.33%	79,454	102,360	128.83%
OTHER REVENUES	192,200	7,082,597	3685.01%	164,000	346,747	211.43%
SUBTOTALS	\$ 48,785,787	\$ 47,035,098	96.41%	\$ 48,485,362	\$ 38,597,328	79.61%
OPERATING TRANSFERS	1,567,528	1,539,894	98.24%	1,424,948	1,456,514	102.22%
DEBT SERVICE TRANSFERS	236,700	260,318	109.98%	195,500	265,034	135.57%
TOTALS	\$ 50,590,015	\$ 48,835,310	96.53%	\$ 50,105,810	\$ 40,318,876	80.47%



CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE PERIODS ENDED
JUNE 30, 2026 AND JUNE 30, 2025
PRELIMINARY**

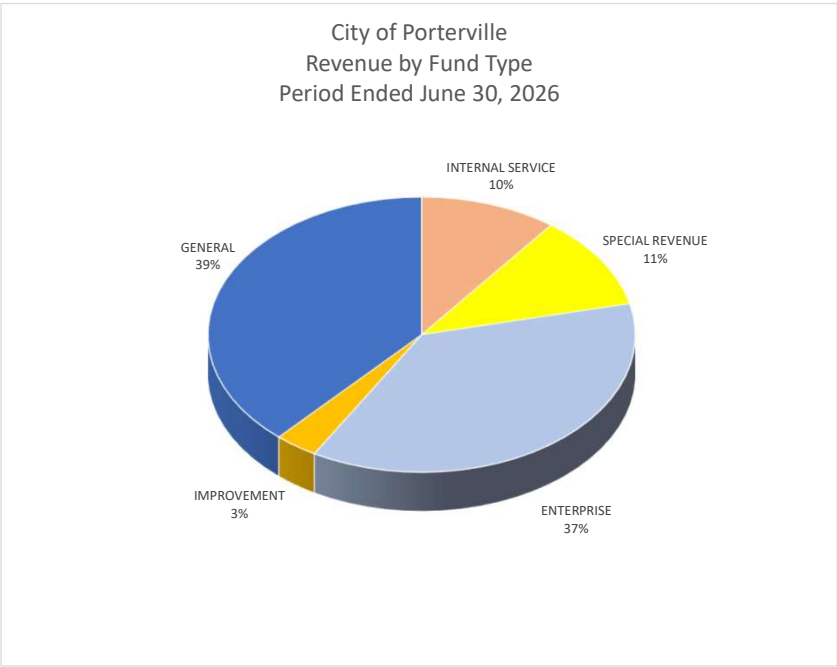
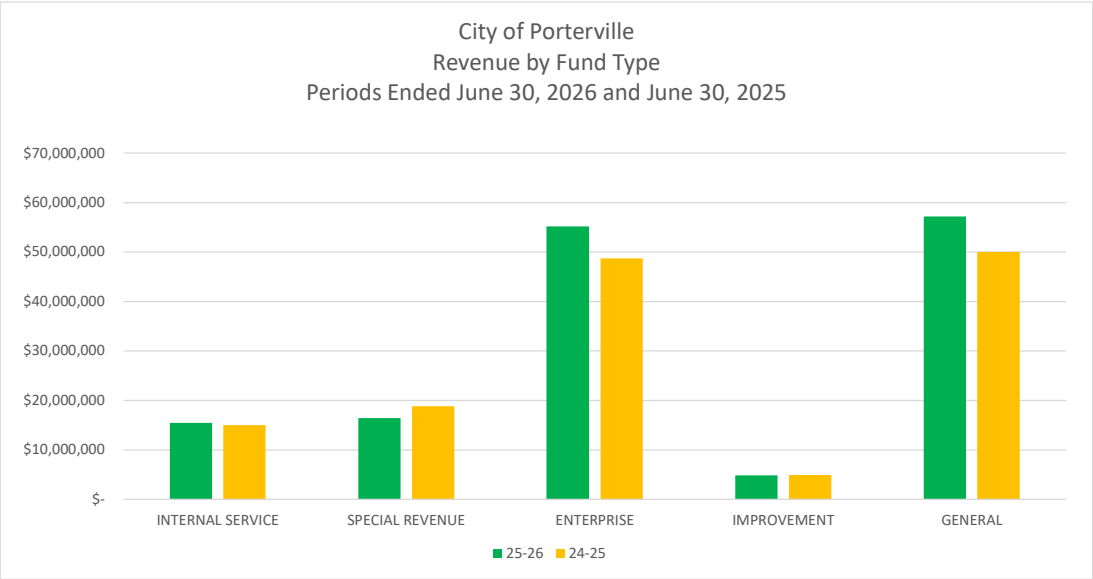
	2025-2026 AMENDED APPROP	2025-2026 YEAR-TO-DATE EXPEND	% OF APPROP	2024-2025 AMENDED APPROP	2024-2025 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 272,200	\$ 220,105	80.9%	\$ 366,114	\$ 196,370	53.6%
COMMUNITY PROMOTION	555,000	472,840	85.2%	385,202	300,191	77.9%
EMERGENCY - LIBRARY	210,000	556,743	265.1%	208,900	198,904	95.2%
EMERGENCY - STORMS	-	60,654	-	311,000	358,024	115.1%
EMERGENCY - COVID 19	-	60	-	-	-	-
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	526,876	478,716	90.9%	634,447	590,405	93.1%
CITY CLERK	331,131	277,718	83.9%	372,377	345,656	92.8%
HUMAN RESOURCES	466,393	401,034	86.0%	588,147	479,615	81.5%
CITY ATTORNEY	200,000	186,075	93.0%	200,000	170,859	85.4%
FINANCE:						
FINANCE & ACCOUNTING	1,520,707	1,398,890	92.0%	1,500,148	1,175,390	78.4%
INFORMATION SERVICES	798,847	840,074	105.2%	737,576	624,620	84.7%
ADMINISTRATIVE SERVICES	439,715	388,587	88.4%	378,608	323,404	85.4%
POLICE PROTECTION	12,479,259	11,985,232	96.0%	12,721,613	11,036,273	86.8%
FIRE PROTECTION	6,213,859	5,887,129	94.7%	5,826,797	5,727,761	98.3%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	912,299	710,799	77.9%	893,020	753,974	84.4%
ECONOMIC DEVELOPMENT	461,951	457,205	99.0%	538,550	487,927	90.6%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,939,764	2,092,278	107.9%	2,089,961	2,017,269	96.5%
STREET MAINTENANCE	746,713	851,344	114.0%	681,093	645,936	94.8%
SIGNALS, SIGNING & STRIPING	453,394	424,811	93.7%	417,045	403,943	96.9%
STREET LIGHTING	744,965	779,287	104.6%	663,055	738,888	111.4%
STORM DRAINS	-	97	-	-	-	-
PARKING LOTS	91,465	97,331	106.4%	88,955	91,876	103.3%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	3,500,466	3,255,983	93.0%	2,899,133	2,848,193	98.2%
STREET TREES & PARKWAYS	244,076	218,264	89.4%	261,903	318,216	121.5%
COMMUNITY CENTERS	-	(664)	-	-	-	-
LEISURE SERVICES	483,796	477,763	98.8%	447,120	389,693	87.2%
LEISURE SERVICES - SPECIAL PROG	501,433	474,074	94.5%	468,168	457,143	97.6%
SWIMMING POOL	280,469	267,312	95.3%	264,132	256,973	97.3%
LIBRARY OPERATIONS	684,043	600,593	87.8%	877,962	645,004	73.5%
HOMELESS ENCAMPMENTS	-	188,330	-	304,664	289,128	-
ZALUD HOUSE	44,993	46,029	102.3%	-	49,772	-
NATIONAL GUARD ARMORY	382,734	239,023	62.5%	-	60	-
SPECIAL PROJECTS	50,240	54,205	107.9%	58,053	65,104	112.1%
SUB TOTALS	35,536,788	34,387,921	96.8%	35,183,743	31,986,571	90.9%
OPERATING TRANSFERS	400,000	400,000	100.0%	200,000	301,368	150.7%
DEBT SERVICE	1,630,863	1,630,863	100.0%	1,629,657	1,626,006	99.8%
	<u>\$ 37,567,651</u>	<u>\$ 36,418,784</u>	96.9%	<u>\$ 37,013,400</u>	<u>\$ 33,913,945</u>	91.6%



CITY OF PORTERVILLE

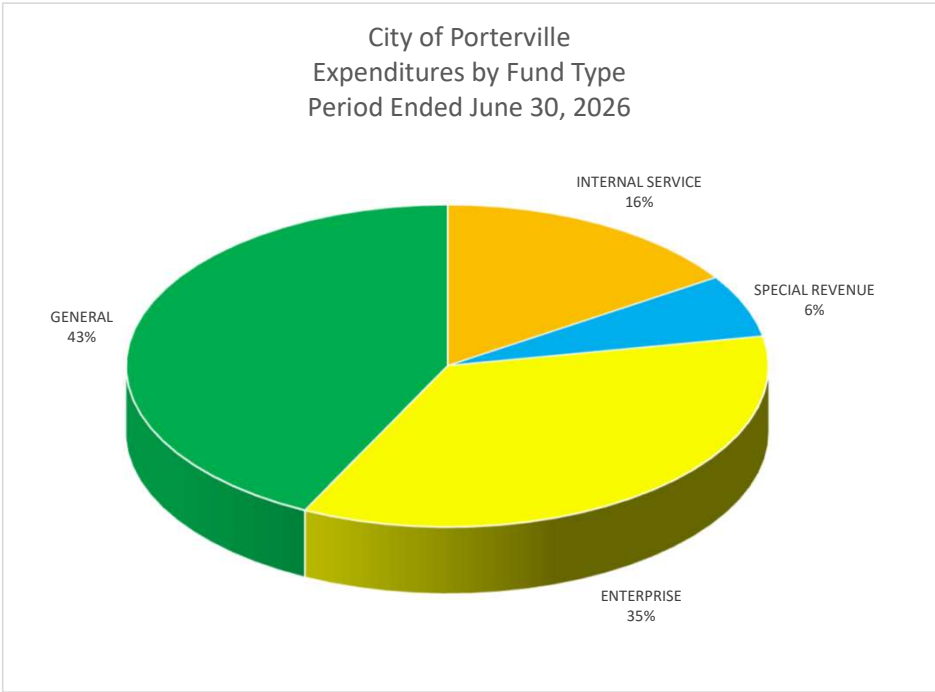
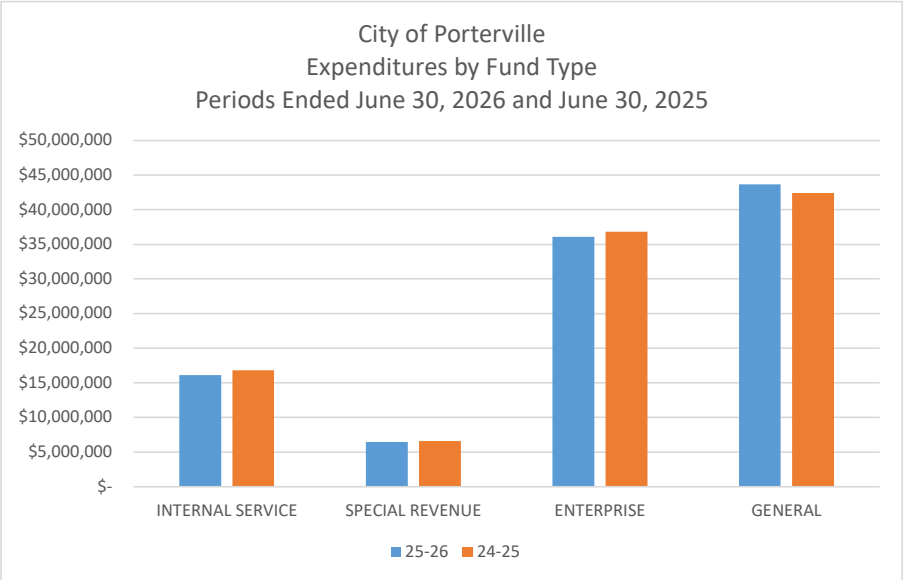
**REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE PERIODS ENDED
JUNE 30, 2026 AND JUNE 30, 2025
PRELIMINARY**

REVENUE SOURCE	2025-2026 ESTIMATED REVENUE	2025-2026 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2024-2025 ESTIMATED REVENUE	2024-2025 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 5,436,246	\$ 5,020,579	92.4%	\$ 5,627,283	\$ 5,526,134	98.2%
MEASURE I SALES TAX	11,041,075	10,169,152	92.1%	11,387,913	11,438,633	100.4%
AMERICAN RESCUE PLAN ACT	7,253,868	3,981,610	54.9%	8,457,167	1,392,951	16.5%
SPECIAL GAS TAX	5,869,817	3,874,550	66.0%	5,298,534	4,012,346	75.7%
LOCAL TRANSPORTATION FUNDS (LTF)	38,452,286	1,476,725	3.8%	49,641,951	3,908,968	7.9%
TRAFFIC SAFETY FUND	75,850	73,474	96.9%	80,800	67,049	83.0%
COMMUNITY DEVELOPMENT BLOCK GRANT	3,703,686	615,042	16.6%	3,559,140	1,690,830	47.5%
TRANSIT	25,126,049	13,114,563	52.2%	12,538,184	7,776,900	62.0%
SPECIAL SAFETY GRANTS	345,557	342,693	99.2%	1,064,872	1,219,029	114.5%
SEWER OPERATING	12,428,700	13,576,770	109.2%	8,447,800	12,666,471	149.9%
REFUSE REMOVAL	11,663,200	11,949,553	102.5%	9,296,448	11,285,906	121.4%
AIRPORT OPERATIONS	2,521,100	2,519,498	99.9%	1,747,174	3,261,180	186.7%
GOLF COURSE	295,200	206,866	70.1%	295,600	241,326	81.6%
WATER OPERATING	15,162,800	13,784,118	90.9%	13,539,500	13,467,911	99.5%
RISK MANAGEMENT	10,262,937	10,303,832	100.4%	9,450,200	9,714,512	102.8%
EQUIPMENT MAINTENANCE	5,338,000	5,138,569	96.3%	4,765,000	5,323,553	111.7%
LANDSCAPE MAINTENANCE DISTRICT	180,000	265,619	147.6%	186,000	175,725	94.5%
WATER REPLACEMENT	21,426,000	1,416,733	6.6%	4,245,000	1,486,643	35.0%
SOLID WASTE RESERVE	1,140,000	1,552,272	136.2%	985,000	1,390,015	141.1%
SEWER REVOLVING	591,000	535,632	90.6%	584,000	611,110	104.6%
TRANSPORTATION DEVELOPMENT	335,000	309,762	92.5%	170,000	384,977	226.5%
PARK DEVELOPMENT	90,200	130,377	144.5%	50,100	116,883	233.3%
TREATMENT PLANT RESERVE	1,395,000	1,374,965	98.6%	980,000	1,430,109	145.9%
STORM DRAIN DEVELOPMENT	310,000	329,073	106.2%	240,000	359,725	149.9%
BUILDING CONSTRUCTION	4,000	4,324	108.1%	2,500	5,494	219.8%
TOTALS	\$ 180,447,571	\$ 102,066,351	56.6%	\$ 152,640,166	\$ 98,954,380	64.8%



CITY OF PORTERVILLE
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE PERIODS ENDED
JUNE 30, 2026 AND JUNE 30, 2025
PRELIMINARY

	2025-2026 AMENDED APPROP	2025-2026 YEAR-TO-DATE EXPEND	% OF APPROP	2024-2025 AMENDED APPROP	2024-2025 YEAR-TO-DATE EXPEND	% OF ACTUAL
		0				
MEASURE H SALES TAX	\$ 5,843,642	\$ 5,727,208	98.0%	\$ 5,424,290	\$ 5,222,264	96.3%
MEASURE I SALES TAX	9,776,354	9,252,881	94.6%	9,853,312	10,402,456	105.6%
AMERICAN RESCUE PLAN ACT	97,334	30,059	30.9%	737,167	101,736	13.8%
COMMUNITY DEVELOPMENT BLOCK GRANT	203,235	135,154	66.5%	171,600	135,971	79.2%
TRANSIT	6,932,522	6,325,027	91.2%	6,513,588	6,859,146	105.3%
SPECIAL SAFETY GRANTS	345,357	331,699	96.0%	1,097,487	876,881	79.9%
SEWER OPERATING	7,251,382	6,869,871	94.7%	6,675,085	6,756,056	101.2%
REFUSE REMOVAL	9,307,696	9,573,995	102.9%	7,980,817	9,074,230	113.7%
AIRPORT	2,465,463	2,280,354	92.5%	1,744,414	2,459,056	141.0%
GOLF COURSE	553,182	594,056	107.4%	579,801	542,695	93.6%
WATER OPERATING	11,790,727	10,397,202	88.2%	11,235,872	11,109,962	98.9%
RISK MANAGEMENT	12,392,607	10,958,335	88.4%	10,661,884	11,857,562	111.2%
EQUIPMENT MAINTENANCE	4,993,053	5,159,062	103.3%	4,825,530	4,930,140	102.2%
LANDSCAPE MAINTENANCE DISTRICT	270,988	216,563	79.9%	235,903	237,189	100.5%
TOTALS	\$ <u>72,223,542</u>	\$ <u>67,851,466</u>	93.9%	\$ <u>67,736,750</u>	\$ <u>70,565,344</u>	104.2%



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Periods Ended June 30, 2026 and June 30, 2025
PRELIMINARY

	<u>FY 2025-26</u>	<u>FY 2024-25</u>
REVENUES		
Sales Tax - Measure H	\$ 4,856,530	5,335,383
Interest	114,803	142,835
Police Services	5,456	4,126
Police Cost Recoveries	42,190	42,190
Contributions	1,600	1,600
TOTAL REVENUES	<u>5,020,579</u>	<u>5,526,134</u>
EXPENDITURES		
Police Department	2,640,984	2,296,281
Fire Department	2,206,227	2,149,999
Public Safety Station	327,497	258,420
Library & Literacy	552,500	517,564
TOTAL EXPENDITURES	<u>5,727,208</u>	<u>5,222,264</u>
CAPITAL PROJECTS		
Fire Department Classroom/Training	-	95,514
TOTAL CAPITAL PROJECTS	<u>-</u>	<u>95,514</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>(706,629)</u>	\$ <u>208,356</u>

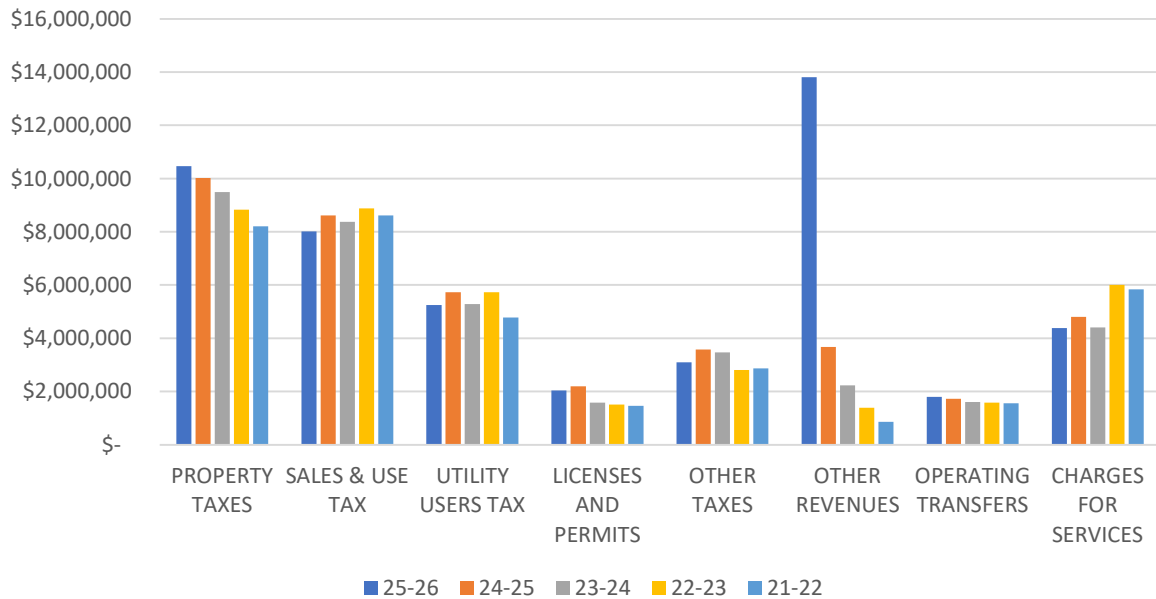
CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE I
For the Periods Ended June 30, 2026 and June 30, 2025
PRELIMINARY

	<u>FY 2025-26</u>	<u>FY 2024-25</u>
REVENUES		
Sales Tax - Measure I	\$ 9,730,423	10,642,007
Sales Tax - Measure R	354	127,261
Interest	344,465	509,740
Police Services	15,227	7,349
Police Cost Recoveries	78,683	152,276
TOTAL REVENUES	<u>10,169,152</u>	<u>11,438,633</u>
EXPENDITURES		
Police Department	6,242,580	6,481,695
Fire Department	2,703,296	3,686,161
Streets Program	197,139	95,355
Litter Abatement Program	18,096	139,245
Trail Maintenance	91,770	-
TOTAL EXPENDITURES	<u>9,252,881</u>	<u>10,402,456</u>
CAPITAL PROJECTS		
AC Pavement Repair/Overlay	75,049	-
Fire Dept Training Grounds Dev	12,056	1,297,255
Fire Station Remodel/Additions	775,428	-
Grand Ave Reconstruction - Henrahan to Leggett	604,735	554,723
Main/Porter slough parking lot	26,246	98,243
Montgomery Ave Reconstruction - Jaye to H	-	55
Morton Ave Reconstruction	-	158,129
Pavement Management Program	7,287	894
Street Overlay Program	1,200,000	790,611
Union-Indiana to Jaye	-	621
Villa St Reconstruction - Olive to Henderson	-	2,141,534
Veteran's Park Playground	257,836	-
TOTAL CAPITAL PROJECTS	<u>2,958,637</u>	<u>5,042,065</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>(2,042,366)</u>	\$ <u>(4,005,888)</u>

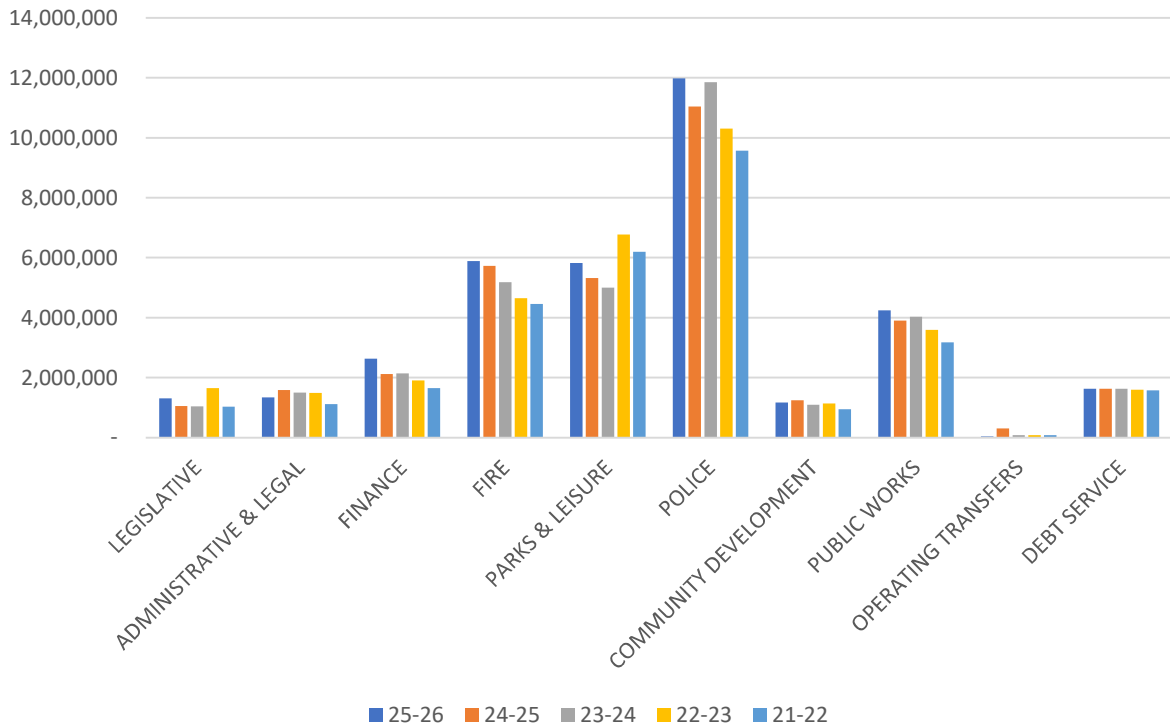
CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Periods Ended June 30, 2026 and June 30, 2025
PRELIMINARY

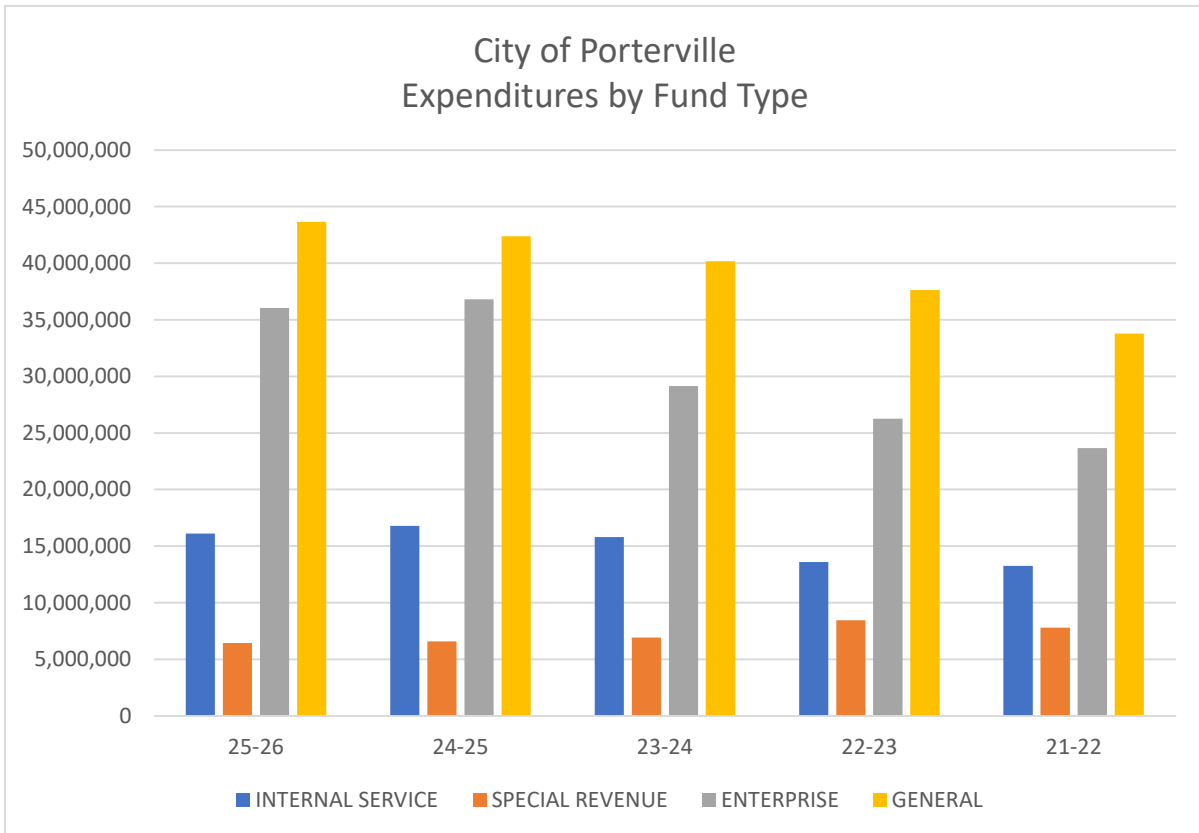
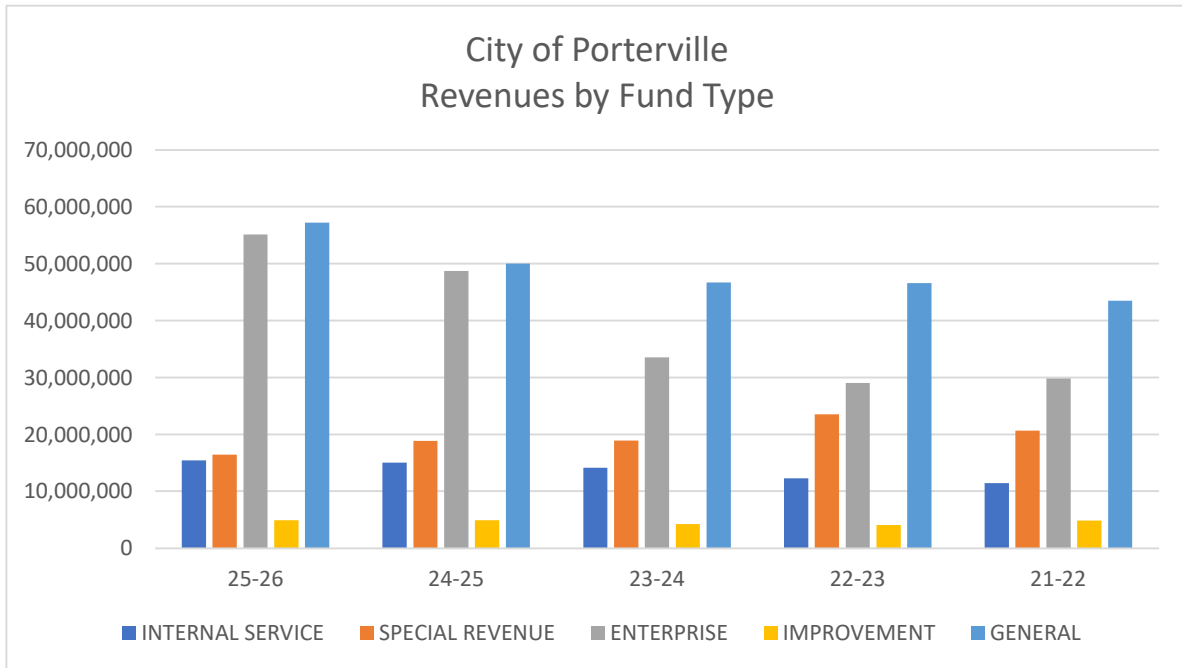
<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>6/30/2026 NET OPERATING PROFIT (LOSS)</u>	<u>6/30/2025 NET OPERATING PROFIT (LOSS)</u>
Transit	\$ 13,114,563	\$ (15,667,852)	\$ (2,553,289)	\$ (1,154,022)
Sewer Operating	\$ 13,576,770	\$ (6,869,871)	\$ 6,706,899	\$ 5,910,415
Solid Waste	\$ 11,949,553	\$ (9,573,995)	\$ 2,375,558	\$ 2,211,676
Airport	\$ 2,519,498	\$ (2,280,354)	\$ 239,144	\$ 802,124
Golf	\$ 206,866	\$ (594,056)	\$ (387,190)	\$ (301,368)
Water Operating	\$ 13,784,118	\$ (10,397,202)	\$ 3,386,916	\$ 2,357,949

City of Porterville General Fund Revenues



City of Porterville General Fund Expenditures







CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Acceptance of the Quarterly Investment Portfolio Summary

SOURCE: Finance

COMMENT: The attached Investment Portfolio Summary demonstrates that the City's investment portfolio remains financially strong, diversified, and fully compliant with California Government Code requirements and the City's Investment Policy. As of June 30, 2026, the City's investment portfolio totaled approximately \$126.5 million and continues to be managed with an emphasis on safety, liquidity, and prudent investment returns.

