



**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
OCTOBER 4, 2016, 5:30 PM**

Call to Order

Roll Call

**ORAL COMMUNICATIONS**

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

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: M. Azevedo v. City of Porterville et al., Tulare County Superior Court Case No. 252894.
- 3** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.
- 4** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

Pledge of Allegiance Led by Council Member Reyes

Invocation

**AB 1234 REPORTS**

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

1. Council of Cities - September 21, 2016
2. Tulare County Economic Development Corp. (TCEDC) - September 28, 2016

## **REPORTS**

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

### **I. Staff Informational Reports**

#### **1. Community Fall Clean-Up Event**

## **ORAL COMMUNICATIONS**

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

## **CONSENT CALENDAR**

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

### **1. City Council Minutes of June 21, 2016, and September 20, 2016**

Re: Considering approval of the draft Minutes of June 21, 2016, and September 20, 2016.

### **2. Authorization to Purchase Equipment**

Re: Considering approval of the purchase of a dump truck for an estimated cost of \$298,000, and a well repair rig for an estimated cost of \$190,000.

### **3. Authorization to Advertise for Bids - Garden Avenue Pedestrian Project**

Re: Considering approval of the Plans and Project Manual for the project consisting of the the removal of existing concrete improvements and installation of new ADA access ramps, driveways, stamped concrete, parkway trees, nostalgic lights and other pedestrian amenities on Garden Avenue between Main and Fig Streets.

### **4. Meter Installation for Non-Metered City Water Services**

Re: Considering approval of the installation of meters to non-metered residences at a cost of \$278,000 from the Water Operating fund, and the use of temporary workers to expedite the installation process.

### **5. Approval of Transit Measure R Program Supplement to Cooperative Agreement**

Re: Considering approval of a resolution approving a Program Supplement to Cooperative Agreement to allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes.

6. **Approval for Community Civic Event - Central California Family Crisis Center, Inc. - Candlelight Vigil - October 13, 2016**  
Re: Considering approval of an event to take place at Centennial Park on Thursday, October 13, 2016, from 4:00 p.m. to 8:00 p.m.
7. **Approval for Community Civic Event - American Cancer Society - Rally for a Cure - October 30, 2016**  
Re: Considering approval of an event to take place on October 30, 2016, at Veterans Park, from 5:00 a.m. to 1:00 p.m.
8. **Approval for Community Civic Event - Veterans Homecoming Committee - Veterans Day Parade - November 11, 2016**  
Re: Considering approval of an event to take place on Friday, November 11, 2016, from 5:00 a.m. to 12:00 p.m.
9. **Request for Proclamation - Friends of Libraries Week - October 16-22, 2016**  
Re: Considering approval of a request to proclaim October 16 through 22, 2016, as "Friends of Libraries Week."

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

#### **PUBLIC HEARINGS**

10. **Approval of a Conditional Use Permit for Type 41 Alcohol License at 560 N. Main Street**  
Re: Consideration of a Conditional Use Permit for a Type 41 beer and wine alcohol license to allow alcohol sales in conjunction with the restaurant at 560 N. Main Street.
11. **Minor Conditional Use Permit for Commercial Crop Cultivation**  
Re: Consideration of a resolution approving the minor Conditional Use Permit for commercial crop cultivation on approximately 22 acres located east of Main Street, between the prolongation of North Grand Avenue and Linda Vista Avenue.
12. **Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding**  
Re: Considering acceptance of grant funds in the amount of \$100,000 to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs.

#### **SCHEDULED MATTERS**

- 13. Bid Results for the Veterans Park Multi-use Parkway Project**  
Re: Consideration of award of the Veterans Park Multi-use Parkway Project to Mac General Engineering in the amount of \$384,349.00; and appropriation of additional Local Transportation Funds in the amount of \$119,451.35 needed to finance the project.
- 14. Consideration of Nomination to the City Selection Committee for Appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.**  
Re: Considering nomination of Mr. Craig Vejvoda to the City Selection Committee for appointment to the SJVAPCD Governing Board.
- 15. Status and Review of Declaration of Local Emergency**  
Re: Consideration of the continuance of the Declaration of Local Emergency

### **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 October 18, 2016

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

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





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

SUBJECT: 1. Community Fall Clean-Up Event

SOURCE: Public Works

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean-up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste, yard clippings, and e-waste at the City's Corporation Yard. City residents are required to bring a current City of Porterville refuse bill as proof of residency. Business or commercial waste are not allowed. Trailers will be limited to no longer than ten feet and participants will be required to unload their own vehicle. Items not accepted will include: mattress and box springs, tires, refrigerators, and any type of hazardous waste.

The next clean-up event is scheduled for October 15, 2016, as approved by Council at the January 19, 2016, Council Meeting. The event will be from 8:00 a.m. until 2:00 p.m. As in the past, the events are open to all residents receiving City residential refuse service. Cost for this event is funded through the Solid Waste Operating Budget.

RECOMMENDATION: Informational item only

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** City Council Minutes of June 21, 2016, and September 20, 2016

**SOURCE:** Administrative Services

**COMMENT:** Staff has prepared the draft Minutes of June 21, 2016, and September 20, 2016, for the Council's review and consideration.

**RECOMMENDATION:** That the Council approve the draft Minutes of June 21, 2016, and September 20, 2016.

**ATTACHMENTS:**

1. Draft Minutes of June 21, 2016
2. Draft Minutes of September 20, 2016

**Appropriated/Funded:**

**Review By:**

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 21, 2016, 5:30 PM**

Called to Order at 5:31 p.m.

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

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Dalilah Micaela Gonzalez Pacheco, a minor by and through her Guardian Ad Litem, Maria De Jesus Pacheco v. City of Porterville, et al., Tulare County Superior Court Case Nos. VCU 259965 and VCU 262368.

2 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Lonnie Wesson v. City of Porterville, et al., Tulare County Superior Court Case No. VCU 260276.

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

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

City Attorney Lew reported that no action had taken place in Closed Session.

The Pledge of Allegiance was led by Vice Mayor Hamilton.

Invocation -- one individual participated.

**PRESENTATIONS**

Employee of the Month -- Debbie Salter

Special Recognition of Police Department Volunteer -- Mark Lemmen

Chamber of Commerce Annual Report

**AB 1234 REPORTS**

1. Tulare County Association Of Governments (TCAG) - June 20, 2016

Council Member Gurrola reported that Supervisor Ishida would be serving as the new chair and of discussion pertaining to transportation funding.

2. San Joaquin Valley Air Pollution Control District (SJVAPD) – June 16, 2016

Council Member Gurrola reported on the City's receipt of Cap and Trade, and Public Benefit Grants Program funding for the purchase of ten Greenpower buses and

associated infrastructure; and thanked Transit Administrator Richard Tree for his efforts and attendance at the meeting.

## **REPORTS**

- I. City Commission and Committee Meetings
  1. Parks & Leisure Services Commission
  2. Library & Literacy Commission
  3. Arts Commission - Commissioner Deana Worthington requested that the Council consider two items: the painting of fire hydrants in the City in a patriotic theme; and a donation of \$10,000 to support a movie about Dr. Ramon Resa. She also spoke of vacancies that remain on the commission.
  4. Animal Control Commission
  5. Transactions And Use Tax Oversight Committee (Tutoc)
- II. Staff Informational Reports
  1. Water Conservation Phase III Status Update

## **ORAL COMMUNICATIONS**

- John Coffee, Porterville, spoke of the June 12th candlelight vigil for Orlando shooting victims; thanked the city staff, Mayor Stowe, Council Member Gurrola, and the Police personnel for their attendance and the support; and communicated his dissatisfaction with comments made by Vice Mayor Hamilton at the event.
- Jessie, Orlando resident, spoke of the lives lost in Orlando; thanked Mayor Stowe and Council Member Gurrola for their attendance at the vigil; and encouraged everyone to end the hate.
- Brock Neeley, Porterville, thanked Mayor Stowe and Council Member Gurrola for their attendance at the candlelight vigil; stated that he would not thank Vice Mayor Hamilton for his attendance or comments made; and read a statement by Elliot Trueblood about the Orlando shooting, violence against the LGBT community, and the need to stand up to hatred.
- Ken Sherrill, Porterville, stated that the individuals who run The Porterville Rescue Mission are known frauds; spoke of difficulties getting help from two Police Officers; suggested that police personnel be trained to respond to mentally ill individuals; and lauded Fire Chief Irish and Police Chief Kroutil for their competency.
- Martitza Altamirano, Porterville, introduced herself to the Council and expressed her interest in serving on the Animal Control Commission.
- Martha Flores, Porterville, spoke favorably of the Chamber Annual Report and of the public safety response to a recent fire in the Tule River.

## **CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion. Council Member Gurrola stated that she would be abstaining from Item No. 8 due to a previously disclosed conflict pertaining to the involvement of a family member.

COUNCIL ACTION:      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 119, with the noted abstention. The motion carried unanimously.

1.      CITY COUNCIL MINUTES OF MAY 17, 2016

Recommendation:      That the Council approve the draft Minutes of May 17, 2016.

Documentation:      M.O. 01-062116

Disposition:      Approved.

2.      BUDGET ADJUSTMENT FOR THE 20152016 FISCAL YEAR

Recommendation:      That the City Council approve the budget adjustment and authorize staff to increase the City Council's appropriation for the fiscal year 20152016 in the amount of \$58,000 and to utilize the Budget Stabilization Reserve, if necessary.

Documentation:      M.O. 02-062116

Disposition:      Approved.

3.      PURCHASE OF POLICE RADIO FOR PATROL VEHICLE

Recommendation:      That the City Council:

1. Authorize Police Department Staff to purchase one (1) Motorola APX7500 radio with associated installation components per listed specifications; and
2. Authorize payment upon satisfactory delivery of the radio and associated components.

Documentation:      M.O. 03-062116

Disposition:      Approved.

4.      APPROVAL TO PURCHASE ANNUAL SUBSCRIPTION OF DAILY TRAINING BULLETINS AND MANAGEMENT SERVICES FROM LEXIPOL LLC

Recommendation:      That the City Council:

1. Authorize the Police Department to enter into an agreement for annual subscription to Lexipol LLC. for Daily Training Bulletins and testing data base, and Daily Training Bulletin Management Services at the contract price from Lexipol LLC; and
2. Authorize payment when the purchase process is completed.

Documentation:      M.O. 04-062116

Disposition:      Approved.

5. REQUEST TO PURCHASE MOBILE DATA TERMINAL (MDT) STANDS FOR POLICE VEHICLES

Recommendation: That the City Council:

1. Approve Department staff to negotiate the purchase of (21) Mobile Data Terminal (MDT) stands from Dell Inc. in the amount of \$22,966.82; and
2. Authorize payment upon delivery of stands.

Documentation: M.O. 05-062116

Disposition: Approved.

6. RATIFICATION OF EMERGENCY EXPENDITURE - EMERGENCY REPAIR OF CITY WELL 6

Recommendation: That City Council:

1. Ratify the determination that emergency repair of City Well 6 was necessary and met the emergency criteria as promulgated in Article VII, Section 238 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$19,686; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 06-062116

Disposition: Approved.

7. AUTHORIZATION TO ADVERTISE FOR BIDS - VETERANS PARK TRAIL PHASE 1

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02100714; and
4. Authorize the Finance Director to appropriate \$21,322.92 from the Local Transportation Funds to wholly fund the project.

Documentation: M.O. 07-062116

Disposition: Approved.

8. REIMBURSEMENT FOR THE CONSTRUCTION OF NEWCOMB STREET TRANSPORTATION IMPROVEMENTS – DEL TACO COMMERCIAL DEVELOPMENT AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET (SMEE BUILDERS)

Recommendation: That the City Council:

1. Accept the transportation improvements related to the Del Taco commercial development project for maintenance; and
2. Approve reimbursement to Smee Builders per Section 2061 of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed \$60,565.15.

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

Documentation: M.O. 08-062116

Disposition: Approved.

9. AUTHORIZATION TO AUGMENT MAC GENERAL ENGINEERING CONTRACT –  
PORTERVILLE HOTEL PROJECT

Recommendation: That City Council:

1. Authorize the augmentation of the MAC General Engineering contract by \$34,264; and
2. Authorize a ten percent (10%) contingency to cover unforeseen conditions that may be encountered that are specifically related to the proposed contract augmentation.

Documentation: M.O. 09-062116

Disposition: Approved.

10. ASPHALT OVERLAY PROGRAM FOR 2016/2017

Recommendation: That the City Council approve the 2016/2017 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 10-062116

Disposition: Approved.

11. AUTHORIZATION TO "PIGGYBACK" ON EXISTING CONTRACT

Recommendation: That Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 11-062116

Disposition: Approved.

12. AGREEMENT WITH PORTERVILLE SHELTERED WORKSHOP FOR GRAFFITI  
REMOVAL SERVICES

Recommendation: That Council approve the Agreement for Graffiti removal Services and authorize the Mayor to sign the agreement.

Documentation: M.O. 12-062116

Disposition: Approved.

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

Recommendation: That the City Council:

1. Approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2016, through June 30, 2017; and
2. Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 13-062116

Disposition: Approved.

14. COOPERATIVE AGREEMENT WITH PORTERVILLE COLLEGE FOR USE OF THE POLICE FIRING RANGE

Recommendation: That the City Council:

1. Approve the Agreement with Porterville College for the period of 07/01/16 through 06/30/17; and
2. Authorize the Chief of Police to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 14-062116

Disposition: Approved.

15. POLICE FIRING RANGE COOPERATIVE AGREEMENT WITH CITY OF LINDSAY

Recommendation: That the City Council:

1. Approve the Agreement for the period of 07/01/16 through 06/30/17; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 15-062116

Disposition: Approved.

16. AGREEMENT FOR ANIMAL SHELTER SERVICES - CITY OF LINDSAY

Recommendation: That the City Council:



1. Approve the Agreement for Sheltering Services between the City of Porterville and City of Lindsay; and,
2. Authorize the Mayor and City Manager to sign all the necessary documents to execute the agreement.

Documentation: M.O. 16-062116

Disposition: Approved.

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

Recommendation: That the City Council:

1. Approve the draft Resolution ordering the preparation of an Engineer's Report for the Landscape and Lighting and Lighting Maintenance District for the Fiscal Year 20162017;
2. Approve the draft Resolution giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 20162017;
3. Approve the draft Resolution declaring the intent to levy and collect assessments for Fiscal Year 2016-2017, and offering a time and place for hearing objections thereto; and
4. Approve the scheduling of a public hearing on July 5, 2016, at 6:30 p.m. regarding the Engineer's Report and proposed assessment for the Landscape and Lighting Maintenance District for Fiscal Year 2016-2017.

Documentation: Resolution Nos. 36-2016; 37-2016; and 38-2016

Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT - CITY OF PORTERVILLE AND SIERRA VIEW MEDICAL CENTER - FARMERS MARKET - TUESDAYS IN THE MONTH OF AUGUST 2016

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement from the City of Porterville and Sierra View Medical Center, subject to the restrictions and requirements contained in the Application and Exhibit A of the Community Civic Event Application; and
2. Approve funding of \$10,000 from the City Council's Special Purpose Reserve Fund.

Documentation: M.O. 17-062116

Disposition: Approved.

19. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO -  
MOTHERS UNITED AGAINST GANG VIOLENCE - 2ND ANNUAL  
PERFORMING ARTS, CAR AND BIKE SHOW - AUGUST 20, 2016

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

Documentation: M.O. 18-062116

Disposition: Approved.

**PUBLIC HEARINGS**

20. ADOPTION OF FISCAL YEAR 2016-2017 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2016-2017 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

City Manager Lollis introduced the item and presented the staff report. The report included notice that the City had not been selected for receipt of OHV grant funds from the State which amounts to a loss of \$85,000 in revenue.

Parks and Leisure Services Director Donnie Moore gave a presentation of options available to the Council, projections of operating costs associated with said options, and statistics pertaining to ridership.

The Public Hearing was opened at 7:43 p.m.

- Dave Walker, Executive Director of Friends of Kern Open Space, spoke of efforts made to date, events planned, and the importance of having a place for safe, legal OHV activity; and requested that the Council consider continuing operation through the end of the year.
- Stan Boling, spoke in support of OHV park funding.

The Public Hearing was closed at 7:49 p.m.

City Manager Lollis spoke of conservative projections in revenue within the budget, which could be reviewed in six months. Mr. Moore and Mr. Walker addressed questions from the Council regarding ridership and weather; and the Council discussed funding of options presented and efforts of new management.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve OHV Park operations of 3 days

per week through January 1, 2017, and renewal of agreement with Friends of Kern Open Space. The motion carried unanimously.

Discussion followed regarding: the addition of a quarterly report on ridership at the OHV park; the Chamber of Commerce reporting on the use of City funds in a line item format and on a quarterly basis; the presentation of budget information; and future use of the Stout building.

**COUNCIL ACTION:**      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the proposed 2016-2017 Fiscal Year Budget, as amended.

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

Documentation:        Resolution Nos. 39-2016; and 40-2016  
Disposition:    Approved.

## **SECOND READINGS**

### **21.      SECOND READING - ORDINANCE NO. 1833 - VARIOUS AMENDMENTS**

Recommendation:    That the Council give Second Reading to Ordinance No. 1833, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:**      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1833, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING VARIOUS SECTIONS OF THE PORTERVILLE MUNICIPAL CODE TO CORRECT INCONSISTENCIES AND AMBIGUITIES, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation:        Ordinance No. 1833  
Disposition:    Approved.

## **SCHEDULED MATTERS**

22. CONSIDERATION OF APPOINTMENTS TO CITY COMMISSION AND COMMITTEE

Recommendation: That the City Council consider the appointment of individuals to the Animal Control Commission for terms expiring in September of 2018; and the Transactions and Use Tax Oversight Committee for a term expiring in May 2020.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the appointment of Maritza Altamirano and Richard Stadtherr to the Animal Control Commission for terms expiring in September of 2018; and Richard Stadtherr to the Transactions and Use Tax Oversight Committee for a term expiring in May 2020. The motion carried unanimously.

Documentation: M.O. 19-062116

Disposition: Approved.

23. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 20-062116

Disposition: Approved.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

None

**CLOSED SESSION**

None

**ADJOURNMENT**

The City Council adjourned at 8:31 p.m. to its Special Meeting.

**SPECIAL CITY COUNCIL MEETING  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 21, 2016, 8:30 PM**

Called to Order at 8:42 p.m.

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

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING REGARDING THE PROVISIONS OF EMERGENCY WATER SUPPLIES TO EAST PORTERVILLE

Recommendation: That the City Council consider approval of the draft Memorandum of Understanding regarding the provisions of emergency water supplies to East Porterville.

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

Following the report, staff addressed questions from the Council regarding the timeline for the Urban Development Boundary amendment, and reimbursement of legal fees and staff time associated with the provision of emergency water.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the draft Memorandum of Understanding regarding the provisions of emergency water supplies to East Porterville. The motion carried unanimously.

Documentation: M.O. 01S-062116

Disposition: Approved.

**OTHER MATTERS**

- Council Member Gurrola stated that she had recently been to the Municipal Pool with her grandchildren and found it to be very clean, and added that the lifeguards did a great job. She then responded to comments directed at Vice Mayor Hamilton earlier in the evening by encouraging those with differences to choose better words; stated that she did not find Vice Mayor Hamilton's comments to be inappropriate; and thanked him for his attendance at the candlelight vigil.
- Vice Mayor Hamilton encouraged attendance at Freedom Fest on Saturday, July 2<sup>nd</sup>.

