

AMENDED REGULAR MEETING AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Charles Webber, Chair
Donald Beardsley, Member
Leticia Lupio, Member
Case Lok, Member

Cathy Capone, Vice Chair
Rocco Calantone, Member
Monte Moore, Member
Rick Vafeades, Member

IV. ORAL COMMUNICATIONS FROM PUBLIC

V. APPROVAL OF MINUTES – March 4, 2010 Meeting

VI. CORRESPONDENCE - none

VII. CONSENT CALENDAR – Acknowledge receipt of information provided by staff

- 1) **Monthly Reports**
- 2) **Report on Council Actions**

IX. SCHEDULED MATTERS

- 1) **Street Tree Removal Request at 182 N. Main Street** – Deny request to remove two trees.
- 2) **Commission Member Attendance at Council Meetings** - Receive reports from Commission Members and discuss attendance at future Council meetings.
- 3) **Heritage Ball Field Interim Improvements** – Discussion of potential interim improvement of the planned Heritage Ball Field site along with funding sources.
- 4) **Dog Waste Cleanup Reminder Signs** – Discuss effectiveness of temporary signs, and desire and funding for permanent signs for the Sports Complex.
- 5) **Off-Highway Vehicle Park Operations Grant Application** – Discuss annual preliminary grant application for support of OHV operations, maintenance, and law enforcement.
- 6) **Concession License Agreement for Sports Complex** – Discuss interest of AYSO Region 315 and Porterville Youth Football and provide a recommendation for Council consideration.
- 7) **Concession License Agreement for Murry Park** – Discuss recommendation for Council approval of a Concession License with Richard Sanchez
- 8) **Commission Member Report on CPRS Conference Attendance** – Receive report on recent conference attendance from Commission Member Capone.
- 9) **Leisure Activities/Program Report** – Information and discussion
- 10) **Schedule Items For Future Meetings** – Information and discussion
- 11) **Other Matters of Information** – Information Only

X. ADJOURNMENT TO MAY 6, 2010 AT 5:30 pm

The mission of the City of Porterville Parks and Leisure Services Commission is to advise on the provision of excellent customer services to the citizens of the community, to enhance their quality of life by providing opportunities for the public enjoyment, inspiration, education, personal development and cultural enrichment, and to advocate for clean, safe, well designed parks and facilities.

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 Deputy City Clerk, 559.782.7442. 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. (28 CFR 35, 102-35.104 ada Title 11.)

**PARKS AND LEISURE COMMISSION
MINUTES
March 4, 2010**

Chair Webber called the meeting of the Parks and Leisure Services Commission to order at 5:30 p.m. and asked Director Perrine to lead in the Pledge of Allegiance.

Roll Call of Parks & Leisure Services Commission

Present:	Charles Webber, Chair	Cathy Capone, Vice Chair
	Case Lok, Member	Rocco Calantone, Member
	Leticia Lupio, Member	Monte Moore, Member
		Rick Vafeades, Member
Absent:	Donald Beardsley, Member	

Oral Communication - None

Correspondence – None

Approval of Minutes

Chair asked for a motion to accept the minutes of 02/04/10. Vice Chair Capone made a motion to accept the Minutes with Member Calantone seconding. Motion passed unanimously.

Consent Calendar

- 1) Monthly Reports
- 2) Report on Council Actions

Scheduled Matters

1) **Street Tree Removal Requests at 369 S. Wallace & 60 S. "B" Street**

Director Perrine gave staff comments that both he and Parks Superintendent Zorn were in concurrence the two trees located at S. "B" needed to be removed as well as one tree located at 60 S. "B" Street. As was indicated in the Members packet the 369 S. Wallace tree would be removed at City expense and the two located at 60 S. "B" would be at homeowner's expense. A motion was asked of the Commission Members by the Chair. Motion was made by Member Vafeades to remove the trees as recommended by staff. The motion was seconded by Member Lupio.