The City's investment program is guided by three primary objectives established by California law and the City's Investment Policy:

Safety. The portfolio remains well diversified among permitted investment types, including local government investment pools, federal agency securities, corporate notes, and certificates of deposit. Staff reports that all investments remain in full compliance with applicable California Government Code requirements and the City's Investment Policy.

Liquidity. Approximately 30.1 percent of the portfolio is invested in highly liquid assets, ensuring sufficient cash is available to meet the City's operational and capital funding needs without requiring the sale of longer-term investments.

Yield. The portfolio currently earns a weighted average rate of return of 3.548 percent with a weighted average maturity of 701 days. Although market interest rates have fluctuated during the past year, the City's long-term investment strategy continues to provide stable returns while preserving principal and maintaining adequate liquidity.

As illustrated in the attached Investment Portfolio Summary, the weighted average rate of return has increased from 1.588 percent in 2022 to 3.548 percent as of June 30, 2026, reflecting improved market conditions and prudent investment management while maintaining the City's conservative investment objectives.

Overall, the City's investment portfolio remains financially sound, providing a balanced approach that protects public funds, maintains sufficient liquidity to support City operations, and maximizes investment earnings within the limitations established by California law and the City's Investment Policy.

RECOMMENDATION: That the City Council accept the Quarterly Investment Portfolio Summary for the quarter ended June 30, 2026.

ATTACHMENTS: 1. Investment Portfolio Summary - June 30, 2026

Appropriated/Funded: Not Applicable

Review By:

Department Director:
Trisha Whiteley, Acting Finance Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF JUNE 30, 2026

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND	\$ 10,154,305	\$ 10,154,305	3.980%	DAILY	DAILY	1
1104	CSJVRMA INVESTMENT FUND	7,976,588	8,152,360	3.740%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	10,855,764	10,855,764	4.430%	DAILY	DAILY	30
90262Y802	US TREASURY MONEY MARKET FUND	1,001,356	1,001,356	3.530%	DAILY	DAILY	1
CA-01-0026	CALIFORNIA CLASS	8,250,958	8,250,958	3.707%	DAILY	DAILY	1
	CORNERSTONE MAIN PARTNERS, L.P.	2,778,511	2,778,511	2.400%	12/12/2018	11/30/2038	4,536
3130ANM64	FEDERAL HOME LOAN BANKS	1,000,000	995,590	1.000%	8/26/2021	8/26/2026	57
3130ANUN8	FEDERAL HOME LOAN BANKS	2,000,000	1,987,280	1.040%	9/21/2021	9/21/2026	83
3130ANUX6	FEDERAL HOME LOAN BANKS	1,000,000	993,250	1.100%	9/28/2021	9/28/2026	90
3130APCH6	FEDERAL HOME LOAN BANKS	1,000,000	993,440	1.125%	9/29/2021	9/29/2026	91
3130APDK8	FEDERAL HOME LOAN BANKS	1,000,000	993,220	1.100%	9/30/2021	9/30/2026	92
3130APCX1	FEDERAL HOME LOAN BANKS	1,000,000	990,570	1.250%	10/26/2021	10/26/2026	118
3130APDQ5	FEDERAL HOME LOAN BANKS	1,000,000	991,520	1.250%	10/28/2021	10/28/2026	120
3130APG82	FEDERAL HOME LOAN BANKS	1,000,000	996,140	0.850%	11/2/2021	10/28/2026	120
3130APTJ4	FEDERAL HOME LOAN BANKS	1,000,000	989,120	1.250%	11/24/2021	11/24/2026	147
3130APU37	FEDERAL HOME LOAN BANKS	1,000,000	988,740	1.300%	11/24/2021	11/24/2026	147
3130AQ7F4	FEDERAL HOME LOAN BANKS	1,500,000	1,482,780	1.600%	12/30/2021	12/30/2026	183
3130AQ5Q2	FEDERAL HOME LOAN BANKS	2,000,000	1,974,620	1.500%	12/30/2021	12/30/2026	183
3133ENNG1	FEDERAL FARM CREDIT BANKS	2,000,000	1,974,140	1.860%	2/8/2022	2/8/2027	223
3130AQRH8	FEDERAL HOME LOAN BANKS	1,000,000	987,170	2.000%	2/25/2022	2/25/2027	240
3130ARA76	FEDERAL HOME LOAN BANKS	2,000,000	1,972,900	2.250%	3/30/2022	3/30/2027	273
3130ARU74	FEDERAL HOME LOAN BANKS	1,000,000	993,010	3.375%	5/17/2022	5/17/2027	321
3130ASD63	FEDERAL HOME LOAN BANKS	1,000,000	992,130	3.250%	6/28/2022	6/28/2027	363
3134HAPM9	FEDERAL HOME LOAN MORTGAGE COR	1,000,000	993,520	3.600%	9/30/2024	9/30/2027	457
3133ERXY2	FEDERAL FARM CREDIT BANKS	1,000,000	997,780	4.000%	10/21/2024	10/21/2027	478
3133ET6X0	FEDERAL FARM CREDIT BANKS	1,500,000	1,484,490	3.740%	1/13/2026	7/13/2028	744
3134HCNV7	FEDERAL HOME LOAN MORTGAGE CO	500,000	494,925	4.000%	1/16/2025	1/9/2029	924
3133ENUR9	FEDERAL FARM CREDIT BANKS	2,000,000	1,981,420	3.700%	10/17/2025	4/18/2029	1,023
3135GAVR9	FEDERAL NATIONAL MORTGAGE ASSOC	1,000,000	992,580	4.030%	11/4/2025	10/10/2029	1,198
3133ETY50	FEDERAL FARM CREDIT BANKS	2,000,000	1,977,720	4.200%	11/26/2025	11/26/2029	1,245
3130B7QC1	FEDERAL HOME LOAN BANKS	2,000,000	1,976,320	4.250%	9/16/2025	9/23/2030	1,546
3136GAV89	FEDERAL NATIONAL MORTGAGE ASSOC	1,000,000	991,130	4.000%	9/26/2025	9/26/2030	1,549
3133ETJ73	FEDERAL FARM CREDIT BANKS	2,000,000	1,980,060	4.120%	10/21/2025	10/21/2030	1,574
3133ETU21	FEDERAL FARM CREDIT BANKS	1,000,000	989,570	4.230%	11/13/2025	11/13/2030	1,597
3130B8X98	FEDERAL HOME LOAN BANKS	2,000,000	1,985,600	4.250%	12/30/2025	12/30/2030	1,644
3134HCUY3	FEDERAL HOME LOAN MORTGAGE CO	1,000,000	989,480	4.150%	2/13/2026	2/13/2031	1,689
3136GCM51	FEDERAL NATIONAL MORTGAGE ASSOC	1,000,000	979,520	4.150%	2/27/2026	2/27/2031	1,703
3136GCPY5	FEDERAL NATIONAL MORTGAGE ASSOC	500,000	486,440	3.500%	3/5/2026	3/5/2031	1,709
3130B9YD6	FEDERAL HOME LOAN BANKS	1,000,000	996,330	4.500%	3/30/2026	3/24/2031	1,728
3130BA2L0	FEDERAL HOME LOAN BANKS	1,000,000	996,550	4.650%	3/30/2026	3/25/2031	1,729
3130BAXT9	FEDERAL HOME LOAN BANKS	1,000,000	997,660	4.500%	6/8/2026	12/3/2029	1,252
3134HCM30	FEDERAL HOME LOAN MORTGAGE CO	1,000,000	988,880	4.000%	4/30/2026	4/30/2031	1,765
3136GDA60	FEDERAL NATIONAL MORTGAGE ASSOC	1,250,000	1,247,763	4.400%	5/5/2026	5/5/2031	1,770
3130BA7B7	FEDERAL HOME LOAN BANKS	1,000,000	993,710	4.260%	3/31/2026	4/6/2029	1,011
17290A3E8	CITIGROUP GLOBAL MARKET HOLDINGS	1,000,000	1,000,000	2.000%	6/29/2021	7/1/2026	1
38150AHV0	GOLDMAN SACHS GROUP	1,000,000	993,070	1.400%	9/30/2021	9/30/2026	92
61766YMT5	MORGAN STANLEY	1,000,000	1,000,200	5.150%	1/20/2023	1/20/2028	569
17292GHB4	CITIGROUP INC	2,000,000	1,965,120	4.000%	2/13/2026	2/13/2029	959
06055JQF9	BANK OF AMERICA	1,000,000	968,770	4.050%	2/19/2026	2/23/2029	969
63305MER8	NATIONAL BANK	1,000,000	990,790	5.000%	4/9/2025	4/9/2029	1,014
95001DLY4	WELLS FARGO	1,000,000	974,250	4.050%	10/2/2025	10/2/2029	1,190
91159XAM7	U S BANCORP	1,000,000	992,270	5.050%	11/5/2024	11/5/2029	1,224
78014RA91	ROYAL BANK OF CANADA	1,000,000	975,070	5.000%	4/30/2025	4/30/2030	1,400
48130C6S9	JPMORGAN CHASE	1,000,000	977,650	4.000%	10/29/2025	10/29/2030	1,582
13609FCM4	CANADIAN IMPERIAL BANK	1,000,000	976,300	4.350%	11/26/2025	11/26/2030	1,610
78014RGJ3	ROYAL BANK OF CANADA	1,000,000	971,680	4.300%	12/31/2025	12/31/2030	1,645
06055JQB8	BANK AMERICA CORP	1,000,000	984,620	4.300%	2/13/2026	2/13/2031	1,689
06376JWP2	BANK OF MONTREAL	2,000,000	1,928,660	4.100%	3/12/2026	3/12/2031	1,716
95001DNZ9	WELLS FARGO	1,000,000	977,510	4.200%	3/12/2026	3/12/2031	1,716
06749FXF1	BARCLAYS BANK	2,000,000	1,966,400	4.250%	3/17/2026	3/17/2031	1,721
02007GWJ8	CERTIFICATE OF DEPOSIT	246,000	245,855	3.150%	7/21/2022	7/21/2026	21
682325DH5	CERTIFICATE OF DEPOSIT	250,000	250,530	4.800%	4/6/2023	10/6/2026	98
87165FE42	CERTIFICATE OF DEPOSIT	249,000	246,306	1.100%	11/12/2021	11/12/2026	135

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
07181JAU8	CERTIFICATE OF DEPOSIT	249,000	250,013	5.000%	11/22/2022	11/23/2026	146
14042TEH6	CERTIFICATE OF DEPOSIT	249,000	245,967	1.250%	12/8/2021	12/8/2026	161
89235MMH1	CERTIFICATE OF DEPOSIT	249,000	245,950	1.250%	12/9/2021	12/9/2026	162
052392CH8	CERTIFICATE OF DEPOSIT	248,000	249,089	4.950%	12/16/2022	12/16/2026	169
25844MAN8	CERTIFICATE OF DEPOSIT	247,000	247,499	4.400%	1/18/2023	1/19/2027	203
856285F63	CERTIFICATE OF DEPOSIT	246,000	242,898	1.800%	1/31/2022	2/1/2027	216
70962LBE1	CERTIFICATE OF DEPOSIT	249,000	245,397	1.700%	2/18/2022	2/18/2027	233
011852AD2	CERTIFICATE OF DEPOSIT	248,000	249,138	4.700%	3/8/2027	3/8/2027	251
02589ABQ4	CERTIFICATE OF DEPOSIT	245,000	241,565	2.000%	3/9/2022	3/9/2027	252
39573LDA3	CERTIFICATE OF DEPOSIT	245,000	241,722	2.100%	3/15/2022	3/15/2027	258
58404DNW7	CERTIFICATE OF DEPOSIT	248,000	245,443	2.800%	4/29/2022	4/29/2027	303
254673D94	CERTIFICATE OF DEPOSIT	246,000	244,032	3.200%	5/18/2022	5/19/2027	323
07371C6Y0	CERTIFICATE OF DEPOSIT	246,000	243,461	3.000%	6/15/2022	6/9/2027	344
38150VCG2	CERTIFICATE OF DEPOSIT	246,000	243,365	3.000%	6/15/2022	6/15/2027	350
50625LBN2	CERTIFICATE OF DEPOSIT	249,000	246,981	3.250%	6/15/2022	6/15/2027	350
472312AA5	CERTIFICATE OF DEPOSIT	249,000	250,387	4.700%	6/29/2023	6/29/2027	364
88413QDN5	CERTIFICATE OF DEPOSIT	245,000	242,692	3.300%	8/19/2022	8/19/2027	415
89789AAG2	CERTIFICATE OF DEPOSIT	248,000	249,587	4.700%	3/10/2023	9/10/2027	437
32022RSY4	CERTIFICATE OF DEPOSIT	249,000	246,806	3.400%	9/14/2022	9/14/2027	441
52470QBV5	CERTIFICATE OF DEPOSIT	249,000	247,053	3.500%	9/23/2022	9/23/2027	450
530520AB1	CERTIFICATE OF DEPOSIT	249,000	249,814	4.400%	1/17/2023	1/17/2028	566
61778EPC9	CERTIFICATE OF DEPOSIT	244,000	242,675	3.800%	2/9/2026	2/11/2028	591
83086XAG5	CERTIFICATE OF DEPOSIT	250,000	248,255	3.740%	10/17/2025	2/17/2028	597
38151PHV6	CERTIFICATE OF DEPOSIT	244,000	242,460	3.800%	2/9/2026	2/18/2028	598
30191MAJ6	CERTIFICATE OF DEPOSIT	249,000	249,401	4.300%	3/27/2024	3/27/2028	636
61776NPG2	CERTIFICATE OF DEPOSIT	250,000	249,700	4.150%	3/26/2025	3/27/2028	636
32082BGK9	CERTIFICATE OF DEPOSIT	250,000	249,098	4.000%	4/9/2025	4/10/2028	650
61690U4M9	CERTIFICATE OF DEPOSIT	250,000	250,713	4.400%	4/20/2023	4/20/2028	660
00224TAP1	CERTIFICATE OF DEPOSIT	249,000	250,474	4.550%	4/28/2023	4/28/2028	668
67054NBJ1	CERTIFICATE OF DEPOSIT	249,000	251,216	4.700%	5/30/2023	5/30/2028	700
29669XAT5	CERTIFICATE OF DEPOSIT	248,000	251,983	5.000%	9/20/2023	9/20/2028	813
00782JAC6	CERTIFICATE OF DEPOSIT	248,000	252,010	5.000%	9/27/2023	9/27/2028	820
23204HQQ1	CERTIFICATE OF DEPOSIT	250,000	249,878	4.250%	2/26/2025	2/26/2029	972
68405VFB0	CERTIFICATE OF DEPOSIT	250,000	243,578	3.700%	10/22/2025	10/22/2030	1,575
320437BD7	CERTIFICATE OF DEPOSIT	250,000	245,340	4.050%	11/14/2025	11/14/2030	1,598
46659CZZ6	CERTIFICATE OF DEPOSIT	250,000	246,893	4.250%	4/28/2026	4/28/2031	1,763
12527CQL9	CERTIFICATE OF DEPOSIT	250,000	245,330	4.100%	4/30/2026	4/30/2031	1,765
1204	CERTIFICATE OF DEPOSIT	249,000	249,000	4.000%	4/24/2025	4/24/2030	1,394
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	4.040%	6/21/2025	6/21/2030	1,452
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	3.900%	4/29/2023	4/29/2028	669
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	3.100%	6/25/2025	6/25/2027	360
1309	CERTIFICATE OF DEPOSIT	249,000	249,000	1.800%	2/14/2022	2/14/2027	229
1311	CERTIFICATE OF DEPOSIT	250,000	250,000	3.200%	6/23/2022	6/23/2027	358
1317	CERTIFICATE OF DEPOSIT	249,000	249,000	4.500%	12/13/2022	12/13/2027	531
1324	CERTIFICATE OF DEPOSIT	249,000	249,000	4.250%	1/11/2024	1/11/2029	926
1328	CERTIFICATE OF DEPOSIT	249,000	249,000	4.365%	3/25/2024	3/25/2029	999
1332	CERTIFICATE OF DEPOSIT	249,000	249,000	4.160%	6/12/2024	6/12/2027	347
1334	CERTIFICATE OF DEPOSIT	250,000	250,000	5.000%	7/31/2024	7/31/2029	1,127
1336	CERTIFICATE OF DEPOSIT	249,000	249,000	3.750%	9/17/2024	9/17/2029	1,175
1339	CERTIFICATE OF DEPOSIT	275,607	275,607	3.300%	12/27/2024	12/27/2029	1,276
1340	CERTIFICATE OF DEPOSIT	249,000	249,000	3.450%	12/4/2024	12/4/2029	1,253
1341	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	1/8/2025	1/8/2030	1,288
1343	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	1/23/2025	1/23/2028	572
1345	CERTIFICATE OF DEPOSIT	265,081	265,081	3.150%	6/9/2022	6/9/2027	344
1346	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	6/21/2022	6/21/2027	356
1347	CERTIFICATE OF DEPOSIT	249,000	249,000	3.320%	7/21/2022	7/21/2027	386
1348	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	7/20/2022	7/20/2027	385
1349	CERTIFICATE OF DEPOSIT	249,000	249,000	3.750%	3/1/2026	3/1/2031	1,705
1351	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	11/30/2024	11/30/2026	153
1353	CERTIFICATE OF DEPOSIT	249,000	249,000	5.150%	12/12/2022	12/12/2027	530
1354	CERTIFICATE OF DEPOSIT	249,000	249,000	3.270%	12/22/2025	12/22/2030	1,636
1355	CERTIFICATE OF DEPOSIT	249,000	249,000	3.450%	2/2/2026	2/2/2027	217
1356	CERTIFICATE OF DEPOSIT	249,000	249,000	4.700%	3/31/2026	3/31/2031	1,735
1357	CERTIFICATE OF DEPOSIT	249,000	249,000	4.200%	4/12/2023	4/12/2028	652
1358	CERTIFICATE OF DEPOSIT	249,000	249,000	4.140%	4/25/2023	4/25/2027	299
1359	CERTIFICATE OF DEPOSIT	249,000	249,000	4.020%	6/24/2025	6/24/2027	359
1360	CERTIFICATE OF DEPOSIT	249,000	249,000	4.400%	6/2/2023	6/1/2028	702
1362	CERTIFICATE OF DEPOSIT	249,000	249,000	4.750%	2/13/2024	2/13/2029	959

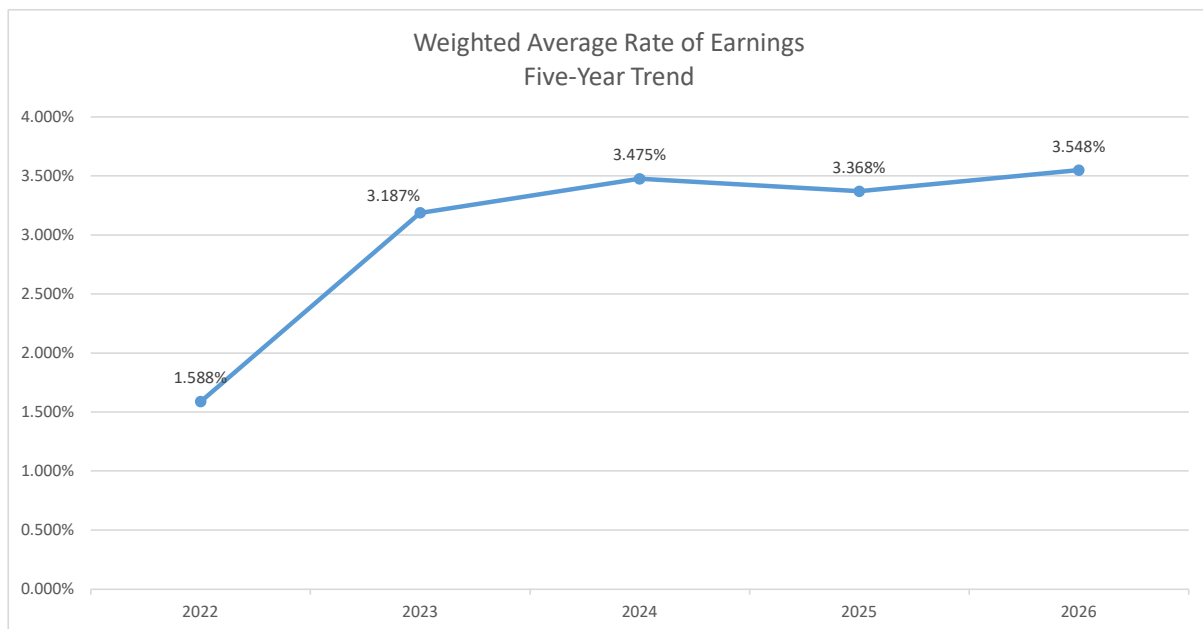
INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1363	CERTIFICATE OF DEPOSIT	249,000	249,000	4.000%	3/1/2024	3/1/2028	610
1364	CERTIFICATE OF DEPOSIT	249,000	249,000	4.450%	5/8/2024	5/8/2029	1,043
1365	CERTIFICATE OF DEPOSIT	249,000	249,000	4.300%	6/14/2024	6/14/2028	715
1366	CERTIFICATE OF DEPOSIT	249,000	249,000	4.170%	7/9/2024	7/9/2027	374
1367	CERTIFICATE OF DEPOSIT	249,000	249,000	3.780%	9/27/2024	9/27/2029	1,185
1368	CERTIFICATE OF DEPOSIT	249,000	249,000	3.440%	1/23/2025	1/23/2030	1,303
1369	CERTIFICATE OF DEPOSIT	249,000	249,000	3.910%	4/23/2025	4/23/2030	1,393
1370	CERTIFICATE OF DEPOSIT	249,000	249,000	3.360%	10/19/2025	10/30/2030	1,583
1371	CERTIFICATE OF DEPOSIT	249,000	249,000	3.500%	12/5/2025	12/5/2030	1,619
TOTALS		\$ 127,200,170	\$ 126,540,922				

WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
6/30/2025	9/30/2025	12/31/2025	3/31/2026	6/30/2026		
3.944%	3.274%	3.258%	3.499%	3.548%	30.062%	701

WEIGHTED AVERAGE RATE OF EARNINGS				
FIVE YEAR HISTORY				CURRENT
6/30/2022	6/30/2023	6/30/2024	6/30/2025	6/30/2026
1.588%	3.187%	3.475%	3.368%	3.548%

Comments:

Portfolio holdings as of March 31, 2026, are in compliance with the current Investment Policy. With 30.062% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the third calendar quarter ending September 30, 2026, and will be presented during the November 3, 2026 Council meeting.





CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Amendment to Employee Pay and Benefit Plan – Unrepresented Management Employees

SOURCE: Administrative Services

COMMENT: The City of Porterville is committed to maintaining a competitive compensation and benefits program that supports the recruitment and retention of qualified employees while remaining fiscally responsible. Consistent with City Council direction and past practice, staff has prepared amendments to the Employee Pay and Benefit Plan for Unrepresented Management Employees that are generally consistent with the negotiated agreements and proposals presented to the City's represented employee groups.

The proposed amendments cover the period of July 1, 2026, through June 30, 2028, and include the following:

- A two percent (2%) salary increase effective August 16, 2026.
- A one percent (1%) salary increase effective July 1, 2027.
- Fair Labor Standards Act (FLSA) overtime eligibility for Fire Battalion Chiefs at one and one-half (1½) times the regular rate of pay.
- Increased maximum vacation leave accrual limits.
- A second annual vacation leave sell-back opportunity during the second pay period of April.

Approval of the attached Resolution will amend the Employee Pay and Benefit Plan for Unrepresented Management Employees and authorize implementation of the approved compensation and benefit changes.

RECOMMENDATION: That the City Council adopt the attached Resolution approving amendments to the Employee Pay and Benefit Plan for Unrepresented Management Employees for the period of July 1, 2026, through June 30, 2028, and authorize the Administrative Services Director to execute any documents necessary to implement its provisions.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RESOLUTION NO. ____-2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING
AMENDMENTS TO THE EMPLOYEE PAY AND BENEFIT PLAN FOR UNREPRESENTED
MANAGEMENT EMPLOYEES**

WHEREAS, the City Council has determined that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan, and Retirement Plan are essential to the effective administration of the City's affairs, including the recruitment, retention, and supervision of qualified employees; and

WHEREAS, the City Council recognizes the need to periodically amend these plans and policies to maintain their effectiveness, reflect organizational priorities, and remain competitive in attracting and retaining qualified employees; and

WHEREAS, the City Council has determined that the Employee Pay and Benefit Plan for Unrepresented Management Employees should be amended consistent with City Council direction and generally consistent with the negotiated agreements and proposals presented to the City's represented employee groups.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for positions designated as Unrepresented Management Employees, including Deputy Director, Police Captain, Police Lieutenant, Fire Deputy Chief, Fire Battalion Chief, Fire Marshal, and other positions designated within the Executive Management group, is hereby amended as follows:

- I. TERM OF MEMORANDUM OF UNDERSTANDING
The amendments shall be effective for the period of July 1, 2026, through June 30, 2028.
- II. SALARY
Effective the first full pay period following City Council adoption of this Resolution, Unrepresented Management Employees shall receive a two percent (2%) salary increase.
Effective July 1, 2027, Unrepresented Management Employees shall receive a one percent (1%) salary increase.
- III. FAIR LABOR STANDARDS ACT (FLSA)
Effective the first full pay period following City Council adoption of this Resolution, Fire Battalion Chiefs shall be eligible for Fair Labor Standards Act (FLSA) overtime compensation at the rate of one and one-half (1½) times their regular rate of pay.

IV. VACATION ACCRUAL

Effective August 1, 2026, the maximum vacation leave accrual shall be increased as follows:

Years of Service	Max Accumulation
1-5	180
6-10	220
11-15	240
16 plus	260

V. VACATION SELL BACK

Effective August 1, 2026, Unrepresented Management Employees shall be eligible for a second annual vacation leave sell-back opportunity during the second pay period of April, subject to the provisions of the Employee Pay and Benefit Plan.

BE IT FURTHER RESOLVED that the Administrative Services Director is hereby authorized to execute any documents and take such administrative actions as are necessary to implement the provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:

Richard Tree, City Clerk

By:

Fernando Gabriel-Moraga
Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Amendment to Employee Pay and Benefit Plan – Management and Confidential Series Employees

SOURCE: Administrative Services

COMMENT: The City of Porterville is committed to maintaining a competitive compensation and benefits program that supports the recruitment and retention of qualified employees while remaining fiscally responsible. City representatives have concluded labor negotiations with the Management and Confidential Series (MCS) and reached an agreement. A written Memorandum of Understanding has been executed restating current benefits as well as amendments to wages, benefits, and working conditions.

The proposed amendments cover the period of July 1, 2026, through June 30, 2028, and include the following:

- A two percent (2%) salary increase effective August 1, 2026.
- A one percent (1%) salary increase effective July 1, 2027.
- Increased maximum vacation leave accrual limits.
- An additional 15 hours of administrative leave.
- The separation of the educational incentive from the incentive pay cap of ten percent (10%).
- A second annual vacation leave sell-back opportunity during the second pay period of April.

Approval of the attached Resolution will amend the Employee Pay and Benefit Plan for MCS and authorize implementation of the approved compensation and benefit changes.

RECOMMENDATION: That the City Council adopt the attached Resolution approving amendments to the Employee Pay and Benefit Plan for the Management and Confidential Series for the period of July 1, 2026, through June 30, 2028, and authorize the Administrative Services Director to execute any documents necessary to implement its provisions.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded: Not Applicable

Review By:

Department Director:
Yuliana Andrade, Administrative Services Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RESOLUTION NO. ____-2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AMENDMENTS TO THE EMPLOYEE PAY AND BENEFIT PLAN FOR
MANAGEMENT AND CONFIDENTIAL SERIES EMPLOYEES**

WHEREAS, the City Council has determined that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan, and Retirement Plan are essential to the effective administration of the City's affairs, including the recruitment, retention, and supervision of qualified employees; and

WHEREAS, the City Council recognizes the need to periodically amend these plans and policies to maintain their effectiveness, reflect organizational priorities, and remain competitive in attracting and retaining qualified employees; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Management and Confidential Series ("MCS") for the period from July 1, 2026 until June 30, 2028, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

The amendments shall be effective for the period of July 1, 2026, through June 30, 2028.

II. SALARY

Effective August 1, 2026, MCS Employees shall receive a two percent (2%) salary increase.

Effective July 1, 2027, MCS Employees shall receive a one percent (1%) salary increase.

III. VACATION ACCRUAL

Effective the next full pay period upon both ratification and adoption by the City Council, vacation accrual max accumulation to be increased to the following:

Years of Service	Hours Accrued per month	Max Accumulation
1-5	8.66	180
6-10	12	220
11-15	14	240
16 plus	16	260

IV. ADMINISTRATIVE LEAVE

Effective the next full pay period upon both ratification and adoption by the City Council, MCS employees to receive an additional 15 hours of administrative leave per calendar year.

V. EDUCATIONAL RECOGNITION

Educational incentive pay shall be considered a separate compensation component and shall not be included in the calculation of the 10% cap on certification or other incentive pays, nor reclassified for the purposes of applying such cap.

VI. VACATION SELL BACK

Sell back section to include a second opportunity to sell back vacation hours. This opportunity shall be during the second pay-period of April.

VII. 2028/2029 NEGOTIATIONS

Labor Negotiations for the 2028/2029 fiscal year shall begin no later than March 1, 2028.

VIII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by the appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and MCS.