- Council Member Ward stated that he was pleased with the placement of the military banners; and expressed sympathy for the victims of the shooting in Orlando and their families.
- Council Member Reyes stated that he was proud of the decorum demonstrated by the Council this evening.
- Mayor Stowe spoke of the Orlando shooting, his attendance at Dr. Snavelly's retirement dinner, and his experience speaking with Burton 3<sup>rd</sup> graders.
- City Manager Lollis spoke of the following upcoming events: a media call regarding the plan for East Porterville on Wednesday; an East Porterville public meeting at Granite Hills on Thursday evening; a meeting at Veterans Memorial Building about SGMA next week; and City of Porterville Employee Family Night at the Ballpark event on July 8 at Visalia Rawhide Ballpark. He also lauded the Fire Department for its efforts pertaining to multiple fires last week; and stated that Yuliana Andrade would be replacing Debbie Salter upon her retirement at the end of the month.

The Council took a five minute recess at 9:05 p.m. and reconvened in Closed Session.

#### **CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

**1** - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APNs: 302-390-015 and 302-390-024. Agency Negotiators: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and GreenPower Motor Company, Inc. Under Negotiation: Terms and Price.

**2** - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: Portions of the old East Side Atchison, Topeka & Santa Fe Rail Line, generally described as a collection of 15 individuals lots beginning at the northern terminus of the Rails to Trails Parkway on East Mulberry Avenue, across Lime Street in a northeasterly direction, on towards North G Street, and culminating at the center line of West Reid Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.

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

**4** - Government Code Section 54956.9(d)(4) -- Conference with Legal Counsel -- Anticipated Litigation -- Initiation of Litigation: Two cases.

#### **RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

The Council reconvened in Open Session at 9:44 p.m. and it was reported that no reportable action had taken place.

#### **ADJOURNMENT**

The Council adjourned at 9:45 p.m. to the meeting of July 5, 2016.

SEAL

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Luisa M. Zavala, Deputy City Clerk

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Milt Stowe, Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
SEPTEMBER 20, 2016, 5:30 PM**

Called to Order at 5:31 p.m.

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

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

**1** GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 42 SOUTH PLANO STREET. AGENCY NEGOTIATORS: JOHN LOLLIS AND DONNIE MOORE. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND THE BARN THEATER. UNDER NEGOTIATION: TERMS AND PRICE.

**2** - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN: 240050026. AGENCY NEGOTIATORS: JOHN LOLLIS AND DONNIE MOORE. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND PORTERVILLE MASONIC PROPERTIES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

**3** - GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR. AGENCY NEGOTIATOR: JOHN LOLLIS AND STEVE KABOT. EMPLOYEE ORGANIZATIONS: PORTERVILLE CITY FIREFIGHTERS ASSOCIATION AND FIRE OFFICER SERIES.

**4** - GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: MARIA VENTURA. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

**5** - GOVERNMENT CODE SECTION 54956.9(D)(1) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: LONNIE WESSON V. CITY OF PORTERVILLE ET AL., TULARE COUNTY SUPERIOR COURT CASE NO. VCU260276.

**6** - GOVERNMENT CODE SECTION 54956.9(D) (3) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION: TWO CASES IN WHICH FACTS ARE NOT YET KNOWN TO POTENTIAL PLAINTIFF.

**7-** GOVERNMENT CODE SECTION 54956.9(D)(4) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – INITIATION OF LITIGATION: ONE CASE.

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



City Attorney Lew reported action pertaining to A-4, as follows:

A-4. On a MOTION made by Council Member Ward, and SECONDED by Vice Mayor Hamilton the City Council unanimously rejected the claim filed by Maria Ventura.

Documentation: M.O. 01-092016

Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Gurrola

Invocation – One individual participated.

### **PROCLAMATIONS**

Adult Literacy Awareness Month - September 2016

Relay for Life Days - October 1st & 2nd, 2016

### **PRESENTATIONS**

Employee of the Month -- Clyde Loflin

Employee Service Awards

### **AB 1234 REPORTS**

1. TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) - SEPTEMBER 19, 2016

Council Member Gurrola reported on approval of a Porterville transit project and Short Range Transit Plan, and approval of funding for the rehabilitation of Hwy 65 from South Henderson to Tulare Rd.

2. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) BOARD –

Council Member Gurrola reported on adoption of the proposed 2016 Moderate Area Plan for the 2012 PM2.5 Standard, including a demonstration of attainment impracticability and request to reclassify the San Joaquin Valley from Moderate to Serious.

### **REPORTS**

- I. City Commission and Committee Meetings

1. PARKS & LEISURE SERVICES COMMISSION - SEPTEMBER 1, 2016

2. LIBRARY & LITERACY COMMISSION - SEPTEMBER 13, 2016

Commission Chair Bailey thanked the Council for the Library Card Sign-Up Month proclamation; recognized library staff who had received Employee Service Awards;

reported on continued consideration of the Advocacy Took Kit, and review of library service roles and survey results; and spoke of current promotions, upcoming events and monthly highlights.

3. ARTS COMMISSION - SEPTEMBER 14, 2016

Commission Chair Worthington reported on the Commission's Special Meeting to consider hydrant contest designs, and participation at the Farmer's Market; expressed the Commission's desire to pursue a new animal shelter, and the creation of a Facebook page; and extended an invitation to the Commission's next meeting.

4. ANIMAL CONTROL COMMISSION - SEPTEMBER 19, 2016

Commissioner Pizanis reported on discussion pertaining to the need for additional personnel at the animal shelter to tend to the kennels and pursuit of a new shelter; and reported on the approval of the creation of a Facebook page. She also requested that the Council direct the City Attorney to advise as to whether animal control qualified for use of Measure H funds.

5. YOUTH COMMISSION - SEPTEMBER 12, 2016

6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) - AUGUST 25, 2016

II. Staff Informational Reports

1. WATER CONSERVATION PHASE III STATUS UPDATE

**ORAL COMMUNICATIONS**

- Patricia Young, Porterville, spoke of the poor air quality, and requested that the Council consider restricting street sweeping and burning of green waste when the air quality was especially bad.
- Sonia Soto, Porterville, spoke of Child Cancer Awareness Month.
- Yolanda Anguiano, requested security at the Porterville Transit Center due to the presence of homeless and mentally ill in the area; and also spoke of the condition of the Transit Center restrooms.
- Ron Irish, Porterville, commended Council Member Gurrola for her efforts pertaining to Highway 65.

**CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion. Council Member Ward noted a previously disclosed conflict pertaining to Item No. 4, and stated that he would be abstaining from that item.

COUNCIL ACTION:      MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Items Nos. 1-12, with the noted abstention on Item No. 4. The motion carried unanimously.

1.            CITY COUNCIL MINUTES OF SEPTEMBER 6, 2016, AND SEPTEMBER 8, 2016

Recommendation:      That the Council approve the draft Minutes of September 6, 2016, and September 8, 2016.

Documentation:      M.O. 02-092016

Disposition:      Approved.

2.            PURCHASE OF POLICE SERVICE DOG

Recommendation:      That the City Council:

1. Approve the purchase of a police service dog and related training from Top Dog Training Center in the amount of \$10,506.87; and
2. Authorize the Chief of Police to enter in an agreement with Top Dog Training Center to acquire the service dog and associated training.

Documentation:      M.O. 03-092016

Disposition:      Approved.

3.            AUTHORIZATION TO ADVERTISE FOR BIDS - PUTNAM AVENUE / D STREET TRAFFIC SIGNAL UPGRADE

Recommendation:      That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council M.O. 02100714.

Documentation:      M.O. 04-092016

Disposition:      Approved.

4.            RECONSIDER AWARD OF SOLAR PHOTOVOLTAIC SYSTEM POWER PURCHASE AGREEMENT – WASTE WATER TREATMENT FACILITY

Recommendation:      That City Council:

1. Authorize the assignment from Sol Systems, LLC to AEP Onsite Partners, LLC per Section 16.2 of the Power Purchase Agreement; and
2. Authorize the Public Works Director to execute the Power Purchase Agreement.

AYES:                  Reyes, Gurrola, Hamilton, Stowe

NOES: None  
ABSTAIN: Ward  
ABSENT: None

Documentation: M.O. 05-092016  
Disposition: Approved.

5. ACCEPTANCE OF PROJECT - OAK AVENUE TRANSPORTATION  
ENHANCEMENT (TE) PROJECT

Recommendation: That City Council:

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

Documentation: M.O. 06-092016  
Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR QUALIFICATIONS – ENGINEERING  
SERVICES FOR THE PREPARATION OF SANITARY SEWER, WATER SYSTEM  
AND STORM DRAIN MASTER PLAN UPDATES, RECYCLED WATER  
FEASIBILITY STUDY AND STORM WATER RESOURCE PLAN

Recommendation: That the City Council authorize the Public Works Director to advertise a Request for Qualifications (RFQ) for engineering consulting firms to prepare comprehensive updates to the City's Sanitary Sewer, Water System, and Storm Drain Master Plans, and for the preparation of a Recycled Water Feasibility Study and Storm Water Resource Plan.

Documentation: M.O. 07-092016  
Disposition: Approved.

7. SET A PUBLIC HEARING FOR THE ADOPTION OF THE CALIFORNIA BUILDING  
AND FIRE CODES

Recommendation: That City Council set the Public Hearing for October 18, 2016, for the first reading and to receive input regarding the adoption of the 2016 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes.

Documentation: M.O. 08-092016  
Disposition: Approved.

8. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the 10th Annual Food for Fines Campaign to run October 1 through December 31, 2016.

Documentation: M.O. 09-092016

Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 32C

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. William Parham for Lot 32C at the Porterville Municipal Airport.

Documentation: M.O. 10-092016

Disposition: Approved.

10. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 32D

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Drew Williams for Lot 32D at the Porterville Municipal Airport.

Documentation: M.O. 11-092016

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - C & C CALLAHAN MINISTRIES, INC. - REVIVE TULARE COUNTY (RTC) BLOCK PARTY - OCTOBER 1, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the C & C Callahan Ministries, Inc., subject to Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 12-092016

Disposition: Approved.

12. AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES FOR YES EMPLOYEES

Recommendation: That the City Council:

1. Adopt the draft Resolution amending the City's Employee Pay and Benefit Plan, Seasonal and Part-time rates; and
2. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 68-2016

Disposition: Approved.

### **SCHEDULED MATTERS**

#### **13. PATRIOTIC PRIDE HYDRANT PROJECT**

Recommendation: That the City Council approve ten designs and three alternate designs for the Patriotic Pride Hydrant Project.

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

Council Member Reyes spoke of his design, which was one of the ten selected by the Arts Commission; and the Council expressed its desire to thank all the participants.

**COUNCIL ACTION:** MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council approve the ten designs and three alternates for the Patriotic Pride Hydrant Project; and direct staff to draft letters of appreciation to all participants. The motion carried unanimously.

Documentation: M.O. 13-092016

Disposition: Approved.

#### **14. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY**

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 14-092016

Disposition: Approved.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

- Council Member Gurrola spoke of a group of young bicyclists who have been riding irresponsibly in and out of traffic throughout town.
- Vice Mayor Hamilton credited Council Member Ward for bringing the military banner idea to the Council.

- Council Member Reyes acknowledged Council Member Ward for his initiation of an Arts Commission; and spoke of the 2016/2017 Leadership Porterville Class.
- Council Member Ward suggested that staff look into a Reading with the Stars event at the library, which would involve local celebrities/community leaders reading to children.
- Mayor Stowe lauded the September 11th event.
- City Manager Lollis spoke of upcoming ribbon cutting for the Adult Learning Center and the Jaye Street Bridge groundbreaking ceremony on Friday, September 23rd.

### **CLOSED SESSION**

The Council reconvened in Open Session at 8:14 p.m., and it was reported that no action had taken place.

### **ADJOURNMENT**

The Council adjourned at 8:15 p.m. to the meeting of October 4, 2016.

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Luisa M. Zavala, Deputy City Clerk

SEAL

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Milt Stowe, Mayor



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Authorization to Purchase Equipment

**SOURCE:** Public Works

**COMMENT:** As part of the FY2016-2017 Capital Project Budget approved by Council on June 21, 2016, the Wastewater Treatment Facility (WWTF) requested a larger capacity dump truck for the transfer of sludge from the WWTF to the drying beds located at the airport. The estimated cost of the dump truck is \$298,000 and the funds are available in the WWTF Reserve Fund approved in the FY2016-2017 budget.

In addition, the Water Utility Department sees the need to purchase a well repair rig. The purchase of this vehicle will offset costs and extend lead times currently experienced in emergency well repair situations, by giving staff the ability to pull and assess the well pump immediately. The estimated cost of this vehicle is \$190,000 and funds are available in the Water Operating Fund.

In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by City Council on October 20, 1987, staff hereby requests approval to begin negotiations for the purchase of the above equipment.

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

**ATTACHMENTS:**

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Authorization to Advertise for Bids - Garden Avenue Pedestrian Project

**SOURCE:** Public Works

**COMMENT:** The Plans and Project Manual for the subject project have been completed and are available for Council's review. The proposed project includes the removal of existing concrete improvements and replacing them with new ADA access ramps, driveways, stamped concrete, parkway trees, nostalgic lights and other pedestrian amenities for the Garden Avenue Pedestrian Project, located between Main Street and Fig Street.

The estimate of probable cost for the entire project is \$493,000 with \$49,300 required for construction contingency (10%). An additional \$30,200 (6.13%) is required for construction management, quality control, and inspection. Southern California Edison (SCE) lighting costs are estimated at \$80,000. The total estimated cost associated with the project is \$652,500. An Estimate of Probable Cost is attached for Council's review.

Funding for this project is from the Active Transportation Program (ATP), which will fund \$232,000 of the participating share of the project with the City's match paying \$35,000 and funded through Measure R Alternative Transportation Funds. Due to the project being "underfunded," having not received sufficient ATP grant funds to meet the typical 88.53% Federal and 11.47% City split, the City received additional Measure R Alternative Transportation Funds in the amount of \$165,000 to help cover construction costs. The City is required to cover the remaining costs of \$220,500 through Local Transportation Funds. All funds are approved in the 2016/2017 Annual Budget.

**RECOMMENDATION:** That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

**ATTACHMENTS:**

1. Locator Map
2. Engineer's Estimate

Appropriated/Funded: MB

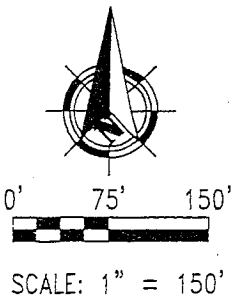
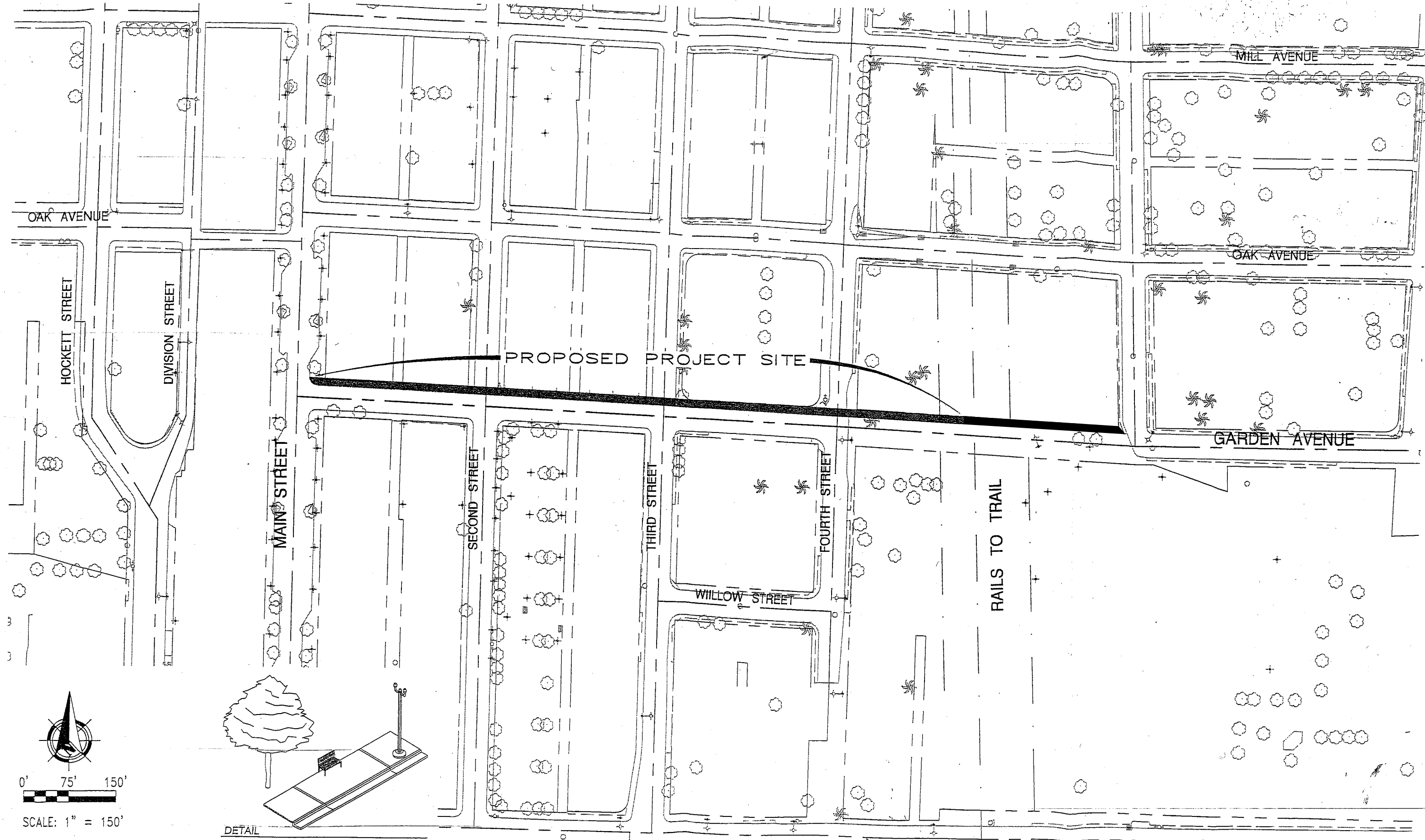
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

# GARDEN AVENUE, MAIN STREET TO FIG STREET



**CITY OF PORTERVILLE**  
**ENGINEERING DIVISION**  
 291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 569 782-7482

|            |          |
|------------|----------|
| DESIGN BY  | XX       |
| DRAWN BY   | AV       |
| CHECKED BY | BR       |
| DATE       | 01-13-11 |

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
 PUBLIC WORKS DIRECTOR \_\_\_\_\_ R.C.E. DATE \_\_\_\_\_

|              |       |
|--------------|-------|
| REVISION NO. | _____ |
| DATE         | _____ |



**PROPOSED ATP GRANT PROJECT**

SHEET  
 1  
 OF  
 1

**Exhibit 12-A (Equivalent)****Garden Avenue Pedestrian Improvements, Engineer's Estimate**

by: Jan Bowen, 07/13/2016

CITY OF PORTERVILLE

Fed. Proj. #: ATPL-5122(084)