Action: Motion passed unanimously

2) **Commission Member Attendance at Council Meeting**

Chair Webber called for a report from Member Lupio, who attended the March 1 meeting:

A. Member Lupio reported on the City Council's March 2nd, discussion about the possibility of using Muller Field for football and soccer games, it is currently a ponding basin and that requires about 10 acres, leaving possibly 30 acres for games. The cost would be minimal to the City. Mr. Bender was interested in having the City partner with volunteers. Volunteers were willing to do most of the work preparing the field for soccer and football play. Council Member Ward volunteered to work on this issue. Installation of a 200 seating capacity grandstand was also discussed. In response to a question Director Perrine indicated this is something well within the role of the Commission to make a recommendation to City Council.

B. Member Calantone commented on the March 16th meeting stating. Reduction of Zalud House fees with City Council passing a resolution to return to previous fees of \$50 during scheduled house hours for garden rentals. The wedding rentals dropped back to \$60 per hour for non-scheduled house hours. Reservations/Cleaning deposit is nonrefundable if customers cancels and may be applied to outstanding Charges.

Action: Information Only

3) Heritage Ballfield Interim Improvements

In the absence of Member Beardsley the Members all agreed to bring this matter back for the April meeting as it was his request.

Action: Bring back for April's meeting

4) Dog Waste Clean-Up

Director Perrine related the staff comments. Member Vafeades commented because of the rains he could not determine how well the sign prepared by Gale Labonte was working. There are some dog owners who let dogs out to run on a leash as the owner drives down a side road. Member Capone commented she has been in other Cities and with one container and dispenser for bags and they were able to keep it under control. She had photos of a Dog Waste Clean-Up project on the coast and offered to share them.

Action: Discussion

5) Off-Highway Vehicle Park Operations Grant Application

Director Perrine turned this item over to Analyst Michelle Bascom to present. The report was informative and well on the annual State program; at the end of her presentation Analyst Bascom asked for questions or concerns. After a brief discussion the Chair introduced the next item on the agenda thanking her for the report as did Member Calantone on the OHV Operations Grant Application.

Action: Discussion

6) Prop 84 Park Grant Application

Director Perrine introduced Administrative Aid Ramirez to give the report. The report was informative and at the conclusion she asked for any comments or concerns. A brief discussion ensued and Director Perrine praised her for her service to the City and announced that this would be her last Commission meeting to attend as she is relocating. Chair Webber and Member Calantone thanked her, Member Calantone once again thanked Analyst Bascom for her presentation on the OHV Park Operations Grant Application.

Action: Discussion

7) Leisure Activities/Program Report

Director Perrine turned the meeting over to Leisure Superintendent Moore who gave the following report:

- A. Two Grant applications submitted on Monday which kept staff very busy.
- B. Arena Soccer at Municipal Ballfield with games starting next Monday and will continue for the next couple of weeks. We have 320 kids participating and invited Members to attend the games and/or volunteer to assist with the program.
- C. Nature Hike, March 6 is a multi-purpose one. This activity will take place rain or shine. Woodducks and beautiful flowers will enhance the walk. This Nature Hike also includes clean-up the adjacent area and trail itself.

E. Kids Fest Day, March 27, among other attractions to be there are a 100 foot giant slide, rides, game booths and paint ball. The fee is \$3 per ticket in advance and \$5 the day of the event. Age is limited to 12 and under.

F. Spring Egg Hunt will be March 29 at Veterans Park. There is always a large turnout, the eggs disappear very rapidly. The first group, ages 2 and 3 will be held at 10:30. Second group at 11 a.m., ages 4-6, and third group 7-9 starting at 11:30.

Action: Information

8) Schedule Items for Future Meetings

1. City Council referred Sports Complex Concession License back to Commission for future consideration

2. Concept for potential mural at Centennial Plaza

3. Commission Member Report on City Council Meeting

4. Vice Chair Capone to report on CPRS Conference

5. OHV Grant Application

9) Other Matters

Chair Webber mentioned a Letter to the Editor regarding the current Rails to Trails Phase 2. The person writing the editor was misinformed and the Chair wrote a letter to the editor correcting statements made.

Director Perrine commented that Administrative Aid Vangie Ramirez, would be relocating to Southern California and this is her last Commission meeting. He also thanked her for all her hard work and dedication to the OHV and Prop 84 Grant application. She did an excellent job even though she has never worked on a project of that nature previously, and took the lead to ensure that the application was submitted in a timely matter. She will be missed by all. No other comments were introduced.