BE IT FURTHER RESOLVED that the Administrative Services Director is hereby authorized to execute any documents and take such administrative actions as are necessary to implement the provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By: _____
Fernando Gabriel-Moraga Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Program Supplement No. B059 to the Administering Agency-State Agreement for the Non-Infrastructure Component of the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project

SOURCE: Planning and Engineering

COMMENT: The California Department of Transportation (Caltrans) has prepared Program Supplement No. B059 to the existing Administering Agency-State Agreement for State Funded Projects No. 06-5122S21. Approval of the Program Supplement is required to authorize reimbursement of eligible costs associated with the non-infrastructure component of the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project.

Program Supplement No. B059 does not authorize a new project or expand the approved scope of work. Rather, it incorporates the State's project-specific funding authorization into the existing Master Agreement previously executed between the City and Caltrans and establishes the terms and conditions necessary for reimbursement of eligible project costs.

The Program Supplement provides \$40,000 in State Active Transportation Program (ATP) funding for the non-infrastructure component of the project and does not require a local funding match. The non-infrastructure component supports activities associated with implementation of the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project in accordance with the approved Active Transportation Program funding allocation.

Execution of the Program Supplement will preserve the City's eligibility for State reimbursement, ensure compliance with Caltrans funding requirements, and allow continued implementation of the Active Transportation Program project.

RECOMMENDATION: That the City Council:

1. Adopt the attached Resolution authorizing the Mayor to execute Program Supplement No. B059 to the Administering Agency-State Agreement for State Funded Projects No. 06-5122S21; and

2. Authorize the City Manager or designee to take all actions necessary to implement Program Supplement No. B059.

ATTACHMENTS:

1. Draft Resolution - Program Supplement No. B059
2. Program Supplement No. B059

Appropriated/Funded: Not Applicable

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN
PROGRAM SUPPLEMENT NO. B059 TO ADMINISTERING
THE AGENCY-STATE AGREEMENT FOR STATE FUNDED
PROJECTS NO. 06-5122S21

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. B059 to administering Agency-State Agreement for State Funded Projects No. 06-5122S21, for the non-infrastructure component of the Tule River Tribe Complete Streets and Two Pedestrian Bridges Project.

PASSED, ADOPTED AND APPROVED this 4th day of August, 2026.

Greg Meister, Mayor

ATTEST:
Richard Tree, City Clerk

By Fernando Gabriel-Moraga, Chief Deputy City Clerk

PROGRAM SUPPLEMENT NO. 00000B059
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 06-5122S21

Adv. Project ID 0626000243
Date: July 20, 2026
Location: 06-TUL-0-PTRV
Project Number: ATPL-NI-5122(099)
E.A. Number:
Locode: 5122

This Program Supplement, effective 06/26/2026, hereby adopts and incorporates into the Administering Agency-State Agreement No. 06-5122S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 03/13/2024 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: On North and South Reservation Road between Cow Mountain Road and Million Dollar Bridge; construct 2 new Class 1 bridges and reconfigure road

TYPE OF WORK: Pedestrian and Bike Path **LENGTH:** 0.0(MILES)

Estimated Cost	State Funds	Matching Funds		
	STATE \$40,000.00	LOCAL		OTHER
\$40,000.00		\$0.00		\$0.00

CITY OF PORTERVILLE

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

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

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

Accounting Officer



Date 07/21/2026

\$40,000.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines and the Active Transportation Program guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

B. This PROJECT is programmed to receive State funds from the Active Transportation Program (ATP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. Unless otherwise determined, the effective date of the component specific allocation will constitute the start of reimbursable expenditures.

C. STATE and ADMINISTERING AGENCY agree that any additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and STATE Finance Letter. ADMINISTERING AGENCY agrees that STATE funds available for reimbursement will be limited to the amount allocated by the California Transportation Commission (CTC) and/or the STATE.

D. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. Funds transferred between allocated project components retain their original timely use of funds deadlines, but an approved time extension will revise the timely use of funds criteria for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof.

Documentation will consist of a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

E. This PROJECT is subject to the timely use of funds provisions enacted by the Active Transportation Program guidelines, as adopted or amended, and by approved CTC and State procedures as outlined below.

Funds allocated for the environmental & permits (E&P), plan specifications & estimate (PS&E), and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

SPECIAL COVENANTS OR REMARKS

F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

G. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits (E&P), plans specifications & estimate (PS&E), and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM and the Active Transportation Program (ATP) Guidelines.

I. ADMINISTERING AGENCY indirect costs, as defined in 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, to be claimed must be allocated in accordance with an Indirect Cost Allocation Plan (ICAP), submitted, reviewed, and approved in accordance with Caltrans Audits and Investigations requirements which may be accessed at: www.dot.ca.gov/hq/audits/.

ADMINISTERING AGENCY agrees to comply with, and require all sub-recipients and project sponsors to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, and all applicable Federal and State laws and regulations.

ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., and all applicable Federal and State laws and regulations, shall be used to determine the allowability of individual PROJECT cost items.

Any Fund expenditures for costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, or 48 CFR, Chapter 1, Part 3, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse Funds due STATE within 30 days of demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller, and the California Transportation Commission.

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to

SPECIAL COVENANTS OR REMARKS

comply with all reporting requirements in accordance with the Active Transportation Program guidelines, as adopted or amended.

K. This PROJECT has received funds from Active Transportation Program (ATP). The ADMINISTERING AGENCY agrees to administer the project in accordance with the CTC Adopted SB1 Accountability and Transparency Guidelines.

2. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the California Transportation Commission. Any changes to the approved PROJECT scope without the prior expressed approval of the California Transportation Commission are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Public Hearing and First Reading of an Ordinance Amending Chapter 2, Article IV of the Porterville Municipal Code Relating to the Code Enforcement Section

SOURCE: Planning and Engineering

COMMENT: As part of the City's organizational realignment that became effective July 1, 2026, the Code Enforcement function was administratively transferred from the Fire Department to the Building Division within the Planning and Engineering Department. The proposed ordinance updates Chapter 2, Article IV of the Porterville Municipal Code to reflect the City's current organizational structure and clarifies the authority, organization, and responsibilities of the Code Enforcement Section.

Locating the Code Enforcement Section within the Building Division aligns code enforcement activities with permitting, inspections, zoning administration, business licensing, property maintenance, nuisance abatement, and development review. This centralized organizational structure improves communication, promotes consistent enforcement, streamlines customer service, and enhances coordination among staff responsible for land use regulation and code compliance.

The proposed ordinance is organizational and administrative in nature and does not expand the City's existing code enforcement authority or create new regulatory requirements. Existing enforcement powers remain unchanged. The ordinance modernizes the Municipal Code by updating procedural language, clarifying administrative responsibilities, incorporating current references to applicable California law, and reflecting accepted municipal code enforcement practices. The ordinance also preserves the independent enforcement authority of the Fire Department, Fire Marshal, Police Department, and other City officials where authorized by state law or the Municipal Code.

Key updates included in the proposed ordinance include:

- Establishes the Code Enforcement Section within the Building Division of the Planning and Engineering Department.
- Clarifies supervisory and administrative responsibilities for the Building Official and code enforcement personnel.

- Updates enforcement authority to reflect current California law and accepted municipal code enforcement practices.
- Adds inspection warrant procedures and administrative enforcement remedies.
- Preserves the independent enforcement authority of the Fire Department and other City officials.
- Continues to emphasize voluntary compliance while maintaining appropriate administrative and legal enforcement tools.

The proposed ordinance has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION: That the City Council conduct the public hearing; receive public testimony; waive a full reading and introduce, by title only, the proposed ordinance amending Chapter 2, Article IV of the Porterville Municipal Code relating to the Code Enforcement Section; and direct the City Clerk to place the ordinance on the next regular meeting agenda for second reading and adoption.

ATTACHMENTS: 1. Redline Ordinance – Chapter 2, Article IV (Code Enforcement Section)
 2. Draft Ordinance

Appropriated/Funded: Not Applicable

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Marking	Meaning
Deleted text	Existing ordinance text proposed for deletion or replacement.
<u>Added text</u>	Proposed new ordinance text.

CITY OF PORTERVILLE

MUNICIPAL CODE

CHAPTER 2: ADMINISTRATION

~~ARTICLE IV. CODE ENFORCEMENT OFFICER~~

ARTICLE IV: CODE ENFORCEMENT SECTION

(As Amended [Ord. XXXX, Adopted _____])

SECTION:

~~2-26.1: Appointment; Jurisdiction~~

~~2-26.2: Duties~~

~~2-26.3: Enforcement~~

~~2-26.4: Compliance~~

2-26.1: Creation and Organization of the Code Enforcement Section

2-26.2: Appointment; Jurisdiction; Supervision

2-26.3: Designation as Public Officer; Citation and Arrest Authority

2-26.4: Duties

2-26.5: Enforcement Authority; Applicable Codes

2-26.6: Inspection Authority; Warrants

2-26.7: Administrative and Legal Remedies

2-26.8: Compliance; Voluntary and Compelled

2-26.9: Coordination with Other Departments and Agencies

~~2-26.1: APPOINTMENT; JURISDICTION:~~

2-26.1: CREATION AND ORGANIZATION OF THE CODE ENFORCEMENT SECTION:

~~A duly appointed employee of the prevention division of the fire department, as defined in Section 829.5 of the California Penal Code, the code enforcement officer shall be authorized to perform the enforcement duties identified in this article and as otherwise defined in this code. The code enforcement officer will work closely with members of other departments, including public works, community development, parks and leisure services, finance, and police. The code enforcement officer will work closely with other local, state, or federal agencies as needed. The code enforcement officer shall be under the supervision of the fire chief, or his or her designee. (Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022)~~

There is hereby created within the Building Division of the Planning and Engineering Department, a Code Enforcement Section. The official in charge of the Code Enforcement Section shall be the Building Official, or a duly authorized representative designated by the Building Official with the approval of the City Manager.

Nothing in this article shall be construed to limit or eliminate enforcement authority otherwise conferred by state law upon any other officer or agency of the City, including the Fire Marshal, Fire Chief, and Police Chief with respect to matters within their respective jurisdictions.

Note: Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022; Ord. XXXX, [date]

~~2-26.2: DUTIES:~~

2-26.2: APPOINTMENT; JURISDICTION; SUPERVISION:

~~The duties of the code enforcement officer shall include, but are not limited to, issues involving property maintenance by abating hazardous conditions which threaten the life, health, safety and welfare of the public. Duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints. (Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022)~~

Code enforcement officers shall be duly appointed employees of the Code Enforcement Section of the Building Division, as defined in Section 829.5 of the California Penal Code. Code enforcement officers shall be authorized to perform enforcement duties identified in this article and as otherwise defined by applicable state and local law.

Code enforcement officers shall be under the direct supervision of the Building Official, or his or her designee, who shall serve as the appointing and supervising authority for all code enforcement personnel assigned to the division. The Building Official may designate a Code Enforcement Officer II to serve as section supervisor.

The Building Official is authorized to appoint deputy officers, inspectors, and other technical personnel necessary to carry out the functions of the Building Division, including the Code Enforcement Section, in accordance with the City's personnel rules and the concurrence of the City Manager.

Note: Ord. XXXX, [date].

~~2-26.3: ENFORCEMENT:~~

2-26.3: DESIGNATION AS PUBLIC OFFICER; CITATION AND ARREST AUTHORITY:

~~The code enforcement officer shall enforce the provisions of all applicable state and city codes including, but not limited to, this code, the California Health and Safety Code, business and professions code, labor code, uniform fire code, uniform building code, uniform housing code and uniform code for the abatement of dangerous buildings, as said codes may from time to time be amended. (Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022)~~

Code enforcement officers are hereby designated as public officers of the City of Porterville within the meaning of Section 836.5 of the California Penal Code. Pursuant to the authority granted to the City's governing body under Penal Code Section 836.5(d), code enforcement officers assigned to the Code Enforcement Division are hereby authorized by ordinance to:

(A) Make arrests without a warrant whenever the officer has reasonable cause to believe that a person has committed a misdemeanor in the officer's presence that constitutes a violation of any statute or ordinance the officer has a duty to enforce;

(B) Issue criminal citations (written notices to appear) for misdemeanor and infraction violations of applicable state codes and City ordinances, pursuant to Penal Code Section 836.5 and Section 853.6;

(C) Issue administrative citations for violations of applicable state codes and City ordinances, pursuant to any administrative citation authority conferred by City ordinance; and

(D) File formal complaints with the City Attorney or other appropriate prosecutorial authority for prosecution of unresolved violations.

This authority shall apply only while the officer is acting within the scope of his or her official duties and only with respect to statutes, regulations, or ordinances the officer has a duty to enforce.

Code enforcement officers, as defined under Penal Code Section 829.5, are not peace officers as defined in Penal Code Chapter 4.5 (commencing with Section 830) and shall not exercise peace officer powers beyond those specifically conferred by this article and applicable state law.

Note: Ord. XXXX, [date].

~~2-26.4: COMPLIANCE:~~

2-26.4: DUTIES:

~~The code enforcement officer shall make reasonable attempts to work with property owners/residents to obtain voluntary compliance. However, the code enforcement officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law. (Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022)~~

The duties of code enforcement officers shall include, but are not limited to:

(A) Investigating complaints and conducting proactive inspections of properties within the City for violations of applicable codes, ordinances, and regulations;

(B) Identifying and abating hazardous conditions that threaten the life, health, safety, and welfare of the public, occupants, or neighboring properties;

(C) Issuing notices of violation, correction notices, notices to vacate, stop-work orders, and orders to abate, as appropriate;

(D) Documenting violations and maintaining accurate case files and enforcement records;

(E) Working collaboratively with property owners, tenants, and responsible parties to achieve voluntary compliance wherever feasible; and

(F) Referring matters requiring prosecution, receivership, injunctive relief, or other judicial action to the City Attorney or appropriate authority.

Note: Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022; Ord. XXXX, [date]

2-26.5: ENFORCEMENT AUTHORITY; APPLICABLE CODES:

Code enforcement officers shall have authority to enforce the provisions of all applicable state and local codes, regulations, and ordinances, including but not limited to:

(A) The Porterville Municipal Code;

(B) The California Building Code (CBC), Title 24, Part 2;

(C) The California Residential Code (CRC), Title 24, Part 2.5;

(D) The California Fire Code (CFC), Title 24, Part 9;

(E) The California Electrical Code (CEC), Title 24, Part 3;

(F) The California Mechanical Code (CMC), Title 24, Part 4;

(G) The California Plumbing Code (CPC), Title 24, Part 5;

(H) The California Energy Code, Title 24, Part 6;

(I) The California Green Building Standards Code (CALGreen), Title 24, Part 11;

(J) The California Health and Safety Code, including but not limited to Division 13, Part 1.5 (State Housing Law, commencing at Section 17910); Division 13, Part 2 (Hotel and Motel Regulations); and related provisions governing substandard buildings and nuisance abatement;

(K) The California Business and Professions Code, to the extent applicable to building, contractor, and license requirements;

(L) The Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings, as locally adopted;

(M) Applicable provisions of the California Labor Code;

(N) Applicable provisions of the California Government Code, including but not limited to police powers conferred under Section 54988 and related provisions;

(O) Any other state or local code, regulation, standard, or ordinance assigned to the Code Enforcement Division by the Building Official or City Manager.

Code enforcement officers shall enforce all such codes as they may be amended from time to time. The Planning and Engineering Director may, by written directive, designate additional codes or ordinances for enforcement by the Building Division and Code Enforcement Section.

Note: Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022; Ord. XXXX, [date]

2-26.6: INSPECTION AUTHORITY; WARRANTS:

Code enforcement officers are authorized to enter and inspect any building, structure, premises, or property within the City at reasonable times for the purpose of investigating violations of the codes and regulations identified in Section 2-26.5, or of ascertaining compliance with any notice, order, or permit issued under those codes.

Where the owner, occupant, or responsible party consents to entry, no warrant shall be required. Where consent is denied or cannot be obtained, code enforcement officers shall seek an administrative inspection warrant pursuant to the procedures set forth in the California Code of Civil Procedure, commencing at Section 1822.50.

Nothing in this section shall limit the authority of officers to enter and inspect without a warrant where exigent circumstances exist, consent is expressed or implied, or where otherwise authorized by applicable law.

Note: Ord. XXXX, [date]. Inspection warrant authority grounded in Cal. Code Civ. Proc. §§ 1822.50–1822.57.

2-26.7: ADMINISTRATIVE AND LEGAL REMEDIES:

In addition to citation authority, code enforcement officers and the Building Official shall have authority to employ the following remedies as authorized by applicable state and local law:

(A) Issuance of notices of violation and orders to correct, with specified compliance deadlines;

(B) Issuance of orders to vacate unsafe structures pursuant to California Health and Safety Code Section 17980 and related provisions;

(C) Imposition of administrative fines and penalties pursuant to applicable City ordinance;

(D) Abatement of public nuisances, with cost recovery against the responsible property owner, pursuant to applicable City ordinance and California Government Code Section 38771 et seq.;

(E) Recordation of notices of violation against property title pursuant to California Health and Safety Code Section 17985 and applicable local ordinance;

(F) Referral to the City Attorney for civil injunctive relief, nuisance abatement litigation, or receivership proceedings pursuant to California Health and Safety Code Section 17980.7 (as amended, including by SB 1465, effective January 1, 2025, which extended receivership authority to non-residential substandard buildings); and

(G) Revocation or withholding of building permits, certificates of occupancy, or business license sign-off pending resolution of outstanding code violations, in coordination with the Building Official and other applicable departments.

Note: Ord. XXXX, [date].

2-26.8: COMPLIANCE; VOLUNTARY AND COMPELLED:

Code enforcement officers shall make reasonable attempts to work with property owners, occupants, and responsible parties to obtain voluntary compliance with applicable codes and regulations. Outreach, education, and good-faith negotiation of reasonable compliance timelines are encouraged where such efforts are consistent with public safety.

Voluntary compliance efforts shall not preclude the use of administrative or legal remedies where violations present an immediate threat to public health or safety, where a responsible party has failed to comply within a reasonable time, or where circumstances otherwise warrant formal enforcement action. The Building Official retains final authority over enforcement strategy and prioritization within the division.

Note: Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022; Ord. XXXX, [date].

2-26.9: COORDINATION WITH OTHER DEPARTMENTS AND AGENCIES:

Code enforcement officers shall work collaboratively with other City departments, including but not limited to the Fire Department, Public Works, Community Development, Parks and Leisure Services, Finance, and Police, as well as with other local, state, and federal agencies, as needed to carry out the purposes of this article.

Where a matter within the Code Enforcement Section's jurisdiction involves fire and life safety issues regulated by the California Fire Code or other standards under the authority of the Fire Marshal, the Building Official shall coordinate with the Fire Marshal as appropriate and may refer specific matters to the Fire Department for concurrent or independent enforcement action under the Fire Department's independent statutory authority.

Note: Ord. 1720 § 2, 5-1-2007; Ord. 1899, 11-15-2022; Ord. XXXX, [date].

CODE AUTHORITY AND REFERENCES

The following references provide the principal legal authority supporting the provisions of this article:

Cal. Penal Code § 829.5: Statutory definition of "code enforcement officer" for personnel not otherwise classified as peace officers under § 830 et seq.

Cal. Penal Code § 836.5: Confers misdemeanor citation and warrantless arrest authority upon public officers and employees by local ordinance; applicable to code enforcement officers.

Cal. Penal Code § 853.6: Written notice-to-appear (citation) procedure for misdemeanor violations.

Cal. Health & Safety Code § 17980 et seq. (State Housing Law): Enforcement agency authority to inspect, order abatement, and compel repair, vacation, or demolition of substandard buildings; receivership extended to non-residential buildings by SB 1465 (eff. Jan. 1, 2025).

Cal. Code Civ. Proc. §§ 1822.50–1822.57: Administrative inspection warrant procedure for non-consensual inspections.

Cal. Government Code § 54988: Municipal police powers authority for code enforcement cost recovery.

Cal. CBC § 104 (Title 24, Part 2): Duties and powers of the building official, including interpretation, enforcement, and approval authority.

Cal. Government Code § 38771: Authority for municipalities to declare and abate public nuisances.

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE REPEALING AND REPLACING SECTIONS 2-26.1 THROUGH 2-26.4 OF
CHAPTER 2, AND ADDING SECTIONS 2-26.5 THROUGH
2-26.9 OF THE PORTERVILLE MUNICIPAL CODE
PERTAINING TO CODE ENFORCEMENT OFFICER

WHEREAS, the City desires to enforce the Porterville Municipal Code and the City's ordinances in the most efficient manner possible, the proposed ordinance relocates the Code Enforcement function from the Fire Department to the Building Division within the Engineering and Planning Department and establishes the Code Enforcement Section as part of the Building Division.

WHEREAS, the amendments also modernize and clarify the City's code enforcement authority by defining the organization, supervision, duties, inspection authority, enforcement authority, administrative remedies, and coordination with other City departments.

WHEREAS, the proposed ordinance does not eliminate or diminish the independent statutory authority of the Fire Marshal, Fire Chief, Police Chief, or any other City official granted enforcement authority by state law. It provides organizational clarity by placing responsibility for the City's general municipal code enforcement program within the Building Division while preserving interdepartmental coordination on matters involving fire and life safety, building regulations, nuisance abatement, zoning, housing, and other applicable state and local laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO
ORDAIN, AS FOLLOWS:

CITY OF PORTERVILLE
MUNICIPAL CODE
CHAPTER 2: ADMINISTRATION

ARTICLE IV: CODE ENFORCEMENT SECTION

SECTION:

2-26.1: Creation and Organization of the Code Enforcement Section

2-26.2: Appointment; Jurisdiction; Supervision

2-26.3: Designation as Public Officer; Citation and Arrest Authority

2-26.4: Duties

2-26.5: Enforcement Authority; Applicable Codes

2-26.6: Inspection Authority; Warrants

2-26.7: Administrative and Legal Remedies

2-26.8: Compliance; Voluntary and Compelled

2-26.9: Coordination with Other Departments and Agencies

2-26.1: CREATION AND ORGANIZATION OF THE CODE ENFORCEMENT SECTION:

There is hereby created within the Building Division of the Planning and Engineering Department, a Code Enforcement Section. The official in charge of the Code Enforcement Section shall be the Building Official, or a duly authorized representative designated by the Building Official with the approval of the City Manager.

Nothing in this article shall be construed to limit or eliminate enforcement authority otherwise conferred by state law upon any other officer or agency of the City, including the Fire Marshal, Fire Chief, and Police Chief with respect to matters within their respective jurisdictions.

2-26.2: APPOINTMENT; JURISDICTION; SUPERVISION:

Code enforcement officers shall be duly appointed employees of the Code Enforcement Section of the Building Division, as defined in Section 829.5 of the California Penal Code. Code enforcement officers shall be authorized to perform enforcement duties identified in this article and as otherwise defined by applicable state and local law.

Code enforcement officers shall be under the direct supervision of the Building Official, or his or her designee, who shall serve as the appointing and supervising authority for all code enforcement personnel assigned to the division. The Building Official may designate a Code Enforcement Officer II to serve as section supervisor.

The Building Official is authorized to appoint deputy officers, inspectors, and other technical personnel necessary to carry out the functions of the Building Division, including the Code Enforcement Section, in accordance with the City's personnel rules and the concurrence of the City Manager.

2-26.3: DESIGNATION AS PUBLIC OFFICER; CITATION AND ARREST AUTHORITY:

Code enforcement officers are hereby designated as public officers of the City of Porterville within the meaning of Section 836.5 of the California Penal Code. Pursuant to the authority granted to the City's governing body under Penal Code Section 836.5(d), code enforcement officers assigned to the Code Enforcement Division are hereby authorized by ordinance to:

(A) Make arrests without a warrant whenever the officer has reasonable cause to believe that a person has committed a misdemeanor in the officer's presence that constitutes a violation of any statute or ordinance the officer has a duty to enforce;

(B) Issue criminal citations (written notices to appear) for misdemeanor and infraction violations of applicable state codes and City ordinances, pursuant to Penal Code Section 836.5 and Section 853.6;

- (C) Issue administrative citations for violations of applicable state codes and City ordinances, pursuant to any administrative citation authority conferred by City ordinance; and
- (D) File formal complaints with the City Attorney or other appropriate prosecutorial authority for prosecution of unresolved violations.

This authority shall apply only while the officer is acting within the scope of his or her official duties and only with respect to statutes, regulations, or ordinances the officer has a duty to enforce.

Code enforcement officers, as defined under Penal Code Section 829.5, are not peace officers as defined in Penal Code Chapter 4.5 (commencing with Section 830) and shall not exercise peace officer powers beyond those specifically conferred by this article and applicable state law.

2-26.4: DUTIES:

The duties of code enforcement officers shall include, but are not limited to:

- (A) Investigating complaints and conducting proactive inspections of properties within the City for violations of applicable codes, ordinances, and regulations;
- (B) Identifying and abating hazardous conditions that threaten the life, health, safety, and welfare of the public, occupants, or neighboring properties;
- (C) Issuing notices of violation, correction notices, notices to vacate, stop-work orders, and orders to abate, as appropriate;
- (D) Documenting violations and maintaining accurate case files and enforcement records;
- (E) Working collaboratively with property owners, tenants, and responsible parties to achieve voluntary compliance wherever feasible; and
- (F) Referring matters requiring prosecution, receivership, injunctive relief, or other judicial action to the City Attorney or appropriate authority.

2-26.5: ENFORCEMENT AUTHORITY; APPLICABLE CODES:

Code enforcement officers shall have authority to enforce the provisions of all applicable state and local codes, regulations, and ordinances, including but not limited to:

- (A) The Porterville Municipal Code;
- (B) The California Building Code (CBC), Title 24, Part 2;
- (C) The California Residential Code (CRC), Title 24, Part 2.5;
- (D) The California Fire Code (CFC), Title 24, Part 9;
- (E) The California Electrical Code (CEC), Title 24, Part 3;
- (F) The California Mechanical Code (CMC), Title 24, Part 4;
- (G) The California Plumbing Code (CPC), Title 24, Part 5;
- (H) The California Energy Code, Title 24, Part 6;
- (I) The California Green Building Standards Code (CALGreen), Title 24, Part 11;

(J) The California Health and Safety Code, including but not limited to Division 13, Part 1.5 (State Housing Law, commencing at Section 17910); Division 13, Part 2 (Hotel and Motel Regulations); and related provisions governing substandard buildings and nuisance abatement;

(K) The California Business and Professions Code, to the extent applicable to building, contractor, and license requirements;

(L) The Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings, as locally adopted;

(M) Applicable provisions of the California Labor Code;

(N) Applicable provisions of the California Government Code, including but not limited to police powers conferred under Section 54988 and related provisions;

(O) Any other state or local code, regulation, standard, or ordinance assigned to the Code Enforcement Division by the Building Official or City Manager.

Code enforcement officers shall enforce all such codes as they may be amended from time to time. The Planning and Engineering Director may, by written directive, designate additional codes or ordinances for enforcement by the Building Division and Code Enforcement Section.

2-26.6: INSPECTION AUTHORITY; WARRANTS:

Code enforcement officers are authorized to enter and inspect any building, structure, premises, or property within the City at reasonable times for the purpose of investigating violations of the codes and regulations identified in Section 2-26.5, or of ascertaining compliance with any notice, order, or permit issued under those codes.

Where the owner, occupant, or responsible party consents to entry, no warrant shall be required. Where consent is denied or cannot be obtained, code enforcement officers shall seek an administrative inspection warrant pursuant to the procedures set forth in the California Code of Civil Procedure, commencing at Section 1822.50.

Nothing in this section shall limit the authority of officers to enter and inspect without a warrant where exigent circumstances exist, consent is expressed or implied, or where otherwise authorized by applicable law.

2-26.7: ADMINISTRATIVE AND LEGAL REMEDIES:

In addition to citation authority, code enforcement officers and the Building Official shall have authority to employ the following remedies as authorized by applicable state and local law:

(A) Issuance of notices of violation and orders to correct, with specified compliance deadlines;

(B) Issuance of orders to vacate unsafe structures pursuant to California Health and Safety Code Section 17980 and related provisions;

(C) Imposition of administrative fines and penalties pursuant to applicable City ordinance;

(D) Abatement of public nuisances, with cost recovery against the responsible property owner, pursuant to applicable City ordinance and California Government Code Section 38771 et seq.;

(E) Recordation of notices of violation against property title pursuant to California Health and Safety Code Section 17985 and applicable local ordinance;

(F) Referral to the City Attorney for civil injunctive relief, nuisance abatement litigation, or receivership proceedings pursuant to California Health and Safety Code Section 17980.7 (as amended, including by SB 1465, effective January 1, 2025, which extended receivership authority to non-residential substandard buildings); and

(G) Revocation or withholding of building permits, certificates of occupancy, or business license sign-off pending resolution of outstanding code violations, in coordination with the Building Official and other applicable departments.

2-26.8: COMPLIANCE; VOLUNTARY AND COMPELLED:

Code enforcement officers shall make reasonable attempts to work with property owners, occupants, and responsible parties to obtain voluntary compliance with applicable codes and regulations. Outreach, education, and good-faith negotiation of reasonable compliance timelines are encouraged where such efforts are consistent with public safety.

Voluntary compliance efforts shall not preclude the use of administrative or legal remedies where violations present an immediate threat to public health or safety, where a responsible party has failed to comply within a reasonable time, or where circumstances otherwise warrant formal enforcement action. The Building Official retains final authority over enforcement strategy and prioritization within the division.

2-26.9: COORDINATION WITH OTHER DEPARTMENTS AND AGENCIES:

Code enforcement officers shall work collaboratively with other City departments, including but not limited to the Fire Department, Public Works, Community Development, Parks and Leisure Services, Finance, and Police, as well as with other local, state, and federal agencies, as needed to carry out the purposes of this article.

Where a matter within the Code Enforcement Section's jurisdiction involves fire and life safety issues regulated by the California Fire Code or other standards under the authority of the Fire Marshal, the Building Official shall coordinate with the Fire Marshal as appropriate and may refer specific matters to the Fire Department for concurrent or independent enforcement action under the Fire Department's independent statutory authority.

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

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PASSED, APPROVED AND ADOPTED this _____ day of August, 2026.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

By: _____
Fernando Gabriel-Moraga, Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Public Hearing and First Reading of an Ordinance Amending Chapter 15 of the Porterville Municipal Code Relating to the Administrative Transfer of Business License Functions

SOURCE: Planning and Engineering

COMMENT: As part of the City's organizational realignment that became effective July 1, 2026, responsibility for administering the Business License Division was transferred from the Finance Department to the Planning and Engineering Department. Because Chapter 15 of the Porterville Municipal Code continues to reference the former organizational structure, amendments are necessary to ensure the Municipal Code accurately reflects the City's current administrative responsibilities.