City Proj. #: 89-9166-88

**PART 'A' - ATP Portion (PARTICIPATING)**

| ITEM NO.                       | DESCRIPTION                                                                                                               | QUANTITY | UNIT | UNIT PRICE  | TOTAL PRICE         |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------|------|-------------|---------------------|
| 1                              | Mobilization and Demobilization                                                                                           | 1        | LS   | \$20,000.00 | \$20,000.00         |
| 2                              | Traffic & Pedestrian Control                                                                                              | 1        | LS   | \$6,000.00  | \$6,000.00          |
| 3                              | Implement Storm Water Pollution Prevention Plan (SWPPP) and Construction Site Measures                                    | 1        | LS   | \$2,000.00  | \$2,000.00          |
| 4                              | Clearing, Grubbing & Demolition                                                                                           | 1        | LS   | \$20,000.00 | \$20,000.00         |
| 5                              | Earthwork, Grading, & Compaction                                                                                          | 1        | LS   | \$7,000.00  | \$7,000.00          |
| 6                              | Relocation of Existing Road Signs, New Signage, Striping, & Pavement Markings                                             | 1        | LS   | \$4,000.00  | \$4,000.00          |
| 7                              | Furnish & Install 6' Bench                                                                                                | 8        | EA   | \$1,500.00  | \$12,000.00         |
| 8                              | Furnish & Install Trash Receptacle                                                                                        | 8        | EA   | \$1,500.00  | \$12,000.00         |
| 9                              | Furnish & Install 4" Thick Concrete (includes standard sidewalk, concrete band)                                           | 1810     | SF   | \$6.00      | \$10,860.00         |
| 10                             | Furnish & Install 6" Thick Concrete (sidewalk behind drive approaches)                                                    | 339      | SF   | \$8.00      | \$2,712.00          |
| 11                             | Furnish & Install 4" Thick Colored Stamped Sidewalk                                                                       | 5367     | SF   | \$12.00     | \$64,404.00         |
| 12                             | Furnish & Install 6" Thick Colored Stamped Sidewalk                                                                       | 1261     | SF   | \$15.00     | \$18,915.00         |
| 13                             | Furnish & Install Drive Approach (includes curb & gutter)                                                                 | 697      | SF   | \$8.00      | \$5,576.00          |
| 14                             | Furnish & Install Drive Approach per Modified City Std. C-20X Commercial/Office Drive Approach (includes curb and gutter) | 1130     | SF   | \$15.00     | \$16,950.00         |
| 15                             | Furnish & Install 10'R ADA Ramp (includes truncated domes)                                                                | 1        | EA   | \$4,000.00  | \$4,000.00          |
| 16                             | Furnish & Install 20'R ADA Ramp (includes truncated domes)                                                                | 5        | EA   | \$4,000.00  | \$20,000.00         |
| 17                             | Furnish & Install Detectable Warning Surface                                                                              | 1        | EA   | \$600.00    | \$600.00            |
| 18                             | Pavement Patching                                                                                                         | 996      | SF   | \$10.00     | \$9,960.00          |
| 19                             | Furnish & Install Vee Gutter                                                                                              | 23       | LF   | \$20.00     | \$460.00            |
| 20                             | Furnish & Install City Std. C-1 Curb & Gutter                                                                             | 92       | LF   | \$25.00     | \$2,300.00          |
| 21                             | Furnish & Install Tree Well (includes concrete, rebar, grate)                                                             | 18       | EA   | \$3,500.00  | \$63,000.00         |
| 22                             | Furnish & Install 2" Water Service in Garden Ave (includes pavement trench)                                               | 3        | EA   | \$2,500.00  | \$7,500.00          |
| 23                             | Furnish & Install 2" Water Meter                                                                                          | 3        | EA   | \$2,500.00  | \$7,500.00          |
| 24                             | Furnish & Install 2" Gate Valve                                                                                           | 3        | EA   | \$500.00    | \$1,500.00          |
| 25                             | Furnish & Install Conduits, Handholes, Pull Boxes and Appurtenances for Decorative Lights per SCE Plans                   | 1        | LS   | \$70,000.00 | \$70,000.00         |
| 26                             | Furnish & Install Landscaping & Irrigation                                                                                | 1        | LS   | \$15,000.00 | \$15,000.00         |
| 27                             | Furnish & Install 10' x 25' Prefab Bridge (includes foundation and concrete deck)                                         | 1        | LS   | \$80,000.00 | \$80,000.00         |
| <b>ATP SUBTOTAL</b>            |                                                                                                                           |          |      |             | <b>\$484,000.00</b> |
| <b>10% CONTINGENCY</b>         |                                                                                                                           |          |      |             | <b>\$48,400.00</b>  |
| <b>CONSTRUCTION MANAGEMENT</b> |                                                                                                                           |          |      |             | <b>\$30,000.00</b>  |
| <b>ATP TOTAL</b>               |                                                                                                                           |          |      |             | <b>\$562,400.00</b> |

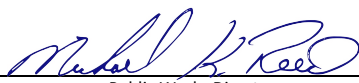
**PART 'B' - City Portion (NON-PARTICIPATING)**

|                                |                                      |    |    |            |                    |
|--------------------------------|--------------------------------------|----|----|------------|--------------------|
| 28                             | Furnish and Install Chain Link Fence | 13 | LF | \$75.00    | \$1,000.00         |
| 29                             | Relocate Existing Fire Hydrants      | 2  | LS | \$3,500.00 | \$7,000.00         |
| 30                             | Adjust Water Meter to Grade          | 2  | EA | \$500.00   | \$1,000.00         |
| <b>CITY SUBTOTAL</b>           |                                      |    |    |            | <b>\$9,000.00</b>  |
| <b>10% CONTINGENCY</b>         |                                      |    |    |            | <b>\$900.00</b>    |
| <b>CONSTRUCTION MANAGEMENT</b> |                                      |    |    |            | <b>\$200.00</b>    |
| <b>CITY TOTAL</b>              |                                      |    |    |            | <b>\$10,100.00</b> |

**SCE LIGHTING COSTS**

|                  |                                                          |    |    |            |                    |
|------------------|----------------------------------------------------------|----|----|------------|--------------------|
| L-1              | SCE Cost for Standard Lights (Participating)             | 20 | EA | \$1,500.00 | \$30,000.00        |
| L-2              | Extra Cost for SCE Decorative Lights (Non-Participating) | 20 | EA | \$2,500.00 | \$50,000.00        |
| <b>SCE TOTAL</b> |                                                          |    |    |            | <b>\$80,000.00</b> |

|                                |  |  |  |  |                     |
|--------------------------------|--|--|--|--|---------------------|
| <b>COMBINED SUBTOTAL</b>       |  |  |  |  | <b>\$493,000.00</b> |
| <b>10% CONTINGENCY</b>         |  |  |  |  | <b>\$49,300.00</b>  |
| <b>CONSTRUCTION MANAGEMENT</b> |  |  |  |  | <b>\$30,200.00</b>  |
| <b>SCE LIGHTING COSTS</b>      |  |  |  |  | <b>\$80,000.00</b>  |
| <b>COMBINED TOTAL</b>          |  |  |  |  | <b>\$652,500.00</b> |



Public Works Director

7/13/2016

Date



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Meter Installation for Non-Metered City Water Services

**SOURCE:** Public Works

**COMMENT:** The State of California Water Code, Sections 525 through 529.7, contains certain requirements and timelines for water purveyors to provide suitable water meters to measure the water that it serves to its customers.

Urban water suppliers, including the City of Porterville (City), are required to install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025. The City of Porterville is not subject to section 526, which pertains to an urban water supplier that receives water from the federal Central Valley Project, and requires meterization by January 1, 2020. However, for an urban water supplier to apply for financial assistance from the state for a wastewater treatment project, a water use efficiency project, a drinking water treatment project, or for a permit for a new or expanded water supply, it shall demonstrate that the applicant meets the requirements of the article. This means that in order for the City to successfully apply for financial assistance, meters must be installed on all remaining flat rate services on or before January 1, 2020.

Most of the existing flat rate meters are backyard connections, inherited with the acquisition of former water companies. With the introduction of radio-read meters, the City now has the opportunity to install meters on these flat rate backyard services, which until now, prevented the installation of standard manually-read meters due to their inaccessibility. The estimated 480 un-metered services would cost approximately \$278,000 for the meters and the associated boxes and fittings. Due to the 2025 deadline to meter all services, and in order to obtain State grant funds, staff recommends to begin the installation of radio-read meters at no cost to the customer. Staff estimates that with existing personnel, in addition to assistance of temporary workers, the task can be accomplished in approximately 3 months.

Staff recommends City Council approve the project with expenditures coming from the water operating fund.

**RECOMMENDATION:** That City Council:

1. Approve the installation of meters to non-metered residences for \$278,000 from the Water Operating fund; and
2. Approve the use of temporary workers to expedite the

installation process.

ATTACHMENTS: 1. Locator Map

Appropriated/Funded:

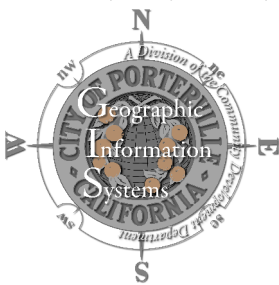
Review By:

Department Director:

Mike Reed, City Engineer

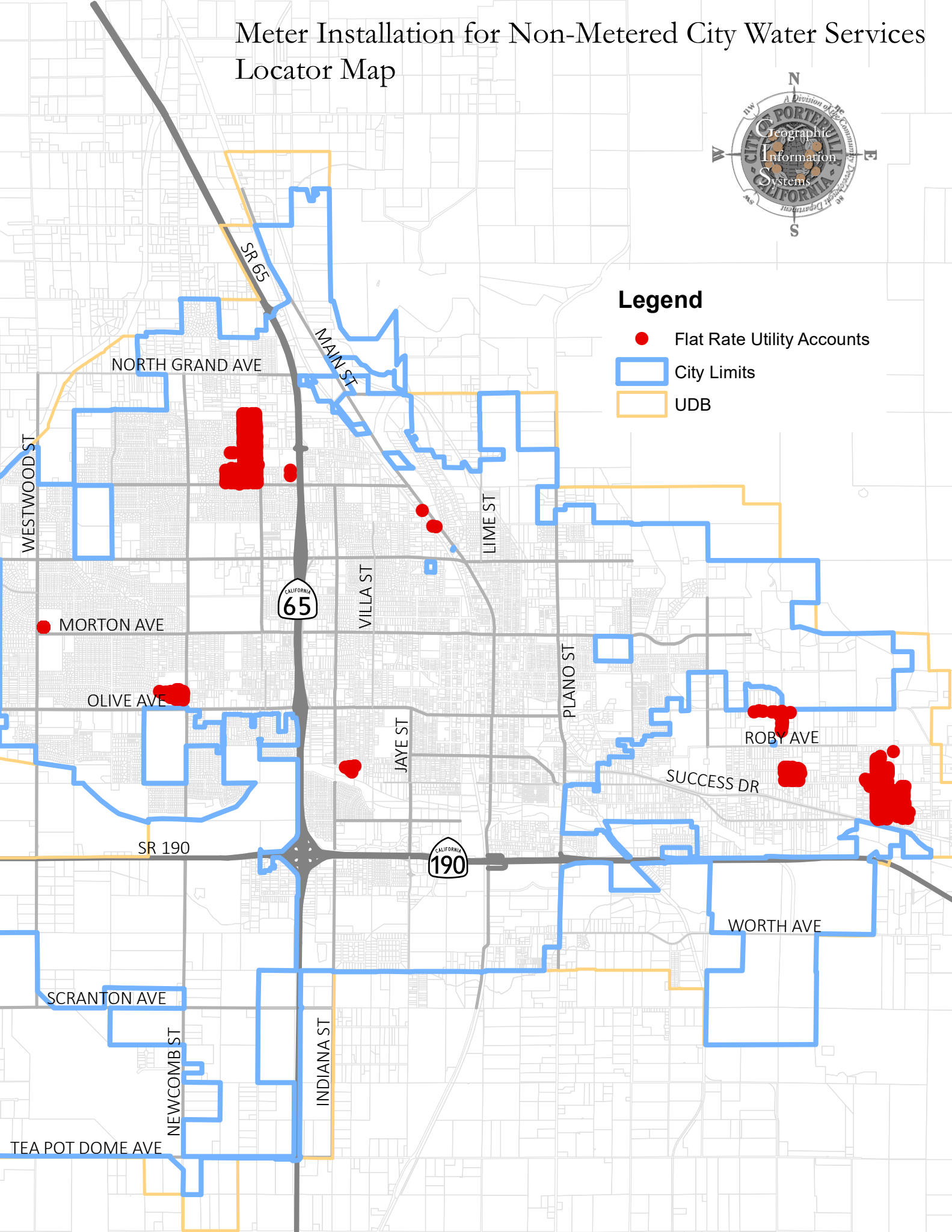
Final Approver: John Lollis, City Manager

# Meter Installation for Non-Metered City Water Services Locator Map



## Legend

- Flat Rate Utility Accounts
- City Limits
- UDB





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

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

**SOURCE:** Public Works

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

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

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

**RECOMMENDATION:** That the City Council:

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

**ATTACHMENTS:**

1. Resolution
2. Program Supplement to Cooperative Agreement

Appropriated/Funded: MB

Review By:

Department Director:  
Mike Reed, City Engineer



Final Approver: John Lollis, City Manager

**RESOLUTION #\_\_\_\_\_ - 2016**

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

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

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

**WHEREAS**, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive Measure R Transit Funds for Operating Expenses for Fiscal Year 2015/16;

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

PASSED, ADOPTED AND APPROVED this 10<sup>th</sup> day of October, 2016.

---

Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

---

By: Patrice Hildreth, Chief Deputy City Clerk

**MEASURE R PROGRAM SUPPLEMENT TO  
COOPERATIVE AGREEMENT**

This Program Supplement is made and entered into on July 1, 2016, by and between the CITY OF PORTERVILLE ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

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

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

Covenants of Sponsor

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

1.2. 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 target billing amount.

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY

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

Chair of the Authority

ATTEST:

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

CITY OF PORTERVILLE

ATTEST:

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

Milt Stowe  
Mayor

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

John Lollis  
City Clerk

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

**PORTERVILLE TRANSIT – FY2016/17**

**Operations**

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

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

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

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

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



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Approval for Community Civic Event - Central California Family Crisis Center, Inc. - Candlelight Vigil - October 13, 2016

**SOURCE:** Finance

**COMMENT:** The Central California Family Crisis Center is requesting approval to hold their annual candlelight vigil at Centennial Park on Thursday, October 13, 2016, from 4:00 p.m. to 8:00 p.m. This vigil is held as a remembrance for those who have lost their lives to domestic violence. The event consists of speakers and information booths. No street closures have been requested.

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

**RECOMMENDATION:** That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

**ATTACHMENTS:**

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

**Appropriated/Funded:**

**Review By:**

Department Director:

Maria Bemis, Finance Director

Final Approver: Patrice Hildreth, Administrative Services Dir

# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

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

Application date: September 9, 2014      Event date: October 13, 2014  
9/20/2016      Event time: 4pm - 8pm

Name of Event: Candle Light Vigil

Sponsoring organization: Family Crisis Center      Phone # 781-7462  
Address: 211 N Main St. Porterville

Authorized representative: Caryn Hernandez      Phone # 789-5306  
Address: \_\_\_\_\_

Event chairperson: Caryn Hernandez      Phone # 789-5306

Location of event Centennial Park 296 N Main St.  
(Location map must be attached)

Type of event: Candle Light Vigil to honor victims of domestic violence.

Non-profit organization status: 501 (c) (3) BL# 4815  
(IRS Determination)

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

|                        |                                                  |                 |           |                                        |
|------------------------|--------------------------------------------------|-----------------|-----------|----------------------------------------|
| Barricades (quantity): | <u>N/A</u>                                       | Street sweeping | Yes _____ | No <input checked="" type="checkbox"/> |
| Police protection      | Yes _____ No <input checked="" type="checkbox"/> | Refuse pickup   | Yes _____ | No <input checked="" type="checkbox"/> |
| Other:                 | _____                                            |                 |           |                                        |

|                                      |                                         |                                        |                     |
|--------------------------------------|-----------------------------------------|----------------------------------------|---------------------|
| Parks facility application required: | Yes <input checked="" type="checkbox"/> | No _____                               | Attached <u>pd.</u> |
| Assembly permit required:            | Yes _____                               | No <input checked="" type="checkbox"/> | Attached _____      |

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

Appr.      Deny

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

# CITY OF PORTERVILLE

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

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

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

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

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

CH Authorized Representative Initials

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

CH Authorized Representative Initials

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

CH Authorized Representative Initials

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

CH Authorized Representative Initials

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

|                                                       |                                       |                         |
|-------------------------------------------------------|---------------------------------------|-------------------------|
| <u>Family Crisis Center</u><br>(Name of Organization) | <u>Caryn Hernandez</u><br>(Signature) | <u>9/9/14</u><br>(Date) |
|-------------------------------------------------------|---------------------------------------|-------------------------|

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

Location: Centennial Park 2916 N. Main St. Event date: 10/13/14 Event time: 4 pm

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

[illegible]

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

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



# CITY OF PORTERVILLE

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

Name of event: Candle Light Vigil

Sponsoring organization: Family Crisis Center

Event date: 10/13/14 Hours: 4pm - 8pm

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:** No street closures required.

## Closed

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

Requirements for Community Civic Event  
Central California Family Crisis Center  
Annual Candlelight Vigil for Domestic Violence  
October 13, 2016

Finance Director:  
*M. Bemis*

Public Works Director:  
*M. Reed*

Community Development Manager:  
*J. Phillips*

Field Services Manager:                      No comments.  
*B. Styles*

Fire Chief:                                      No comments.  
*G. Irish*

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

Police Lieutenant:                              Please see proposed recommendations  
*C. Contreras*                                      and requirements in Exhibit B.

Administrative Services Director:              See Exhibit A, Page 2.  
*P. Hildreth*

## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center  
Event: Candlelight Vigil for Domestic Violence  
Event Chairman: Caryn Hernandez  
Location: Centennial Park  
Date of Event: October 13, 2016

### RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

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

## **CITY OF PORTERVILLE**

### **APPLICATION FOR COMMUNITY CIVIC EVENT**

Proposed Event: Candlelight Vigil/Family Crisis Center

Date of Event: October 13<sup>th</sup>, 2016/4:00pm-8:00pm

Location of Event: Centennial Park

#### **Recommendations/Requirements:**

- City Council approval is required for all street/sidewalk closures.
- Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- An Outside Amplifier Permit has been requested or approved. However, event organizers shall not allow music or other sound amplifications to be broadcasted so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.