Chair called for adjournment.

Meeting Adjourned at 6:40 p.m.

Next Meeting is April 1, at 5:30 p.m.

Respectfully submitted,

Lee Waggle, Secretary

**STAFF COMMENTS ON
AGENDA ITEMS
APRIL 1, 2010
REGULAR MEETING**

Consent Calendar – Consent Calendar items are considered routine and informational in nature and will be enacted in one motion. There will be no separate discussion on these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Monthly Report

A monthly operations summary is provided for Commission acknowledgement of receipt.

Action: Acknowledge receipt of information

2. Report on Council Actions

At their meeting of March 2, 2010 the City Council; adopted a budget preparation calendar, referred back to the Commission the consideration of a concession license for the Sports Complex, approved the temporary closure of Murry Park roadway for pond maintenance activities, and authorized discussion regarding Muller Field drainage basin potential for sports playing fields. At their meeting of March 16, 2010 the City Council directed staff to review options for potential development of a sand-rail course at the OHV Facility.

Action: Acknowledge receipt of information

Scheduled Matters

1. Street Tree Removal Request at 182 N. Main Street

The Community Trust Credit Union (formerly El Futuro Credit Union) has submitted correspondence requesting removal of two street trees within the Main Street landscape planters. Staff does not support the Credit Union's stated rationale on the need to remove the trees.

Action: Deny the request for removal of two trees.

2. Commission Member Attendance at Council Meetings

The Commission requested this opportunity to receive reports from members of the Commission regarding their observations at City Council meetings and to schedule attendance and observation of future City Council meetings. A list of the regularly scheduled Council meeting dates is included within the agenda materials.

Action: Receive reports from Commission Members and discuss attendance at future Council meetings.

3. Heritage Ball Field Interim Improvements

The Commission continued discussion of the matter to this meeting. Previous discussion has centered on ideas for creating interim playing field(s) at the proposed Heritage Ballfield Complex.

Action: Discussion of potential interim improvement of the planned Heritage Ball Field site along with funding sources.

4. Dog Waste Cleanup Reminder Signs

The Commission continued discussion of the matter to this meeting. Previous discussion has been regarding the installation of signs at the Sports Complex to remind the public that they should cleanup the waste deposited by their dogs. Temporary signs were recently installed and the Commission anticipated monitoring the effectiveness of the signs prior to requesting expenditure for permanent signs.

Action: Discuss effectiveness of temporary signs, and desire and funding for permanent signs for the Sports Complex.

5. Off-Highway Vehicle Park Operations Grant Application

Annually, staff assembles a grant application for funding assistance to operate and maintain the OHV Park, and periodically for improvements to the facility. Last year the grant application was competitive enough for award of a total of \$997,410 in potential grant funding for Porterville OHV Park projects and activities estimated to cost \$1,427,000. This year staff is preparing a grant application for only OHV related annual ground operations in the amount of \$169,000 and law enforcement activities in the amount of \$24,000. A public review and comment period on the preliminary grant application commences March 2, 2010 and closes on April 5, 2010. The preliminary application can be viewed on the State OHV website at www.ohv.parks.ca.gov. This meeting is an opportunity for the Commission and public to discuss the preliminary application.

Action: Discuss annual preliminary grant application for support of OHV operations, maintenance, and law enforcement.

6. Concession License Agreement for Sports Complex

The Commission previously recommended to the City Council a twelve month

Concession License with AYSO Region 315. The City Council referred back to the Commission the consideration of a concession license for the Sports Complex with direction to ensure that all youth sport leagues that reserve City facilities be notified of the opportunity. Written notices were sent to all known organizations informing them of the annual opportunity for indicating interest in a Concession License for the Sports Complex, Hayes Field, and Murry Park Pool. The only new youth sport organization respondent was Porterville Youth Football with interest in the Sports Complex. Therefore there are two organizations interested in concession opportunities at the Sports Complex. A full staff report on this matter is included as a separate item in the meeting materials.

Action: Discuss interest of AYSO Region 315 and Porterville Youth Football and provide a recommendation for Council consideration.