The proposed ordinance is administrative in nature and does not modify the City's existing business license requirements, license fees, penalties, appeal procedures, or regulatory standards unless specifically identified within the ordinance. Rather, the amendments transfer administrative authority for business license functions to the Director of Planning and Engineering, or designee, and update departmental references throughout Chapter 15 to reflect the City's current organizational structure.

Locating the Business License Division within the Planning and Engineering Department improves coordination between business licensing, planning, zoning, building permits, certificates of occupancy, development review, and code compliance activities. This organizational alignment provides a more streamlined process for businesses while improving internal coordination, operational efficiency, and customer service.

Key updates included in the proposed ordinance include:

- Transfers administrative responsibility for business license functions from the Finance Department to the Planning and Engineering Department.
- Updates departmental titles and administrative authority throughout Chapter 15.
- Designates the Director of Planning and Engineering, or designee, as

the administrator of business license functions.

- Maintains the City's existing business license requirements, fees, penalties, and regulatory standards unless expressly amended.
- Aligns the Municipal Code with the City's current organizational structure and administrative practices.

The proposed ordinance has been reviewed and approved as to form by the City Attorney. Following introduction at this meeting, the ordinance will return to the City Council for second reading and adoption.

RECOMMENDATION: That the City Council conduct the public hearing; receive public testimony; waive a full reading and introduce, by title only, the proposed ordinance amending Chapter 15 of the Porterville Municipal Code relating to the administrative transfer of Business License functions; and direct the City Clerk to place the ordinance on the next regular meeting agenda for second reading and adoption.

ATTACHMENTS: 1. Porterville Chapter15 Amended Redline only
 2. Draft Ordinance

Appropriated/Funded: Not Applicable

Review By:

Department Director:
Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk

Marking	Meaning
Deleted text	Existing ordinance text proposed for deletion or replacement.
<u>Added text</u>	Proposed new ordinance text.

CITY OF PORTERVILLE
MUNICIPAL CODE
CHAPTER 15: LICENSES AND BUSINESS REGULATIONS
(As Amended [Ord. XXXX, Adopted _____])

ARTICLE I. GENERAL PROVISIONS

SECTION:

15-1: Definitions

15-2: Purpose Of Chapter

15-3: Substitute For Other Revenue Ordinances

15-4: Effect Of Chapter On Past Actions And Obligations Previously Accrued

15-5: License Required

15-5.1: Refusal To Issue License

15-6: Exemptions

15-7: Application For License

15-8: License Issuance

15-9: License Renewal

15-9.1: Termination Of Business

15-10: Penalties

15-11: Enforcement, Inspections And Audits Of Businesses

15-11.1: License Fee Debt; Minimum Fee

15-12: Revocability Of License

15-13: Appeals

15-14: Failure To File Statement Or Corrected Statement

15-15: Additional Power Of Collector

15-16: Assignment Or Transfer; License Or Location

15-17: Reserved

15-18: Duplicate License

15-18.1: Refunds

15-19: Posting And Keeping Licenses

15-20: Regulations

15-21: Violation

15-1: DEFINITIONS:

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

ADVERTISING SOLICITOR: Any person who goes from place to place within the city selling or offering to sell advertising service using any advertising method.

AMUSEMENTS, AMUSEMENT RIDES: One or more merry-go-rounds, exhibitions, flying horses, Ferris wheels, or other similar devices.

ARCADE: A commercial establishment containing any combination of five (5) or more apparatuses, devices and/or machines operated by payment of fees and where the apparatus, devices and/or machines make possible a game or contest.

AUCTION SALES: All sales by auction of personal and/or real property.

BUSINESS: Professions, trades and occupations, and all and every kind of calling whether or not carried on for profit.

CARD ROOM: Any room in which there are card tables used, kept or intended for use in the playing of any kind of legal card game where the same is conducted as a business or in connection with a business.

CARNIVAL: A group of two (2) or more shows, entertainments, games, devices, mechanical rides, amusements, vaudeville or dramatic or minstrel performance, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill, and as a result of the operation of which things or representatives of value are given or paid. The charging of a single admission fee to a carnival shall not limit the provisions of this chapter.

CITY: City of Porterville, Tulare County, state of California.

COLLECTOR: The ~~administrative services manager~~ Director of Planning and Engineering of the city and duly authorized assistants and/or deputies of the director.

CONTRACTORS: Means and includes those trades licensed by the state contractors' licensing board.

FIXED PLACE OF BUSINESS OR ESTABLISHED BUSINESS WITHIN THE CITY: A permanent store, office or place where business is legally and regularly transacted from month to month in such manner as business of that nature is generally or customarily carried on and conducted and when the circumstances show an intention to become an established, fixed and continuous part of the regular and legitimate business life of the city. In questionable cases, such facts must be shown by the exhibition of a bona fide lease or rental agreement to the premises where such business is to be conducted, such lease or rental agreement to be for a minimum period of not less than ninety (90) days.

FLEA MARKET OR SWAP MEET: Any collection of two (2) or more vendors gathered together in a common area segregated by spaces, booths or other designated selling locations for the purpose of selling, offering to sell, bartering, or offering to barter, or any combination thereof, goods, wares, merchandise or articles of value. This definition shall be

liberally construed so as to apply to any activity commonly known and referred to as a flea market, swap meet, or farmers' market.

FLEA MARKET OR SWAP MEET OPERATOR: Any person, corporation or organization conducting, managing or engaging in the business of operating a swap meet, flea market, or farmers' market.

FLEA MARKET OR SWAP MEET VENDOR: Any person, corporation or organization, and all employees and agents thereof, who purchases or acquires a space or spaces from a flea market or swap meet operator, or who purchases or acquires the right to be on the premises for the purpose of operating a business at a flea market, swap meet, or farmers' market.

GOING OUT OF BUSINESS SALE: A sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including, but not limited to, the following types of sales: adjusters; adjustment; alteration; assignees; bankrupt; benefit of administrator; benefit of creditors; benefit of trustees; building coming down; closing; creditors committee; creditors; end; executors; final days; forced out; forced out of business; insolvent; last days; lease expires; liquidation; loss of lease; mortgage sale; receivers; trustees; quitting business; going out of business.

GOODS: Any goods, wares, merchandise or other personal property capable of being the objects of a sale regulated hereunder.

GROSS RECEIPTS: Shall include the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Included in "gross receipts" as concerns telephone companies shall be only those receipts derived from providing telephone service within the city and only receipts resulting from intrastate telephone service. Excluded from "gross receipts" shall

be cash discounts allowed and taken on sales; credit allowed on property accepted as part of the purchase price and which property may later be sold; any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser; such part of the sale price of property returned by purchasers upon recession of the contract of sale as is refunded whether in cash or by credit; amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those from whom collected.

Note: All receipts of a business should be included under gross receipts with the following exceptions:

- A. Cash discounts allowed.
- B. Trade in allowances.
- C. Sales tax.
- D. Excise tax.
- E. Any other tax included in or added to the price of the product.

F. Sales return allowances.

G. Amounts collected as an agent which are to be paid to others. (An example of this might be a down payment collected by a realtor or a stock purchase price collected by a stockbroker.)

INSURANCE BROKER: A person who, for compensation and on behalf of another person, transacts insurance other than life with, but not on behalf of, an insurer.

ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer. The provisions of this definition shall not apply to commercial travelers or selling agents, selling their goods exclusively to merchants, dealers or traders, whether selling for present or future delivery, by sample or otherwise, nor to peddlers, as the same is defined in this chapter. Further, the provisions of this definition shall not apply to persons selling fruit, vegetables, eggs, butter or other farm or ranch products of their own farm or dairy, exclusively, nor shall it apply to food products defined as "cottage foods" pursuant to the Health And Safety Code, live plants or plant cuttings, or homemade arts or crafts when such items are offered for sale by the preparer at a coordinated farmers' market or similar event approved through the city.

PAID PROMOTER: Every person, and each agent or representative of such person conducting, carrying on or managing, for any compensation whatsoever, the business of selling tickets for, or promoting by advertising or otherwise, any activity within the city.

PARADE: Any march or procession consisting of persons, animals, or vehicles, or a combination thereof, except funeral processions, upon any public street, sidewalk, alley, or public place, which march or procession does not comply with normal and usual traffic regulation or control.

PEDDLER: Any person who goes from house to house, place to place, or in or along the streets, within the city selling or offering to sell, barter or exchange, and making or offering to make immediate delivery of any goods, wares, merchandise or anything of value, in the possession of the peddler to persons other than manufacturers, wholesalers, jobbers or retailers of such commodities; provided, that a producer who furnishes directly and delivers any poultry, eggs, butter, fruit, vegetables or meat being exclusively the produce of his own garden, farm, ranch, or dairy to persons within the city, shall not be deemed a peddler within the meaning of this definition.

PERSON: All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, societies, and individuals transacting and carrying on any business in the city other than as an employee.

PERSONAL LOANS OR SUPPLIER OF FINANCING: Every person who either for himself or any other person engages in the business of loaning money, advancing credit, loaning

credit, whether security of any kind (personal or real property) is taken for such loan or advance or not, or purchasing or discounting of any obligation of money due or to become due or any evidence of any obligation of money due, whether such obligation is secured or guaranteed or not. Nothing in this definition shall be deemed or construed to apply to any person conducting a banking business or financial corporation exempt under the laws of California, or to persons required to be licensed by the state of California under provisions of the "personal property brokers act", or to the holder of a pawnbroker's license.

QUARTER: A period of three (3) calendar months. The "quarter" as referred to in this chapter shall commence on the first days of July, October, January, and April and end on the last days of September, December, March and June. A quarter shall include any fraction thereof.

RECYCLABLE WASTE HAULER: Any person who goes from place to place, or business to business, within the city collecting and hauling recyclable waste materials such as bottles, cans, cardboard, oil, paper or paper products, or any other substance for the purpose of reclamation or other use. Nothing in this definition shall be deemed or construed to apply to any person conducting business as a junk dealer.

REMOVAL OF BUSINESS SALE: A sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place upon disposal of the stock of goods on hand and then will remove to and resume business at a new location in the city or will continue business from other existing locations in the city.

SEMIANNUAL: A period of six (6) calendar months. The semiannual period as referred to in this chapter shall commence on the first days of July and January and end on the last days of December and June. A semiannual period shall include any fraction thereof.

SOLICITOR OR CANVASSER: Any person who goes from house to house or from place to place within the city, selling or taking orders for, or offering to sell or take orders for, any goods, wares or merchandise or any article, for future delivery, or selling or taking orders for any service or services to be furnished or performed in the future at any place within the city other than a fixed place of business, or for making, manufacturing, treating or repairing of any article or thing whatsoever, for future delivery.

STREET VENDORS/PUSH CART VENDORS: Every person conducting, carrying on or managing the selling or offering for sale any food, beverages, goods, wares, merchandise of any type including, but not limited to, plants, flowers, toys, paintings, furniture, or rugs, or articles of personal property, in his/her possession, if the offer for sale occurs from a basket, box or any other type of receptacle, stand, wagon, motor vehicle, push cart, or any other type of vehicle. (Ord. 1324, 12-18-1984; Ord. 1531 § A1, 6-18-1996; Ord. 1586 § A1, 5-16-2000; Ord. 1820, 12-16-2014; Ord. XXXX, [date])

15-20: REGULATIONS:

A. Card Tables:

1. Conformance With State Law: It is the stated purpose of this subsection to regulate card rooms, licenses and permits in the city of Porterville concurrently with the state of California, and to impose local controls and conditions upon establishments operating card rooms and card tables as permitted in the "gambling control act" as codified in division 8, chapter 5 of the California Business and Professions Code.

2. Licenses: Each card table shall be assigned a separate license with such license designating the number of the table and the location of the table, and the exact place of business where such card table is to be maintained. The operator shall attach to each licensed table a metal identification number, which shall be plainly visible at all times; and no license or identification number shall be transferable; provided, however, that it may be moved to a new location with the approval of the city council.

3. Hours Of Operation: Playing at all card tables shall absolutely cease and terminate at two o'clock (2:00) A.M. of each day; and it is hereby declared to be unlawful for any person to deal, participate in, play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control any card table in the city between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. of each day.

4. Patron Security And Safety: All licensees shall have in effect a security plan to address the safety and security of patrons in and around the card room. The plan, and any amendments thereto, must be filed with and approved by the chief of police. The licensee shall be liable for the security and safety of its patrons to the extent required by law. Any information about security measures that is provided to the city by an establishment operating a card table shall be confidential and not open to public inspection. The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the chief of police for the security and safety of citizens, patrons, and police officers. During all hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

5. Wagering Limits: Unless otherwise authorized by the chief of police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten (10) hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the chief of police a declaration stating the following: a) the minimum buy- in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this subsection. However, all wagering limits fixed by the licensee shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the city.

6. Number Of Gambling Tables: Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the city of Porterville, and not more than three (3) establishments operating such tables shall be located in the city of Porterville.

7. Location: No license shall be issued except for a location deemed suitable by the city council.

8. Permit Required For Dealers And Employees: All card room dealers and employees shall be required to obtain a permit from the chief of police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the department of justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The chief of police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code section 19850A(a):

- a. Failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, division 8, chapter 5;
- b. Failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the director of the division of gambling control, department of justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;
- c. Conviction of the applicant for any crime punishable as a felony;
- d. Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten (10) year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to sections 1203.4, 1203.4a and 1203.45 of the California Penal Code;
- e. Association of the applicant with criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code;
- f. Wilful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code; or
- g. The applicant is less than twenty-one (21) years of age.

The department of justice's division of gambling control may object to the issuance of a work permit by the city for any cause deemed reasonable by the division.

9. Revocation And Appeal:

- a. By The Chief Of Police: The chief of police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the chief of police, may appeal the action of the chief of police to the city council in accordance with the procedure set forth in subsection 15-13B of this article.
- b. By The Division Of Gambling Control: If the division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the division may apply to the California gambling commission for an evidentiary hearing in accordance with

regulations. In addition, the California gambling control commission may notify the chief of police to revoke a work permit, if the commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A.

B. Coin Operated Machines:

1. Contents Of Applications: At the time a license is applied for, the applicant shall give the serial number, and kind or character of such machine.

2. Display Of License Or Stamp: No person shall maintain any vending, weighing, entertainment or amusement machine within the city without having posted thereon in a conspicuous place a stamp or label, which shall be issued and supplied by the collector, which stamp or label shall indicate the number of the license, together with the date of expiration thereof; and in the event any duly qualified officer of the city finds any such machine being maintained in the city without such stamp or label being maintained thereon in a conspicuous place, or without such stamp or label indicating that there is a valid and unexpired license issued covering such machine, it shall be his duty to seize and hold such machine for the payment of the license tax, which machine shall be disposed of upon the nonpayment of such tax as provided by the laws relative thereto.

3. Transfer Of License: In the event any person discontinues maintaining any vending, weighing, entertainment or amusement machine duly licensed pursuant to this chapter during a period when such license remains unexpired, the licensee may substitute another similar machine in place of the machine, the use of which is so discontinued, and may maintain such substituted machine without the payment of an additional license tax for the unexpired period of the license carried on such discontinued machine; provided, however, that such person surrender the unexpired license of such discontinued machine to the collector and obtain from the collector a new license for such unexpired period for the replacing machine.

4. Location Of Machines: No license as provided in this chapter shall be issued for the maintaining of any vending, weighing, entertainment or amusement machine upon any public street, sidewalk, alleyway or court within the city.

C. Junk Dealers And/Or Collectors:

1. Permit Required: Before any person shall engage in the city in the business of buying or selling old rope, brass, copper, tin, lead, rags, slush, empty bottles, paper, bagging, or other junk whether at a fixed place of business or as an itinerant peddler, he shall make application to the city council for a permit to engage in such business. Such application shall be referred to the chief of police, who shall make an investigation concerning the character of the applicant, and within seven (7) days shall report thereon to the city council. Upon receiving such report, the city council shall grant or deny the applicant a permit to engage in such business, and such permit shall be granted unless it shall appear from such report of the chief of police that the applicant is not a person of good moral character, or has not a good character in respect to honesty and integrity; provided, however, that no such permit shall be granted unless the city council find that such applicant, or if the applicant be a

corporation, the manager thereof, has been a resident of the city for not less than ninety (90) days prior to such application.

2. Registration Of Purchases: Every person maintaining or operating a junk shop or junkyard shall keep at his place of business a substantial well bound book, and shall promptly enter therein an exact description of all personal property purchased by him or it, the date of purchase, name and residence or place of business of the person from whom purchased, and all particular or prominent marks of identification that may be found on such property. Such book shall be kept neat and clean, and all entries made therein shall be neatly and legibly written in ink. Such book shall at all times during the ordinary hours of business be open to the inspection of the chief of police, or any other city officer.

3. Required Holding Period: All junk purchased by owners or keepers of junk shops or junkyards shall be held for a period of at least nine (9) days before the same shall be sold.

4. Pawning And Pledging Prohibited: No owner or keeper of a junk shop or junkyard shall receive any personal property by way of pledge or pawn, nor shall any owner or keeper of a junk shop or junkyard engage in the business of pawnbroking on the same premises wherein a junk shop or junkyard is located.

5. Hours Of Business: No junk peddler shall purchase or collect any junk in the city between the hours of six o'clock (6:00) P.M. and six o'clock (6:00) A.M.

6. Revocation Of Permit: The city council may revoke the junk dealer permit granted to any person upon failure of such person to conduct and carry on such business in accordance with the provisions of this subsection; and such permit may likewise be revoked, if in the conduct of such business, any law of the state, county or city be violated.

7. Places Of Business: It shall be unlawful for any owner, tenant or lessee of any premises in the city, or the owner, tenant or lessee of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle to keep, place or maintain thereon, or to permit the keeping, placing or maintaining thereon, of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle which is used or which is to be used for a dental or chemical laboratory or for the display or selling of merchandise therein, or to use or permit the use of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle on any premises in the city for business, religious, educational, retail, commissary, shop, storage, office purposes or for other type of commercial retail purpose.

D. Bingo Games:

1. Bingo Games Allowed Only By Eligible Organizations With Proper City Permit: Bingo games within the city are illegal except those organizations exempted from the payment of the bank incorporation tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i of the California Revenue and Taxation Code and by mobile home park associations and senior citizens' organizations; provided, that the proceeds of such games are used only for charitable purposes; and provided, that these eligible organizations have applied for and received the proper city bingo

license and conformed to section 326.5 of the California Penal Code and the provisions of this chapter.

2. Application And Fee For License: Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application, in writing, to the office of the ~~finance-director~~ Director of Planning and Engineering on a form provided by the city. The issuing authority shall be the ~~finance-director~~ Director of Planning and Engineering, after approval of the chief of police. The license shall be for a term of one year from the date of issuance. The license fee, whether for the initial license or renewal, will be fifty dollars (\$50.00) annually. If an application for a license is denied, one-half (1/2) of the license fee paid shall be refunded to the organization.

3. Contents Of Application: Said application for a bingo license shall obtain the following information:

- a. The name, address, date, place of birth, physical description and driver's license number of every officer of the charitable organization.
- b. The name, address, date, place of birth, physical description and driver's license number of not more than twenty (20) members who will be authorized to operate the licensed bingo games on behalf of the organization.
- c. The particular property within the city including the street number owned or leased by the applicant, and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted together with the occupancy capacity of such place.
- d. The proposed days of week and hours of day for conduct of bingo games.
- e. That the applicant agrees to conduct the bingo games in strict accordance with section 326.5 of the California Penal Code and this chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the chief of police when there is a violation of this chapter or other applicable laws.
- f. The application shall be signed by said applicant under penalty of perjury.
- g. The annual license fee shall accompany the application.
- h. The applicant shall also submit, with its application, a certificate or determination of exemption under section 23701d of the California Revenue and Taxation Code, or a letter of good standing from the exemption division of the franchise tax board in Sacramento, showing exemption under said section 23701d.

4. Investigation Of Applicant: Upon receipt of the completed application and the fee, the ~~finance-director~~ Director of Planning and Engineering shall refer the application to the appropriate departments of the city for investigation, as to whether or not all the statements in the application are true, and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property in which bingo games may lawfully be conducted, as to fire, occupancy and other applicable restrictions.

5. Contents Of License: Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games within the city, and the police department has investigated the application, the ~~finance director~~ Director of Planning and Engineering shall issue a license to said applicant, which shall contain the following information:

- a. The name and nature of the organization to whom the license is issued.
- b. The address where bingo games are authorized to be conducted.
- c. The occupancy capacity of the room in which bingo games are to be conducted.
- d. The days of the week and times during which games may be conducted.
- e. The date of the expiration of such license.
- f. Such other information as may be necessary or desirable for the enforcement of this subsection.

6. Consent: The application for or acceptance of a license constitutes:

- a. Consent to the entry of any public officer or peace officer to investigate the location identified in the application before the issuance of a license, as well as during any game thereafter.
- b. Consent to the chief of police or his agents to review or audit the charitable organization's records relating to the conduct of bingo games into the special account required by California Penal Code section 326.5(j) for the purposes of verifying compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this chapter and with all other applicable laws and regulations.

7. Violation A Misdemeanor: Any person who conducts a bingo game without the proper license as required by this chapter, or who operates a bingo game in violation of any of the requirements of this chapter, or who operates any bingo game after the suspension or revocation of a bingo license is guilty of a misdemeanor.

8. Summary Suspension Or Revocation: The chief of police may suspend or revoke a license for any violation of the provisions of this subsection or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

9. Notice Of Suspension Or Revocation: When it appears that there is probable cause for a suspension or revocation, the chief of police shall prepare a written statement showing the cause and the specific action to be taken. This written notice shall be served on an officer or member of the organization listed on the license application.

10. Appeal Process:

- a. After receiving the written notice of suspension or revocation, the affected licensee may file a written request for an appeal hearing with the city manager. The decision of the city manager will be final. The written request for an appeal hearing must be filed with the city manager's office no later than seven (7) calendar days after receiving the written notice of suspension from the chief of police.

b. This appeal hearing must be held within thirty (30) days of the request being filed with the city manager. Upon the conclusion of the appeal hearing, the city manager shall issue his or her written decision within ten (10) days.

c. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one year from the date of such revocation; provided, however, if the ground for revocation is the cancellation of the exemption granted under section 23701d of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.

11. Definition Of Bingo: As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols designated on a card which conform to numbers or symbols selected at random.

12. Maximum Amount Of Prize: The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

13. Profits To Be Kept In Separate Fund Or Account: All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such records available.

14. Financial Interest In Licensee Only: No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game.

15. Exclusive Operation By Licensee: A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any phase of such game.

16. Bingo Games Open To Public: All bingo games shall be open to the public, not just to the members of the licensee organization.

17. Attendance Limited To Occupancy Capacity: Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

18. Bingo Games Conducted Only On Licensee's Property: A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is

organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection should be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

19. Bingo Cards: Only preprinted cards that bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinances" are to be used in any bingo game.

20. Minors Not To Participate: No person under the age of eighteen (18) years of age shall be allowed to participate in a bingo game.

21. Intoxicated Persons Not To Participate: No person who is obviously intoxicated shall be allowed to participate in a bingo game.

22. Hours Of Operation: No licensee shall conduct any bingo game more than ten (10) hours out of any twenty four (24) hour period. No bingo game shall be conducted before ten o'clock (10:00) A.M. nor after twelve o'clock (12:00) midnight of any day.

23. Participant Must Be Present: No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

24. Receipt Of Profit By A Person A Misdemeanor Under State Law: It is a misdemeanor under section 326.5(b) of the Penal Code of the state of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city.

25. City May Enjoin Violation: The city may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the California Penal Code or of this subsection.

26. Severability: If any portion of this subsection is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this subsection. The city council hereby declares that it would have adopted this subsection and each portion thereof, irrespective of the fact that any one or more sections, subsections or portion be declared invalid or unconstitutional.

E. Community Civic Events:

1. City Council Findings: The city council finds and declares that it has historically closed city streets in portions of the downtown area, for the purpose of assisting certain community and regional events benefitting the city, the community at large, and nonprofit organizations operating in the city. Control over the operation of these community civic events has traditionally been turned over to the entity sponsoring the event. The city council finds and declares that there is a need to provide written guidelines and regulations on how these community civic events shall operate.

2. Purpose: The purpose of this subsection is to establish a legal framework for the operation of community civic events, to set forth minimal requirements for sponsors

of these events, to meet the need for order and control during these events, and to ensure that the theme or character of the event is maintained, and that use of public property is compatible with the event.

3. Definition: "Community civic event" (hereafter referred to as "CCE") shall mean the sponsoring and conducting by a nonprofit organization of a civic, artistic, cultural, charitable, educational, veteran or benevolent activity of community interest. The council shall require reasonable proof of the nonprofit status of the sponsoring organization.

4. Participation: Participation in a CCE and use of public right of way shall be limited to those members of the sponsoring organization, in good standing with the organization, and those persons and vendors as may be approved by the sponsoring organization.

5. Permit Required: The CCE sponsor shall obtain a CCE permit from the city not less than thirty (30) nor more than one hundred eighty (180) days before the commencement date of the proposed permit activities; provided, that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of an application, the business license clerk shall circulate the application to the following departments for comments and approval: police department, fire department, finance department, ~~department of community development~~, Planning and Engineering department, public works department, parks and recreation department, and risk management department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the city harmless, maintaining minimum limits of liability insurance in accordance with city standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of city services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four (4) consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for noncompliance with the conditions of the permit and the provisions of this subsection. Revocation may be made by the council, city manager, chief of police, or their designees. If the grounds for revocation occur during the CCE, the council, city manager, chief of police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any city police officer or fire department personnel.

6. Application: The application for the CCE permit shall contain:

- a. The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.

- b. The location and outside perimeter of the CCE area, indicated upon a map of the area.
- c. The date and times at which the CCE activities are to take place.
- d. A description of the CCE activities which will be conducted.

A preliminary list of persons who will be engaging in the CCE, and a preliminary list of persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the city no later than one week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per subsection E16 of this section.

The council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not of a size or nature that requires the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for the city; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit applicant agrees to be responsible for cleanup necessitated by the proposed activities. The council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the council may deem necessary to impose for the proper protection of persons and property.

7. Responsible Party: The sponsoring organization shall be responsible for the CCE and for all necessary planning, physical facilities, equipment, fire lanes, and removal, cleanup, and staffing. The sponsoring organization shall be responsible for any necessary permits and code requirements for the conduct of such CCE as may be required by county and state agencies and coordination with appropriate city departments, such as police and fire. All necessary certificates and approvals by any health or other governmental organization shall be in possession of the person representing the sponsoring entity in such CCE.

8. Management: Subject to the minimum requirements imposed by this subsection, the CCE sponsor shall:

- a. Promulgate rules and regulations for the CCE, including rules and regulations to maintain the theme or character of the CCE. A copy of the rules and regulations shall be submitted to the business license clerk prior to the CCE.
- b. Have control over the terms and conditions under which persons chosen to provide vending services will operate at a CCE including, but not limited to, products sold, hours of sale, fees, vendor locations and issuance of seller permits.
- c. Take any other actions which are necessary for the efficient management and operation of the CCE.

9. Minimum Requirements: The CCE sponsor shall abide by the following minimum requirements. These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the city council.

- a. Maintain openings between vendor booths or sizes, and at locations and distances, required by the city. The required openings shall be identified on the CCE sponsor's street plan.
- b. Not use any permanent or semipermanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot.
- c. Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin, or familial status, or violate any law with respect to the selection of any vendor.
- d. Require that all vendors obtain and display all appropriate permits, licenses, and certificates, and comply with all applicable federal, state and local laws, ordinances, and regulations.
- e. Require that all vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area.
- f. Require that vendors take sufficient measures to keep the city storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots.
- g. Provide on site personnel who can be contacted by appropriate city officials for immediate corrective action either for noncompliance with this subsection or the permit conditions, for emergencies, or for actions deemed necessary by the city official. Such personnel shall be equipped with appropriate means of communication to be made known to the city by the CCE sponsor prior to the CCE.
- h. Distribute the rules and regulations to each person participating in the CCE.

10. Cost Of CCE: The CCE sponsor will be responsible for the costs associated with the CCE, including, but not limited to, the cost of city services related to the CCE, and the cost of repair of any damage caused to any public property and rights of way, including landscaping. The CCE sponsor may apply to the city council for cooperation in presenting a CCE and request financial assistance for some or all of the costs of city services related to the CCE.

11. Permit To Sell: No person shall sell or offer to sell any item at the CCE except under the authority of a valid permit approved by the CCE sponsor. The CCE sponsor shall designate a person or persons responsible for issuing permits to sell. A seller's permit shall not be required for existing businesses selling merchandise from their stores. Whenever the CCE sponsor in good faith believes that a vendor has violated the conditions of the seller's permit, the CCE sponsor may immediately suspend the seller's permit. Vendors shall have an opportunity to appeal the denial or suspension of a seller's permit as set forth in subsection E20 of this section. Permits to sell shall

give a seller (including vendors, peddlers and other sellers) the privilege of selling at the CCE only if the following conditions are met:

- a. The seller properly files an application for a permit to sell at the CCE with the CCE sponsor.
- b. The seller complies with all federal, state and local laws and regulations relating to the CCE, including the rules and regulations of the CCE sponsor.
- c. The seller obtains all required permits, licenses and certificates.
- d. The seller pays all required fees to the appropriate authorities, including any fees due the sponsor.
- e. The seller grants permission to the CCE sponsor, or an authorized representative, to enter the seller's premises for the reasonable inspection of land, facilities, and records, in order to determine whether the seller is in compliance with the permit conditions, the rules and regulations of the CCE sponsor, and the terms of this subsection.

12. Peddlers And Itinerant Vendors: All peddler and itinerant vendor permits and licenses issued by the city shall be deemed suspended for the duration of any CCE. All permit and license holders shall be notified of this provision. No person holding a peddler or itinerant vendor permit or license shall sell merchandise within the designated CCE area for the duration of any declared CCE unless the holder of the peddler or itinerant vendor permit or license has a written agreement with the CCE sponsor to participate in the CCE, or otherwise has a seller's permit from the CCE sponsor. The CCE sponsor shall allow peddler and itinerant vendor permit and license holders with suspended city permits and licenses under this subsection the same opportunity to participate in a declared CCE as the CCE sponsor offers to other vendors.

13. Sidewalks: The city shall not approve vendor or sidewalk sales or other activities within the closure area for a CCE. The sponsoring entity may allow such sales or events, however selling activity during a parade must take place in conformity with subsection G of this section.

14. Parades: Any person or organization desiring to have a parade as a CCE or in connection with a CCE, and all vendors, peddlers, solicitors, or merchants not located inside a commercial location, shall comply with subsection G of this section in addition to the provisions of this subsection.