Chris Contreras / Lieutenant  
Porterville Police Department

W. Thompson Ave

E. Thompson Ave

N Main St

Hoagie's Heroes



N Main St

Porterville Parks and Leisure

Centennial Park  
296 N Main St

Key



= tables



= chairs



= gazebo

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



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

- 1 Name and home address of the applicant: Family Crisis Center 211 N Main St.
- 2 Address where amplification equipment is to be used: 296 N. Main St.
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Caryn Hernandez  
+ Krystle Contreras 211 N Main St.
- 4 Type of event for which amplification equipment will be used: Candle Light Vigil
- 5 Dates and hours of operation of amplification equipment: 4pm - 8pm / Oct. 13<sup>TH</sup>, 2016
- 6 A general description of the sound amplifying equipment to be used: light music + speech +  
memorializing victims of domestic violence

**Section 18-9**

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

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

**Section 18-14**

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

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

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

Caryn Hernandez  
Signature of Applicant

9/9/16  
Date

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

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

9-26-16  
Date



CENTR-1

OP ID: RB

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/19/2016

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

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

|                                                                                                            |                                                                              |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>PRODUCER</b><br>DLL Insurance Agency II<br>5088 N. Fruit Ave. #101<br>Fresno, CA 93711<br>Greg Anderson | <b>CONTACT NAME:</b> Rebecca A. Bejarano                                     |
|                                                                                                            | <b>PHONE (A/C, No, Ext):</b> 559-451-3411 <b>FAX (A/C, No):</b> 559-451-3415 |
|                                                                                                            | <b>E-MAIL ADDRESS:</b> rbejarano@dllinsurance.com                            |
|                                                                                                            | <b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>                           |
|                                                                                                            | <b>INSURER A:</b> Nonprofits' Insurance Alliance                             |
|                                                                                                            | <b>INSURER B:</b>                                                            |
|                                                                                                            | <b>INSURER C:</b>                                                            |
|                                                                                                            | <b>INSURER D:</b>                                                            |
|                                                                                                            | <b>INSURER E:</b>                                                            |
|                                                                                                            | <b>INSURER F:</b>                                                            |

|                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------|
| <b>INSURED</b><br>Central California Family<br>Crisis Center, Inc.<br>Crisis Center<br>211 Main Street<br>Porterville, CA 93257 |
|---------------------------------------------------------------------------------------------------------------------------------|

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

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

| INSR LTR | TYPE OF INSURANCE                                                                              | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                               |
|----------|------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|------------------------------------------------------|
| A        | <b>GENERAL LIABILITY</b>                                                                       | X         |          | 201600631NPO  | 01/01/2016              | 01/01/2017              | EACH OCCURRENCE \$ 1,000,000                         |
|          | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                               |           |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                 |           |          |               |                         |                         | MED EXP (Any one person) \$ 20,000                   |
|          |                                                                                                |           |          |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                   |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                             |           |          |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000                       |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |           |          |               |                         |                         | PRODUCTS - COMP/OP AGG \$ 2,000,000                  |
|          | <b>AUTOMOBILE LIABILITY</b>                                                                    |           |          |               |                         |                         | <b>Emp. Ben.</b> \$ Included                         |
|          | ANY AUTO                                                                                       |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$               |
|          | ALL OWNED AUTOS                                                                                |           |          |               |                         |                         | BODILY INJURY (Per person) \$                        |
|          | HIRED AUTOS                                                                                    |           |          |               |                         |                         | BODILY INJURY (Per accident) \$                      |
|          | SCHEDULED AUTOS                                                                                |           |          |               |                         |                         | PROPERTY DAMAGE (PER ACCIDENT) \$                    |
|          | NON-OWNED AUTOS                                                                                |           |          |               |                         |                         | \$                                                   |
|          | <b>UMBRELLA LIAB</b>                                                                           |           |          |               |                         |                         | EACH OCCURRENCE \$                                   |
|          | <b>EXCESS LIAB</b>                                                                             |           |          |               |                         |                         | AGGREGATE \$                                         |
|          | <input type="checkbox"/> OCCUR                                                                 |           |          |               |                         |                         | \$                                                   |
|          | <input type="checkbox"/> CLAIMS-MADE                                                           |           |          |               |                         |                         |                                                      |
|          | DED                                                                                            |           |          |               |                         |                         |                                                      |
|          | RETENTION \$                                                                                   |           |          |               |                         |                         |                                                      |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>                                           |           |          |               |                         |                         | WC STATUTORY LIMITS                                  |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                    |           |          |               |                         |                         | OTH-ER                                               |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                         |           |          |               |                         |                         | E.I. EACH ACCIDENT \$                                |
|          |                                                                                                |           |          |               |                         |                         | E.I. DISEASE - EA EMPLOYEE \$                        |
|          |                                                                                                |           |          |               |                         |                         | E.I. DISEASE - POLICY LIMIT \$                       |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Re: Candelight Vigil on 10/13/2016 at Centennial Park, 296 N. Main St, Porterville, CA 93257, The City of Porterville, Successors Agency to the Porterville Redevelopment Agency is named as additional insured.

**CERTIFICATE HOLDER**

CITYPOR

The City of Porterville  
Successor Agency to the  
Porterville Redevelopment Agency  
291 N. Main Street  
Porterville, CA 93257

**CANCELLATION**

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

AUTHORIZED REPRESENTATIVE

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**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### **SCHEDULE**

**Name Of Additional Insured Person(s) Or Organization(s):**

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.

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

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

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

However:

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

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

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

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

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Approval for Community Civic Event - American Cancer Society - Rally for a Cure - October 30, 2016

**SOURCE:** Finance

**COMMENT:** The American Cancer Society, Inc. is requesting approval to hold a community event and fundraiser, Rally for a Cure, on October 30, 2016, at Veterans Park, from 5:00 a.m. to 1:00 p.m. No street closures have been requested.

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

**RECOMMENDATION:** That the City Council approve the attached Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

**ATTACHMENTS:**

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

**Appropriated/Funded:**

**Review By:**

Department Director:  
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

## CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: 9/26/2016 Event date: October 30, 2016  
Event time: 5AM TO 1PM

Name of Event: Rally For a CureSponsoring organization: American Cancer Society Phone # 559-451-0163Address: 2222 W. Shaw Ave, Suite 201 Fresno, CA 93711Authorized representative: Michelle Blancas Phone # 559-451-0163Address: 2222 W. Shaw Ave, Suite 201Event chairperson: Rhonda Szekes Phone # 559-359-1587Location of event Veterans Park Arbor 1-21561 W. Henderson Ave (Location map must be attached) Porterville, CAType of event: Community Event / Fundraiser / Car Show for Rel. ForLife of Porterville / American Cancer SocietyNon-profit organization status: yes BL # 4371

(IRS Determination)

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

Barricades (quantity): N/A Street sweeping Yes      No XPolice protection Yes      No X Refuse pickup Yes      No XOther:     Parks facility application required: Yes ✓ No      Attached ptAssembly permit required: Yes      No      Attached     

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

Appr. Deny

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

## CITY OF PORTERVILLE

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

#### What constitutes a Community Civic Event?

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

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

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

WS Authorized Representative Initials

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

WS Authorized Representative Initials

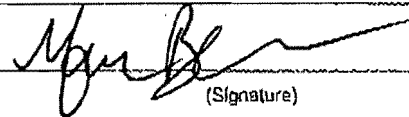
Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health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

WS Authorized Representative Initials

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

WS Authorized Representative Initials

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

|                         |                                                                                      |           |
|-------------------------|--------------------------------------------------------------------------------------|-----------|
| American Cancer Society |  | 9/29/2016 |
| (Name of Organization)  | (Signature)                                                                          | (Date)    |

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

Location: Veterans Park Event date: 10/30/16 Event time: 5am - 5pm

[illegible]

3 of 4

## CITY OF PORTERVILLE

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

Name of event: Rally for a Cure

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

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

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

| Closed                  |          |    |          |
|-------------------------|----------|----|----------|
| Street Name             | From     | To | Activity |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
| Sidewalks               | From     | To | Activity |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
| Parking lots and spaces | Location |    | Activity |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |
|                         |          |    |          |

Requirements for Community Civic Event

American Cancer Society, Inc.

Rally for a Cure

October 30, 2016

Finance Director:

*M. Bemis*

Deputy Public Works Director:

*M. Reed*

Community Development Manager:

*J. Phillips*

Field Services Manager:

*B. Styles*

No comments.

Fire Chief:

*G. Irish*

No comments.

Parks and Leisure Services Director:

*D. Moore*

Vehicles to remain on path and off of sprinkler heads and valve boxes. Non-car show vehicles to remain off the grass and not parked within park.

Police Lieutenant:

*C. Contreras*

Please see proposed recommendations and requirements in Exhibit B.

Administrative Services Director:

*P. Hildreth*

See Exhibit A, Page 2.

## Requirements for Community Civic Event

Sponsor: American Cancer Society, Inc.  
Event: Rally for a Cure  
Event Chairman: Rhonda Szeles  
Location: Veterans Park  
Date of Event: October 30, 2016

### RISK MANAGEMENT: Conditions of Approval

That the American Cancer Society, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

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

**CITY OF PORTERVILLE - POLICE DEPARTMENT**  
**Community Civic Event Application**

---

Proposed Event: "Rally for a Cure/Relay for Life/Car Show"

Date of Event: 10/30/16

Location of Event: Veteran's Park

Recommendations/Requirements:

- Participants/Pedestrians must remain on the sidewalks and obey all traffic related laws.
- Participants/Pedestrians must not interfere with or impede the normal flow of vehicle or pedestrian traffic.
- Event organizers should consider "follow up" vehicles that have first aid supplies, water, etc., so as to treat or pick up and transport any participant who becomes ill or is otherwise unable to complete the course.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Event organizers shall coordinate all policing/traffic/parking/posting concerns with Lt. Richard Standridge or Lt. Dominic Barteau well in advance of the event. They can be contacted at 559-782-7410/559-782-7400.

Chris Contreras  
Lieutenant  
Porterville Police Department

Exhibit B



# Helicopter Memorial



Vendors

|   |
|---|
| 2 |
| 2 |
| 2 |
| 2 |
| 2 |

|   |
|---|
| 2 |
|---|

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



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

- 1 Name and home address of the applicant: Rhonda Szeles  
216 W. Gibson Ave., Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Veterans Park
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Rhonda Szeles  
216 W. Gibson Ave., Porterville, CA 93257
- 4 Type of event for which amplification equipment will be used: Fundraiser / Community Event /  
Rally For a Cure - Relay for Life
- 5 Dates and hours of operation of amplification equipment: 9:00AM to 1:00PM
- 6 A general description of the sound amplifying equipment to be used: 2 15AMP Speakers for DJ.  
and microphone.

Section 18-9

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

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

Section 18-14

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

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

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

  
Signature of Applicant

9/27/2016  
Date

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

  
City of Porterville, Chief of Police/Designee

9-28-16  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
9/27/2016

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

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

| <b>PRODUCER</b><br>Commercial Lines -- (404) 923-3700<br>Wells Fargo Insurance Services USA, Inc.<br>3475 Piedmont Road NE, Suite 800<br>Atlanta, GA 30305-2886 | <b>CONTACT NAME:</b> Jennifer Lefler<br><b>PHONE (A/C, No, Ext):</b> 404-923-3663 <b>FAX (A/C, No):</b> 877-362-9069<br><b>E-MAIL ADDRESS:</b> jennifer.l.lefler@wellsfargo.com                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------|--------------------------------------|-------|------------|--|------------|--|------------|--|------------|--|------------|--|
| <b>INSURED</b><br>American Cancer Society, Inc.<br>250 Williams Street<br>Atlanta, GA 30303                                                                     | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Federal Insurance Company</td> <td>20281</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table> | INSURER(S) AFFORDING COVERAGE | NAIC # | INSURER A: Federal Insurance Company | 20281 | INSURER B: |  | INSURER C: |  | INSURER D: |  | INSURER E: |  | INSURER F: |  |
| INSURER(S) AFFORDING COVERAGE                                                                                                                                   | NAIC #                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER A: Federal Insurance Company                                                                                                                            | 20281                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER B:                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER C:                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER D:                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER E:                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |
| INSURER F:                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |        |                                      |       |            |  |            |  |            |  |            |  |            |  |

**COVERAGES**
**CERTIFICATE NUMBER:** 10888893

**REVISION NUMBER:** See below

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

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                         | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                          |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br>OTHER: | X         |          | 35943463      | 09/01/2016              | 09/01/2017              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000<br>MED EXP (Any one person) \$ 5,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 25,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                                                                         |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                                           |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED RETENTION \$                                                                                                                                                                                        |           |          |               |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                                                                        |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                             | Y/N       | N/A      |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                                |

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

80-02-2367 ACS Contract #39960 dh American Cancer Society, Inc., Relay for Life fundraiser to be held at Veterans Park October 30, 2016  
 Certificate holder is included as an additional insured in accordance with the terms and conditions of the general liability policy and only if required by written contract.

**CERTIFICATE HOLDER**
**CANCELLATION**

|                                                                                                                                   |                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Porterville<br>Successor Agency to the Porterville<br>Redevelopment Agency<br>291 N. Main Street<br>Porterville, CA 93257 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br> |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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## Endorsement

*Policy Period*                SEPTEMBER 1, 2016 TO SEPTEMBER 1, 2017  
*Effective Date*              AUGUST 31, 2016  
*Policy Number*              3594-34-63 RMG  
*Insured*                        AMERICAN CANCER SOCIETY, INC.  
  
*Name of Company*          FEDERAL INSURANCE COMPANY  
*Date Issued*                 AUGUST 31, 2016

This Endorsement applies to the following forms:

## GENERAL LIABILITY

Under Who Is An Insured, the following provision is added.

**Who Is An Insured****Additional Insured -  
Scheduled Person  
Or Organization**

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
- with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.

**Liability Endorsement**  
(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

**Conditions**

**Other Insurance –  
Primary, Noncontributory  
Insurance – Scheduled  
Person Or Organization**

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

**Schedule**

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Approval for Community Civic Event - Veterans Homecoming Committee - Veterans Day Parade - November 11, 2016

**SOURCE:** Finance

**COMMENT:** The Veterans Homecoming Committee is requesting approval to hold its annual Veterans Day Parade on Friday, November 11, 2016, from 5:00 a.m. to 12:00 p.m. They are requesting the closure of Main Street from Doris Avenue to Orange Avenue and also the streets per the attached map.

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

**RECOMMENDATION:** That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Veterans Homecoming Committee, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

**ATTACHMENTS:**

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

**Appropriated/Funded:**

**Review By:**

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: 9/12/16 Event date: 11/11/16  
Event time: 0500-1200

Name of Event: VETERANS DAY PARADE

Sponsoring organization: VET'S. Homecoming Committee Phone # 920-2659  
Address: 1238 LINDA VISTA AVE

Authorized representative: DON DOWLING Phone # 920-2659  
Address: 1238 LINDA VISTA AVE PVILLE

Event chairperson: ED. FLORY Phone # 784-0730

Location of event MAIN STREET PVILLE  
(Location map must be attached)

Type of event: PARADE

Non-profit organization status: NON PROFIT

(IRS Determination)

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

Barricades (quantity): 85 Street sweeping Yes ☒ No ☐

Police protection Yes ☒ No ☐ Refuse pickup Yes ☒ No ☐

Other: 7 ROLLS OF YELLOW CAUTION TAPE

Parks facility application required: Yes ☐ No ☒ Attached ☐

Assembly permit required: Yes ☐ No ☒ Attached ☐

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

Appr. Deny

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

# CITY OF PORTERVILLE

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

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

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

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

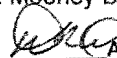
**Liability insurance:** The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise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

 Authorized Representative Initial

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

 Authorized Representative Initials

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

 Authorized Representative Initials

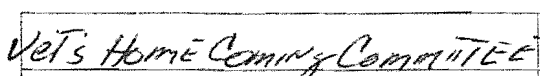
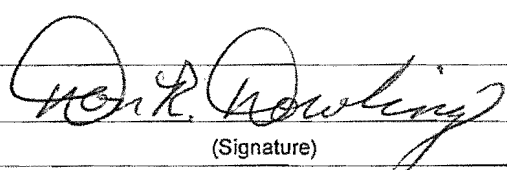
**First aid station:** Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 Authorized Representative Initials

**Toilet rental service:** Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

 Authorized Representative Initials

**Agreement:** The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

|                                                                                    |                                                                                      |         |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------|
|  |  | 9-12-16 |
| (Name of Organization)                                                             | (Signature)                                                                          | (Date)  |



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

Location: 1900 W. OLIVE. Event date: \_\_\_\_\_ Event time: \_\_\_\_\_

[illegible]

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

# CITY OF PORTERVILLE

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

Name of event: VETS. DAY PARADE

Sponsoring organization: VETS. HOMECOMING COMMITTEE

Event date: 11-11-16 Hours: 0500-1200

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

## Closed

| <u>Street Name</u>             | <u>From</u>     | <u>To</u>       | <u>Activity</u> |
|--------------------------------|-----------------|-----------------|-----------------|
| MAIN STREET                    | DORIS           | ORANGE          | PARADE          |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
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|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
| <u>Sidewalks</u>               | <u>From</u>     | <u>To</u>       | <u>Activity</u> |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
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|                                |                 |                 |                 |
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|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
| <u>Parking lots and spaces</u> | <u>Location</u> | <u>Activity</u> |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |
|                                |                 |                 |                 |

Requirements for Community Civic Event

Veterans Homecoming Committee

Veterans Day Parade

November 11, 2016

Finance Director:

*M. Bemis*

Public Works Director:

*M. Reed*

Community Development Manager:

*J. Phillips*

Field Services Manager:

*B. Styles*

City sponsored parade. City staff will provide street closures, refuse and recycling containers, street sweeping and clean up.

Fire Chief:

*G. Irish*

No comment.

Parks and Leisure Services Director:

*D. Moore*

Public to remain out of downtown planters.

Police Lieutenant:

*C. Contreras*

Please see proposed conditions and requirements on Exhibit B.

Administrative Services Director:

*P. Hildreth*

Please see attached Exhibit A, page 2.

**Applicant is to provide at least fifteen (15) portable toilets along the parade route.**

## Requirements for Community Civic Event

Sponsor: Veterans Homecoming Committee  
Event: Veterans Day Parade  
Event Chairman: Don Dowling  
Location: Main Street from Doris Ave. to Orange Ave.  
Date of Event: November 11, 2016

### RISK MANAGEMENT: Conditions of Approval

1. The following street sections are not authorized for closure and shall remain open to vehicular traffic.
  - a. Division Street and Hockett Street between Oak Avenue and Olive Avenue
  - b. Oak Avenue from Division Street to 'D' Street
  - c. Streets adjacent to the Police Station and Fire Station No.1
  - d. Orange Avenue, east and west traffic flow.
2. That the Veterans Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers and the Successor Agency to the Porterville Redevelopment Agency as Additional Insured against all claims arising from, or in connection with, the Sponsoring Organization's operation and sponsorship of the aforementioned Community Civic Event.
  - a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
  - b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A. M. Best Rating of no less than A: VII, and the insurance company must be an admitted insurer in the State of California.
3. The use of sidewalks, during this event, for any purpose other than normal pedestrian traffic, e.g., food booths, sales booths, displays, bleachers, etc., is prohibited within a ten-foot radius of all walk-up Versa-Teller operations.