7. Concession License Agreement for Murry Park

As mentioned in the previous item interest of local sport organizations has been solicited in concession opportunities at the Murry Park Pool. The department operated concessions for several years, however due to budgetary limits that practice was discontinued several years ago. No local organization has come forward to express an interest in the concession opportunity. Primary reasons cited by organization representatives center on the limited and somewhat sporadic hours of pool operations and the difficulty in getting firm commitments from volunteers to operate the concession for fundraising.

Recently, interest has been communicated from an individual in the opportunity for the Concession License in order to provide concessions to both pool and park users. Richard Sanchez proposes to use the City concession space for six months as a for-profit operation, in part as a job and business training venture for his young-adult children. Staff recommends favorable consideration to Concession License as an innovative solution.

Action: Discuss recommendation for Council approval of a Concession License with Richard Sanchez

8. Commission Member Report on CPRS Conference Attendance

Commission Member Capone recently attended the annual California & Pacific Southwest Recreation & Park Training Conference in Palm Springs. This is an opportunity for Member Capone to convey the information she acquired as the Commission representative and in the spirit of AB 1234.

Action: Receive report on recent conference attendance from Commission Member Capone.

9. Leisure Activities/Program Report

In order to keep Commission members abreast of current happenings within the Leisure Services Division, staff will highlight programs and upcoming events.

Action: Information & Discussion

10. Schedule Items for Future Meetings

This is also an opportunity for the Commission to request the inclusion of items of interest for future meeting agendas. The annual budget process will be a subject for the May 6, 2010 and June 3, 2010 Commission meetings.

Action: Information & Discussion

11. Other Matters of Information

At the Commission's discretion, other matters of information may be shared within the realm of charge for the Commission.

Action: Information only

Parks & Leisure Services Monthly Operations Summary March 2010

Heritage Center – The Heritage Center played host to a 2010 Census kick-off event March 11th. The building is also serving as an assistance center for those needing help completing their census form. Baseball registration and park pavilion reservations have been the two areas making the most impact at the front counter during the month.

Youth Center – Xbox Fridays was the new program for the month with different Xbox tournaments happening weekly. The coed arena soccer team played their games in the City League. The average daily attendance was 45 youth ages 10-18.

Youth Sports – Arena Soccer games took place all month at the Municipal Ballpark. The Jr. Pirates Track Club began practice March 9th. All practices take place at Jamison Stadium. 70 youth grades 1st-8th are participating making it our largest club in its 3 year existence. Baseball registration wrapped up and practices will begin early April.

Adult Sports – Open Gym Volleyball continues Saturday evenings from 7:00 – 10:00p.m. An average of 22 have been attending.

Sports Complex – Light recreational soccer and softball play occurred in March.

Swimming Pool – The pool will open to the public Memorial Day weekend, and May 24th for end of the year school parties.

OHV Park – The park opened March 17th after weeks of closure due to wet track conditions. Hours of operation effective March 20th will be weekends 8:00a.m. – 1:00p.m. and Wednesdays 3:30p.m. – dusk.

Zalud House – Open Wednesday thru Saturday 10:00a.m. – 4:00p.m., and Sundays 2:00 – 4:00 p.m.

Tiny Tots – The children tried to capture the leprechaun again this year with no success but he did leave tons of chocolate coins and gold nuggets which the children were so excited to get. Enrollment remains at full capacity.

Recreation Afterschool Program – Summit Charter Academy remains at full capacity with a waitlist. Buckley students are now bussed over to our Oak Grove site due to low enrollment at Buckley. Burton Elementary School is our third site. The program will have its spring break March 29th thru April 5th.

Youth Experiencing Success – Enrollment for the YES elementary program is still high with waitlists. The middle schools have a very high enrollment except at Sequoia which has seen a decline in their student enrollment. The YES program had their spring break March 15th thru March 19th.

Senior Dance – Ongoing Thursday evenings from 7:00-10:00p.m.

Library – Staff started two new workshops Job Now and Windows, Resumes & Business Cards. March 16th - the Library held a “St. Patrick’s Day Story Time”. Staff read, sang and had crafts for the kids. Refreshments were served to 44 participants. March 27th - free computer class on Websites & Search Engines. March 30th - Easter Egg Hunt Story hour. Library staff will read books, sing songs and have an Egg hunt for the children in the library.