15. Interference: It shall be unlawful for any person to interfere with, disrupt or impede a permitted CCE. It shall also be unlawful for a person to put up any booth, table, chair, stool, structure, vehicle or piece of equipment in any public area located within a designated CCE area for which a CCE sponsor has been issued a permit without consent of the CCE sponsor. This subsection E15 shall not apply to persons acting under the direction or control of the city.

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~~ Department of Planning and Engineering, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

17. Charges And Exhibit Fees: The sponsoring entity may impose a reasonable charge or exhibit fee on each participating seller or exhibitor and shall be responsible for enforcing all requirements of this subsection and regulations imposed by the sponsoring entity. Any net profit received by the sponsoring organization shall be utilized for the civic, artistic, cultural, charitable, educational, veteran or benevolent activities of the organization within the city of Porterville.

18. Insurance: 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.

19. Violations: Any person who violates the provisions of this subsection E shall be deemed guilty of either a misdemeanor or an infraction, in accordance with section 15-21 of this article. In addition, civil penalties of one hundred dollars (\$100.00) for a first violation and up to one thousand dollars (\$1,000.00) for subsequent violations may be imposed. Every day that any such violation continues shall constitute a separate offense. In addition, the CCE sponsor is authorized to take civil action to enforce the requirements of this subsection, and the rules and regulations established by the CCE sponsor. The remedies provided herein shall not be exclusive, and the violation of any provision of this subsection E shall be subject to other remedies as may be provided by law.

20. Appeal Of The Denial Or Suspension Of A Seller Permit: After the denial or suspension of a seller's permit, the CCE sponsor shall allow the vendor an opportunity for an appeal hearing before the CCE sponsor's governing board, or if no governing board, the person with the highest decision making authority, to determine if the permit shall be issued, further suspended, reinstated, or revoked for repeated violations. The hearing shall be held within a reasonable time, depending on the date and duration of the CCE, no later than thirty-five (35) days. The CCE sponsor shall establish procedures for the conduct of the hearing.

21. Other Rules And Regulations; Applicability: The CCE sponsor shall comply with all other applicable city ordinances, resolutions, policies, rules and regulations.

22. Compatibility With State And Federal Laws And Constitutions: It is the intention of the city council and the people of the city of Porterville that these subsections shall be interpreted in a manner compatible with the state of California constitution and the United States constitution and the laws of the state of California and the United States.

23. Severability: If any paragraph, sentence, clause or phrase of this subsection are for any reason held to be unconstitutional or invalid, that holding shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed these subsections, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

F. Fortune Telling:

1. Purposes And Findings:

a. The practice of "fortune telling", as defined in this subsection, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

b. It is the purpose of this subsection to regulate the practice of fortune telling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortune tellers to provide their services to clients with only minimal restrictions.

c. The provisions of this subsection requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortune teller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortune teller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortune teller and will not, therefore, impose any undue burden on their practices.

d. "Fortune telling" for entertainment purposes, as defined in this subsection, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

e. For these and other reasons, the provisions of this subsection are necessary to protect the health, safety and welfare of the community.

2. Permit Required: No person shall conduct, engage in, carry on, participate in, or practice fortune telling or cause the same to be done for pay without having first obtained a permit therefor.

3. Definitions: As used in this subsection:

FOR PAY: For a fee, reward, donation, loan or receipt of anything of value.

FORTUNE TELLING: Shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force,

including, but not limited to, clairvoyance, clairsentience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, divination, soothsaying, mantic, necromancy, mind reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature.

4. Permit Application: Every natural person who, for pay, conducts, engages in, carries on, or practices fortune telling shall file a separate verified application or a permit with the ~~business license officer~~ Director of Planning and Engineering, or designee. The application shall contain:

- a. The name, home and business address, and home and business telephone number of the applicant.
- b. The record of conviction for violations of the law, excluding minor traffic violations.
- c. The fingerprints of the applicant on a form provided by the police department.
- d. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.
- e. A nonrefundable application fee in an amount of one hundred dollars (\$100.00) to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

5. Investigation: Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the Director of Planning and Engineering, or designee, within twenty-one (21) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein.

6. Hearing And Decision By ~~Business License Officer~~ Director of Planning and Engineering: The ~~business license officer~~ Director of Planning and Engineering, or designee, shall consider the application and the police department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the police department report described in subsection F5 of this section. Notice of the time and place of the hearing and a copy of the police department report shall be given to the applicant personally or by certified mail by the business license officer at least five (5) days prior to the hearing. Any interested parties shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the business license officer to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the ~~business license officer~~ Director of Planning and Engineering, or designee, shall make his or her decision approving, denying, or conditionally approving the permit within twenty-four (24)

hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail.

7. Approval Of Permit: The ~~business license officer~~ Director of Planning and Engineering, or designee, shall approve or conditionally approve the permit if he or she makes all of the following findings:

- a. All the information contained in the application and supporting data is true;
- b. The applicant has not, within one year from the date of the application, been convicted of any violation of this subsection or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or crimes involving moral turpitude;
- c. The applicant has paid the required business license fee; and
- d. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws.

8. Term Of Permit: The term of the permit and the term of the business license shall be for one year from the date of issuance. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application.

9. Posting Of Fees:

a. Each person required to obtain a permit pursuant to this subsection shall post on his or her business premises a sign containing the following information:

- (1) The true name of the fortune telling practitioner;
- (2) Each service provided by the fortune telling practitioner;
- (3) The fees charged for each service provided by the fortune telling practitioner;
- (4) The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates".

b. The sign required by this subsection F9 shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune teller. The sign lettering shall be of uniform size with each letter at least one-half inch (1/2") in height.

c. If the fortune telling service is provided at a location other than the fortune teller's permanent place of business, the fortune teller shall provide the information required by this subsection on eight and one-half by eleven-inch (8 1/2 x 11") paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortune telling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune telling services.

d. No person shall charge any fee, payment, remuneration, or item of value for fortune telling services in excess of the fees set forth on the sign or paper required by this subsection F9.

10. Receipts: Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, which is in addition to the fee, the fortune teller shall issue a written receipt to the client, clearly showing:

- a. Date;
- b. Name of client;
- c. Amount of money received or specific description of item of value received; and
- d. Purpose for which the money or item of value was received.

11. Client's Record Of Consultation: No person engaging in fortune telling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortune teller.

12. Exception Entertainment: The provisions of this subsection shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortune telling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

13. Exception; Religious Practice: The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as "minister") from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortune telling; provided, that:

- a. Except as provided in subsection F13c of this section, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.
- b. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the ~~business license officer~~ Director of Planning and Engineering, or designee, a certified copy of the minister's certificate of ordination and the minister's name, age, street address, and telephone number in this city where the activity set forth in this subsection is to be conducted.
- c. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

G. Parades:

1. Application And Approval: Parades will only be allowed in conjunction with a community civic event referenced in subsection E of this section.

2. Selling Activity During A Parade: In order to maintain public safety and promote the good order of a parade, no vendor, peddler, solicitor, or merchant shall be permitted in the parade route once the parade begins. No vendor, peddler, solicitor, or merchant shall be permitted to conduct business on sidewalks or walkways or other areas that may impede pedestrian traffic. Any vendor, peddler, solicitor, or merchant not located inside a commercial location shall be limited to side streets once the parade begins. No vendor, peddler, solicitor, or merchant shall impede the view of any spectator during the event. All vendors, peddlers, solicitors, and merchants shall be prohibited from selling products at or near the event that are deemed to be a nuisance or contrary to the good order of the parade. These items include, but are not limited to:

- a. Silly string;
- b. Snap caps;
- c. Party poppers;
- d. Any projectile and/or launcher.

3. Movement Of Public Safety Equipment: The conduct of such parade shall not interfere with the movement of firefighting or police equipment. (Ord. 1324, 12-18-1984; Ord. 1326, 5-7-1985; Ord. 1346, 3-18-1986; Ord. 1384 § 2, 8-4-1987; Ord. 1584, 10-19-1999; Ord. 1586, 5-16-2000; Ord. 1612, 8-20-2002; Ord. 1613 §§ 1, 2, 3, 9-17-2002; Ord. 1625, 11-19-2002; Ord. 1718 § 1, 3-20-2007; Ord. XXXX, [date].)

15-24: OTHER THAN GROSS RECEIPTS:

A. Every person who engages in a business within the city as specified below shall pay a license tax of the amount and frequency indicated:

1. Advertising solicitor, the sum of twenty-five dollars (\$25.00) semiannually for each person so employed.
2. "Amusements, amusement rides", as defined in section 15-1 of this chapter, wherein they are held in conjunction with and on premises owned or leased by commercial houses for commercial purposes, the sum of twenty-five dollars (\$25.00) per period not to exceed four (4) days per calendar month; wherein amusement rides are not conducted as a promotion for a commercial house, the sum of twenty-five dollars (\$25.00) per day per unit or one hundred dollars (\$100.00) per year per unit.
3. "Arcade", as defined in section 15-1 of this chapter, of five (5) or more amusement machines, games of chance or skill, at one location, shall pay five dollars (\$5.00) per machine semiannually.
4. Auctioneers shall be licensed under the gross receipts section 15-23, classification A, of this article except that those auctioneers who are duly licensed by the state of California and whose permanent place of business is not within the city limits shall pay no license tax.
5. Auctions sales. Reserved.
6. Barbershops shall be licensed under the gross receipts section 15-23, classification B, of this article.

7. Boxing and wrestling matches. Every person conducting, carrying on or managing boxing or wrestling matches in the city shall pay the following license: Fifty dollars (\$50.00) per day or one hundred fifty dollars (\$150.00) semiannually.

8. Bus lines, who transport passengers from or to a terminus within the city, shall be licensed under the gross receipts section 15-23, classification B, of this article, except that common carriers shall be exempt.

9. Card rooms, the sum of one hundred fifty dollars (\$150.00) per calendar quarter per table, except that tables where the players or participants at said table play solely for merchandise or so called "garbage" games, the sum of twenty-five dollars (\$25.00) per calendar quarter per table.

10. Carnival, including each separate show, game, amusement, exhibition, vaudeville or dramatic performance, game of chance or skill, food and drink stands, the sum of four hundred dollars (\$400.00) per day. "Amusements, amusement rides" as defined in section 15-1 of this chapter shall be licensed as provided in subsection A12 of this section.

11. Circuses. For the purpose of this section, a "circus" is defined to be an exhibition or entertainment at which feats of horsemanship, acrobatic feats, and trained or wild animals are exhibited or displayed, to which exhibition or entertainment an admission fee is charged. For any person conducting, carrying on or managing a circus, or other similar exhibition, side show, or other show or concert to a circus, the sum of two hundred dollars (\$200.00) per day.

12. Coin operated machines. For each machine operated by depositing therein coin(s) or operated by other consideration of value, the sum of five dollars (\$5.00) per machine semiannually. Machines owned and operated by a person in conjunction with his established business shall be licensed under the gross receipts of the established business. Newspaper vending machines, money changing machines and coin operated laundries are exempt from this subsection A12.

13. Contractors, and every person who is required to have a state contractor's license and who is conducting, carrying on or managing the business of a contractor, shall be required to have a city contractor's business license. Contractor's license fee shall be paid semiannually under the gross receipts section 15-23, classification B, of this article.

14. Demonstrators and hawkers. For every person who advertises or calls attention to the business, profession, trade or calling of any person by giving demonstration on foot, or from any wagon, automobile or vehicle, or from any stand, box or platform, on any street, alley, sidewalk or place, or in any doorway of any room or building, unenclosed or vacant lot, the sum of one hundred dollars (\$100.00) per month, or fraction thereof; provided, that nothing in this subsection A14 shall be deemed to authorize licensing of any act now prohibited by law or ordinance. The provisions of this subsection A14 shall not apply to newsboys selling newspapers.

15. Detective agency or private detective, the sum of fifty dollars (\$50.00) semiannually.

16. Flea market or swap meet operator, the sum of twenty-five dollars (\$25.00) semiannually, plus one dollar (\$1.00) per day per single space or area of contiguous

spaces rented by the vendor, except that if a vendor possesses and exhibits a current and valid business license issued by the city then the operator need not remit the one dollar (\$1.00) per day for any such vendor. Said fee shall be collected by the operator from the vendor and remitted to the city on a weekly basis, along with a complete list of the name and address of all vendors who were exempt from paying the tax pursuant to this subsection A16. Said remittance shall be accompanied by consecutively numbered receipts written in triplicate, containing the name and address of the vendor, the make and license number of a vehicle owned by the vendor, and the vendor's California seller's permit number. Said receipt shall be furnished by the city. One copy of the receipt shall be furnished to the vendor, one copy filed with the ~~finance department~~Department of Planning and Engineering on a weekly basis, and one copy to be retained by the swap meet operator for a period of three (3) years for audit purposes.

16.1. Fortune teller. The business license fee for "fortune telling" for pay, as defined in subsection 15-20F of this chapter, shall be fifty dollars (\$50.00) per year.

17. Handyman shall be licensed under the gross receipts section 15-23, classification B, of this article.

18. Hotels, motels, auto courts, etc., shall be licensed under the gross receipts section 15-23, classification B, of this article.

19. Insurance broker shall be licensed under the gross receipts section 15-23, classification B, of this article.

20. Itinerant vendor, itinerant merchant, the sum of fifteen dollars (\$15.00) per day per person for each person so employed, with a minimum fee of twenty-five dollars (\$25.00).

21. Junk dealer and/or collector shall be licensed under the gross receipts section 15-23, classification B, of this article.

22. Maintenance service: building, janitorial, yard, etc., shall be licensed under the gross receipts section 15-23, classification B, of this article.

23. Newspapers, daily, with offices within the city, the sum of one hundred dollars (\$100.00) semiannually.

24. Newspapers, other than daily, with offices within the city, shall be licensed under the gross receipts section 15-23, classification B, of this article.

25. Newspaper agents and/or distributors, the sum of twenty-five dollars (\$25.00) semiannually.

26. Paid promoters, the sum of one hundred dollars (\$100.00) semiannually.

27. Pawnbrokers. For any person conducting, carrying on or managing a pawnshop or acting as pawnbrokers, the sum of one hundred dollars (\$100.00) semiannually.

28. Peddler, the sum of ten dollars (\$10.00) per day per person so employed, with a minimum fee of twenty-five dollars (\$25.00).

29. Photographer, itinerant, the sum of one hundred dollars (\$100.00) semiannually for each person so employed.

30. Private police, private patrol service shall be licensed under the gross receipts section 15-23, classification B, of this article.

31. Real estate broker, who maintains an office or place of business within the city and who engages in the activities of acting as a real estate broker in the sale or lease of any property within the city, the license fee shall be under the gross receipts section 15-23, classification A, of this article. Said gross receipts shall include gross commissions of the broker and gross commissions of all salespersons acting as agents of the broker.

32. Real estate broker, out of city, who does not maintain an office or place of business within the city but who engages in the activities of acting as a real estate broker in the sale or lease of any property within the city, the license fee shall be under the gross receipts section 15-23, classification A, of this article. Said gross receipts shall include gross commissions of the broker and gross commissions of all salespersons acting as agents of the broker.

33. Reserved.

34. Shoeshine parlors or persons engaged in the business of shining shoes, the sum of twenty-five dollars (\$25.00) for the initial application fee inclusive of license fee for first semiannual license period. Thereafter the renewal license fee shall be the sum of seven dollars fifty cents (\$7.50) semiannually.

35. Solicitor, the sum of twenty-five dollars (\$25.00) per day per person so employed.

36. Solicitor, by means of telephone, the sum of twenty-five dollars (\$25.00) semiannually per person so employed.

37. Stamp redemption shall be licensed under the gross receipts section 15-23, classification B, of this article.

38. Stockbroker shall be licensed under the gross receipts section 15-23, classification A, of this article.

39. Stock salesman, shall be licensed under the gross receipts section 15-23, classification A, of this article.

39.1. Street vendors/peddlers, the sum of twenty-five dollars (\$25.00) semiannually for each vehicle, cart, or any other type of conveyance.

40. Taxicabs or vehicles for hire, the sum of twenty-five dollars (\$25.00) semiannually for each vehicle.

41. Trade school. Every person engaged in conducting or operating a trade school shall be licensed under the gross receipts section 15-23, classification B, of this article.

42. Transient trailer and recreation vehicle parks shall be licensed under the gross receipts section 15-23, classification B, of this article.

43. Trucking or delivering, with offices within the city, but not subject to public utilities commission regulations, shall be licensed under the gross receipts section 15-23, classification D, of this article.

44. Trucking or delivering, with offices outside the city, but not subject to the public utilities commission regulations, shall pay the sum of twenty-five dollars (\$25.00)

semiannually for each vehicle with one ton or less load capacity, and the sum of thirty-five dollars (\$35.00) semiannually for each vehicle with load capacity of over one ton.

B. Any business not designated under this section or in any other section of this chapter or in any other ordinance or code of the city of Porterville shall be licensed under section 15-23 of this article.

All licenses shall be paid in advance, in the legal currency of the United States, at the office of the city.

No greater or less amount of money shall be charged or received for any license than is provided in this chapter, and no license shall be sold or issued for any period of time other than is provided in this chapter. (Ord. 1324, 12-18-1984; Ord. 1358 § 1, 7-15-1986; Ord. 1384 § 3, 8-4-1987; Ord. 1494, 3-15-1994; Ord. 1531 § A4, 6-18-1996; Ord. XXXX, [date].)

15-25.2: SURRENDER OF BUSINESS LICENSE:

A. Upon being issued a permit pursuant to this article for a going out of business sale or removal of business sale, the permittee shall surrender concurrently to the ~~finance director~~ Director of Planning and Engineering each business license the permittee may hold at that time applicable to the business location covered by the application for a permit under this article, if the sale is advertised or conducted in a manner calculated to convey to the public the belief that the business will cease to be conducted at that location upon the disposal of the goods to be placed on sale.

B. It shall be unlawful for any person to whom a closeout sale permit is issued to engage in a business of similar nature at the same location for a period of one year following the closing date of the sale. (Ord. 1324, 12-18-1984; Ord. XXXX, [date].)

15-72: APPLICATION FOR PERMIT:

A. Applications for charitable car wash permits shall be made to the ~~finance department~~ Department of Planning and Engineering upon forms prescribed by the city. The application shall be declared under penalty of perjury and filed with the Department of Planning and Engineering not less than five (5) consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any.

2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee or agent of the owner or lessee who has been delegated control of the

premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.

3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time.

4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash.

5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof.

6. Proof evidencing that the permit holder is a bona fide charitable organization.

7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year.

8. Such supplemental information requested ~~finance department~~ Department of Planning and Engineering as the ~~finance department~~ Department of Planning and Engineering may require. The Department of Planning and Engineering may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the ~~finance director~~ Director of Planning and Engineering in writing thereof prior to five o'clock (5:00) P.M. the day before such change.

E. The application documents shall be available for public inspection. (Ord. 1669 § 1, 6-21-2005; Ord. XXXX, [date].)

15-73: ISSUANCE AND FORM OF PERMIT:

A. The ~~finance department~~ Department of Planning and Engineering shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so.

2. The applicant has not provided the information required by this article and fails to provide the missing information after being requested to do so.

3. The application indicates that the proposed car wash will violate any of the requirements of this article and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The number of charitable car washes by the charitable organization applying for said permit exceeds four (4) in a calendar year, or the number of charitable car

washes held at a particular location exceeds four (4) per calendar year. The location requirement shall not pertain to licensed commercial car washes.

5. The applicant has violated any of the provisions of this article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this article shall be construed as granting to the ~~finance department~~ Department of Planning and Engineering or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this article.

C. The ~~finance department~~ Department of Planning and Engineering shall either issue or deny the requested permit within two (2) consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the ~~finance department~~ Department of Planning and Engineering fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and
5. The signature of the ~~finance director~~ Director of Planning and Engineering or his/her designee. (Ord. 1669 § 1, 6-21-2005; Ord. XXXX, [date].)

15-85: DEFINITIONS:

The following definitions are applicable to the terms when used in chapter 15, 18, or 21 of this Code, concerning regulations pertaining to cannabis uses, activities and operations.

APPLICANT: Means a person who is required to file an application for a permit under this article.

BUSINESS OWNER: Means the owner(s) of the cannabis business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of twenty percent (20%) or more in the commercial cannabis business.

CANNABIS: Means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties; whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature

stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this Code, "cannabis" does not mean "industrial hemp" as defined by section 11018.5 of the Health and Safety Code.

CANNABIS ACCESSORIES: Means any equipment, products, or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. "Cannabis accessories" also has the same meaning as in section 11018.2 of the Health and Safety Code.

CANNABIS BUSINESS OR CANNABIS INDUSTRY: Means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

CANNABIS DISPENSARY OR DISPENSARY: Means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code division 10 and any successor statute(s), as may be adopted or amended from time to time. For the purposes of obtaining a City permit and operating within the City, "cannabis dispensary" or "dispensary" is limited to storefront cannabis retailers.

CANNABIS PRODUCT: Means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in section 11018.1 of the Health and Safety Code.

CITY: Means the City of Porterville, either the entity or its territorial limits, as the context requires.

CITY COUNCIL OR COUNCIL: Means the City Council of the City of Porterville.

COLLECTOR: Means the City's ~~Finance Director~~ Director of Planning and Engineering or his or her designee.

COMMERCIAL CANNABIS BUSINESS, COMMERCIAL CANNABIS ACTIVITY, OR CANNABIS BUSINESS OR CANNABIS OPERATION: Means any commercial marijuana activity allowed under State law and the implementing regulations, as State law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, non- medical, or any other purpose and includes the activities of any business licensed by the State or other government entity under division 10

of the California Business and Professions Code, or any provision of State law regulating the licensing of cannabis businesses. It also includes cannabis dispensaries, cooperatives or collectives.

COMMERCIAL CANNABIS REGULATORY PERMIT OR REGULATORY PERMIT: Means the permit required under this article to have a cannabis business.

CONCENTRATED CANNABIS: Means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

DELIVERY: Means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this article that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

DELIVERY EMPLOYEE: Means an individual employed by a licensed dispensary who delivers cannabis goods from the licensed dispensary premises to a physical address.

DEVELOPMENT AGREEMENT: Means an agreement entered into between the City and the business owner and any other responsible parties as required by the City, in accordance with chapter 21, series 600, article 609 of this Code.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis or cannabis products between licensees.

DISTRIBUTOR: Means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code division 10 and any successor statute, as may be adopted or amended from time to time.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

GROSS RECEIPTS: Means the amount a cannabis operation received from all sources during its accounting period, without subtracting any costs or expenses.

MAUCRSA: Means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in division 10 of the California Business and Professions Code, as the same may be amended from time to time.

MANUFACTURE: Means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

MEDICAL CANNABIS DISPENSARY: Means a storefront cannabis dispensary with a valid M-type 10 retailer license in accordance with MAUCRSA.

OPERATOR: Means the business owner and any other person designated by the business owner as responsible for the day to day cannabis business operation.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or

licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PROCESSING: Means any method used to prepare cannabis or its byproducts for personal use or commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis related products and concentrates.

RESPONSIBLE PARTY: Shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis businesses operations.

STATE: Means the State of California.

STATE LAW: Means all regulations and laws pertaining to cannabis business in the State of California.

STATE LICENSE: Means a State license issued pursuant to California Business and Professions Code section 26000, et seq., or other applicable State law.

TRANSPORT OR TRANSPORTATION: Means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this article. (Ord. 1853, 5-7-2019; Ord. XXXX, [date].)

15-88: REGULATORY PERMIT REQUIRED:

A. Application For Permit: At the time authorized by the City, applications for regulatory permits shall be filed by the proposed business owner(s) with the City and include the information set forth herein. The City may request such additional information as they deem necessary to determine who the applicant is, and may adopt additional requirements as authorized in subsection 15-87B of this article.

The applicant shall certify under penalty of perjury that all the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

1. The full name, present address, and telephone number, including such information to the premises owner.
2. Date of birth.
3. Tax identification number.
4. The address to which notices relating to the application are to be mailed.
5. Previous addresses for the five (5) years immediately preceding the present.
6. The height, weight, color of eyes and hair.
7. Photographs for identification purposes (photographs shall be taken by the Police Department).
8. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
9. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or

state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.

10. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis sales will occur on its property.

11. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis business activities proposed to occur on the premises.

12. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis production, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. For cannabis dispensaries, the floor plan should show the layout and design of the building. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ($\pm 6"$).

13. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, twenty-four (24) hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.

14. The proposed security arrangements for ~~insuring~~ ensuring the safety of persons and to protect the premises from theft.

15. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school or any other sensitive use as set forth in the operational requirements.

16. Authorization for the City, its agents and employees to seek verification of the information submitted.

B. Other Permits Or Licenses: The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit. (Ord. 1853, 5-7-2019; Ord. XXXX, [date].)

15-125: DEFINITIONS:

As used in this article:

ANCILLARY MASSAGE SERVICES: Those services where less than twenty percent (20%) of the gross floor area of the business is devoted to massage.

CALIFORNIA MASSAGE THERAPY COUNCIL OR CAMTC: The massage therapy organization formed pursuant to chapter 10.5 of division 2 of the Business And Professions Code sections 4600 et seq.

CERTIFIED MASSAGE PRACTITIONER OR THERAPIST: Any individual certified by the California massage therapy council (CAMTC) as a certified massage therapist, certified

massage practitioner, or conditionally certified massage practitioner pursuant to chapter 10.5 of division 2 of the California Business And Professions Code sections 4600 et seq.

CITY: The city of Porterville, California.

CITY MANAGER: The city manager of the city of Porterville or designee.

CITY REGISTRATION CERTIFICATE OR REGISTRATION CERTIFICATE OR REGISTRATION: A certificate issued by the city to a massage business to practice massage for compensation pursuant to this article.

CLIENT: The customer or patron who pays for or receives massage services.

COMMUNITY DEVELOPMENT DIRECTOR: The ~~community development director~~ Director of Planning and Engineering of the city of Porterville or designee.

COMPENSATION: The payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

DAY: Calendar day, unless otherwise specifically expressed.

DISQUALIFYING CONDUCT: Any of the following:

A. Within five (5) years immediately preceding the date the city registration application was filed, or any time thereafter, the person has been convicted in a court of competent jurisdiction of the commission of or any attempt to commit, directly or indirectly, or assisting in or abetting the commission of, or conspiring to commit:

1. A violation of any provision of law pursuant to which a person is required to register under the provisions of California Penal Code section 290;
2. Any violation of California Penal Code sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 314, 315, 316, 318, 653.22, 653.23 or subsections (a), (b) or (d) of section 647;
3. Any other crime involving dishonesty, fraud, deceit, or moral turpitude;
4. A violation of California Penal Code section 415, 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the crimes previously listed in subsections A1 through A3 of this definition;
5. Any crime committed while engaged in the management or ownership of a massage business or the practice of massage;
6. A violation of California Health And Safety Code sections 11054, 11055, 11056, 11057, or 11058; or
7. Any offense in another state or territory of the United States which is the equivalent of any of the above offenses.

B. Within five (5) years of the date immediately preceding the date the application was filed, or any time thereafter, any applicant whose city registration certificate, CAMTC certification, or trainee registration certificate or permit, which was issued by the state of California or any county or city has been suspended or revoked for good cause;

C. Committing or maintaining a nuisance pursuant to California Penal Code sections 11225 through 11235, and/or Health And Safety Code sections 11570 et seq., for which a permanent injunction was issued, or committing a violation of any similar provisions of law in another state or territory of the United States; or

D. Committing a violation of any provision of this article provided that the applicant received timely notice of the violation.

EMPLOYEE: Any person hired by a massage business or owner who renders any service for the business/owner in exchange for any form of compensation from the business.

FINANCE DIRECTOR OR DIRECTOR: The ~~finance director~~ Director of Planning and Engineering of the city of Porterville or designee.

HEARING OFFICER: The administrative hearing officer appointed by the city manager to conduct an administrative hearing pursuant to this article.

MANAGER: The person(s) designated by the massage business owner to act as the representative and agent of the owner in managing day to day operations with corresponding responsibilities. The term "manager" may also include an owner.

MASSAGE BUSINESS OR BUSINESS: Any business that offers massage therapy in exchange for compensation. Any business that offers any combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage business under this article. The term "massage business" includes a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. For purposes of this article, "massage business" shall include, without limitation, the advertising and soliciting of massages, and includes, but is not limited to, a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage business which employs certified massage practitioners or therapists.

MASSAGE BUSINESS OWNER OR OWNER: Any of the following persons:

- A. Any person who is a general partner of a general or limited partnership that owns a massage business.
- B. Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.
- C. Any person who is a member of a limited liability company that owns a massage business.
- D. Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

MASSAGE OR MASSAGE THERAPY: The skillful application of touch, including, but not limited to, pressure, stroking, kneading, compression on or movement of the external surfaces of the body to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular reeducation. Examples of massage include, but are not limited to, Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, hellerwork and reflexology.

RECEPTION AREA: An area immediately inside the front door of the massage business dedicated to the reception and waiting of clients of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

REGISTRATION CERTIFICATE HOLDER: The applicant named on the application for a registration certificate and all massage business owners.

RENT-SPACE MASSAGE THERAPIST OR RENT-SPACE THERAPIST: A person who practices massage at a massage business but is not an employee of the business.

SOLE PROPRIETORSHIP: Means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

VISITOR: Any person who enters a massage business and who is neither a client, owner, manager, nor employee of the business. (Ord. 1831, 1-19-2016; Ord. XXXX, [date].)

15-126: EXEMPTIONS:

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

A. Complete exemption. The requirements of this chapter shall not apply to the following individuals:

1. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of the licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.
2. Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this exemption shall only apply if the massaging of the neck, face and/or scalp, hands or feet of the clients is ancillary to the primary service being provided by the barber or beautician.
3. Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.
4. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
5. Any other business or profession exempt from the provisions of this chapter by state law.

B. Limited Exemption. In addition to any other applicable provisions of this article, businesses that offer ancillary massage services shall only be required to comply with the provisions set forth in this section for the massage portion of the business. The business shall comply with the following provisions:

1. Massage services must be performed by a certified massage practitioner or therapist;
2. Subsection 15-128 F of this article related to facility requirements as they pertain to the portion of business that is utilized for massage;
3. Subsection 15-128 G of this article related to operational requirements; and
4. Section 15-136 of this article related to inspections.

C. Additional Limited Exemption/Temporary Permit. An individual who is currently not a certified massage practitioner or therapist by CAMTC as defined in Section 15-125, due to his or her school having closed on or before June 30, 2016, may obtain a license to practice massage therapy for compensation as a sole practitioner or therapist or employee of a massage business for one six-month period, pending CAMTC certification under its Closed School Policy(ies), provided that all the following requirements are met:

1. Prior to applying for a permit under this section, he or she ~~is~~ possesses a valid business license for massage therapy services and was at all times in good standing in another U.S. city's jurisdiction.
2. The individual provides sufficient evidence to and as determined by the City of Porterville that he or she is applying to the CAMTC for certification as a certified massage therapist or practitioner.
3. The individual provides evidence of current membership with the Associated Bodywork & Massage Professionals, including proof of current insurance coverage obtained through that Association.
4. The individual's business location and operations must comply with all other provisions of this Article and Chapter 21 of the Porterville Municipal Code. A Non-CAMTC certified owner of a business where ~~the~~ an individual will be engaging in massage therapy services shall continue to be required to comply with all applicable requirements specified in Article IX, including but not limited to 15-128 B.ii, even if the massage therapy services qualify as ancillary massage services.
5. If the individual does not receive his or her CAMTC certification within the period specified above, the permit shall expire and the individual will no longer be able to practice massage therapy services in the City. The City may extend the permit for a maximum of one additional six-month period, upon a showing by the individual that CAMTC certification/approval is pending, after which no further extensions shall be granted.

D. Furnish Evidence: Any person claiming an exemption under this section shall furnish satisfactory evidence to the city manager upon request that he or she is entitled to the exemption, including, proof of bona fide employment or, if applicable, a citation to the particular provision of state law upon which that person relies. (Ord. 1831, 1-19-2016; amd. Ord. 1851, 3-5-2019; Ord. XXXX, [date].)

15-128: REQUIREMENTS FOR MASSAGE BUSINESSES:

A. Requirements: It shall be unlawful for any massage business to provide massage services unless all of the following requirements are met:

1. All of the individuals employed by the massage business to perform massage are certified massage practitioners or therapists;
2. The business has a valid city business license under this chapter; and
3. The business has a valid city registration certificate under this article.

B. Application For City Registration Certificate: The application for new and renewal city registration certificates shall include the following information, without limitation, and an application fee in an amount established by city council resolution:

1. The legal name, address and telephone number of the massage business.
2. A floor plan indicating how the use is proposed to be conducted within the premises, a list of services to be provided, and a description of any other business operated on the same premises.
3. Legal names of all owners of the massage business and the names of all managers.
4. Home address and telephone number and business address and telephone number of all owners of the massage business, and any previous home addresses for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
5. For all owners, a valid and current driver's license and/or photo identification issued by a state or federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government.
6. The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).
7. For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business And Professions Code section 4600 et seq., any local, state, or federal law, or the provisions of this article may result in revocation of the business's city registration certificate.
8. The massage license and registration history of all of the owners, including whether the owner has operated any massage business or similar business or occupation within any other county, city, or state; and whether or not the applicant, in previously operating a massage business, has had the license or registration certificate revoked, suspended, or denied. In the case of revocation, suspension, or denial, the owner shall also include within the form the reason(s) therefor, and any employment obtained subsequent to any revocation, suspension or denial.
9. The employment history of each owner for five (5) years preceding the date of the application, the inclusive dates of the employment history, and the name and address of any massage business or similar business owned by the individual, whether inside or outside the city. Employment history shall also include whether the owner, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.
10. For each owner of the massage business that is a certified massage practitioner, a copy of that person's current certification from the California massage therapy council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner, and copy of that person's CAMTC issued identification card.
11. For each owner that is not CAMTC certified, current fingerprints taken by the city of Porterville police department or a certified and approved California live scan

fingerprinting center for the purpose of conducting a background check on behalf of the city, to determine the criminal history of the applicant, including whether the applicant has been convicted of any felony, misdemeanor, infraction, or municipal code violation, or has been held liable for any administrative or civil action, for an act that is substantially related to the practice of massage or disqualifying conduct.

12. The name of each person the massage business employs or retains to perform massage therapy for compensation. For each person the massage business does or will employ or retain to perform massage therapy for compensation, a copy of that person's current certification from the California massage therapy council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC issued identification card for each certified massage practitioner.

13. The name and address of the owner of the real property upon, in, or from which the massage business is to be operated. In the event the applicant or owner is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the massage business and the property owner authorizing use of the premises for a massage business, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage business will be operated by the applicant upon, in, or from the property owner's property.

14. Proof of current and valid workers' compensation insurance from an insurer authorized to do business in California, in an amount as required by law.

15. Authorization for the city, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the registration certificate.

16. The name of the individual to receive notices on behalf of the business.

17. Any other identification and information necessary to discover the truth of the matters required to be set in the application.

C. Changes To Application Information: Any changes to the application information during the period the city is reviewing the application shall be immediately reported to the city. Failure to report these changes shall result in denial of application.

D. Approval Or Denial Of City Registration Certificate And Massage Business Registration Certificate Renewals:

1. Within thirty (30) days following receipt of a completed application, ~~finance director~~ Director of Planning and Engineering shall either issue the registration certificate or mail a written statement of the reasons for denial as set forth below. The director shall deny a registration certificate to the applicant where any of the following conditions exist:

a. The applicant or any owner has procured or attempted to procure a registration certificate or other license by fraud, misrepresentation or material misstatement;

b. The applicant or any owner is a person who, as established by clear and convincing evidence, has engaged in "disqualifying conduct" as defined in this

article within five (5) years immediately preceding the date of filing of the application;

c. The massage business, as proposed by the applicant, if permitted, would not comply or has not complied with all the applicable laws, including, but not limited to, all the city's building, fire, zoning, and health regulations;

d. The applicant or any owner has violated any provision of this article, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage businesses;

e. The applicant is less than eighteen (18) years of age;

f. The application is incomplete and the required supplementary documents were not submitted within twenty (20) days of a request for these documents by the ~~finance director~~ Director of Planning and Engineering;

g. The applicant or any owner has been denied for good cause a business registration certificate or license; has had their registration certificate or registration revoked, suspended, or restricted for good cause; has been proven to have violated any ordinance related to the practice of massage; or has had any other disciplinary action taken for good cause against them by another city, state, county or territory of the United States, or by any other government agency; or

h. The applicant or any owner is indebted to the city for any unpaid fee or fine.

2. If prosecution is pending against the applicant or any owner for either conduct violating this article's provisions or conduct violating Business And Professions Code section 4600 et seq., the director may postpone the decision on the application until the prosecution's final resolution. As used in this subsection, "prosecution" means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or criminal action maintained by the Porterville city attorney or prosecution attorney.

E. Written Notice Of Denial: Upon determining that grounds for denial exist, the ~~finance director~~ Director of Planning and Engineering shall furnish written notice of the denial to the applicant. The notice shall summarize the principal reasons for the denial, shall state that the applicant may request an appeal pursuant to section 15-131 of this article, and shall be delivered by mail to the applicant as that name and address appear on the application.

F. Facilities Prerequisite To Registration Certificate Issuance: A registration certificate shall not be issued pursuant to this article unless an inspection reveals that the business complies with each of the following minimum requirements of this article and chapter 21 of this code:

1. Facility Requirements:

a. No massage or massage services shall be given in a business, or premises registered pursuant to this article, in any room or space enclosed or divided by walls and fitted with a door capable of being locked from the inside. This section shall not apply to the business's external doors and shall not operate to prohibit a massage business from locking its external doors if the business is a business

entity owned by one individual with one or no employees or independent contractors.

b. A list of services available and the cost of the services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and any other languages that the business chooses. Only services on the posted list shall be performed.

c. Minimum lighting consisting of at least one artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

d. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

e. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good repair and maintained in a clean and sanitary condition.

f. Adequate bathing, dressing, locker and toilet facilities shall be provided for clients. A minimum of one tub or shower; one dressing room containing a separate locker for each client to be served, which locker shall be capable of being locked; as well as a minimum of one toilet and washbasin, shall be provided in every massage business; provided, however, that if male and female clients are to be served simultaneously at the business, separate bathing, massage room(s), dressing room(s), and toilet facilities shall be provided for male and female clients. This requirement may be modified upon approval of the city manager if the services provided or site plan do not necessitate some or all of these facilities.

g. A minimum of one washbasin for employees shall be provided at all times. The basin shall be located within, or as close as practicable, to the area devoted to performing massage services. Sanitary towels shall also be provided at each basin. Hot and cold running water shall be provided at all times.

h. In the reception area, in letters that are a minimum of one inch (1") in height, a notice in English (and any other language that the business chooses) that provides information substantially as follows:

THIS MASSAGE BUSINESS AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE

i. No room or space enclosed or divided by walls and fitted with a door where massage or massage services are performed shall be equipped with any electronic, mechanical, or artificial device used or capable of being used, for the recording or videotaping of visual images and/or sound.

j. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed or required.

k. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. The tables shall be sanitized after each use.

l. A massage business shall operate only under the name specified in its city registration certificate.

m. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

G. Operating Requirements:

1. Massage may be provided only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. No massage business shall be open and no massage services shall be provided between nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. A massage commenced prior to nine o'clock (9:00) P.M. shall nevertheless terminate at nine o'clock (9:00) P.M., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at nine o'clock (9:00) P.M.

2. The owner and manager of a massage business shall be responsible for displaying the city registration certificate and the CAMTC registration certificate of each and every certified massage practitioner or therapist employed in the business in an open and conspicuous place on the premises. Passport size photographs of the registration certificate holder shall be affixed to the respective registration certificate on display pursuant to this section.

3. For each massage service provided, every massage business shall keep a complete and legible written record of the following information:

- a. The date and hour that service was provided;
- b. The service received;
- c. The name or initials of the employee entering the information; and
- d. The name of the employee administering the service.

The records shall be open to inspection and copying by the Porterville police department, or other city officials charged with enforcement of this article. These records may not be used by any massage business owner or employee for any purpose other than as records of service provided and may not be provided to other parties by any person unless otherwise required by law. The records shall be retained on the premises of the massage business for a period of two (2) years.

4. All massage business owners and their employees shall wear clean outer garments. The garments shall not include any of the following:

- a. Attire that is transparent or see through, or substantially exposes the employee's undergarments;
 - b. Swim attire, if not providing a water-based massage modality accepted by the California massage therapy council;
 - c. Attire that exposes the employee's genitals, pubic areas, buttocks, or breasts;
 - d. Attire worn in a manner that constitutes a violation of California Penal Code section 314;
 - e. Attire worn in a manner that is otherwise deemed by the California massage therapy council to constitute unprofessional attire based on the custom and practice of the profession in California.
5. At all times during the massage, the client's genitals shall be fully covered and contact shall not be made with the genitals.
6. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during the business hours (including electronic locking devices) or when clients are present. External doors may only be locked during business hours if the massage business is a business entity owned by one individual with one or no employees or independent contractors who are not employees of the business and there is no staff available to assure security for clients and massage staff behind closed doors.
7. During hours of operation, no person other than the listed manager on duty, an employee, or a client shall be allowed beyond the reception area of the massage business.
8. Clients and visitors shall only be permitted in the massage business during the hours of operation.
9. Visitors shall only be permitted in the reception area of the massage business.
10. Clients shall only be permitted in massage treatment areas if at least one massage practitioner is on the premises.
11. The massage business shall be supervised, during all hours of operation, by a manager specified in the city's registration application. The name of the manager on duty shall be posted in a conspicuous place within the reception area daily.
12. The owner and manager shall maintain a register of all employees or rent-space massage therapists. The employee register shall be maintained on the premises for a minimum period of two (2) years following an employee's termination. The owner and manager shall make the employee register immediately available for inspection upon demand by a representative of the Porterville police department or the city at all reasonable times. The employee register shall include, but not be limited to, the following information:
 - a. The name, nicknames and/or aliases used by an employee or rent-space massage therapist.
 - b. A good quality color photocopy of a lawfully issued CAMTC certificate for each employee and rent-space therapist that provides massage services.

- c. The employee's or rent-space therapist's home address and relevant phone numbers (including, but not limited to, home and cellular numbers).
- d. The employee or rent-space therapist's age, date of birth, gender, height, weight, color of hair and eyes.
- e. The date of employment and termination, if applicable, or, in the case of a rent-space therapist, the start and end dates of the lease agreement, as well as a copy of the agreement for all employees.
- f. The duties of each employee.

13. While the city registration is in effect and at all times during operation, the massage business shall fully maintain current and valid workers' compensation insurance as required by law. Proof of insurance shall be maintained on the premises at all times.

14. The massage business shall apply to the city for an amended city registration certificate within twenty (20) days after the occurrence of any circumstance which changes the registration information initially provided to the city pursuant to this section, including, but not limited to, the termination of certified massage practitioners or therapists. There shall be no charge for an amended registration certificate unless the director determines that the changes are substantial and a new certificate is required.

H. City Registration Certificate: A city registration certificate issued pursuant to the terms of this article shall be valid for a term of one year from the date of issuance and, unless suspended or revoked, may be renewed annually upon application by the massage business owner so long as the massage business is operating within the city. No registration certificate shall confer any vested right to any person or business for more than the registration period. (Ord. 1831, 1-19-2016; Ord. XXXX, [date].)

15-131: DENIAL/APPEALS:

A. Notice of denial, suspension or revocation shall contain a statement of the violation(s) which constitute the basis for the suspension or revocation and information about the right to appeal. Notice of the suspension or revocation shall be given by first class mail to the owner and real property owner at the addresses shown on the registration certificate. Service shall be deemed complete when the notice is mailed by first class mail. The owner shall have ten (10) calendar days from the date the notice is served to appeal to the ~~finance-director~~ Director of Planning and Engineering in writing and upon payment of a fee in an amount established by city council resolution. Upon issuance of a notice of suspension or revocation, the registration certificate shall be surrendered and no massage activity may occur while any appeal proceeds.

B. Upon receipt of an appeal, the ~~finance-director~~ Director of Planning and Engineering shall appoint a hearing officer. A hearing shall be scheduled upon not less than ten (10) calendar days and not more than thirty (30) days, unless extended by mutual agreement. Notice of the hearing shall be given by first class mail to the owner and real property owner at the address shown on the registration certificate. Service shall be deemed complete when the notice is mailed.

- C. The hearing officer's jurisdiction is limited to determining whether evidence exists to provide grounds for the registration certificate denial, suspension or revocation.
- D. The city shall provide proof of any violations by a preponderance of the evidence. Formal rules of evidence shall not apply to the hearing.
- E. The hearing officer shall:
1. Receive evidence regarding the proposed suspension, revocation or certificate denial.
 2. Maintain a record of all evidence introduced.
 3. Record the hearing.
 4. Consider the nature, volume, severity, and frequency of any violations.
 5. Decide whether grounds exist of the suspension or revocation or denial.
 6. Issue a written decision within seven (7) days of the hearing that includes the factual and legal basis of the decision and a notice of the appeal rights contained in this article.
- F. The hearing officer's decision shall be final upon mailing by first class mail to the owner and real property owner at the address listed on the registration certificate.
- G. The hearing officer's decision is subject to review pursuant to California Code Of Civil Procedure section 1094.6. (Ord. 1831, 1-19-2016; Ord. XXXX, [date].)

15-136: INSPECTION BY OFFICIALS:

The investigating and enforcing officials, including, but not limited to, the Porterville police department; Tulare County health department; or the city's ~~finance director~~ Director of Planning and Engineering, code enforcement, or building and safety officials, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this article. (Ord. 1831, 1-19-2016; Ord. XXXX, [date].)

15-139: SALE OR TRANSFER OF MESSAGE BUSINESS INTEREST:

A sale or transfer of any interest in a massage business, which interest would be reported as required in this article upon application for a city registration certificate, shall be reported to the ~~finance director~~ Director of Planning and Engineering within ten (10) days of the sale or transfer. The ~~finance director~~ Director of Planning and Engineering shall investigate any person receiving any interest in a massage business as a result of the sale or transfer, and if the person satisfies the requirements relating to city registration certificate applicants, the existing registration certificate shall be endorsed to include the person. A fee as set by resolution of the city council shall be paid to the city for the investigation by the ~~finance director~~ Director of Planning and Engineering necessitated by each sale or transfer. (Ord. 1831, 1-19-2016; Ord. XXXX, [date].)

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING CHAPTER 15 OF THE PORTERVILLE MUNICIPAL CODE
PERTAINING TO BUSINESS LICENSE

WHEREAS, the City desires to enforce the Porterville Municipal Code and the City's ordinances in the most efficient manner possible, the proposed ordinance relocates the Business License function from the Finance Department to the Engineering and Planning Department and;

WHEREAS, the amendments also modernize and clarify the City's Business License authority by defining the organization, supervision, and coordination with other City departments.

WHEREAS, the proposed ordinance does not eliminate or diminish the independent statutory authority of the Finance Director, or any other City official granted enforcement authority by Ordinance or state law. It provides organizational clarity by placing responsibility for the City's general municipal business license program within the Planning and Engineering Department removing and replacing the authority from the Finance Director to the Director of Planning and Engineering Department;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

15-1: DEFINITIONS:

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

ADVERTISING SOLICITOR: Any person who goes from place to place within the city selling or offering to sell advertising service using any advertising method.

AMUSEMENTS, AMUSEMENT RIDES: One or more merry-go-rounds, exhibitions, flying horses, Ferris wheels, or other similar devices.

ARCADE: A commercial establishment containing any combination of five (5) or more apparatuses, devices and/or machines operated by payment of fees and where the apparatus, devices and/or machines make possible a game or contest.

AUCTION SALES: All sales by auction of personal and/or real property.

BUSINESS: Professions, trades and occupations, and all and every kind of calling whether or not carried on for profit.

CARD ROOM: Any room in which there are card tables used, kept or intended for use in the playing of any kind of legal card game where the same is conducted as a business or in connection with a business.

CARNIVAL: A group of two (2) or more shows, entertainments, games, devices, mechanical rides, amusements, vaudeville or dramatic or minstrel performance, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill, and as a result of

the operation of which things or representatives of value are given or paid. The charging of a single admission fee to a carnival shall not limit the provisions of this chapter.

CITY: City of Porterville, Tulare County, state of California.

COLLECTOR: The Director of Planning and Engineering or designee of the city and duly authorized assistants and/or deputies of the director.

CONTRACTORS: Means and includes those trades licensed by the state contractors' licensing board.

FIXED PLACE OF BUSINESS OR ESTABLISHED BUSINESS WITHIN THE CITY: A permanent store, office or place where business is legally and regularly transacted from month to month in such manner as business of that nature is generally or customarily carried on and conducted and when the circumstances show an intention to become an established, fixed and continuous part of the regular and legitimate business life of the city. In questionable cases, such facts must be shown by the exhibition of a bona fide lease or rental agreement to the premises where such business is to be conducted, such lease or rental agreement to be for a minimum period of not less than ninety (90)

days.

FLEA MARKET OR SWAP MEET: Any collection of two (2) or more vendors gathered together in a common area segregated by spaces, booths or other designated selling locations for the purpose of selling, offering to sell, bartering, or offering to barter, or any combination thereof, goods, wares, merchandise or articles of value. This definition shall be liberally construed so as to apply to any activity commonly known and referred to as a flea market, swap meet, or farmers' market.

FLEA MARKET OR SWAP MEET OPERATOR: Any person, corporation or organization conducting, managing or engaging in the business of operating a swap meet, flea market, or farmers' market.

FLEA MARKET OR SWAP MEET VENDOR: Any person, corporation or organization, and all employees and agents thereof, who purchases or acquires a space or spaces from a flea market or swap meet operator, or who purchases or acquires the right to be on the premises for the purpose of operating a business at a flea market, swap meet, or farmers' market.

GOING OUT OF BUSINESS SALE: A sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including, but not limited to, the following types of sales: adjusters; adjustment; alteration; assignees; bankrupt; benefit of administrator; benefit of creditors; benefit of trustees; building coming down; closing; creditors committee; creditors; end; executors; final days; forced out; forced out of business; insolvent; last days; lease expires; liquidation; loss of lease; mortgage sale; receivers; trustees; quitting business; going out of business.

GOODS: Any goods, wares, merchandise or other personal property capable of being the objects of a sale regulated hereunder.

GROSS RECEIPTS: Shall include the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash credits and property of any kind or nature, without any

deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Included in "gross receipts" as concerns telephone companies shall be only those receipts derived from providing telephone service within the city and only receipts resulting from intrastate telephone service. Excluded from "gross receipts" shall

be cash discounts allowed and taken on sales; credit allowed on property accepted as part of the purchase price and which property may later be sold; any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser; such part of the sale price of property returned by purchasers upon recession of the contract of sale as is refunded whether in cash or by credit; amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those from whom collected.

Note: All receipts of a business should be included under gross receipts with the following exceptions:

- A. Cash discounts allowed.
- B. Trade in allowances.
- C. Sales tax.
- D. Excise tax.
- E. Any other tax included in or added to the price of the product.
- F. Sales return allowances.
- G. Amounts collected as an agent which are to be paid to others. (An example of this might be a down payment collected by a realtor or a stock purchase price collected by a stockbroker.)

INSURANCE BROKER: A person who, for compensation and on behalf of another person, transacts insurance other than life with, but not on behalf of, an insurer.

ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer. The provisions of this definition shall not apply to commercial travelers or selling agents, selling their goods exclusively to merchants, dealers or traders, whether selling for present or future delivery, by sample or otherwise, nor to peddlers, as the same is defined in this chapter. Further, the provisions of this definition shall not apply to persons selling fruit, vegetables, eggs, butter or other farm or ranch products of their own farm or dairy, exclusively, nor shall it apply to food products defined as "cottage foods" pursuant to the Health And Safety Code, live plants or plant cuttings, or homemade arts or crafts when such items are

offered for sale by the preparer at a coordinated farmers' market or similar event approved through the city.

PAID PROMOTER: Every person, and each agent or representative of such person conducting, carrying on or managing, for any compensation whatsoever, the business of selling tickets for, or promoting by advertising or otherwise, any activity within the city.

PARADE: Any march or procession consisting of persons, animals, or vehicles, or a combination thereof, except funeral processions, upon any public street, sidewalk, alley, or public place, which march or procession does not comply with normal and usual traffic regulation or control.

PEDDLER: Any person who goes from house to house, place to place, or in or along the streets, within the city selling or offering to sell, barter or exchange, and making or offering to make immediate delivery of any goods, wares, merchandise or anything of value, in the possession of the peddler to persons other than manufacturers, wholesalers, jobbers or retailers of such commodities; provided, that a producer who furnishes directly and delivers any poultry, eggs, butter, fruit, vegetables or meat being exclusively the produce of his own garden, farm, ranch, or dairy to persons within the city, shall not be deemed a peddler within the meaning of this definition.

PERSON: All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, societies, and individuals transacting and carrying on any business in the city other than as an employee.

PERSONAL LOANS OR SUPPLIER OF FINANCING: Every person who either for himself or any other person engages in the business of loaning money, advancing credit, loaning credit, whether security of any kind (personal or real property) is taken for such loan or advance or not, or purchasing or discounting of any obligation of money due or to become due or any evidence of any obligation of money due, whether such obligation is secured or guaranteed or not. Nothing in this definition shall be deemed or construed to apply to any person conducting a banking business or financial corporation exempt under the laws of California, or to persons required to be licensed by the state of California under provisions of the "personal property brokers act", or to the holder of a pawnbroker's license.

QUARTER: A period of three (3) calendar months. The "quarter" as referred to in this chapter shall commence on the first days of July, October, January, and April and end on the last days of September, December, March and June. A quarter shall include any fraction thereof.

RECYCLABLE WASTE HAULER: Any person who goes from place to place, or business to business, within the city collecting and hauling recyclable waste materials such as bottles, cans, cardboard, oil, paper or paper products, or any other substance for the purpose of reclamation or other use. Nothing in this definition shall be deemed or construed to apply to any person conducting business as a junk dealer.

REMOVAL OF BUSINESS SALE: A sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place upon disposal of the stock of goods on hand and then will remove to and resume business at a new location in the city or will continue business from other existing locations in the city.

SEMIANNUAL: A period of six (6) calendar months. The semiannual period as referred to in this chapter shall commence on the first days of July and January and end on the last days of December and June. A semiannual period shall include any fraction thereof.

SOLICITOR OR CANVASSER: Any person who goes from house to house or from place to place within the city, selling or taking orders for, or offering to sell or take orders for, any goods, wares or merchandise or any article, for future delivery, or selling or taking orders for any service or services to be furnished or performed in the future at any place within the city other than a fixed place of business, or for making, manufacturing, treating or repairing of any article or thing whatsoever, for future delivery.

STREET VENDORS/PUSH CART VENDORS: Every person conducting, carrying on or managing the selling or offering for sale any food, beverages, goods, wares, merchandise of any type including, but not limited to, plants, flowers, toys, paintings, furniture, or rugs, or articles of personal property, in his/her possession, if the offer for sale occurs from a basket, box or any other type of receptacle, stand, wagon, motor vehicle, push cart, or any other type of vehicle.

15-20: REGULATIONS:

A. Card Tables:

1. **Conformance With State Law:** It is the stated purpose of this subsection to regulate card rooms, licenses and permits in the city of Porterville concurrently with the state of California, and to impose local controls and conditions upon establishments operating card rooms and card tables as permitted in the "gambling control act" as codified in division 8, chapter 5 of the California Business and Professions Code.

2. **Licenses:** Each card table shall be assigned a separate license with such license designating the number of the table and the location of the table, and the exact place of business where such card table is to be maintained. The operator shall attach to each licensed table a metal identification number, which shall be plainly visible at all times; and no license or identification number shall be transferable; provided, however, that it may be moved to a new location with the approval of the city council.

3. **Hours Of Operation:** Playing at all card tables shall absolutely cease and terminate at two o'clock (2:00) A.M. of each day; and it is hereby declared to be unlawful for any person to deal, participate in, play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control any card table in the city between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. of each day.

4. **Patron Security And Safety:** All licensees shall have in effect a security plan to address the safety and security of patrons in and around the card room. The plan, and any amendments thereto, must be filed with and approved by the chief of police. The licensee shall be liable for the security and safety of its patrons to the extent required by law. Any information about security measures that is provided to the city by an establishment operating a card table shall be confidential and not open to public inspection. The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the chief of police for the security and safety of citizens, patrons, and police officers. During all

hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

5. Wagering Limits: Unless otherwise authorized by the chief of police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten (10) hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the chief of police a declaration stating the following: a) the minimum buy- in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this subsection. However, all wagering limits fixed by the licensee shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the city.

6. Number Of Gambling Tables: Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the city of Porterville, and not more than three (3) establishments operating such tables shall be located in the city of Porterville.

7. Location: No license shall be issued except for a location deemed suitable by the city council.

8. Permit Required For Dealers And Employees: All card room dealers and employees shall be required to obtain a permit from the chief of police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the department of justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The chief of police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code section 19850A(a):

- a. Failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, division 8, chapter 5;
- b. Failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the director of the division of gambling control, department of justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;
- c. Conviction of the applicant for any crime punishable as a felony;

- d. Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten (10) year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to sections 1203.4, 1203.4a and 1203.45 of the California Penal Code;
- e. Association of the applicant with criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code;
- f. Wilful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code; or
- g. The applicant is less than twenty-one (21) years of age.

The department of justice's division of gambling control may object to the issuance of a work permit by the city for any cause deemed reasonable by the division.

9. Revocation And Appeal:

- a. By The Chief Of Police: The chief of police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the chief of police, may appeal the action of the chief of police to the city council in accordance with the procedure set forth in subsection 15-13B of this article.
- b. By The Division Of Gambling Control: If the division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the division may apply to the California gambling commission for an evidentiary hearing in accordance with regulations. In addition, the California gambling control commission may notify the chief of police to revoke a work permit, if the commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A.

B. Coin Operated Machines:

- 1. Contents Of Applications: At the time a license is applied for, the applicant shall give the serial number, and kind or character of such machine.
- 2. Display Of License Or Stamp: No person shall maintain any vending, weighing, entertainment or amusement machine within the city without having posted thereon in a conspicuous place a stamp or label, which shall be issued and supplied by the collector, which stamp or label shall indicate the number of the license, together with the date of expiration thereof; and in the event any duly qualified officer of the city finds any such machine being maintained in the city without such stamp or label being maintained thereon in a conspicuous place, or without such stamp or label indicating that there is a valid and unexpired license issued covering such machine, it shall be his duty to seize and

hold such machine for the payment of the license tax, which machine shall be disposed of upon the nonpayment of such tax as provided by the laws relative thereto.

3. Transfer Of License: In the event any person discontinues maintaining any vending, weighing, entertainment or amusement machine duly licensed pursuant to this chapter during a period when such license remains unexpired, the licensee may substitute another similar machine in place of the machine, the use of which is so discontinued, and may maintain such substituted machine without the payment of an additional license tax for the unexpired period of the license carried on such discontinued machine; provided, however, that such person surrender the unexpired license of such discontinued machine to the collector and obtain from the collector a new license for such unexpired period for the replacing machine.

4. Location Of Machines: No license as provided in this chapter shall be issued for the maintaining of any vending, weighing, entertainment or amusement machine upon any public street, sidewalk, alleyway or court within the city.

C. Junk Dealers And/Or Collectors:

1. Permit Required: Before any person shall engage in the city in the business of buying or selling old rope, brass, copper, tin, lead, rags, slush, empty bottles, paper, bagging, or other junk whether at a fixed place of business or as an itinerant peddler, he shall make application to the city council for a permit to engage in such business. Such application shall be referred to the chief of police, who shall make an investigation concerning the character of the applicant, and within seven (7) days shall report thereon to the city council. Upon receiving such report, the city council shall grant or deny the applicant a permit to engage in such business, and such permit shall be granted unless it shall appear from such report of the chief of police that the applicant is not a person of good moral character, or has not a good character in respect to honesty and integrity; provided, however, that no such permit shall be granted unless the city council find that such applicant, or if the applicant be a corporation, the manager thereof, has been a resident of the city for not less than ninety (90) days prior to such application.

2. Registration Of Purchases: Every person maintaining or operating a junk shop or junkyard shall keep at his place of business a substantial well bound book, and shall promptly enter therein an exact description of all personal property purchased by him or it, the date of purchase, name and residence or place of business of the person from whom purchased, and all particular or prominent marks of identification that may be found on such property. Such book shall be kept neat and clean, and all entries made therein shall be neatly and legibly written in ink. Such book shall at all times during the ordinary hours of business be open to the inspection of the chief of police, or any other city officer.

3. Required Holding Period: All junk purchased by owners or keepers of junk shops or junkyards shall be held for a period of at least nine (9) days before the same shall be sold.

4. Pawning And Pledging Prohibited: No owner or keeper of a junk shop or junkyard shall receive any personal property by way of pledge or pawn, nor shall any owner or keeper

of a junk shop or junkyard engage in the business of pawnbroking on the same premises wherein a junk shop or junkyard is located.

5. Hours Of Business: No junk peddler shall purchase or collect any junk in the city between the hours of six o'clock (6:00) P.M. and six o'clock (6:00) A.M.

6. Revocation Of Permit: The city council may revoke the junk dealer permit granted to any person upon failure of such person to conduct and carry on such business in accordance with the provisions of this subsection; and such permit may likewise be revoked, if in the conduct of such business, any law of the state, county or city be violated.

7. Places Of Business: It shall be unlawful for any owner, tenant or lessee of any premises in the city, or the owner, tenant or lessee of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle to keep, place or maintain thereon, or to permit the keeping, placing or maintaining thereon, of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle which is used or which is to be used for a dental or chemical laboratory or for the display or selling of merchandise therein, or to use or permit the use of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle on any premises in the city for business, religious, educational, retail, commissary, shop, storage, office purposes or for other type of commercial retail purpose.

D. Bingo Games:

1. Bingo Games Allowed Only By Eligible Organizations With Proper City Permit: Bingo games within the city are illegal except those organizations exempted from the payment of the bank incorporation tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701l of the California Revenue and Taxation Code and by mobile home park associations and senior citizens' organizations; provided, that the proceeds of such games are used only for charitable purposes; and provided, that these eligible organizations have applied for and received the proper city bingo license and conformed to section 326.5 of the California Penal Code and the provisions of this chapter.

2. Application And Fee For License: Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application, in writing, to the office of the Director of Planning and Engineering on a form provided by the city. The issuing authority shall be the Director of Planning and Engineering, after approval of the chief of police. The license shall be for a term of one year from the date of issuance. The license fee, whether for the initial license or renewal, will be fifty dollars (\$50.00) annually. If an application for a license is denied, one-half (1/2) of the license fee paid shall be refunded to the organization.

3. Contents Of Application: Said application for a bingo license shall obtain the following information:

- a. The name, address, date, place of birth, physical description and driver's license number of every officer of the charitable organization.
- b. The name, address, date, place of birth, physical description and driver's license number of not more than twenty (20) members who will be authorized to operate the licensed bingo games on behalf of the organization.

- c. The particular property within the city including the street number owned or leased by the applicant, and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted together with the occupancy capacity of such place.
 - d. The proposed days of week and hours of day for conduct of bingo games.
 - e. That the applicant agrees to conduct the bingo games in strict accordance with section 326.5 of the California Penal Code and this chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the chief of police when there is a violation of this chapter or other applicable laws.
 - f. The application shall be signed by said applicant under penalty of perjury.
 - g. The annual license fee shall accompany the application.
 - h. The applicant shall also submit, with its application, a certificate or determination of exemption under section 23701d of the California Revenue and Taxation Code, or a letter of good standing from the exemption division of the franchise tax board in Sacramento, showing exemption under said section 23701d.
4. Investigation Of Applicant: Upon receipt of the completed application and the fee, the Director of Planning and Engineering shall refer the application to the appropriate departments of the city for investigation, as to whether or not all the statements in the application are true, and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property in which bingo games may lawfully be conducted, as to fire, occupancy and other applicable restrictions.
5. Contents Of License: Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games within the city, and the police department has investigated the application, the Director of Planning and Engineering shall issue a license to said applicant, which shall contain the following information:
- a. The name and nature of the organization to whom the license is issued.
 - b. The address where bingo games are authorized to be conducted.
 - c. The occupancy capacity of the room in which bingo games are to be conducted.
 - d. The days of the week and times during which games may be conducted.
 - e. The date of the expiration of such license.
 - f. Such other information as may be necessary or desirable for the enforcement of this subsection.
6. Consent: The application for or acceptance of a license constitutes:
- a. Consent to the entry of any public officer or peace officer to investigate the location identified in the application before the issuance of a license, as well as during any game thereafter.
 - b. Consent to the chief of police or his agents to review or audit the charitable organization's records relating to the conduct of bingo games into the special account required by California Penal Code section 326.5(j) for the purposes of verifying

compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this chapter and with all other applicable laws and regulations.

7. Violation A Misdemeanor: Any person who conducts a bingo game without the proper license as required by this chapter, or who operates a bingo game in violation of any of the requirements of this chapter, or who operates any bingo game after the suspension or revocation of a bingo license is guilty of a misdemeanor.

8. Summary Suspension Or Revocation: The chief of police may suspend or revoke a license for any violation of the provisions of this subsection or of any applicable law or regulation, or for any false misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

9. Notice Of Suspension Or Revocation: When it appears that there is probable cause for a suspension or revocation, the chief of police shall prepare a written statement showing the cause and the specific action to be taken. This written notice shall be served on an officer or member of the organization listed on the license application.

10. Appeal Process:

a. After receiving the written notice of suspension or revocation, the affected licensee may file a written request for an appeal hearing with the city manager. The decision of the city manager will be final. The written request for an appeal hearing must be filed with the city manager's office no later than seven (7) calendar days after receiving the written notice of suspension from the chief of police.

b. This appeal hearing must be held within thirty (30) days of the request being filed with the city manager. Upon the conclusion of the appeal hearing, the city manager shall issue his or her written decision within ten (10) days.

c. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one year from the date of such revocation; provided, however, if the ground for revocation is the cancellation of the exemption granted under section 23701d of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.

11. Definition Of Bingo: As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols designated on a card which conform to numbers or symbols selected at random.

12. Maximum Amount Of Prize: The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

13. Profits To Be Kept In Separate Fund Or Account: All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion,

supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such records available.

14. Financial Interest In Licensee Only: No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game.

15. Exclusive Operation By Licensee: A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any phase of such game.

16. Bingo Games Open To Public: All bingo games shall be open to the public, not just to the members of the licensee organization.

17. Attendance Limited To Occupancy Capacity: Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

18. Bingo Games Conducted Only On Licensee's Property: A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection should be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

19. Bingo Cards: Only preprinted cards that bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinances" are to be used in any bingo game.

20. Minors Not To Participate: No person under the age of eighteen (18) years of age shall be allowed to participate in a bingo game.

21. Intoxicated Persons Not To Participate: No person who is obviously intoxicated shall be allowed to participate in a bingo game.

22. Hours Of Operation: No licensee shall conduct any bingo game more than ten (10) hours out of any twenty four (24) hour period. No bingo game shall be conducted before ten o'clock (10:00) A.M. nor after twelve o'clock (12:00) midnight of any day.

23. Participant Must Be Present: No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

24. Receipt Of Profit By A Person A Misdemeanor Under State Law: It is a misdemeanor under section 326.5(b) of the Penal Code of the state of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city.

25. City May Enjoin Violation: The city may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the California Penal Code or of this subsection.

26. Severability: If any portion of this subsection is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this subsection. The city council hereby declares that it would have adopted this subsection and each portion thereof, irrespective of the fact that any one or more sections, subsections or portion be declared invalid or unconstitutional.

E. Community Civic Events:

1. City Council Findings: The city council finds and declares that it has historically closed city streets in portions of the downtown area, for the purpose of assisting certain community and regional events benefitting the city, the community at large, and nonprofit organizations operating in the city. Control over the operation of these community civic events has traditionally been turned over to the entity sponsoring the event. The city council finds and declares that there is a need to provide written guidelines and regulations on how these community civic events shall operate.

2. Purpose: The purpose of this subsection is to establish a legal framework for the operation of community civic events, to set forth minimal requirements for sponsors of these events, to meet the need for order and control during these events, and to ensure that the theme or character of the event is maintained, and that use of public property is compatible with the event.

3. Definition: "Community civic event" (hereafter referred to as "CCE") shall mean the sponsoring and conducting by a nonprofit organization of a civic, artistic, cultural, charitable, educational, veteran or benevolent activity of community interest. The council shall require reasonable proof of the nonprofit status of the sponsoring organization.

4. Participation: Participation in a CCE and use of public right of way shall be limited to those members of the sponsoring organization, in good standing with the organization, and those persons and vendors as may be approved by the sponsoring organization.

5. Permit Required: The CCE sponsor shall obtain a CCE permit from the city not less than thirty (30) nor more than one hundred eighty (180) days before the commencement date of the proposed permit activities; provided, that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of

an application, the business license clerk shall circulate the application to the following departments for comments and approval: police department, fire department, finance department, Planning and Engineering department, public works department, parks and recreation department, and risk management department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the city harmless, maintaining minimum limits of liability insurance in accordance with city standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of city services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four (4) consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for noncompliance with the conditions of the permit and the provisions of this subsection. Revocation may be made by the council, city manager, chief of police, or their designees. If the grounds for revocation occur during the CCE, the council, city manager, chief of police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any city police officer or fire department personnel.

6. Application: The application for the CCE permit shall contain:

- a. The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.
- b. The location and outside perimeter of the CCE area, indicated upon a map of the area.
- c. The date and times at which the CCE activities are to take place.
- d. A description of the CCE activities which will be conducted.

A preliminary list of persons who will be engaging in the CCE, and a preliminary list of persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the city no later than one week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per subsection E16 of this section.

The council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not of a size or nature that requires the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for the city; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit

applicant agrees to be responsible for cleanup necessitated by the proposed activities. The council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the council may deem necessary to impose for the proper protection of persons and property.

7. Responsible Party: The sponsoring organization shall be responsible for the CCE and for all necessary planning, physical facilities, equipment, fire lanes, and removal, cleanup, and staffing. The sponsoring organization shall be responsible for any necessary permits and code requirements for the conduct of such CCE as may be required by county and state agencies and coordination with appropriate city departments, such as police and fire. All necessary certificates and approvals by any health or other governmental organization shall be in possession of the person representing the sponsoring entity in such CCE.

8. Management: Subject to the minimum requirements imposed by this subsection, the CCE sponsor shall:

- a. Promulgate rules and regulations for the CCE, including rules and regulations to maintain the theme or character of the CCE. A copy of the rules and regulations shall be submitted to the business license clerk prior to the CCE.
- b. Have control over the terms and conditions under which persons chosen to provide vending services will operate at a CCE including, but not limited to, products sold, hours of sale, fees, vendor locations and issuance of seller permits.
- c. Take any other actions which are necessary for the efficient management and operation of the CCE.

9. Minimum Requirements: The CCE sponsor shall abide by the following minimum requirements. These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the city council.

- a. Maintain openings between vendor booths or sizes, and at locations and distances, required by the city. The required openings shall be identified on the CCE sponsor's street plan.
- b. Not use any permanent or semipermanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot.
- c. Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin, or familial status, or violate any law with respect to the selection of any vendor.
- d. Require that all vendors obtain and display all appropriate permits, licenses, and certificates, and comply with all applicable federal, state and local laws, ordinances, and regulations.
- e. Require that all vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area.

f. Require that vendors take sufficient measures to keep the city storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots.

g. Provide on site personnel who can be contacted by appropriate city officials for immediate corrective action either for noncompliance with this subsection or the permit conditions, for emergencies, or for actions deemed necessary by the city official. Such personnel shall be equipped with appropriate means of communication to be made known to the city by the CCE sponsor prior to the CCE.

h. Distribute the rules and regulations to each person participating in the CCE.

10. Cost Of CCE: The CCE sponsor will be responsible for the costs associated with the CCE, including, but not limited to, the cost of city services related to the CCE, and the cost of repair of any damage caused to any public property and rights of way, including landscaping. The CCE sponsor may apply to the city council for cooperation in presenting a CCE and request financial assistance for some or all of the costs of city services related to the CCE.

11. Permit To Sell: No person shall sell or offer to sell any item at the CCE except under the authority of a valid permit approved by the CCE sponsor. The CCE sponsor shall designate a person or persons responsible for issuing permits to sell. A seller's permit shall not be required for existing businesses selling merchandise from their stores. Whenever the CCE sponsor in good faith believes that a vendor has violated the conditions of the seller's permit, the CCE sponsor may immediately suspend the seller's permit. Vendors shall have an opportunity to appeal the denial or suspension of a seller's permit as set forth in subsection E20 of this section. Permits to sell shall give a seller (including vendors, peddlers and other sellers) the privilege of selling at the CCE only if the following conditions are met:

a. The seller properly files an application for a permit to sell at the CCE with the CCE sponsor.

b. The seller complies with all federal, state and local laws and regulations relating to the CCE, including the rules and regulations of the CCE sponsor.

c. The seller obtains all required permits, licenses and certificates.

d. The seller pays all required fees to the appropriate authorities, including any fees due the sponsor.

e. The seller grants permission to the CCE sponsor, or an authorized representative, to enter the seller's premises for the reasonable inspection of land, facilities, and records, in order to determine whether the seller is in compliance with the permit conditions, the rules and regulations of the CCE sponsor, and the terms of this subsection.

12. Peddlers And Itinerant Vendors: All peddler and itinerant vendor permits and licenses issued by the city shall be deemed suspended for the duration of any CCE. All permit and license holders shall be notified of this provision. No person holding a peddler or itinerant

vendor permit or license shall sell merchandise within the designated CCE area for the duration of any declared CCE unless the holder of the peddler or itinerant vendor permit or license has a written agreement with the CCE sponsor to participate in the CCE, or otherwise has a seller's permit from the CCE sponsor. The CCE sponsor shall allow peddler and itinerant vendor permit and license holders with suspended city permits and licenses under this subsection the same opportunity to participate in a declared CCE as the CCE sponsor offers to other vendors.

13. Sidewalks: The city shall not approve vendor or sidewalk sales or other activities within the closure area for a CCE. The sponsoring entity may allow such sales or events, however selling activity during a parade must take place in conformity with subsection G of this section.

14. Parades: Any person or organization desiring to have a parade as a CCE or in connection with a CCE, and all vendors, peddlers, solicitors, or merchants not located inside a commercial location, shall comply with subsection G of this section in addition to the provisions of this subsection.

15. Interference: It shall be unlawful for any person to interfere with, disrupt or impede a permitted CCE. It shall also be unlawful for a person to put up any booth, table, chair, stool, structure, vehicle or piece of equipment in any public area located within a designated CCE area for which a CCE sponsor has been issued a permit without consent of the CCE sponsor. This subsection E15 shall not apply to persons acting under the direction or control of the city.

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 Department of Planning and Engineering, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

17. Charges And Exhibit Fees: The sponsoring entity may impose a reasonable charge or exhibit fee on each participating seller or exhibitor and shall be responsible for enforcing all requirements of this subsection and regulations imposed by the sponsoring entity. Any net profit received by the sponsoring organization shall be utilized for the civic, artistic, cultural, charitable, educational, veteran or benevolent activities of the organization within the city of Porterville.

18. Insurance: 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.

19. Violations: Any person who violates the provisions of this subsection E shall be deemed guilty of either a misdemeanor or an infraction, in accordance with section 15-21 of this article. In addition, civil penalties of one hundred dollars (\$100.00) for a first violation and up to one thousand dollars (\$1,000.00) for subsequent violations may be imposed. Every day that any such violation continues shall constitute a separate offense. In addition, the CCE sponsor is authorized to take civil action to enforce the requirements of this subsection, and the rules and regulations established by the CCE sponsor. The remedies provided herein shall not be exclusive, and the violation of any provision of this subsection E shall be subject to other remedies as may be provided by law.

20. Appeal Of The Denial Or Suspension Of A Seller Permit: After the denial or suspension of a seller's permit, the CCE sponsor shall allow the vendor an opportunity for an appeal hearing before the CCE sponsor's governing board, or if no governing board, the person with the highest decision making authority, to determine if the permit shall be issued, further suspended, reinstated, or revoked for repeated violations. The hearing shall be held within a reasonable time, depending on the date and duration of the CCE, no later than thirty-five (35) days. The CCE sponsor shall establish procedures for the conduct of the hearing. 21. Other Rules And Regulations; Applicability: The CCE sponsor shall comply with all other applicable city ordinances, resolutions, policies, rules and regulations.

22. Compatibility With State And Federal Laws And Constitutions: It is the intention of the city council and the people of the city of Porterville that these subsections shall be interpreted in a manner compatible with the state of California constitution and the United States constitution and the laws of the state of California and the United States.

23. Severability: If any paragraph, sentence, clause or phrase of this subsection are for any reason held to be unconstitutional or invalid, that holding shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed these subsections, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

F. Fortune Telling:

1. Purposes And Findings:

- a. The practice of "fortune telling", as defined in this subsection, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

b. It is the purpose of this subsection to regulate the practice of fortune telling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortune tellers to provide their services to clients with only minimal restrictions.

c. The provisions of this subsection requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortune teller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortune teller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortune teller and will not, therefore, impose any undue burden on their practices.

d. "Fortune telling" for entertainment purposes, as defined in this subsection, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

e. For these and other reasons, the provisions of this subsection are necessary to protect the health, safety and welfare of the community.

2. Permit Required: No person shall conduct, engage in, carry on, participate in, or practice fortune telling or cause the same to be done for pay without having first obtained a permit therefor.

3. Definitions: As used in this subsection:

FOR PAY: For a fee, reward, donation, loan or receipt of anything of value.

FORTUNE TELLING: Shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, divination, soothsaying, mantic, necromancy, mind reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature.

4. Permit Application: Every natural person who, for pay, conducts, engages in, carries on, or practices fortune telling shall file a separate verified application or a permit with the Director of Planning and Engineering, or designee. The application shall contain:

a. The name, home and business address, and home and business telephone number of the applicant.

b. The record of conviction for violations of the law, excluding minor traffic violations.

c. The fingerprints of the applicant on a form provided by the police department.

d. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

e. A nonrefundable application fee in an amount of one hundred dollars (\$100.00) to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

5. Investigation: Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the Director of Planning and Engineering, or designee, within twenty-one (21) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein.

6. Hearing And Decision By Director of Planning and Engineering: The Director of Planning and Engineering, or designee, shall consider the application and the police department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the police department report described in subsection F5 of this section. Notice of the time and place of the hearing and a copy of the police department report shall be given to the applicant personally or by certified mail by the business license officer at least five (5) days prior to the hearing. Any interested parties shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the business license officer to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the Director of Planning and Engineering, or designee, shall make his or her decision approving, denying, or conditionally approving the permit within twenty-four (24) hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail.

7. Approval Of Permit: The Director of Planning and Engineering, or designee, shall approve or conditionally approve the permit if he or she makes all of the following findings:

- a. All the information contained in the application and supporting data is true;
- b. The applicant has not, within one year from the date of the application, been convicted of any violation of this subsection or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or crimes involving moral turpitude;
- c. The applicant has paid the required business license fee; and
- d. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws.

8. Term Of Permit: The term of the permit and the term of the business license shall be for one year from the date of issuance. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application.

9. Posting Of Fees:

a. Each person required to obtain a permit pursuant to this subsection shall post on his or her business premises a sign containing the following information:

- (1) The true name of the fortune telling practitioner;
- (2) Each service provided by the fortune telling practitioner;
- (3) The fees charged for each service provided by the fortune telling practitioner;
- (4) The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates".

b. The sign required by this subsection F9 shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune teller. The sign lettering shall be of uniform size with each letter at least one-half inch (1/2") in height.

c. If the fortune telling service is provided at a location other than the fortune teller's permanent place of business, the fortune teller shall provide the information required by this subsection on eight and one-half by eleven-inch (8 1/2 x 11") paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortune telling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune telling services.

d. No person shall charge any fee, payment, remuneration, or item of value for fortune telling services in excess of the fees set forth on the sign or paper required by this subsection F9.

10. Receipts: Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, which is in addition to the fee, the fortune teller shall issue a written receipt to the client, clearly showing:

- a. Date;
- b. Name of client;
- c. Amount of money received or specific description of item of value received; and
- d. Purpose for which the money or item of value was received.

11. Client's Record Of Consultation: No person engaging in fortune telling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortune teller.

12. Exception Entertainment: The provisions of this subsection shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortune telling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

13. Exception; Religious Practice: The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such

person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as "minister") from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortune telling; provided, that:

- a. Except as provided in subsection F13c of this section, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.
- b. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the Director of Planning and Engineering, or designee, a certified copy of the minister's certificate of ordination and the minister's name, age, street address, and telephone number in this city where the activity set forth in this subsection is to be conducted.
- c. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

G. Parades:

1. Application And Approval: Parades will only be allowed in conjunction with a community civic event referenced in subsection E of this section.
2. Selling Activity During A Parade: In order to maintain public safety and promote the good order of a parade, no vendor, peddler, solicitor, or merchant shall be permitted in the parade route once the parade begins. No vendor, peddler, solicitor, or merchant shall be permitted to conduct business on sidewalks or walkways or other areas that may impede pedestrian traffic. Any vendor, peddler, solicitor, or merchant not located inside a commercial location shall be limited to side streets once the parade begins. No vendor, peddler, solicitor, or merchant shall impede the view of any spectator during the event. All vendors, peddlers, solicitors, and merchants shall be prohibited from selling products at or near the event that are deemed to be a nuisance or contrary to the good order of the parade. These items include, but are not limited to:
 - a. Silly string;
 - b. Snap caps;
 - c. Party poppers;
 - d. Any projectile and/or launcher.
3. Movement Of Public Safety Equipment: The conduct of such parade shall not interfere with the movement of firefighting or police equipment.

15-24: OTHER THAN GROSS RECEIPTS:

A. Every person who engages in a business within the city as specified below shall pay a license tax of the amount and frequency indicated:

1. Advertising solicitor, the sum of twenty-five dollars (\$25.00) semiannually for each person so employed.
2. "Amusements, amusement rides", as defined in section 15-1 of this chapter, wherein they are held in conjunction with and on premises owned or leased by commercial houses for commercial purposes, the sum of twenty-five dollars (\$25.00) per period not to exceed four (4) days per calendar month; wherein amusement rides are not conducted as a promotion for a commercial house, the sum of twenty-five dollars (\$25.00) per day per unit or one hundred dollars (\$100.00) per year per unit.
3. "Arcade", as defined in section 15-1 of this chapter, of five (5) or more amusement machines, games of chance or skill, at one location, shall pay five dollars (\$5.00) per machine semiannually.
4. Auctioneers shall be licensed under the gross receipts section 15-23, classification A, of this article except that those auctioneers who are duly licensed by the state of California and whose permanent place of business is not within the city limits shall pay no license tax.
5. Auctions sales. Reserved.
6. Barbershops shall be licensed under the gross receipts section 15-23, classification B, of this article.
7. Boxing and wrestling matches. Every person conducting, carrying on or managing boxing or wrestling matches in the city shall pay the following license: Fifty dollars (\$50.00) per day or one hundred fifty dollars (\$150.00) semiannually.
8. Bus lines, who transport passengers from or to a terminus within the city, shall be licensed under the gross receipts section 15-23, classification B, of this article, except that common carriers shall be exempt.
9. Card rooms, the sum of one hundred fifty dollars (\$150.00) per calendar quarter per table, except that tables where the players or participants at said table play solely for merchandise or so called "garbage" games, the sum of twenty-five dollars (\$25.00) per calendar quarter per table.
10. Carnival, including each separate show, game, amusement, exhibition, vaudeville or dramatic performance, game of chance or skill, food and drink stands, the sum of four hundred dollars (\$400.00) per day. "Amusements, amusement rides" as defined in section 15-1 of this chapter shall be licensed as provided in subsection A12 of this section.
11. Circuses. For the purpose of this section, a "circus" is defined to be an exhibition or entertainment at which feats of horsemanship, acrobatic feats, and trained or wild animals are exhibited or displayed, to which exhibition or entertainment an admission fee is charged. For any person conducting, carrying on or managing a circus, or other similar exhibition, side show, or other show or concert to a circus, the sum of two hundred dollars (\$200.00) per day.

12. Coin operated machines. For each machine operated by depositing therein coin(s) or operated by other consideration of value, the sum of five dollars (\$5.00) per machine semiannually. Machines owned and operated by a person in conjunction with his established business shall be licensed under the gross receipts of the established business. Newspaper vending machines, money changing machines and coin operated laundries are exempt from this subsection A12.

13. Contractors, and every person who is required to have a state contractor's license and who is conducting, carrying on or managing the business of a contractor, shall be required to have a city contractor's business license. Contractor's license fee shall be paid semiannually under the gross receipts section 15-23, classification B, of this article.

14. Demonstrators and hawkers. For every person who advertises or calls attention to the business, profession, trade or calling of any person by giving demonstration on foot, or from any wagon, automobile or vehicle, or from any stand, box or platform, on any street, alley, sidewalk or place, or in any doorway of any room or building, unenclosed or vacant lot, the sum of one hundred dollars (\$100.00) per month, or fraction thereof; provided, that nothing in this subsection A14 shall be deemed to authorize licensing of any act now prohibited by law or ordinance. The provisions of this subsection A14 shall not apply to newsboys selling newspapers.

15. Detective agency or private detective, the sum of fifty dollars (\$50.00) semiannually.

16. Flea market or swap meet operator, the sum of twenty-five dollars (\$25.00) semiannually, plus one dollar (\$1.00) per day per single space or area of contiguous spaces rented by the vendor, except that if a vendor possesses and exhibits a current and valid business license issued by the city then the operator need not remit the one dollar (\$1.00) per day for any such vendor. Said fee shall be collected by the operator from the vendor and remitted to the city on a weekly basis, along with a complete list of the name and address of all vendors who were exempt from paying the tax pursuant to this subsection A16. Said remittance shall be accompanied by consecutively numbered receipts written in triplicate, containing the name and address of the vendor, the make and license number of a vehicle owned by the vendor, and the vendor's California seller's permit number. Said receipt shall be furnished by the city. One copy of the receipt shall be furnished to the vendor, one copy filed with the Department of Planning and Engineering on a weekly basis, and one copy to be retained by the swap meet operator for a period of three (3) years for audit purposes.

16.1. Fortune teller. The business license fee for "fortune telling" for pay, as defined in subsection 15-20F of this chapter, shall be fifty dollars (\$50.00) per year.

17. Handyman shall be licensed under the gross receipts section 15-23, classification B, of this article.

18. Hotels, motels, auto courts, etc., shall be licensed under the gross receipts section 15-23, classification B, of this article.

19. Insurance broker shall be licensed under the gross receipts section 15-23, classification B, of this article.

20. Itinerant vendor, itinerant merchant, the sum of fifteen dollars (\$15.00) per day per person for each person so employed, with a minimum fee of twenty-five dollars (\$25.00).
21. Junk dealer and/or collector shall be licensed under the gross receipts section 15-23, classification B, of this article.
22. Maintenance service: building, janitorial, yard, etc., shall be licensed under the gross receipts section 15-23, classification B, of this article.
23. Newspapers, daily, with offices within the city, the sum of one hundred dollars (\$100.00) semiannually.
24. Newspapers, other than daily, with offices within the city, shall be licensed under the gross receipts section 15-23, classification B, of this article.
25. Newspaper agents and/or distributors, the sum of twenty-five dollars (\$25.00) semiannually.
26. Paid promoters, the sum of one hundred dollars (\$100.00) semiannually.
27. Pawnbrokers. For any person conducting, carrying on or managing a pawnshop or acting as pawnbrokers, the sum of one hundred dollars (\$100.00) semiannually.
28. Peddler, the sum of ten dollars (\$10.00) per day per person so employed, with a minimum fee of twenty-five dollars (\$25.00).
29. Photographer, itinerant, the sum of one hundred dollars (\$100.00) semiannually for each person so employed.
30. Private police, private patrol service shall be licensed under the gross receipts section 15-23, classification B, of this article.
31. Real estate broker, who maintains an office or place of business within the city and who engages in the activities of acting as a real estate broker in the sale or lease of any property within the city, the license fee shall be under the gross receipts section 15-23, classification A, of this article. Said gross receipts shall include gross commissions of the broker and gross commissions of all salespersons acting as agents of the broker.
32. Real estate broker, out of city, who does not maintain an office or place of business within the city but who engages in the activities of acting as a real estate broker in the sale or lease of any property within the city, the license fee shall be under the gross receipts section 15-23, classification A, of this article. Said gross receipts shall include gross commissions of the broker and gross commissions of all salespersons acting as agents of the broker.
33. Reserved.
34. Shoeshine parlors or persons engaged in the business of shining shoes, the sum of twenty-five dollars (\$25.00) for the initial application fee inclusive of license fee for first semiannual license period. Thereafter the renewal license fee shall be the sum of seven dollars fifty cents (\$7.50) semiannually.
35. Solicitor, the sum of twenty-five dollars (\$25.00) per day per person so employed.

36. Solicitor, by means of telephone, the sum of twenty-five dollars (\$25.00) semiannually per person so employed.

37. Stamp redemption shall be licensed under the gross receipts section 15-23, classification B, of this article.

38. Stockbroker shall be licensed under the gross receipts section 15-23, classification A, of this article.

39. Stock salesman, shall be licensed under the gross receipts section 15-23, classification A, of this article.

39.1. Street vendors/peddlers, the sum of twenty-five dollars (\$25.00) semiannually for each vehicle, cart, or any other type of conveyance.

40. Taxicabs or vehicles for hire, the sum of twenty-five dollars (\$25.00) semiannually for each vehicle.

41. Trade school. Every person engaged in conducting or operating a trade school shall be licensed under the gross receipts section 15-23, classification B, of this article.

42. Transient trailer and recreation vehicle parks shall be licensed under the gross receipts section 15-23, classification B, of this article.

43. Trucking or delivering, with offices within the city, but not subject to public utilities commission regulations, shall be licensed under the gross receipts section 15-23, classification D, of this article.

44. Trucking or delivering, with offices outside the city, but not subject to the public utilities commission regulations, shall pay the sum of twenty-five dollars (\$25.00) semiannually for each vehicle with one ton or less load capacity, and the sum of thirty-five dollars (\$35.00) semiannually for each vehicle with load capacity of over one ton.

B. Any business not designated under this section or in any other section of this chapter or in any other ordinance or code of the city of Porterville shall be licensed under section 15-23 of this article.

All licenses shall be paid in advance, in the legal currency of the United States, at the office of the city.

No greater or less amount of money shall be charged or received for any license than is provided in this chapter, and no license shall be sold or issued for any period of time other than is provided in this chapter.

15-25.2: SURRENDER OF BUSINESS LICENSE:

A. Upon being issued a permit pursuant to this article for a going out of business sale or removal of business sale, the permittee shall surrender concurrently to the Director of Planning and Engineering each business license the permittee may hold at that time applicable to the business location covered by the application for a permit under this article, if the sale is advertised or conducted in a manner calculated to convey to the public the

belief that the business will cease to be conducted at that location upon the disposal of the goods to be placed on sale.

B. It shall be unlawful for any person to whom a closeout sale permit is issued to engage in a business of similar nature at the same location for a period of one year following the closing date of the sale.