**CITY OF PORTERVILLE - POLICE DEPARTMENT**  
**Community Civic Event Application**

---

Proposed Event: Veteran's Day Parade

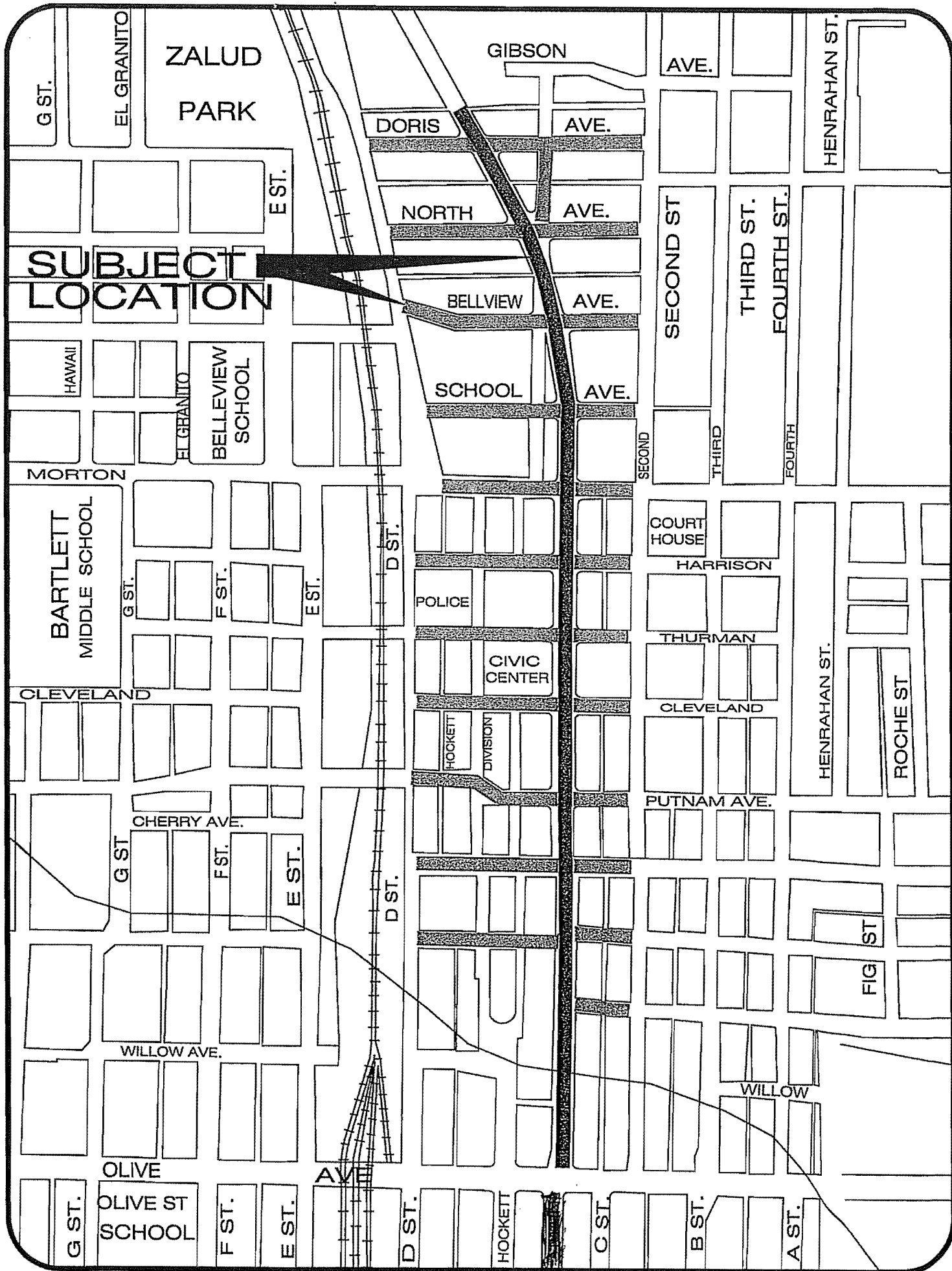
Date of Event: 11-11-16

Location of Event: Main Street

Recommendations/Requirements:

- City Council approval is required for all street closures.
- Ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- Veteran's Homecoming Committee should meet with street vendors to coordinate rules regarding their activities, such as:
  - Staying off the parade route and crossing in front of floats or groups
  - Shall not sell silly string, snap caps or party poppers
  - Ensure each vendor has properly obtained a City business license
- Food vendors should be situated where they minimally block the sidewalk.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Veteran's Homecoming Committee, to ensure safe food products.
- Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Event organizers shall coordinate all policing/traffic/parking/posting concerns with Lt. Richard Standridge or Lt. Dominic Barteau well in advance of the event. They can be contacted at 559-782-7410/559-782-7400.

Lieutenant Chris Contreras, Porterville Police Department



ORANGIE ST.

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



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

- 1 Name and home address of the applicant: Don Dowling, 1238 LINDA VISTA
- 2 Address where amplification equipment is to be used: MAIN ST. P. VILLE
- 3 Names and addresses of all persons who will use or operate the amplification equipment: \_\_\_\_\_
- 4 Type of event for which amplification equipment will be used: PARADE / VETS DAY
- 5 Dates and hours of operation of amplification equipment: NOV. 11TH, 2016  
0800 - 1200
- 6 A general description of the sound amplifying equipment to be used: SPEAKERS, AMPLIFYING EQUIPMENT

**Section 18-9**

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

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

**Section 18-14**

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

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

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

Don Dowling  
Signature of Applicant

9-12-16  
Date

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

Chris Costa  
City of Porterville, Chief of Police/Designee

9-26-16  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/16/2016

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

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

|                                                                                             |                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRODUCER</b><br>Lockton Affinity, LLC<br>P. O. Box 879610<br>Kansas City, MO 64187-9610  | <b>CONTACT NAME:</b> Lockton Affinity, LLC<br><b>PHONE (A/C, No, Ext):</b> 800-669-9944<br><b>FAX (A/C, No):</b> 913-652-7599<br><b>E-MAIL ADDRESS:</b><br><b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A: AIX Spec. Ins. Co. 12833<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F: |
| <b>INSURED</b><br>Veterans Homecoming Committee<br>1900 West Olive<br>Porterville, CA 93257 |                                                                                                                                                                                                                                                                                                              |

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                               | ADDL SUBR INSD WVD                  | POLICY NUMBER    | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------|-------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: | Y                                   | HFZ-CL-0020212-5 | 09/16/2016              | 09/16/2017              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ Excluded<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMPIOP AGG \$ 2,000,000<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS                                                                    |                                     |                  |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                                             |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br><b>DED</b> <input type="checkbox"/> <b>RETENTION \$</b>                                                                                                                                       |                                     |                  |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                                                                          |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                   | Y/N<br><input type="checkbox"/> N/A |                  |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                                  |

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

## CERTIFICATE HOLDER

## CANCELLATION

|                                                                                                                                                                                               |                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>701652</p> <p>The City of Porterville, &amp; Successor Agency<br/>to the Porterville Redevelopment Agency<br/>Attn: Anita Gustuson<br/>291 North Main Street<br/>Porterville, CA 93257</p> | <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE<br/></p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Request for Proclamation - Friends of Libraries Week - October 16-22, 2016

**SOURCE:** Administrative Services

**COMMENT:** At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

The Parks and Leisure Services Library Division has requested that the Council consider approval of a proclamation to proclaim October 16 through 22, 2016, as "Friends of Libraries Week." Vice Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented following Consent Calendar.

**RECOMMENDATION:** That the City Council consider approval of the request to proclaim October 16 through 22, 2016, as "Friends of Libraries Week."

**ATTACHMENTS:** 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville  
REQUEST FOR PROCLAMATION



Date of Request: 9-8-16

Name of Event/Individual: National Friends of the Librarian's Week  
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: Porterville City Library

Name of Contact Person: Vikki Cervantes

Address: \_\_\_\_\_

Phone: Ext 7495 FAX: \_\_\_\_\_

E-mail: vikki.cervantes@sjvls.org

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: Oct. 16 - 22

Date of Council Meeting to be presented, if applicable: Oct. 18, 2016  
(Council meets 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Members of the Friends organization

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk  
291 North Main Street  
Porterville, CA 93257  
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council. Please see the attached language regarding the process and timelines for submittal.

City Clerk's Section

Request Received: 9/12/16 Sponsored by: Hamilton Date: 9/19/16

Approved by Council: yes ☐ no ☐ Date: \_\_\_\_\_

Notification to Contact person done (date): \_\_\_\_\_ in writing ☐ by phone ☐

Items (s) ☐ mailed \_\_\_\_\_ ☐ faxed \_\_\_\_\_ ☐ picked up \_\_\_\_\_

Comment: \_\_\_\_\_

WHEREAS: Friends of the Porterville Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year; and

WHEREAS: The work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present; and

WHEREAS: The Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, adult literacy, and children's services; and

WHEREAS: The Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

NOW, THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim October 16-22, 2016, as,

“FRIENDS OF LIBRARIES WEEK”

in the City of Porterville and urge everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

PROCLAIMED this 4<sup>th</sup> day of October, 2016.



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Approval of a Conditional Use Permit for Type 41 Alcohol License at 560 N. Main Street

**SOURCE:** Community Development

**COMMENT:** On August 7, 2013, the Project Review Committee met with the applicant to discuss the proposed reconstruction of an existing building for the Nanlangka Teppanyaki and Sushi Bar at 560 N. Main Street. Since 2013 the applicant has actively worked towards reconstruction of the site.

On August 31, 2016, an application was submitted for the consideration of a Conditional Use Permit for a Type 41 beer and wine alcohol license to allow alcohol sales in conjunction with the restaurant. The site is located within Census Tract 38.02. The California Department of Alcoholic Beverage Control (“ABC”) allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains ten on-sale alcohol sales, (four – Type 41, four – Type 47, one – Type 48 and one – Type 50). Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

The operational hours are proposed to be Sunday through Wednesday 11:00 a.m. to 9:00 p.m., and Thursday through Saturday 11:00 a.m. to 10:00 p.m. The hours during which alcoholic beverages may be sold shall be limited to hours of operation. The project is conditioned to maintain exterior lighting to the satisfaction of the Porterville Police Department. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner. Due to the proximity of residences in the area staff recommends no alcohol advertising to be displayed on the outside of the building.

The request for the alcohol license is not anticipated to cause a negative impact on the surrounding community. The project is also conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, and to prevent the use from becoming a nuisance. The property has a Zoning and General Plan Land Use Designation of CG (General and Service Commercial) which is intended to provide for restaurants and retail uses that meet the local and regional demand. The restaurant also supports the general plan economic development guiding policies to retain, improve and promote businesses in Porterville. The restaurant is a permitted use in the CG Zone District and alcohol sales may be permitted with approval of a Conditional Use Permit. Nanlangka Teppanyaki and Sushi Bar plans to open the end of

November 2016.

On September 19, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the “General Rule” exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-033-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. General Plan Land Use Designation Map
3. Zoning Map
4. Site Plan
5. Existing Licenses in Census Tract 38.02
6. Draft Resolution
7. Letter of Public Convenience and Necessity

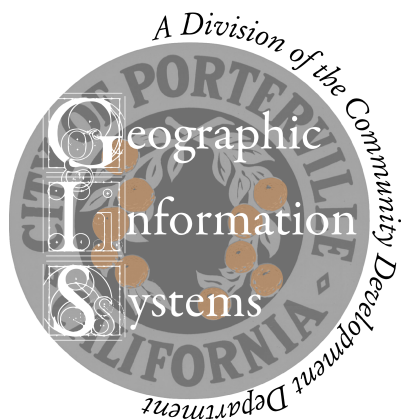
Appropriated/Funded:

Review By:

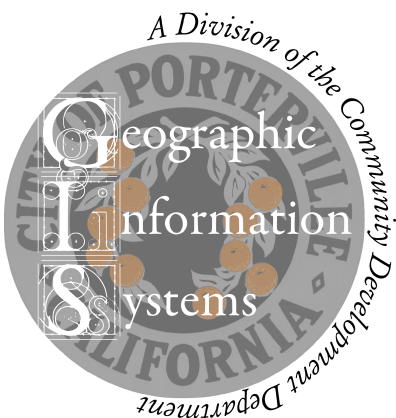
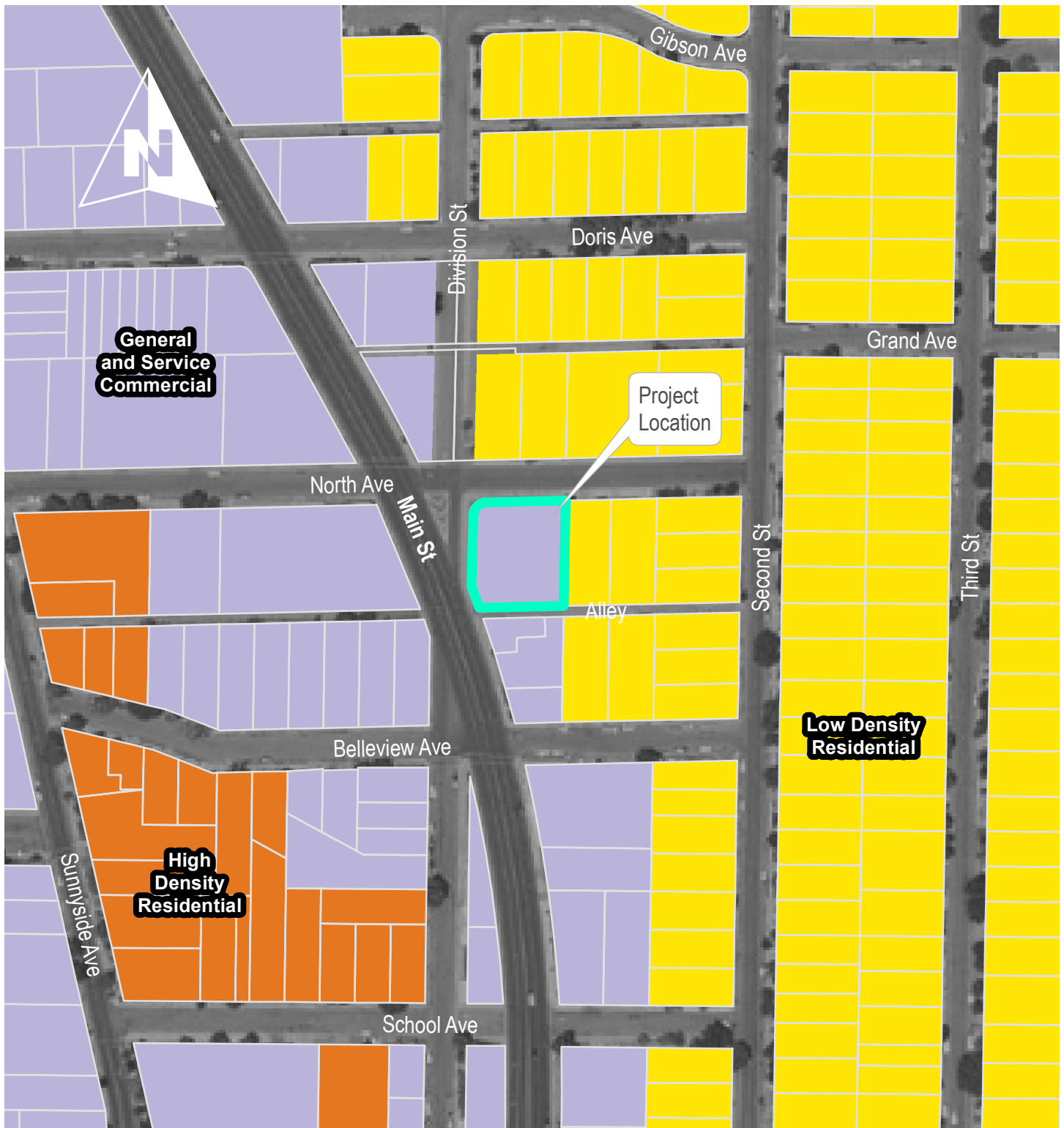
Department Director:

Jenni Byers, Community Development Director

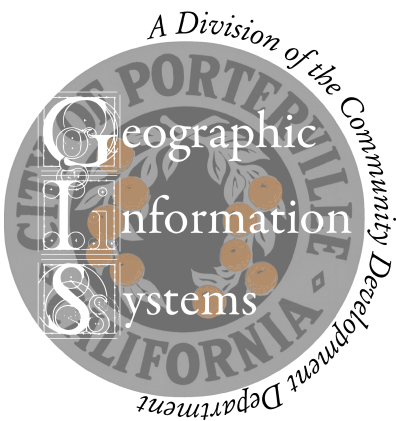
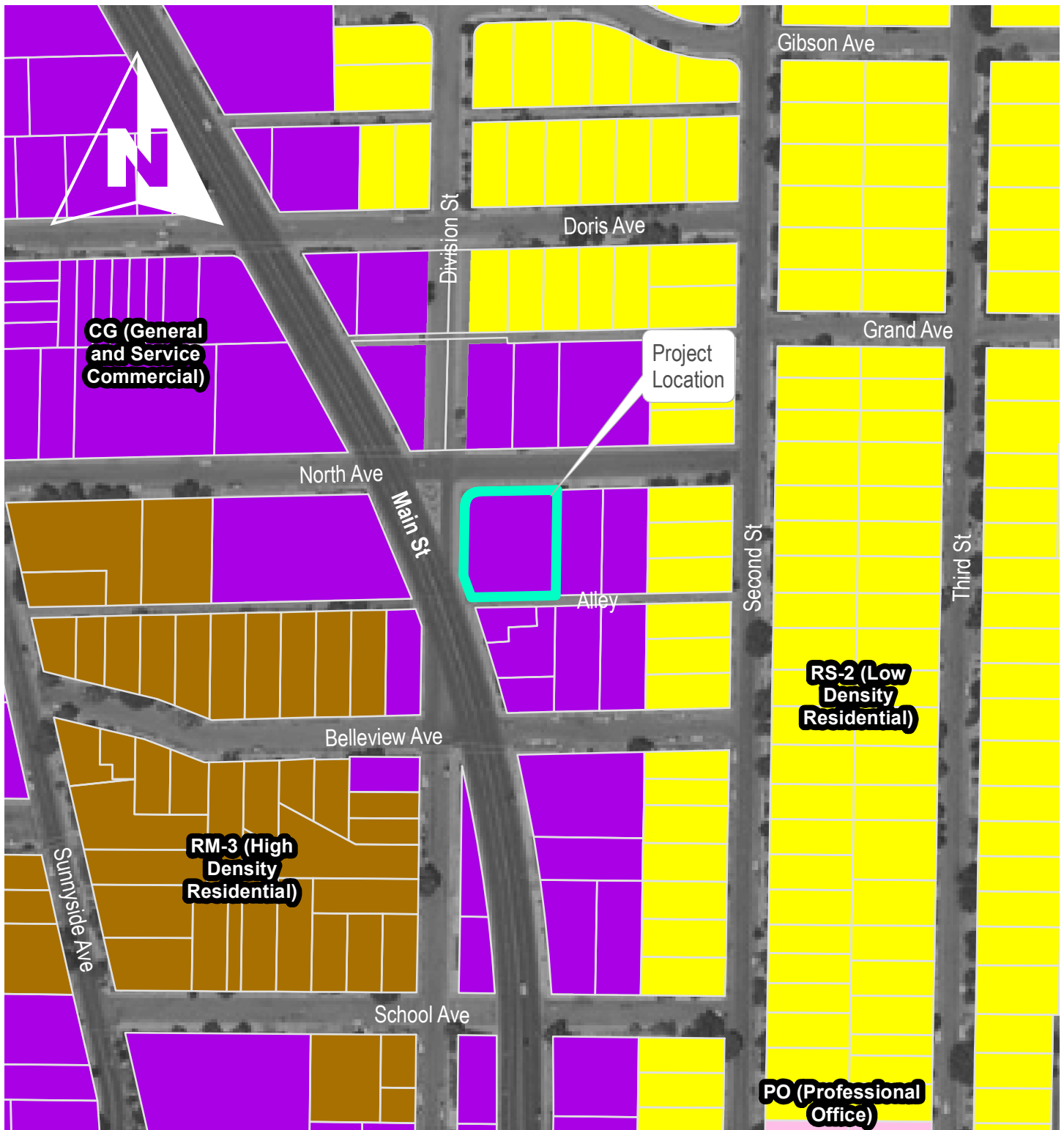
Final Approver: John Lollis, City Manager



PRC 2013-033  
CUP Type 41 license plus  
remodel of an existing restaurant  
@ 560 N Main St  
Project Locator Map  
1" = 200 ft.



PRC 2013-033  
CUP Type 41 license plus  
remodel of an existing restaurant  
@ 560 N Main St  
GPLU Map  
1" = 200 ft.