Park areas – Weed abatement spray was applied at various locations. Playground slide was replaced at the Sports Complex. Seasonal mowing operations were commenced. Baseball/Softball fields received annual maintenance. Mistletoe removal efforts were undertaken in downtown trees. Draining of Murry Park pond was commenced by CSET for dredging activities. Golf Course greens were aerated and the clubhouse renovation work continued.

Special Events –

Skate Park Open Late – The skate park was open until 10:00p.m. on March 5th. The park will be open late the first Friday of the month through April.

Spring Kids Fest – This event is in its 3rd year and will take place March 27th. Many kids will enjoy an afternoon of fun at Veterans Park. A 100’ giant slide, bounce houses, carnival rides, paintball target shooting, remote control car racing, and much more will be offered.



COMMUNITY TRUST

CREDIT UNION

a division of SELF-HELP FEDERAL CREDIT UNION

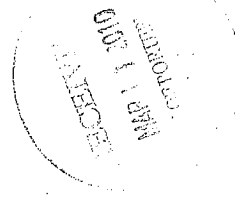
March 15, 2010

P.O. Box 3026
Modesto, CA 95353

209.521.6015
877.3MY.CTCU

www.myctcu.com

John Lollis, City Mgr.
City of Porterville
291 N. Main St.
Porterville, Calif. 93257



Dear Mr. Lollis;

Community Trust Credit union, formerly El Futuro Credit Union, request that the smallest of the two trees located on the north end of Main Street be removed. Due to our merger, it is now necessary to replace our signage; however, we are not able to make any changes until we can resolve the issue of the sign's obstruction.

Our request is a business necessity, since the current trees clearly block the public's view of our principal sign. Although the removal of only one tree would continue to block the sign, it would not be as invasive as the presence of two trees. We would also like to upgrade the sign but we cannot make an additional invest if we must continue to contend with the current situation. It should be emphasized that over the years, we have had frequent complaints from visitors regarding obstruction of the sign by the trees.

As provided for under City Municipal Code 19-52 (D) we are willing to pay for the cost of the tree's removal. The code also states that a similar tree should be planted at another site at the requestor's expense. While we can appreciate the importance of this measure, we do not believe that we should be held responsible for this part of the code. While the trees add considerably to the central business district environment, it's apparent that the initial decision to plant two large trees at the front of our location did not take into the account the present and future business needs of the credit union. Consequently, the trees have now outgrown their original intent and we are regretfully faced with the current dilemma problem. We are requesting a waiver to this subsection of the code.

Since a change in signage is a regulatory requirement, we would appreciate your prompt attention. Please let us know if you have any questions or require additional information.

Sincerely,

Raul Pickett, VP
Community Trust Credit Union
(Div of Self Help Federal CU)

City Council Meetings 2010

Date:	Time:	Commission Member:
Tuesday January 19, 2010	7:00 PM	Webber
Tuesday February 2, 2010	7:00pm	Capone
Tuesday February 16, 2010	7:00pm	Calantone
Tuesday March 2, 2010	7:00pm	Lupio
Tuesday March 16, 2010	7:00pm	Moore
Tuesday April 6, 2010	7:00pm	Webber
Tuesday April 20, 2010	7:00pm	Vafeades
Tuesday May 4, 2010	7:00pm	
Tuesday May 18, 2010	7:00pm	
Tuesday June 1, 2010	7:00pm	
Tuesday June 15, 2010	7:00pm	
Tuesday July 6, 2010	7:00pm	
Tuesday July 20, 2010	7:00pm	
Tuesday August 3, 2010	7:00pm	
Tuesday August 17, 2010	7:00pm	
Tuesday September 7, 2010	7:00pm	
Tuesday September 21, 2010	7:00pm	
Tuesday October 5, 2010	7:00pm	
Tuesday October 19, 2010	7:00pm	
Tuesday November 2, 2010	7:00pm	
Tuesday November 16, 2010	7:00pm	
Tuesday December 7, 2010	7:00pm	
Tuesday December 21, 2010	7:00pm	
*Tuesday January 4, 2011	7:00pm	
*Tuesday January 18, 2011	7:00pm	
*Tuesday February 1, 2011	7:00pm	
*Tuesday February 15, 2011	7:00pm	