15-72: APPLICATION FOR PERMIT:

A. Applications for charitable car wash permits shall be made to the Department of Planning and Engineering upon forms prescribed by the city. The application shall be declared under penalty of perjury and filed with the Department of Planning and Engineering not less than five (5) consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any.
2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee or agent of the owner or lessee who has been delegated control of the premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.
3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time.
4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash.
5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof.
6. Proof evidencing that the permit holder is a bona fide charitable organization.
7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year.
8. Such supplemental information requested by the Department of Planning and Engineering as the Department of Planning and Engineering may require. The Department of Planning and Engineering may require that such information be updated during the

time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the Director of Planning and Engineering in writing thereof prior to five o'clock (5:00) P.M. the day before such change.

E. The application documents shall be available for public inspection.

15-73: ISSUANCE AND FORM OF PERMIT:

A. The Department of Planning and Engineering shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so.
2. The applicant has not provided the information required by this article and fails to provide the missing information after being requested to do so.
3. The application indicates that the proposed car wash will violate any of the requirements of this article and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.
4. The number of charitable car washes by the charitable organization applying for said permit exceeds four (4) in a calendar year, or the number of charitable car washes held at a particular location exceeds four (4) per calendar year. The location requirement shall not pertain to licensed commercial car washes.
5. The applicant has violated any of the provisions of this article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this article shall be construed as granting to the Department of Planning and Engineering or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this article.

C. The Department of Planning and Engineering shall either issue or deny the requested permit within two (2) consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the Department of Planning and Engineering fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and

5. The signature of the Director of Planning and Engineering or his/her designee.

15-85: DEFINITIONS:

The following definitions are applicable to the terms when used in chapter 15, 18, or 21 of this Code, concerning regulations pertaining to cannabis uses, activities and operations.

APPLICANT: Means a person who is required to file an application for a permit under this article.

BUSINESS OWNER: Means the owner(s) of the cannabis business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of twenty percent (20%) or more in the commercial cannabis business.

CANNABIS: Means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties; whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this Code, "cannabis" does not mean "industrial hemp" as defined by section 11018.5 of the Health and Safety Code.

CANNABIS ACCESSORIES: Means any equipment, products, or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. "Cannabis accessories" also has the same meaning as in section 11018.2 of the Health and Safety Code.

CANNABIS BUSINESS OR CANNABIS INDUSTRY: Means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

CANNABIS DISPENSARY OR DISPENSARY: Means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code division 10 and any successor statute(s), as may be adopted or

amended from time to time. For the purposes of obtaining a City permit and operating within the City, "cannabis dispensary" or "dispensary" is limited to storefront cannabis retailers.

CANNABIS PRODUCT: Means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in section 11018.1 of the Health and Safety Code.

CITY: Means the City of Porterville, either the entity or its territorial limits, as the context requires.

CITY COUNCIL OR COUNCIL: Means the City Council of the City of Porterville.

COLLECTOR: Means the City's Director of Planning and Engineering or his or her designee.

COMMERCIAL CANNABIS BUSINESS, COMMERCIAL CANNABIS ACTIVITY, OR CANNABIS BUSINESS OR CANNABIS OPERATION: Means any commercial marijuana activity allowed under State law and the implementing regulations, as State law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, non-medical, or any other purpose and includes the activities of any business licensed by the State or other government entity under division 10 of the California Business and Professions Code, or any provision of State law regulating the licensing of cannabis businesses. It also includes cannabis dispensaries, cooperatives or collectives.

COMMERCIAL CANNABIS REGULATORY PERMIT OR REGULATORY PERMIT: Means the permit required under this article to have a cannabis business.

CONCENTRATED CANNABIS: Means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

DELIVERY: Means the commercial transfer of cannabis or cannabis products to a customer.

"Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this article that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

DELIVERY EMPLOYEE: Means an individual employed by a licensed dispensary who delivers cannabis goods from the licensed dispensary premises to a physical address.

DEVELOPMENT AGREEMENT: Means an agreement entered into between the City and the business owner and any other responsible parties as required by the City, in accordance with chapter 21, series 600, article 609 of this Code.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis or cannabis products between licensees.

DISTRIBUTOR: Means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code division 10 and any successor statute, as may be adopted or amended from time to time.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

GROSS RECEIPTS: Means the amount a cannabis operation received from all sources during its accounting period, without subtracting any costs or expenses.

MAUCRSA: Means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in division 10 of the California Business and Professions Code, as the same may be amended from time to time.

MANUFACTURE: Means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

MEDICAL CANNABIS DISPENSARY: Means a storefront cannabis dispensary with a valid M-type 10 retailer license in accordance with MAUCRSA.

OPERATOR: Means the business owner and any other person designated by the business owner as responsible for the day to day cannabis business operation.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PROCESSING: Means any method used to prepare cannabis or its byproducts for personal use or commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis related products and concentrates.

RESPONSIBLE PARTY: Shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis businesses operations.

STATE: Means the State of California.

STATE LAW: Means all regulations and laws pertaining to cannabis business in the State of California.

STATE LICENSE: Means a State license issued pursuant to California Business and Professions Code section 26000, et seq., or other applicable State law.

TRANSPORT OR TRANSPORTATION: Means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this article.

15-88: REGULATORY PERMIT REQUIRED:

A. Application For Permit: At the time authorized by the City, applications for regulatory permits shall be filed by the proposed business owner(s) with the City and include the information set forth herein. The City may request such additional information as they deem

necessary to determine who the applicant is, and may adopt additional requirements as authorized in subsection 15-87B of this article.

The applicant shall certify under penalty of perjury that all the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

1. The full name, present address, and telephone number, including such information to the premises owner.
2. Date of birth.
3. Tax identification number.
4. The address to which notices relating to the application are to be mailed.
5. Previous addresses for the five (5) years immediately preceding the present.
6. The height, weight, color of eyes and hair.
7. Photographs for identification purposes (photographs shall be taken by the Police Department).
8. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
9. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
10. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis sales will occur on its property.
11. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis business activities proposed to occur on the premises.
12. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis production, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. For cannabis dispensaries, the floor plan should show the layout and design of the building. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ($\pm 6''$).
13. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, twenty-four (24) hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.

14. The proposed security arrangements for ensuring the safety of persons and to protect the premises from theft.

15. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school or any other sensitive use as set forth in the operational requirements.

16. Authorization for the City, its agents and employees to seek verification of the information submitted.

B. Other Permits Or Licenses: The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit.

15-125: DEFINITIONS:

As used in this article:

ANCILLARY MASSAGE SERVICES: Those services where less than twenty percent (20%) of the gross floor area of the business is devoted to massage.

CALIFORNIA MASSAGE THERAPY COUNCIL OR CAMTC: The massage therapy organization formed pursuant to chapter 10.5 of division 2 of the Business And Professions Code sections 4600 et seq.

CERTIFIED MASSAGE PRACTITIONER OR THERAPIST: Any individual certified by the California massage therapy council (CAMTC) as a certified massage therapist, certified massage practitioner, or conditionally certified massage practitioner pursuant to chapter 10.5 of division 2 of the California Business And Professions Code sections 4600 et seq.

CITY: The city of Porterville, California.

CITY MANAGER: The city manager of the city of Porterville or designee.

CITY REGISTRATION CERTIFICATE OR REGISTRATION CERTIFICATE OR REGISTRATION: A certificate issued by the city to a massage business to practice massage for compensation pursuant to this article.

CLIENT: The customer or patron who pays for or receives massage services.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of Planning and Engineering of the city of Porterville or designee.

COMPENSATION: The payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

DAY: Calendar day, unless otherwise specifically expressed.

DISQUALIFYING CONDUCT: Any of the following:

A. Within five (5) years immediately preceding the date the city registration application was filed, or any time thereafter, the person has been convicted in a court of competent jurisdiction of the commission of or any attempt to commit, directly or indirectly, or assisting in or abetting the commission of, or conspiring to commit:

1. A violation of any provision of law pursuant to which a person is required to register under the provisions of California Penal Code section 290;
2. Any violation of California Penal Code sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 314, 315, 316, 318, 653.22, 653.23 or subsections (a), (b) or (d) of section 647;
3. Any other crime involving dishonesty, fraud, deceit, or moral turpitude;
4. A violation of California Penal Code section 415, 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the crimes previously listed in subsections A1 through A3 of this definition;
5. Any crime committed while engaged in the management or ownership of a massage business or the practice of massage;
6. A violation of California Health And Safety Code sections 11054, 11055, 11056, 11057, or 11058; or
7. Any offense in another state or territory of the United States which is the equivalent of any of the above offenses.

B. Within five (5) years of the date immediately preceding the date the application was filed, or any time thereafter, any applicant whose city registration certificate, CAMTC certification, or trainee registration certificate or permit, which was issued by the state of California or any county or city has been suspended or revoked for good cause;

C. Committing or maintaining a nuisance pursuant to California Penal Code sections 11225 through 11235, and/or Health And Safety Code sections 11570 et seq., for which a permanent injunction was issued, or committing a violation of any similar provisions of law in another state or territory of the United States; or

D. Committing a violation of any provision of this article provided that the applicant received timely notice of the violation.

EMPLOYEE: Any person hired by a massage business or owner who renders any service for the business/owner in exchange for any form of compensation from the business.

FINANCE DIRECTOR OR DIRECTOR: The Director of Planning and Engineering of the city of Porterville or designee.

HEARING OFFICER: The administrative hearing officer appointed by the city manager to conduct an administrative hearing pursuant to this article.

MANAGER: The person(s) designated by the massage business owner to act as the representative and agent of the owner in managing day to day operations with corresponding responsibilities. The term "manager" may also include an owner.

MASSAGE BUSINESS OR BUSINESS: Any business that offers massage therapy in exchange for compensation. Any business that offers any combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage business under this article. The term "massage business" includes a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. For purposes of this article, "massage business" shall include, without limitation, the advertising and soliciting of massages, and

includes, but is not limited to, a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage business which employs

certified massage practitioners or therapists.

MESSAGE BUSINESS OWNER OR OWNER: Any of the following persons:

- A. Any person who is a general partner of a general or limited partnership that owns a massage business.
- B. Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.
- C. Any person who is a member of a limited liability company that owns a massage business.
- D. Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

MESSAGE OR MESSAGE THERAPY: The skillful application of touch, including, but not limited to, pressure, stroking, kneading, compression on or movement of the external surfaces of the body to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular reeducation. Examples of massage include, but are not limited to, Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, hellerwork and reflexology.

RECEPTION AREA: An area immediately inside the front door of the massage business dedicated to the reception and waiting of clients of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

REGISTRATION CERTIFICATE HOLDER: The applicant named on the application for a registration certificate and all massage business owners.

RENT-SPACE MASSAGE THERAPIST OR RENT-SPACE THERAPIST: A person who practices massage at a massage business but is not an employee of the business.

SOLE PROPRIETORSHIP: Means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

VISITOR: Any person who enters a massage business and who is neither a client, owner, manager, nor employee of the business.

15-126: EXEMPTIONS:

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

- A. Complete exemption. The requirements of this chapter shall not apply to the following individuals:
 - 1. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of the licensed

persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

2. Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this exemption shall only apply if the massaging of the neck, face and/or scalp, hands or feet of the clients is ancillary to the primary service being provided by the barber or beautician.

3. Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.

4. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

5. Any other business or profession exempt from the provisions of this chapter by state law.

B. Limited Exemption. In addition to any other applicable provisions of this article, businesses that offer ancillary massage services shall only be required to comply with the provisions set forth in this section for the massage portion of the business. The business shall comply with the following provisions:

1. Massage services must be performed by a certified massage practitioner or therapist;
2. Subsection 15-128 F of this article related to facility requirements as they pertain to the portion of business that is utilized for massage;
3. Subsection 15-128 G of this article related to operational requirements; and
4. Section 15-136 of this article related to inspections.

C. Additional Limited Exemption/Temporary Permit. An individual who is currently not a certified massage practitioner or therapist by CAMTC as defined in Section 15-125 , due to his or her school having closed on or before June 30, 2016, may obtain a license to practice massage therapy for compensation as a sole practitioner or therapist or employee of a massage business for one six-month period, pending CAMTC certification under its Closed School Policy(ies), provided that all the following requirements are met:

1. Prior to applying for a permit under this section, he or she possesses a valid business license for massage therapy services and was at all times in good standing in another U.S. city's jurisdiction.
2. The individual provides sufficient evidence to and as determined by the City of Porterville that he or she is applying to the CAMTC for certification as a certified massage therapist or practitioner.
3. The individual provides evidence of current membership with the Associated Bodywork & Massage Professionals, including proof of current insurance coverage obtained through that Association.
4. The individual's business location and operations must comply with all other provisions of this Article and Chapter 21 of the Porterville Municipal Code. A Non-CAMTC certified owner of a business where an individual will be engaging in massage therapy services shall

continue to be required to comply with all applicable requirements specified in Article IX, including but not limited to 15-128 B.il, even if the massage therapy services qualify as ancillary massage services.

5. If the individual does not receive his or her CAMTC certification within the period specified above, the permit shall expire and the individual will no longer be able to practice massage therapy services in the City. The City may extend the permit for a maximum of one additional six-month period, upon a showing by the individual that CAMTC certification/approval is pending, after which no further extensions shall be granted.

D. Furnish Evidence: Any person claiming an exemption under this section shall furnish satisfactory evidence to the city manager upon request that he or she is entitled to the exemption, including, proof of bona fide employment or, if applicable, a citation to the particular provision of state law upon which that person relies.

15-128: REQUIREMENTS FOR MASSAGE BUSINESSES:

A. Requirements: It shall be unlawful for any massage business to provide massage services unless all of the following requirements are met:

1. All of the individuals employed by the massage business to perform massage are certified massage practitioners or therapists;
2. The business has a valid city business license under this chapter; and
3. The business has a valid city registration certificate under this article.

B. Application For City Registration Certificate: The application for new and renewal city registration certificates shall include the following information, without limitation, and an application fee in an amount established by city council resolution:

1. The legal name, address and telephone number of the massage business.
2. A floor plan indicating how the use is proposed to be conducted within the premises, a list of services to be provided, and a description of any other business operated on the same premises.
3. Legal names of all owners of the massage business and the names of all managers.
4. Home address and telephone number and business address and telephone number of all owners of the massage business, and any previous home addresses for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
5. For all owners, a valid and current driver's license and/or photo identification issued by a state or federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government.
6. The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).

7. For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business And Professions Code section 4600 et seq., any local, state, or federal law, or the provisions of this article may result in revocation of the business's city registration certificate.
8. The massage license and registration history of all of the owners, including whether the owner has operated any massage business or similar business or occupation within any other county, city, or state; and whether or not the applicant, in previously operating a massage business, has had the license or registration certificate revoked, suspended, or denied. In the case of revocation, suspension, or denial, the owner shall also include within the form the reason(s) therefor, and any employment obtained subsequent to any revocation, suspension or denial.
9. The employment history of each owner for five (5) years preceding the date of the application, the inclusive dates of the employment history, and the name and address of any massage business or similar business owned by the individual, whether inside or outside the city. Employment history shall also include whether the owner, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.
10. For each owner of the massage business that is a certified massage practitioner, a copy of that person's current certification from the California massage therapy council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner, and copy of that person's CAMTC issued identification card.
11. For each owner that is not CAMTC certified, current fingerprints taken by the city of Porterville police department or a certified and approved California live scan fingerprinting center for the purpose of conducting a background check on behalf of the city, to determine the criminal history of the applicant, including whether the applicant has been convicted of any felony, misdemeanor, infraction, or municipal code violation, or has been held liable for any administrative or civil action, for an act that is substantially related to the practice of massage or disqualifying conduct.
12. The name of each person the massage business employs or retains to perform massage therapy for compensation. For each person the massage business does or will employ or retain to perform massage therapy for compensation, a copy of that person's current certification from the California massage therapy council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC issued identification card for each certified massage practitioner.
13. The name and address of the owner of the real property upon, in, or from which the massage business is to be operated. In the event the applicant or owner is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the massage business and the property owner authorizing use of the

premises for a massage business, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage business will be operated by the applicant upon, in, or from the property owner's property.

14. Proof of current and valid workers' compensation insurance from an insurer authorized to do business in California, in an amount as required by law.

15. Authorization for the city, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the registration certificate.

16. The name of the individual to receive notices on behalf of the business.

17. Any other identification and information necessary to discover the truth of the matters required to be set in the application.

C. Changes To Application Information: Any changes to the application information during the period the city is reviewing the application shall be immediately reported to the city. Failure to report these changes shall result in denial of application.

D. Approval Or Denial Of City Registration Certificate And Massage Business Registration Certificate Renewals:

1. Within thirty (30) days following receipt of a completed application, the Director of Planning and Engineering shall either issue the registration certificate or mail a written statement of the reasons for denial as set forth below. The director shall deny a registration certificate to the applicant where any of the following conditions exist:

a. The applicant or any owner has procured or attempted to procure a registration certificate or other license by fraud, misrepresentation or material misstatement;

b. The applicant or any owner is a person who, as established by clear and convincing evidence, has engaged in "disqualifying conduct" as defined in this article within five (5) years immediately preceding the date of filing of the application;

c. The massage business, as proposed by the applicant, if permitted, would not comply or has not complied with all the applicable laws, including, but not limited to, all the city's building, fire, zoning, and health regulations;

d. The applicant or any owner has violated any provision of this article, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage businesses;

e. The applicant is less than eighteen (18) years of age;

f. The application is incomplete and the required supplementary documents were not submitted within twenty (20) days of a request for these documents by the Director of Planning and Engineering;

g. The applicant or any owner has been denied for good cause a business registration certificate or license; has had their registration certificate or registration revoked, suspended, or restricted for good cause; has been proven to

have violated any ordinance related to the practice of massage; or has had any other disciplinary action taken for good cause against them by another city, state, county or territory of the United States, or by any other government agency; or

h. The applicant or any owner is indebted to the city for any unpaid fee or fine.

2. If prosecution is pending against the applicant or any owner for either conduct violating this article's provisions or conduct violating Business And Professions Code section 4600 et seq., the director may postpone the decision on the application until the prosecution's final resolution. As used in this subsection, "prosecution" means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or criminal action maintained by the Porterville city attorney or prosecution attorney.

E. Written Notice Of Denial: Upon determining that grounds for denial exist, the Director of Planning and Engineering shall furnish written notice of the denial to the applicant. The notice shall summarize the principal reasons for the denial, shall state that the applicant may request an appeal pursuant to section 15-131 of this article, and shall be delivered by mail to the applicant as that name and address appear on the application.

F. Facilities Prerequisite To Registration Certificate Issuance: A registration certificate shall not be issued pursuant to this article unless an inspection reveals that the business complies with each of the following minimum requirements of this article and chapter 21 of this code:

1. Facility Requirements:

a. No massage or massage services shall be given in a business, or premises registered pursuant to this article, in any room or space enclosed or divided by walls and fitted with a door capable of being locked from the inside. This section shall not apply to the business's external doors and shall not operate to prohibit a massage business from locking its external doors if the business is a business entity owned by one individual with one or no employees or independent contractors.

b. A list of services available and the cost of the services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and any other languages that the business chooses. Only services on the posted list shall be performed.

c. Minimum lighting consisting of at least one artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

d. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

e. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good repair and maintained in a clean and sanitary condition.

f. Adequate bathing, dressing, locker and toilet facilities shall be provided for clients. A minimum of one tub or shower; one dressing room containing a separate locker for each client to be served, which locker shall be capable of being locked; as well as a minimum of one toilet and washbasin, shall be provided in every massage business; provided, however, that if male and female clients are to be served simultaneously at the business, separate bathing, massage room(s), dressing room(s), and toilet facilities shall be provided for male and female clients. This requirement may be modified upon approval of the city manager if the services provided or site plan do not necessitate some or all of these facilities.

g. A minimum of one washbasin for employees shall be provided at all times. The basin shall be located within, or as close as practicable, to the area devoted to performing massage services. Sanitary towels shall also be provided at each basin. Hot and cold running water shall be provided at all times.

h. In the reception area, in letters that are a minimum of one inch (1") in height, a notice in English (and any other language that the business chooses) that provides information substantially as follows:

THIS MASSAGE BUSINESS AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE

i. No room or space enclosed or divided by walls and fitted with a door where massage or massage services are performed shall be equipped with any electronic, mechanical, or artificial device used or capable of being used, for the recording or videotaping of visual images and/or sound.

j. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed or required.

k. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. The tables shall be sanitized after each use.

l. A massage business shall operate only under the name specified in its city registration certificate.

m. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

G. Operating Requirements:

1. Massage may be provided only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. No massage business shall be open and no massage services shall be provided between nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. A massage commenced prior to nine o'clock (9:00) P.M. shall nevertheless terminate at nine o'clock (9:00) P.M., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at nine o'clock (9:00) P.M.

2. The owner and manager of a massage business shall be responsible for displaying the city registration certificate and the CAMTC registration certificate of each and every certified massage practitioner or therapist employed in the business in an open and conspicuous place on the premises. Passport size photographs of the registration certificate holder shall be affixed to the respective registration certificate on display pursuant to this section.

3. For each massage service provided, every massage business shall keep a complete and legible written record of the following information:

- a. The date and hour that service was provided;
- b. The service received;
- c. The name or initials of the employee entering the information; and
- d. The name of the employee administering the service.

The records shall be open to inspection and copying by the Porterville police department, or other city officials charged with enforcement of this article. These records may not be used by any massage business owner or employee for any purpose other than as records of service provided and may not be provided to other parties by any person unless otherwise required by law. The records shall be retained on the premises of the massage business for a period of two (2) years.

4. All massage business owners and their employees shall wear clean outer garments. The garments shall not include any of the following:

- a. Attire that is transparent or see through, or substantially exposes the employee's undergarments;
- b. Swim attire, if not providing a water-based massage modality accepted by the California massage therapy council;
- c. Attire that exposes the employee's genitals, pubic areas, buttocks, or breasts;
- d. Attire worn in a manner that constitutes a violation of California Penal Code section 314;
- e. Attire worn in a manner that is otherwise deemed by the California massage therapy council to constitute unprofessional attire based on the custom and practice of the profession in California.

5. At all times during the massage, the client's genitals shall be fully covered and contact shall not be made with the genitals.

6. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during the business hours (including electronic locking devices) or when clients are present. External doors may only be locked during business hours if the massage business is a business entity owned by one individual with one or no employees or independent contractors who are not employees of the business and there is no staff available to assure security for clients and massage staff behind closed doors.
7. During hours of operation, no person other than the listed manager on duty, an employee, or a client shall be allowed beyond the reception area of the massage business.
8. Clients and visitors shall only be permitted in the massage business during the hours of operation.
9. Visitors shall only be permitted in the reception area of the massage business.
10. Clients shall only be permitted in massage treatment areas if at least one massage practitioner is on the premises.
11. The massage business shall be supervised, during all hours of operation, by a manager specified in the city's registration application. The name of the manager on duty shall be posted in a conspicuous place within the reception area daily.
12. The owner and manager shall maintain a register of all employees or rent-space massage therapists. The employee register shall be maintained on the premises for a minimum period of two (2) years following an employee's termination. The owner and manager shall make the employee register immediately available for inspection upon demand by a representative of the Porterville police department or the city at all reasonable times. The employee register shall include, but not be limited to, the following information:
 - a. The name, nicknames and/or aliases used by an employee or rent-space massage therapist.
 - b. A good quality color photocopy of a lawfully issued CAMTC certificate for each employee and rent-space therapist that provides massage services.
 - c. The employee's or rent-space therapist's home address and relevant phone numbers (including, but not limited to, home and cellular numbers).
 - d. The employee or rent-space therapist's age, date of birth, gender, height, weight, color of hair and eyes.
 - e. The date of employment and termination, if applicable, or, in the case of a rent-space therapist, the start and end dates of the lease agreement, as well as a copy of the agreement for all employees.
 - f. The duties of each employee.
13. While the city registration is in effect and at all times during operation, the massage business shall fully maintain current and valid workers' compensation insurance as required by law. Proof of insurance shall be maintained on the premises at all times.

14. The massage business shall apply to the city for an amended city registration certificate within twenty (20) days after the occurrence of any circumstance which changes the registration information initially provided to the city pursuant to this section, including, but not limited to, the termination of certified massage practitioners or therapists. There shall be no charge for an amended registration certificate unless the director determines that the changes are substantial and a new certificate is required.

H. City Registration Certificate: A city registration certificate issued pursuant to the terms of this article shall be valid for a term of one year from the date of issuance and, unless suspended or revoked, may be renewed annually upon application by the massage business owner so long as the massage business is operating within the city. No registration certificate shall confer any vested right to any person or business for more than the registration period.

15-131: DENIAL/APPEALS:

A. Notice of denial, suspension or revocation shall contain a statement of the violation(s) which constitute the basis for the suspension or revocation and information about the right to appeal. Notice of the suspension or revocation shall be given by first class mail to the owner and real property owner at the addresses shown on the registration certificate. Service shall be deemed complete when the notice is mailed by first class mail. The owner shall have ten (10) calendar days from the date the notice is served to appeal to the Director of Planning and Engineering in writing and upon payment of a fee in an amount established by city council resolution. Upon issuance of a notice of suspension or revocation, the registration certificate shall be surrendered and no massage activity may occur while any appeal proceeds.

B. Upon receipt of an appeal, the Director of Planning and Engineering shall appoint a hearing officer. A hearing shall be scheduled upon not less than ten (10) calendar days and not more than thirty (30) days, unless extended by mutual agreement. Notice of the hearing shall be given by first class mail to the owner and real property owner at the address shown on the registration certificate. Service shall be deemed complete when the notice is mailed.

C. The hearing officer's jurisdiction is limited to determining whether evidence exists to provide grounds for the registration certificate denial, suspension or revocation.

D. The city shall provide proof of any violations by a preponderance of the evidence. Formal rules of evidence shall not apply to the hearing.

E. The hearing officer shall:

1. Receive evidence regarding the proposed suspension, revocation or certificate denial.
2. Maintain a record of all evidence introduced.
3. Record the hearing.
4. Consider the nature, volume, severity, and frequency of any violations.
5. Decide whether grounds exist of the suspension or revocation or denial.
6. Issue a written decision within seven (7) days of the hearing that includes the factual and legal basis of the decision and a notice of the appeal rights contained in this article.

F. The hearing officer's decision shall be final upon mailing by first class mail to the owner and real property owner at the address listed on the registration certificate.

G. The hearing officer's decision is subject to review pursuant to California Code Of Civil Procedure section 1094.6

15-136: INSPECTION BY OFFICIALS:

The investigating and enforcing officials, including, but not limited to, the Porterville police department; Tulare County health department; or the city's Director of Planning and Engineering, code enforcement, or building and safety officials, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this article.

15-139: SALE OR TRANSFER OF MESSAGE BUSINESS INTEREST:

A sale or transfer of any interest in a massage business, which interest would be reported as required in this article upon application for a city registration certificate, shall be reported to the Director of Planning and Engineering within ten (10) days of the sale or transfer. The Director of Planning and Engineering shall investigate any person receiving any interest in a massage business as a result of the sale or transfer, and if the person satisfies the requirements relating to city registration certificate applicants, the existing registration certificate shall be endorsed to include the person. A fee as set by resolution of the city council shall be paid to the city for the investigation by the Director of Planning and Engineering necessitated by each sale or transfer.

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

PASSED, APPROVED AND ADOPTED this _____ day of August, 2026.

Greg Meister, Mayor

ATTEST:
Rich Tree, City Clerk

By: _____
Fernando Gabriel-Moraga, Chief Deputy City Clerk



CITY COUNCIL AGENDA – AUGUST 4, 2026

SUBJECT: Award of Contract for the Pavement Preservation Project

SOURCE: Planning and Engineering

COMMENT: The Pavement Preservation Project will rehabilitate approximately 8.44 lane miles of City streets through preventive maintenance treatments designed to preserve pavement condition, extend pavement life, reduce long-term maintenance costs, and improve driving conditions for residents and visitors. The project includes pavement preservation improvements on Date Avenue from Main Street to Orange Avenue, Date Avenue from Plano Street to Park Street, Orange Avenue from Main Street to Plano Street, Lime Street from Henderson Avenue to just north of Sandra Court, North Grand Avenue from just west of W. North Grand Avenue to Highway 65, and Henderson Avenue from Indiana Street to Jaye Street. Preventive maintenance allows the City to maximize the useful life of existing pavement at a substantially lower cost than full roadway reconstruction.

On July 15, 2026, the City received one responsive bid for the project from VSS International in the amount of \$989,120. The Engineer's Estimate for the project was \$877,513.40, making the submitted bid approximately 11.46 percent higher than the estimate.

Although the City has historically rejected bids that exceed the Engineer's Estimate by more than ten percent, staff does not believe re-advertising the project is likely to produce lower bids. Recent market conditions have continued to reflect volatility in asphalt material pricing, increased demand for pavement preservation contractors, and limited contractor availability. Delaying the project may expose the City to additional cost escalation while allowing pavement conditions to deteriorate further. Based on current market conditions, staff believes awarding the project is in the City's best long-term financial interest.

Staff recommends a ten percent construction contingency to address unforeseen field conditions that may be encountered during construction. In addition, an additional ten percent is recommended for construction management, construction surveying, quality assurance, materials testing, and inspection services necessary to successfully administer the project.

The total estimated project cost, including construction, contingency, and construction management services, is \$1,186,944. The project currently has \$1,100,000 budgeted in Measure R Local Funds. Therefore, an additional appropriation of \$86,944 in Measure R Local Funds is required to fully fund the project.

Awarding the contract will preserve and extend the useful life of approximately 8.44 lane miles of City streets, improve roadway conditions for the traveling public, reduce future maintenance costs, and protect the City's investment in its transportation infrastructure.

RECOMMENDATION:

That the City Council:

1. Award the Pavement Preservation Project to VSS International in the amount of \$989,120;
2. Authorize a ten percent (10%) construction contingency;
3. Authorize an additional ten percent (10%) for construction management, construction surveying, quality assurance, materials testing, and inspection services;
4. Appropriate an additional \$86,944 in Measure R Local Funds to fully fund the project; and
5. Authorize the City Manager or designee to execute the construction contract and any non-substantive documents necessary to implement the project.

Alternatively, if the City Council determines that the bid exceeds an acceptable threshold, reject all bids and direct staff to re-advertise the project.

ATTACHMENTS:

1. Locator Map

Appropriated/Funded: Measure R Local Funds

Review By:

Department Director:

Clayton Dignam, Acting Planning and Engineering Director

Final Approver: Fernando Gabriel-Moraga, Chief Deputy City Clerk



HENDERSON AVENUE, LIME STREET



ORANGE AVENUE, DATE AVENUE