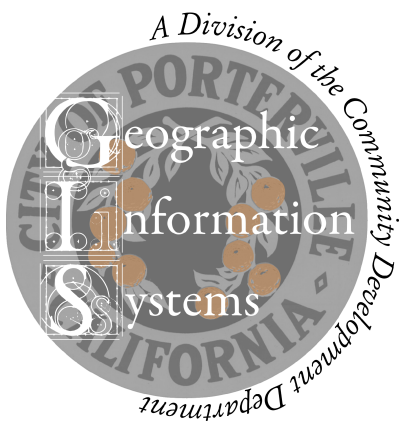
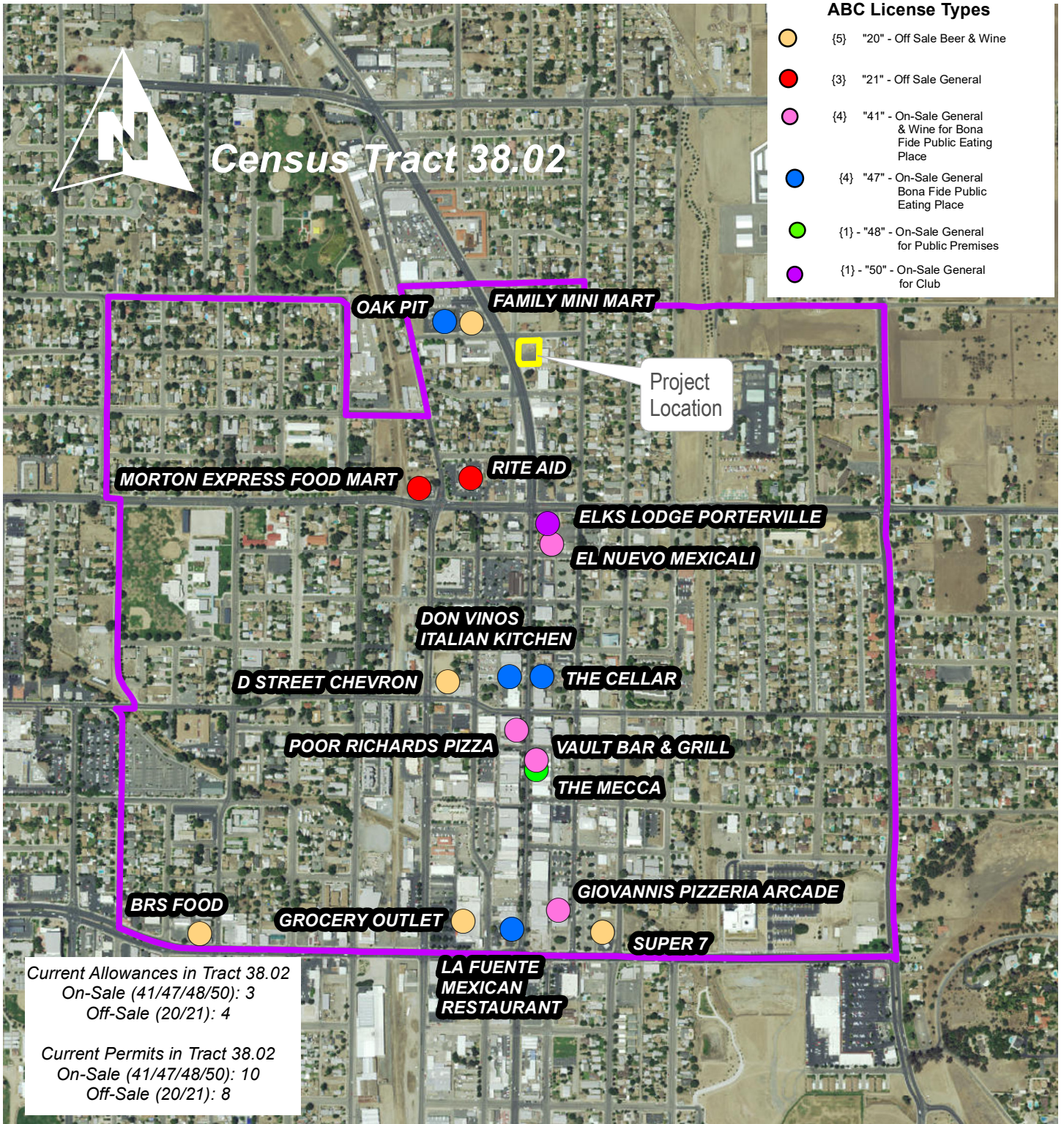


PRC 2013-033  
CUP Type 41 license plus  
remodel of an existing restaurant  
@ 560 N Main St  
Zoning Map  
1" = 200 ft.









PRC 2013-033  
CUP Type 41 license plus  
remodel of an existing restaurant  
@ 560 N Main St  
ABC Map  
1" = 200 ft

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE  
PERMIT (PRC 2013-033-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE  
41 ON-SALE (BEER AND WINE) ALCOHOL LICENSE FOR A BONA FIDE PUBLIC  
EATING PLACE FOR NANLANGKA TEPPANYAKI AND SUSHI BAR LOCATED AT  
506 N. MAIN STREET

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of October 4, 2016, conducted a public hearing to consider Conditional Use Permit (PRC 2013-033-C) to allow for the sale of alcohol under a Type 41 (beer and wine) alcohol license for a restaurant located at 506 N. Main Street; and

WHEREAS: On September 19, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville authorized the Mayor to sign the Letter of Public Convenience or Necessity due to the over concentration of alcohol licenses within Census Tract 38.02; and

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

WHEREAS: The City Council made the following findings:

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

The site is consistent with the General Plan Land Use Designation of General and Service Commercial. This land use designation is intended to provide uses that meet the local and regional demand and the restaurant suits that purpose. The restaurant is a permitted use in the CG (General and Service Commercial) zoning designation and alcohol sales may be permitted with a Conditional Use Permit. The restaurant also supports the general plan economic development guiding policies to retain, improve and promote businesses in Porterville.

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

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol shall be exclusively confined to the interior of the building. Additionally, the project is conditioned to preserve the public safety, health and



welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 18 licenses for alcohol sales: ten on-sale and eight off-sale. In Census Tract 38.02, three on-sale and three off-sale are permitted without being deemed over-concentrated. Due to the over concentration of on-sale licenses a Letter of Public Convenience and Necessity is required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2013-033-C) subject to the following conditions:

1. The developer/applicant shall ensure that exterior lighting is sufficient to illuminate the associated parking lot and surrounding service area during business hours of darkness. The maintenance of existing lighting, or if needed, the installation of additional security lighting on the exterior of the building and in the parking lot, must be sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department and shall comply with Section 304.10(g) (Lighting) of the Porterville Development Ordinance.
2. No alcohol advertising shall be displayed on the outside of the building.
3. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.
4. That the consumption of alcoholic beverages shall be prohibited off-site and outside the building.
5. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.
6. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.
7. Unless an extension of time is granted by the City Council, the Conditional Use Permit shall

expire one year after the date of approval if the on-sale Type 41 Alcohol License for General Bona Fide Eating Place is not active or actively pursued. The alcohol license permits sale of beer and wine in conjunction with the serving of meals.

8. Census Tract 38.02 contains 18 licenses for alcohol sales; ten on-sale and eight off-sale. The California Department of Alcohol Beverage Control allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains ten on-sale alcohol licenses. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity will be required.
9. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
10. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
11. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
12. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during business hours.

PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of October, 2016.

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

ATTEST:  
John D. Lollis, City Clerk

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

October 4, 2016

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

RE: Nanlangka Teppanyaki and Sushi Bar 560 N. Main Street, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 41 On-Sale (beer, and wine) for a bona fide public eating place for Nanlangka Teppanyaki and Sushi Bar located at 506 N. Main Street.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 38.02 which allows three on-sale licenses. At the present time 10 on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On October 4, 2016, the City Council conditionally approved Conditional Use Permit (PRC 2013-033-C), review attached resolution, to allow the on-sale of beer, wine for a bona fide restaurant at 506 N. Main Street. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of a Type 41 On-Sale (beer and wine) alcohol license in conjunction with an existing market.

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The site is consistent with the General Plan Land Use Designation of General and Service Commercial policies that promote accessibility of services and goods within a convenient distance. The

proposed Type 41 On- Sale General, (beer and wine) alcohol license for a bona fide restaurant would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve and promote existing businesses in Porterville. The restaurant is permitted in the General and Service Commercial land use designation and alcohol sales may be permitted with review and approval of a Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 41 On-Sale, (beer and wine) license for Nanlangka Teppanyaki and Sushi Bar located at 506 N. Main Street.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Minor Conditional Use Permit for Commercial Crop Cultivation

**SOURCE:** Community Development

**COMMENT:** On July 27, 2016, the Project Review Committee reviewed the project that would allow the development and cultivation of citrus groves on approximately 22 acres. The citrus groves are proposed on four parcels of land, more specifically defined as Assessor Parcel Numbers 243-180-033, 034, 035 and 036. The subject site is located east of Main Street, between the prolongation of North Grand Avenue and Linda Vista Avenue. The General Plan land use designation is Low Density Residential while the zoning classification for the properties is RS-1 (Very Low Density Residential).

The water supply for the commercial crop will be supplied from the Sunnyside Water Company. City water for irrigation purposes will not be allowed. The proposed irrigation system will use fan jet emitters with a flow rate of 8.4 gallons per hour. Based upon the slope of the site and the application rate, ponding is not anticipated. In the event there are areas where ponding does occur, that area will be re-graded to eliminate any ponding.

Commercial crop cultivation is allowed as an interim use in the residential districts with a minor conditional use permit approval pursuant to Section 301.06 (Crop Cultivation) of the Porterville Development Ordinance (PDO). The key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to a sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. The term of the Minor Conditional Use Permit shall be 15 years. If the applicant chooses to request a five year extension from City Council, the request must be submitted to the Community Development Department not less than 60 days in advance of the expiration of the permit. A vector/rodent control plan shall be implemented for the term of the agricultural use.

The proposed crop cultivation project is exempt pursuant to the California Environmental Quality Act as a minor alteration to land (§15304 of the California Code of Regulations). A Notice of Exemption will be filed with Tulare County if the Council approves the project.

**RECOMMENDATION:** That the City Council adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval.



- ATTACHMENTS:
1. Locator Map
  2. Site Plan
  3. Vector/rodent control plan
  4. Draft Resolution

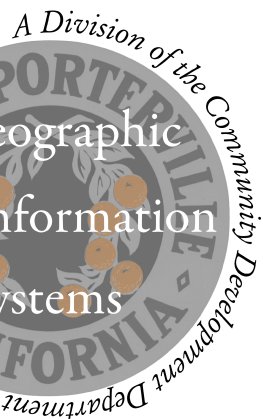
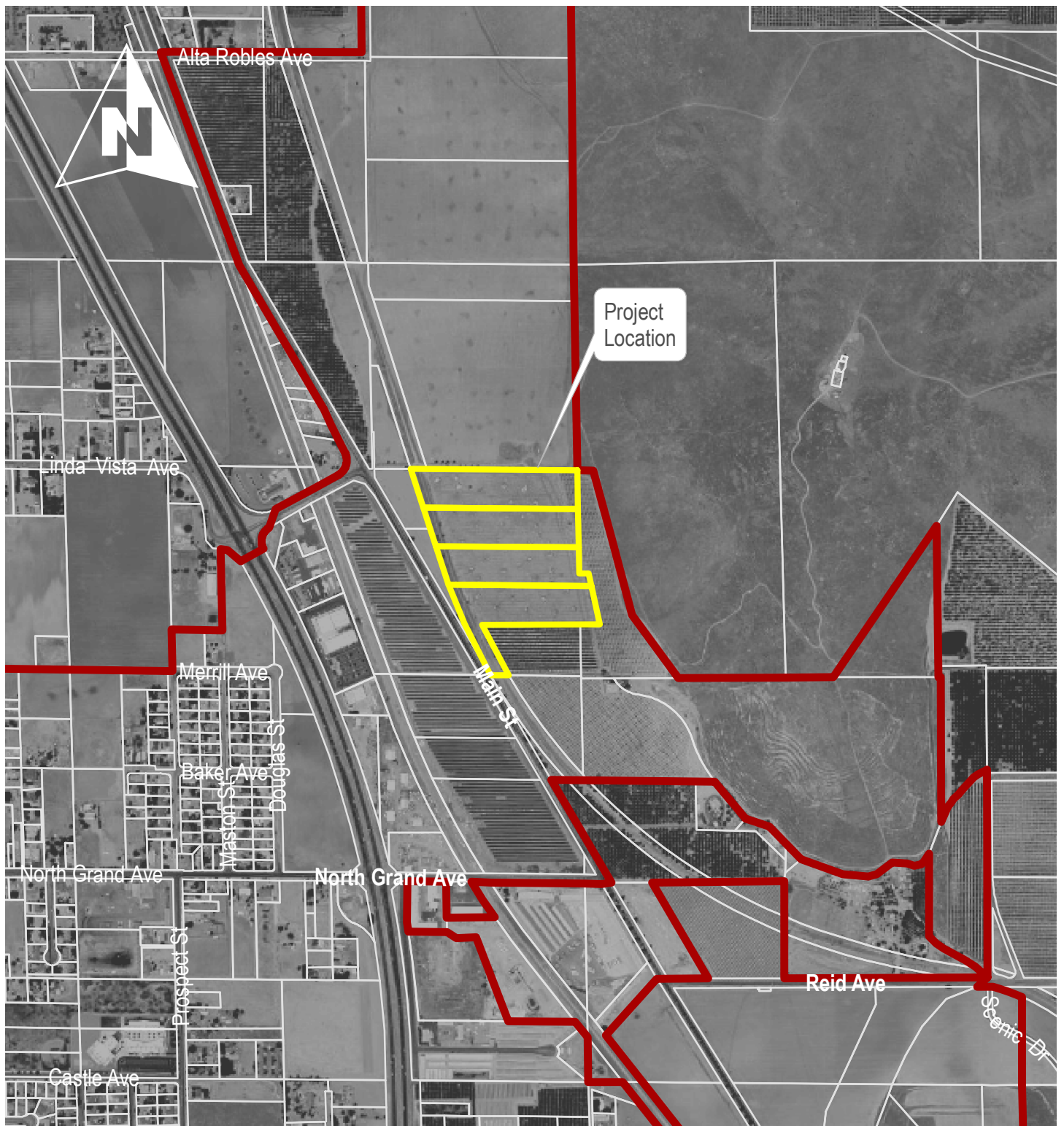
Appropriated/Funded:

Review By:

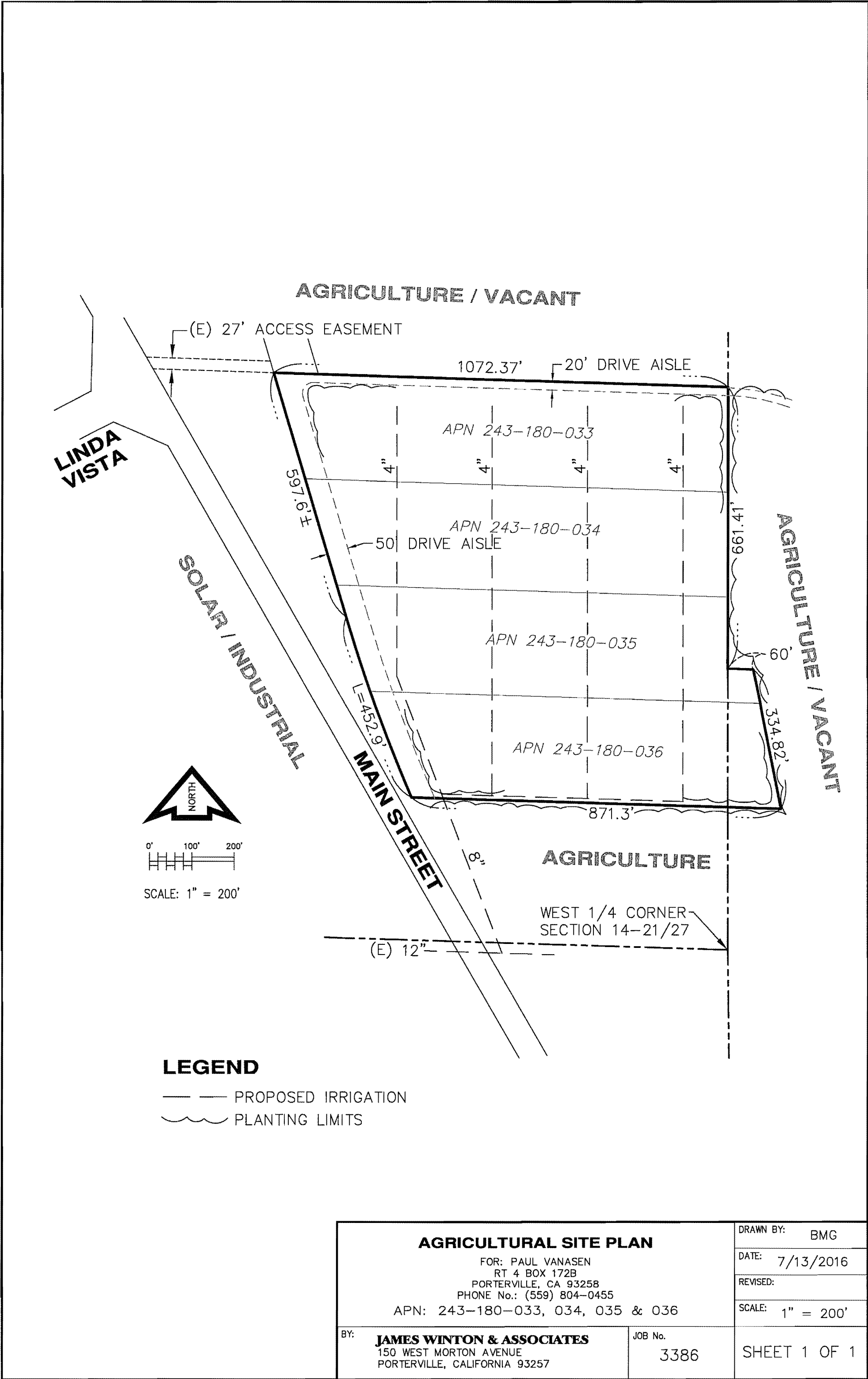
Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2016-022  
MCUP for Crop Cultivation  
@ North Main St. and East of Linda Vista  
Project Locator Map  
1" = 900 ft.



## Vanasen Agricultural Use Permit

### ***Farming Practices – Vector/Rodent Control***

The proposed irrigation system will use fan jet emitters with a flow rate of 8.4 gallons per hour. The wetted area is about 14 feet in diameter.

Based upon the emitter flow rate and pattern, the resulting application rate will be 0.05 inches per hour. For a 12 hour irrigation cycle, about  $\frac{3}{4}$  inch of water would be applied.

Based upon the slope of the site and the application rate, ponding is not anticipated. In the event that there are areas where ponding does occur, that area will be re-graded to eliminate any ponding.

As the adjacent land North and East is vacant and unimproved, rodent problems within the active farming area is not likely. At the point that a rodent infestation is identified, the area will be treated with pesticide, normally applied underground, by a certified or licensed applicator in accordance with the California Department of Pesticide Regulation.

It should be recognized that the sensitivity to water supply and cost is the primary concern of the agricultural community. The methods for both the vector and rodent control outlined above are normal practices for the proposed farming operation.

RESOLUTION NO.\_\_\_\_-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A  
MINOR CONDITIONAL USE PERMIT (2016-022-C)  
FOR COMMERCIAL CROP CULTIVATION ON APPROXIMATELY 22± ACRES IN  
THE VICINITY OF NORTH MAIN STREET BETWEEN THE PROLONGATION OF  
NORTH GRAND AVENUE AND LINDA VISTA AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 4, 2016, conducted a public hearing to consider approval of a Minor Conditional Use Permit to allow crop cultivation on lands zoned residential. The subject site is located east of Main Street, between the prolongation of North Grand Avenue and Linda Vista Avenue; and

WHEREAS: On September 20, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a minor alteration of land per §15304 of the California Code of Regulations; and

WHEREAS: Crop cultivation is permitted with a Minor Conditional Use Permit as determined by the Porterville Development Ordinance (“PDO”) as an interim use secondary to its availability for urban development and shall be available for development as an urban use when market conditions improve for such a use; and

WHEREAS: The proposed Minor Conditional Use Permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with Section 301.06 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code); and

WHEREAS: The project site is currently undeveloped.

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

1. The location, size, design, and operation 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, the Development Ordinance and with any other applicable plan adopted by the City Council.

The Ordinance enabling the City Council to approve Commercial Crop Cultivation in the Residential zone districts, subject to a Conditional Use Permit, was enacted March 20, 2012, to provide for an interim use of the land prior to permanent development activity being undertaken on the property. The zoning classification for the properties is RS-1 (Very Low Density Residential). The General Plan and implementing Development Ordinance, adopted in 2008 and 2010 respectively, have anticipated growth to occur on the site through the year

2030. The Environmental Impact Report certified for the adoption of the General Plan included a statement of overriding conditions and findings of fact regarding the conversion of agricultural land. The approval of interim agricultural land use is in no way intended to mitigate or replace agricultural land that has or will be taken out of production. Due to the effects of “slow” development activity an interim use of the land provided for by the Crop Cultivation Ordinance is consistent with City policies.

2. The proposed citrus groves at the subject site suits the original intent of the Commercial Crop Cultivation ordinance by allowing on an interim basis an agricultural operation until the development market will support the intended development of the subject sites.
3. The terms of the Minor Conditional Use Permit shall be 15 years. If the applicant chooses to request a five-year extension from City Council, the request must be submitted to the Community Development Department not less than 60 days in advance of the expiration of the permit.
4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the Minor Conditional Use Permit for commercial crop cultivation of citrus groves for Assessor Parcel Numbers 243-180-033, 034, 035 and 036 (Exhibit “A”) subject to the following conditions:

1. The terms of the Minor Conditional Use Permit shall be 15 years. If the applicant chooses to request a five year extension from City Council, the request must be submitted to the Community Development Department not less than 60 days in advance of the expiration of the permit.
2. The developer/applicant shall comply with Appendix J, “Grading” of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. Approval of the grading and drainage plan is required prior to the planting of crops. Drainage calculations must be submitted to verify that historical drainage patterns are maintained through the existing properties, which in some cases, have already been altered. Altered drainage patterns are to be reestablished to maintain historical drainage patterns prior to the planting of crops.
3. The aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
4. Prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.

5. A minimum 20-foot wide drive aisle clearance shall be maintained along all property boundaries at all times.
6. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.
7. The vector/rodent control plan shall be implemented for the term of the agricultural use (Exhibit “B”).
8. The applicant shall indemnify the City of Porterville to the satisfaction of the City Attorney from and against any and all claims or legal recourse resulting from the agricultural operation.
9. At all times, the project shall be operated and maintained to comply with applicable Local, State, and Federal laws and regulations, including but not limited to Section 301.06 of the Porterville Development Ordinance.
10. The site shall at all times be kept free of litter and packaging materials. Temporary trash bins, if brought to the site during harvest periods, shall be kept within the twenty foot drive aisle or within the groves.
11. The drip line irrigation system for the orchard shall be maintained in good working order to prevent water runoff from the property.
12. Storage of hazardous materials, including fertilizers, herbicides, and pesticides, is prohibited on-site.
13. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on-site.
14. The developer/applicant has identified the Sunnyside Water Company as the water supply. Use of City water will not be allowed for this project.
15. In 2014, the Sustainable Groundwater Management Act (“SGMA”) was signed into law. SGMA allows local agencies to develop and create customizable Groundwater Sustainability Plans that fit their regional economic and environmental needs. The proposed site is located within the City limits and will ultimately be subject to the City’s Groundwater Sustainability Plan (which is currently under development). The City’s Groundwater Sustainability Plan will go into effect in 2020.
16. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and Standard Drawings, Standard Specifications for Public Works Construction (2012 Edition), and Standard Plans and Specifications (2010 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

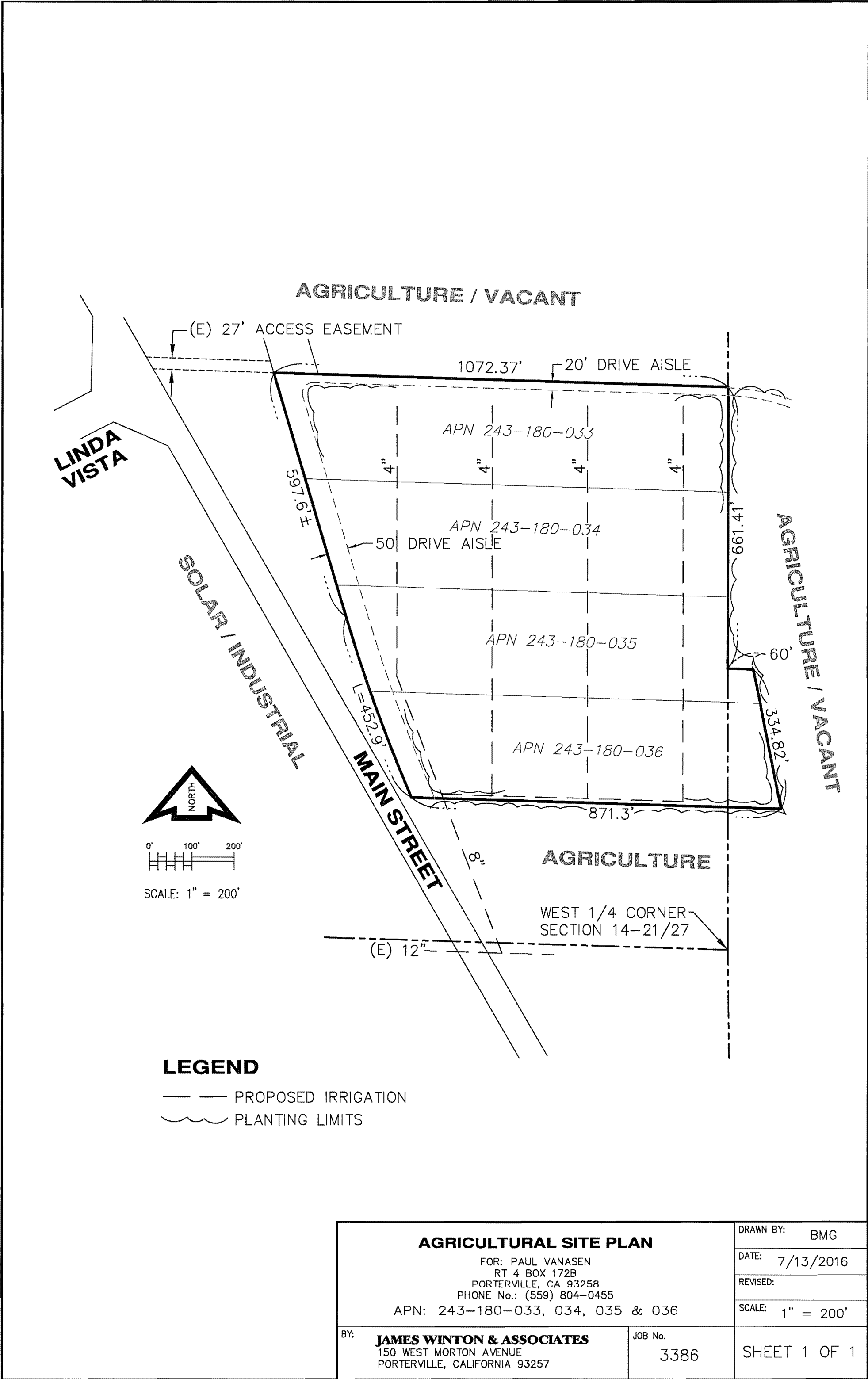
PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of October, 2016.

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

ATTEST:  
John D. Lollis, City Clerk

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





## Vanasen Agricultural Use Permit

### ***Farming Practices – Vector/Rodent Control***

The proposed irrigation system will use fan jet emitters with a flow rate of 8.4 gallons per hour. The wetted area is about 14 feet in diameter.

Based upon the emitter flow rate and pattern, the resulting application rate will be 0.05 inches per hour. For a 12 hour irrigation cycle, about  $\frac{3}{4}$  inch of water would be applied.

Based upon the slope of the site and the application rate, ponding is not anticipated. In the event that there are areas where ponding does occur, that area will be re-graded to eliminate any ponding.

As the adjacent land North and East is vacant and unimproved, rodent problems within the active farming area is not likely. At the point that a rodent infestation is identified, the area will be treated with pesticide, normally applied underground, by a certified or licensed applicator in accordance with the California Department of Pesticide Regulation.

It should be recognized that the sensitivity to water supply and cost is the primary concern of the agricultural community. The methods for both the vector and rodent control outlined above are normal practices for the proposed farming operation.



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding

**SOURCE:** Police

**COMMENT:** For many years, the City of Porterville has annually received funding from the State of California through the Citizens' Option for Public Safety (COPS) Grant Program. The City of Porterville is again slated to receive \$100,000 for Fiscal Year 2016/2017, and a public hearing on the intent of the expenditures is required.

In the past, the Police Department has used these funds in support of personnel assigned to the Department's Patrol Division, including all necessary training, equipment, and overtime costs, and it is our intent to do so again. The expenditure of these funds in this manner is in proper adherence to the requirements as specified in Assembly Bill 3229.

**RECOMMENDATION:** That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000.

**ATTACHMENTS:** 1. COPS Funding Resolution

**Appropriated/Funded:** MB

**Review By:**

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

RESOLUTION NO. \_\_\_\_\_-2016

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE ACCEPTING CITIZENS' OPTION FOR  
PUBLIC SAFETY (COPS) GRANT FUNDS AND APPROVING A BUDGET  
ADJUSTMENT TO THE PORTERVILLE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville accepts the 2016/2017 Citizens' Option for Public Safety (COPS) Grant Funds; and
2. Police Department's Special Safety Grants - Citizens' Option for Public Safety (COPS) budget is increased by \$100,000 to allow for expenditure of these Grant Funds in support of personnel assigned to the Patrol Division and their operational costs.

PASSED, APPROVED, AND ADOPTED this 4<sup>th</sup> day of October 2016.

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Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

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By: Patrice Hildreth, Chief Deputy City Clerk



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

SUBJECT: Bid Results for the Veterans Park Multi-use Parkway Project

SOURCE: Public Works

COMMENT: On September 21, 2016, staff received five (5) bids for the Veterans Park Multi-use Parkway Project. The project will be located within Veterans Park, the limits of this phase being from the Skateboard Park parking lot to the existing east parking lot of Veterans Park. The project includes the installation of a concrete ADA compliant Class 1 multi-use and walking circuit trail through the interior of Veterans Park, including the installation of new solar lights.

The bids are as follows:

| Contractor                                    | Amount        |
|-----------------------------------------------|---------------|
| 1. Mac General Engineering<br>Porterville, CA | \$ 384,349.00 |
| 2. DOD Construction<br>Bakersfield, CA        | \$ 397,550.00 |
| 3. Todd Companies<br>Visalia, CA              | \$ 443,412.00 |
| 4. Hobbs Construction<br>Huntington Beach, CA | \$ 513,300.00 |
| 5. Victor Concrete<br>Dos Palos, CA           | \$ 587,269.00 |

The Estimate of Probable Cost for construction is \$292,567.80. The lowest responsive bid is 31.37% over the estimate. An additional \$38,434.90 is necessary for the construction contingency (10%) and it is anticipated that an additional \$19,217.45 (5%) is needed for construction management, quality control, and inspection services for a total estimated project cost of \$442,001.35.

It is City Council's policy to reject all bids when the bid exceeds 10% of the Engineer's Estimate. Although the possibility exists that the City will receive favorable bids if re-advertised, there are no guarantees that the City will receive less costly bids, and will likely necessitate a diminished design of the project. In addition, the re-advertisement of bids would put this project under time

Item No. 13.

constraints which could jeopardize the grant funding for this project.

A Housing-Related Parks Grant is the funding source for this project. The grant in the amount of \$322,550.00 is due to expire on April 30, 2017, and no time extensions are available to the City. Failure to expend the funds in a timely manner may affect future funding. The contract, should Council award the project, requires the contractor to perform meaningful work equating to the initial grant amount and secure payment before said deadline. Should Council decide not to award this contract, then the initial grant amount must be returned. The appropriation of additional Local Transportation Funds in the amount of \$119,451.35, which are available, is necessary to fully fund the project..

The higher than anticipated bids are due to the fact that the engineer's estimate took into account the possibility of a local C-8 concrete contractor submitting a bid on the project. A C-8 Contractor only does concrete work. Typically, concrete work done by a C-8 contractor compared to a Class A General Contractor usually comes in at a lower cost because they do the work themselves. However, no bids were received from a local C-8 Contractor. Staff believes that a local C-8 contractor did not submit a bid because they are not accustomed to filling out the additional Section 3 Federal forms that the funding source requires.

Staff is recommending award of the contract in order to not jeopardize losing the existing significant grant funding or any potential future funding. This project is the first phase of the Veterans Park Multi-use Parkway, and future funds could be compromised by returning the grant funds, and potentially put at risk future phases from being completed.

RECOMMENDATION:            That the City Council:

1. Award the Veterans Park Multi-use Parkway Project to Mac General Engineering in the amount of \$384,349.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control and inspection; and
4. Authorize the Finance Director to appropriate the additional Local Transportation Funds in the amount of \$119,451.35 needed to fund the project.

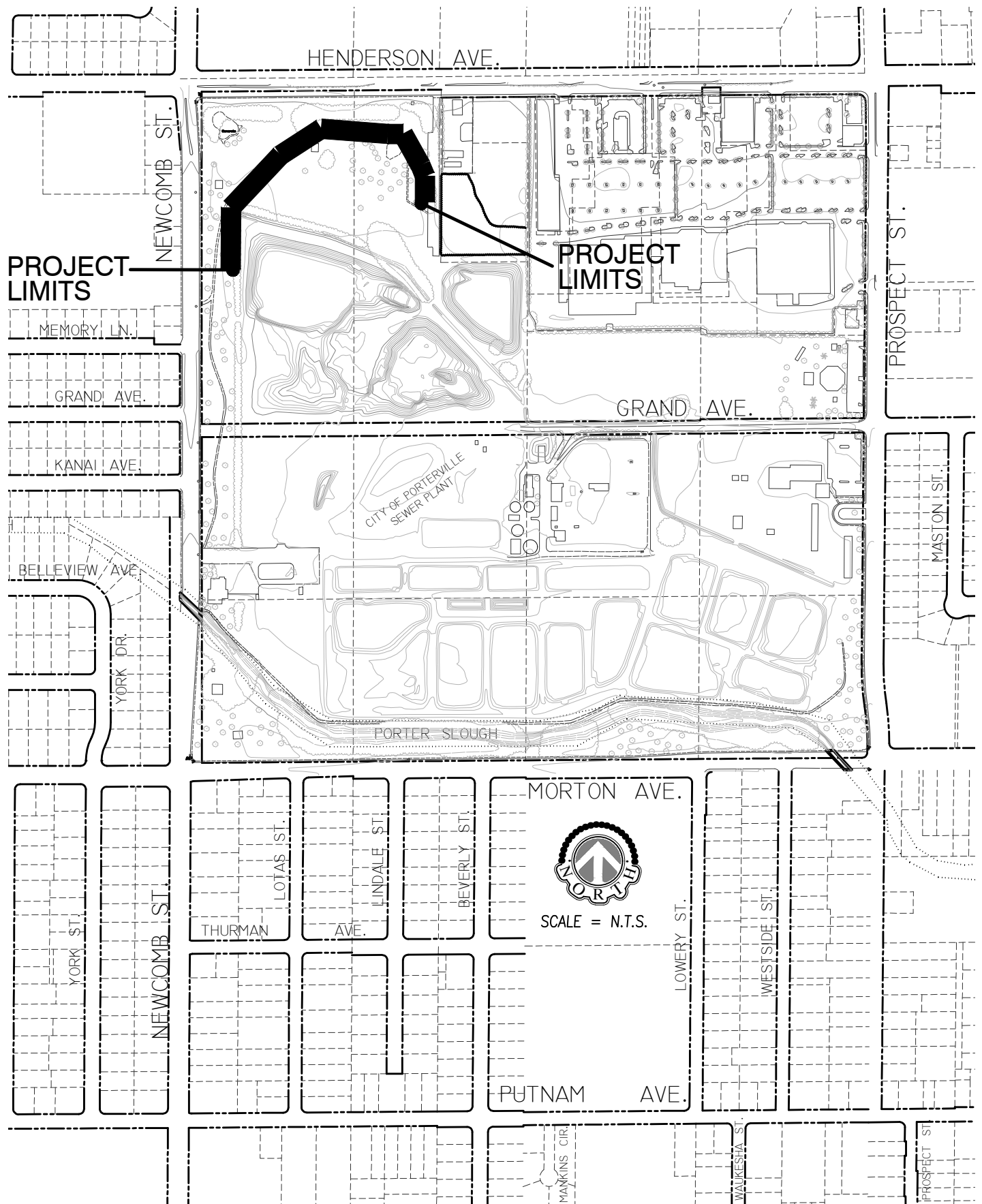
ATTACHMENTS:            1.     Locator Map - Veterans Park Trail

Appropriated/Funded: MB

Review By:

Department Director:  
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE  
 ENGINEERING DIVISION  
 291 NORTH MAIN STREET  
 PORTERVILLE, CA. 93257  
 (559) 782-7462

# VETERAN'S PARK TRAIL PROJECT

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





## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Consideration of Nomination to the City Selection Committee for Appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

**SOURCE:** Administrative Services

**COMMENT:** There is currently a vacancy on the San Joaquin Valley Air Pollution Control District's (District) Governing Board that must be filled by a Council Member from a small City (less than 100,000 population) in Tulare County. Pursuant to the Health and Safety Code Section 40600.5, appointments to the District's Governing Board will be made by the San Joaquin Valley Special City Selection Committee (Committee). According to the procedures adopted by the Committee, the next step in the appointment process is for all cities within Tulare County to choose from candidates having applied for the vacant position. The following candidate has expressed an interest in the position:

- Craig Vejvoda, City of Tulare

The City Council must nominate its preferred candidate via City Council resolution to be forwarded to the Committee by October 7, 2016, for appointment to the District's Governing Board.

A copy of the candidate's application is attached for the Council's reference.

**RECOMMENDATION:** That the City Council:

1. Approve the draft resolution nominating its preferred candidate to the Committee for appointment to the District's Governing Board; and
2. Direct the City Clerk to forward a copy of the signed Resolution to the District by October 7, 2016.

**ATTACHMENTS:**

1. Application-Craig Vejvoda
2. Draft Resolution

**Appropriated/Funded:**

**Review By:**

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



# San Joaquin Valley

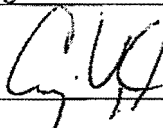
AIR POLLUTION CONTROL DISTRICT

## APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE ON GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

### Current Vacancies

**Small City:** One member representing the cities with a population less than 100,000 from Tulare County. Councilmembers from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

|                                                                                            |                                                                                                    |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Applicant Name:</b>                                                                     | Craig Vejroda                                                                                      |
| <b>Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):</b> | 1920 Cabernet Dr., Tulare CA 93274                                                                 |
| <b>Mailing Address:</b>                                                                    | 1920 Cabernet Dr., Tulare CA 93274                                                                 |
| <b>Telephone:</b>                                                                          | (559) 688-2900 (559) 358-6577<br>Primary Alt.                                                      |
| <b>Email Address:</b>                                                                      | cvejroda@lightspeed.net                                                                            |
| <b>Applicant Signature:</b>                                                                |  Date: 9/8/2016 |

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. **Please limit candidate statement to no more than one page.** Please complete this application and return it by **September 9, 2016** to:

Sayed Sadredin  
Air Pollution Control Officer  
San Joaquin Valley APCD  
1990 E. Gettysburg Avenue, Fresno, CA, 93726

RESOLUTION NO. \_\_\_\_-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
NOMINATING A PREFERRED CANDIDATE FOR APPOINTMENT TO THE SAN  
JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT'S GOVERNING BOARD

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, the Special City Selection Committee has adopted procedures for making its appointments, and there is currently a vacancy and a need to appoint a City Council Member representing a "small" city with a population of less than 100,000 from Tulare County to the District Governing Board, and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates, and

WHEREAS, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Porterville nominates Craig Vejvoda to the Special City Selection Committee for appointment to the District Governing Board.

PASSED, APPROVED, AND ADOPTED this 4<sup>th</sup> day of October, 2016.

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

ATTEST:  
John D. Lollis, City Clerk

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



## CITY COUNCIL AGENDA – OCTOBER 4, 2016

**SUBJECT:** Status and Review of Declaration of Local Emergency

**SOURCE:** City Manager's Office

**COMMENT:** Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that is being considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

At its last meeting on September 20th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as

having wells that are now dry as a result of the drought. Approximately 30 residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the coming summer months. City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry.

Representatives for the City, County, and State (CalOES, DDW, DWR, and SWB) have continued to meet in support of a long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR has identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that are currently served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR is preparing to begin a significant City waterline extension project in late 2016 to permanently connect those 423 residential units to the City's water system. To provide source water for the DWR extension project, CalOES desires to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute, per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and the 80 residential units be included in the water connection project, to which the State has agreed.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its April 5th meeting, which the County Board of Supervisors subsequently approved at their May 10th meeting.

In regards to the status of the new well's development and connection to the City's water distribution system, County staff indicate that the well will be in service and connected to the City's system no later than December 2016. The Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and although construction was expected to begin in September, no construction activities have begun to date.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21st, and approved by the

Board of Supervisors on Tuesday, June 28th. With the approval of the MOU, it was anticipated that the State would begin the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2nd.

County OES and the State Division of Drinking Water (DDW) have recently reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor Executive Order
3. City-County Well Agreement
4. Memorandum of Understanding

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY  
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

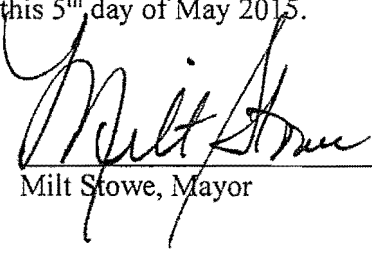
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

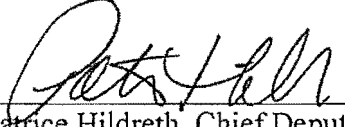
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2015.

  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

  
By: Patrice Hildreth, Chief Deputy City Clerk



**EXECUTIVE ORDER B-37-16**  
**MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE**

**WHEREAS** California has suffered through a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

**WHEREAS** Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by 23.9% between June 2015 and March 2016 and saving enough water during this period to provide 6.5 million Californians with water for one year; and

**WHEREAS** severe drought conditions persist in many areas of the state despite recent winter precipitation, with limited drinking water supplies in some communities, diminished water for agricultural production and environmental habitat, and severely-depleted groundwater basins; and

**WHEREAS** drought conditions may persist in some parts of the state into 2017 and beyond, as warmer winter temperatures driven by climate change reduce water supply held in mountain snowpack and result in drier soil conditions; and

**WHEREAS** these ongoing drought conditions and our changing climate require California to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

**WHEREAS** increasing long-term water conservation among Californians, improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change; and

**WHEREAS** these activities are prioritized in the California Water Action Plan, which calls for concrete, measurable actions that "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods" in order to improve use of water in our state.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

The orders and provisions contained in my January 17, 2014 Emergency Proclamation, my April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect except as modified herein.

State agencies shall update temporary emergency water restrictions and transition to permanent, long-term improvements in water use by taking the following actions.

**USE WATER MORE WISELY**

1. The State Water Resources Control Board (Water Board) shall, as soon as practicable, adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. To prepare for the possibility of another dry winter, the Water Board shall also develop, by January 2017, a proposal to achieve a mandatory reduction in potable urban water usage that builds off of the mandatory 25% reduction called for in Executive Order B-29-15 and lessons learned through 2016.
2. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. These new water use targets shall build upon the existing state law requirements that the state achieve a 20% reduction in urban water usage by 2020. (Senate Bill No. 7 (7th Extraordinary Session, 2009-2010).) These water use targets shall be customized to the unique conditions of each water agency, shall generate more statewide water conservation than existing requirements, and shall be based on strengthened standards for:
  - a. Indoor residential per capita water use;
  - b. Outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data;
  - c. Commercial, industrial, and institutional water use; and
  - d. Water lost through leaks.

The Department and Water Board shall consult with urban water suppliers, local governments, environmental groups, and other partners to develop these water use targets and shall publicly issue a proposed draft framework by January 10, 2017.



3. The Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts.

## **ELIMINATE WATER WASTE**

4. The Water Board shall permanently prohibit practices that waste potable water, such as:
  - Hosing off sidewalks, driveways and other hardscapes;
  - Washing automobiles with hoses not equipped with a shut-off nozzle;
  - Using non-recirculated water in a fountain or other decorative water feature;
  - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
  - Irrigating ornamental turf on public street medians.
5. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
6. The Water Board and the Department shall direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission shall order investor-owned water utilities to accelerate work to minimize leaks.
7. The California Energy Commission shall certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency.

## **STRENGTHEN LOCAL DROUGHT RESILIENCE**

8. The Department shall strengthen requirements for urban Water Shortage Contingency Plans, which urban water agencies are required to maintain. These updated requirements shall include adequate actions to respond to droughts lasting at least five years, as well as more frequent and severe periods of drought. While remaining customized according to local conditions, the updated requirements shall also create common statewide standards so that these plans can be quickly utilized during this and any future droughts.
9. The Department shall consult with urban water suppliers, local governments, environmental groups, and other partners to update requirements for Water Shortage Contingency Plans. The updated draft requirements shall be publicly released by January 10, 2017.

10. For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities.

#### **IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING**

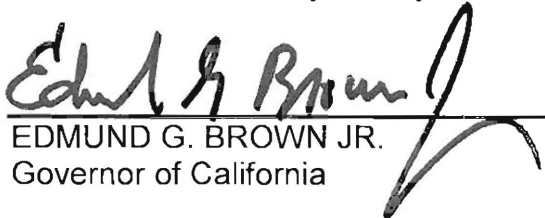
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods of limited water supply.
12. The Department shall permanently require the completion of Agricultural Water Management Plans by water suppliers with over 10,000 irrigated acres of land.
13. The Department, together with the California Department of Food and Agriculture, shall consult with agricultural water suppliers, local governments, agricultural producers, environmental groups, and other partners to update requirements for Agricultural Water Management Plans. The updated draft requirements shall be publicly released by January 10, 2017.

The Department, Water Board and California Public Utilities Commission shall develop methods to ensure compliance with the provisions of this Executive Order, including technical and financial assistance, agency oversight, and, if necessary, enforcement action by the Water Board to address non-compliant water suppliers.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of May 2016.

  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

## TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

### ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
  - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
  - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
  - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
  - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare  
Administrative Building  
2800 W. Burrell Avenue  
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager  
291 N. Main St.  
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.



11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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

COUNTY OF TULARE

BY Mike Ennis  
Mike Ennis Chairman,  
Board of Supervisors



ATTEST: Michael C. Spata,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

By Danisa A. Ybana  
Deputy Clerk

Approved as to Form  
County Counsel

By M. Ennis for LMT  
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe  
Milt Stowe, Mayor

ATTEST:  
City Clerk of the City of Porterville

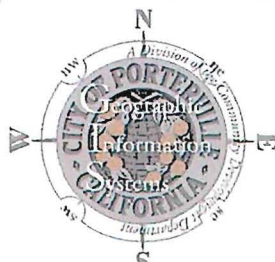
BY J. L. Lolis  
John Lolis, City Manager

Approved as to Form

BY [Signature]  
City Attorney

EXHIBIT 'A'

## East Porterville Project Boundary



### Legend

-  East Porterville Project Boundary  
 Parcels Within Project Boundary Area (1,776)  
 City Limits  
 UDB

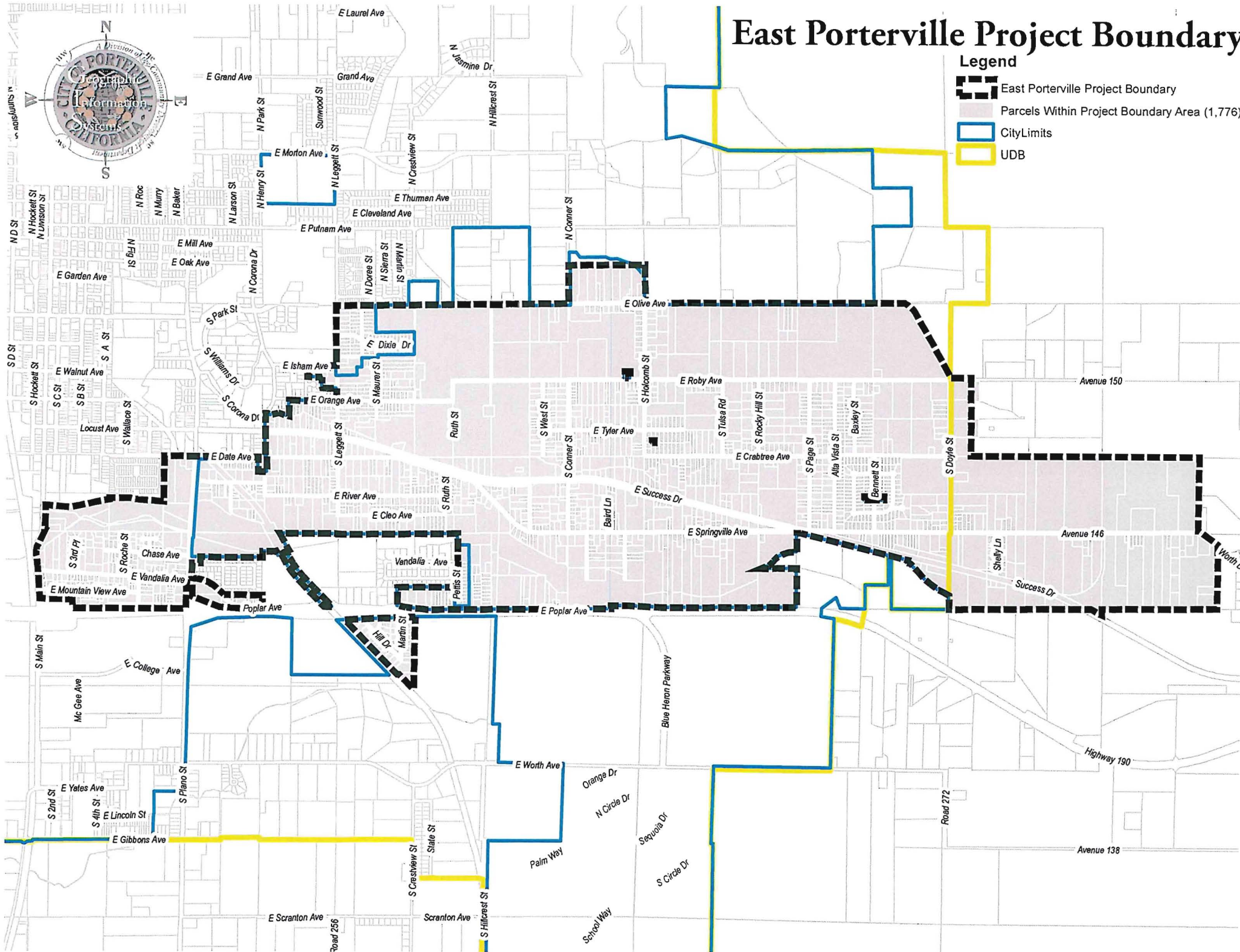


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING  
OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

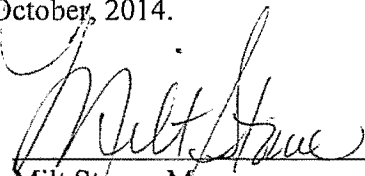
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

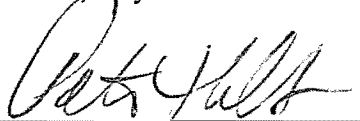
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21<sup>st</sup> day of October, 2014.

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

|          |       |      |       |          |         |
|----------|-------|------|-------|----------|---------|
| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
| AYES:    | X     |      | X     | X        | X       |
| NOES:    |       | X    |       |          |         |
| ABSTAIN: |       |      |       |          |         |
| ABSENT:  |       |      |       |          |         |

JOHN D. LOLLIS, City Clerk



By: Luisa M. Zavala, Deputy City Clerk



RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF  
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2016.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY   
Luisa Zavala, Deputy City Clerk



All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

## **ANNEXATION APPLICATION PROCEDURE**

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

## **ANNEXATION EXEMPTION PROCEDURE**

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

## **EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE**

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
  - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
  - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
  - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
  - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

#### Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

#### Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

## **EXEMPTIONS AND EXCEPTIONS**

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

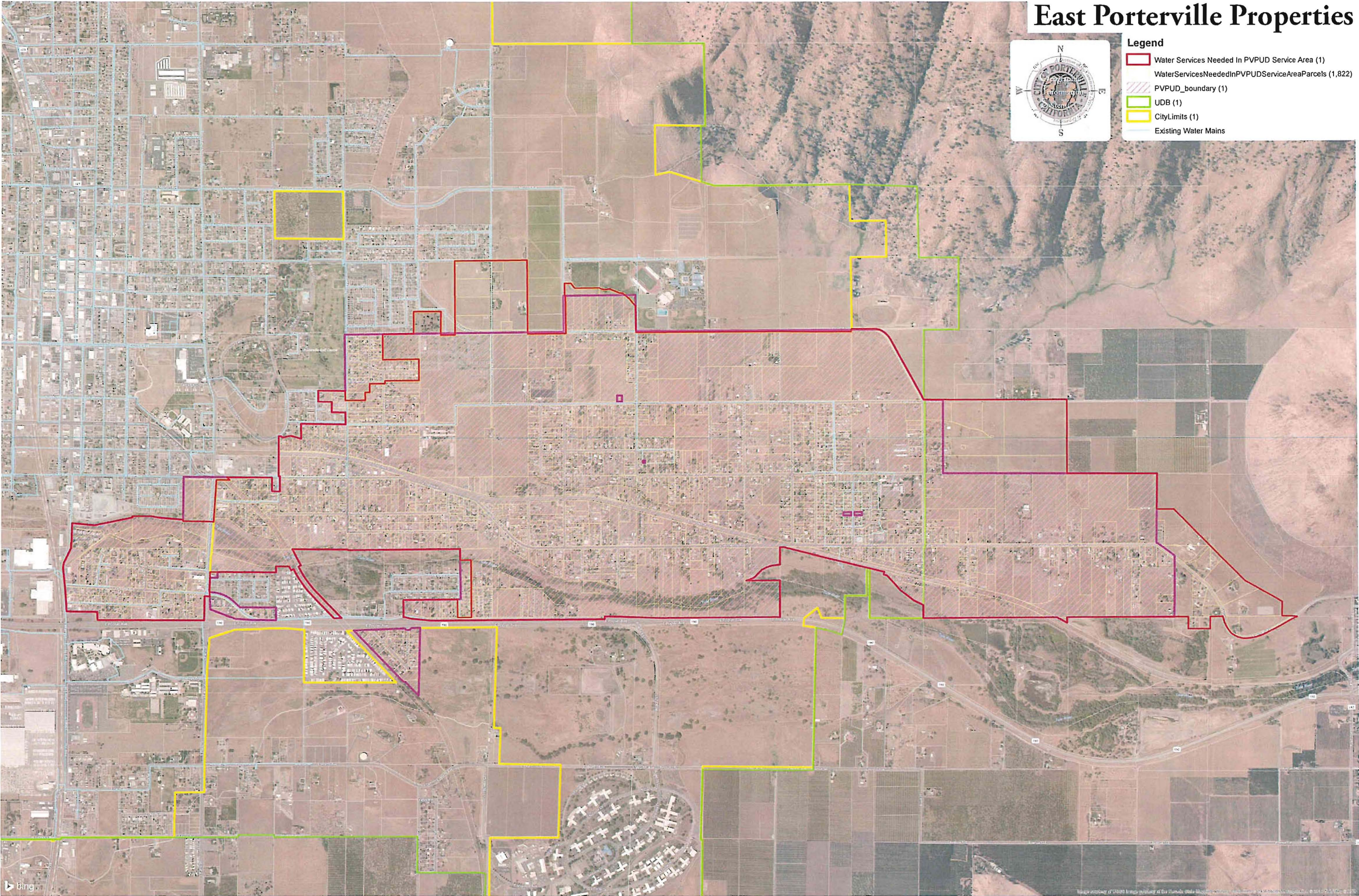
2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.



# East Porterville Properties





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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19<sup>th</sup> day of April, 2016.

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

|          |       |      |       |          |         |
|----------|-------|------|-------|----------|---------|
| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
| AYES:    | X     | X    | X     | X        |         |
| NOES:    |       |      |       |          |         |
| ABSTAIN: |       |      |       |          |         |
| ABSENT:  |       |      |       |          | X       |

JOHN D. LOLLIS, City Clerk

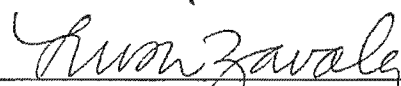
  
By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'





EXHIBIT 'D'

### Scope of Work

| Task          | Description                                                 | Cost              |
|---------------|-------------------------------------------------------------|-------------------|
| 1.2           | Prepare Well Drilling Plans, Specifications, and Estimates  | \$468.00          |
| 3.2           | Prepare Well Equipping Plans, Specifications, and Estimates | \$1,526.00        |
| 5             | Ph. 1 Preconstruction Meeting                               | \$1,357.43        |
| <b>Total:</b> |                                                             | <b>\$3,351.43</b> |

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

|               |                                                             |                     |
|---------------|-------------------------------------------------------------|---------------------|
| Task 4.1      | Project Evaluations and Field Surveying                     | \$58,326.00         |
| Task 4.2      | Prepare Well Equipping Plans, Specifications, and Estimates | \$30,000.00         |
| Task 4.3      | Prepare and Assist with SCE Application & Telephone Service | \$5,000.00          |
| Task 4.4      | SCE Costs                                                   | \$15,000.00         |
| <b>Total:</b> |                                                             | <b>\$108,326.00</b> |

## **Discussion Draft**

### **Subject to Additional Review and Modification by the Parties**

Porterville MOU  
Draft 2  
June 15, 2016  
PortervilleEmergencyMOU061516



#### **Memorandum of Understanding (MOU)**

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

#### **Recitals**

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

## **Understanding**

### **A. Description of Emergency Project and Long-Term Plan**

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

## **B. Project Contributions of the Parties**

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

## **C. General Provisions**

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

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California Office of Emergency Services

County of Tulare

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City of Porterville

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## List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study