*dates are tentative

Parks & Leisure Services Commission Staff Report
April 1, 2010
Concession License for Sports Complex

At the February 4, 2010, Parks and Leisure Services Commission meeting, the Commission recommended to City Council that the 2010 Sports Complex Concession License be awarded to the American Youth Soccer Organization Region 315 (AYSO). There were no other youth sport organizations at the time were scheduled to play at the Sports Complex and that had expressed an interest in the concession license. AYSO had also been granted the concession license last year.

On March 2, 2010, the City Council referred the item back to the Parks and Leisure Services Commission after the Porterville Youth Football League (PYFL) showed interest in the Sports Complex Concession License at the Council meeting. This will be the first year that PYFL will be playing some games during the fall at the Sports Complex.

PYFL will be practicing at the Sports Complex near the concession building July 5 - August 27, 2010. PYFL has accepted staff's proposal to be granted the concession license April 9, 2010, - August 13, 2010, upon Commission recommendation and Council approval. This timeframe would be during City baseball, the Junior Giants league, and the first few days of PYFL practice. PYFL has also expressed an interest to operate their portable concession stand in the fall during their games only in the far southeast portion of the Sports Complex. Staff believes that it would be too far for anyone watching the games to go to the existing concession stand, thus the portable concession stand would provide a needed service.

AYSO is scheduled to play its 2010 fall season in the area of the Sports Complex just east and south of the concession building. Staff recommends AYSO be allowed to operate the concession building August 14, 2010 - March 31, 2011. AYSO is interested in the license beginning August 1, 2010 so that sufficient time will be available to set their vending equipment prior to commencement of league soccer play on August 27th. PYFL also is interested in having sufficient time to remove their vending equipment following the completion of the Junior Giants program on July 31, 2010 and initially requested August 15th for this purpose.

Staff will be blocking out the use of the fields adjacent to the concession facility between August 2, 2010 and August 26, 2010 to provide a rest period for the turf. Staff recommends that both organizations be given two weeks during August for vending equipment and supply transition.

Due by the 5th day of each month will be the total fee incurred from the monthly usage, as well as the monthly concession report providing the income generated from the concession facility. The current fee for concession building usage is

\$5.91 per hour. The fee is adjusted yearly by the San Francisco Consumer Price Index.

Representative(s) of AYSO and the PYFL have been asked to attend the Commission meeting so that they may provide response to any questions from the Commission.

Staff wishes for the Commission to evaluate the new concession license for the Sports Complex and provide a recommendation to the City Council.

Action: Recommend City Council consideration of
Concession License Agreement for the Sports
Complex

CITY OF PORTERVILLE
MURRY PARK
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to RICHARD SANCHEZ, hereinafter referred to as "LICENSEE", a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged and outdoor grilled food, and general confectionery articles and products at the Murry Park Pool Concession Building located at Murry Park, for a term of six months commencing April 21, 2010 and ending October 20, 2010.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at Murry Park during the hours in which said Park is being utilized for recreational and family swimming or at any other time the CITY deems the operation of the concession necessary for special activities.
3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
4. The LICENSEE may operate the concession facility during times other than pool operations as a convenience for Park patrons.
5. In the event the LICENSEE shall coordinates the placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are disengaged from City provided utilities promptly at the conclusion of the term of this License.
6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.
7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

9. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.
10. The LICENSEE shall pay to the City by the 5th day of each month a fee of \$200 for each month in which the concession building is utilized for concession activities.
11. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LINCENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of one million dollars (\$1,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy.
12. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEES concessionary interests to the extent as provided by law.
13. The LICENSEE shall maintain a City of Porterville Business License during the term of this Concession License.
14. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand.
15. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
16. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with our without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville,
California this ____ day of ____ 2010.

CITY OF PORTERVILLE

LICENSEE

BY: _____
Pete V. McCracken, Mayor

BY: _____
Richard Sanchez

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney