Call to Order
Roll Call

**ORAL COMMUNICATIONS**
This is the opportunity to address the Council on any matter scheduled for Closed Session.

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   3- Government Code 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

**PROCLAMATIONS**
Zonta Recognition Week – December 1 – 7, 2008

**PRESENTATIONS**
City Manager’s Featured Project
Introduction of New City Employees
Tulare County Economic Development Corporation

**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.

**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.

1. City Council Minutes of November 4, 2008
2. **Claim – Helen Kent**  
   Re: Considering rejection of a claim in an amount exceeding $25,000 in the unlimited jurisdiction of the Tulare County Superior Court for injuries allegedly sustained when claimant fell into an empty tree well on Garden Street near the corner of Main Street on August 22, 2008.

3. **Claim – Kathy Keck**  
   Re: Considering rejection of a claim in an amount of $1,514.00 for property damages the claimant alleges occurred when the water to her residence at 101 W. Heatherwood Court was turned off in error on September 23, 2008.

4. **Award of Contract – Fire Station No. 2 (Sewer Connection) Project (Newcomb Street N. of Morton Avenue)**  
   Re: Awarding contract to Serna Construction, Inc. of Fresno in an amount of $16,755.00 for the project consisting of the installation of a sewer connection and associated improvements within and adjacent to the Newcomb Street right of way.

5. **Acceptance of Project – Henderson Avenue Storm Drain, Villa Street to ‘G’ Street**  
   Re: Accepting project as complete from Halopoff and Sons, Inc. for the project consisting of the installation of 24” and 18” master plan storm drain piping, manholes, catch basins, pave-out and related appurtenances along the south side of Henderson Avenue from Villa Street to ‘G’ Street.

6. **Acceptance of Project – D and Hockett Street Alley Reconstruction Project**  
   Re: Accepting project as complete from Halopoff and Sons, Inc. for the project consisting of the installation of a v-gutter, asphalt concrete improvements, an alley approach and two wheel chair ramps at D Street and Hockett Street Alley.

7. **This Item has been removed.**

8. **Caltrans “Call for Projects” – Bicycle Transportation Account (BTA)**  
   Re: Considering approval of a resolution affirming the City’s commitment to appropriate funds in Fiscal Year 2009/2010 to satisfy the City’s 10% local match and approval of Project No. 1 and Project No. 2 of the Bicycle Transportation Plan.

9. **Authorization to Re-Schedule the Zoning Ordinance Study Session to December 16, 2008**  
   Re: Considering a request to reschedule the Zoning Ordinance Update study session to December 16, 2008.

10. **Request to Schedule Study Session to Review the Market Analysis and Business Incubator Study**  
    Re: Considering a request to schedule a study session on January 13, 2009 to review and discuss the material presented in the Market Analysis and Business Incubator Study.

11. **Authorize Holiday Lighting Decorations Along Main Street and for Gardner Tree**  
    Re: Considering authorization to retain the services of Christmas Décor in an amount not to exceed the funding allocated within the budget for the holiday lighting decorations along Main Street, for the Gardner Tree, and for the Centennial Plaza gazebo.

12. **Approval of Community Civic Event – Porterville Area Ministerial Association – Tree Lighting Ceremony, November 28, 2008**  
    Re: Approval of the annual “Tree Lighting Ceremony” to take place on Friday, November 28, 2008 from 4:00 p.m. to 8:00 p.m. at the Centennial Plaza on Main Street.
PUBLIC HEARINGS
13. Water System Status / Phase II Water Conservation
   Re: A public hearing to consider returning to Phase 1 of the Water Conservation Plan.

14. Request for a Conditional Use Permit 8-2008 to Allow for an Upgrade to Four (4) Gas Dispensers and Canopy at Sherwood Handy Market Located at 1907 W. Morton Avenue
   Re: Considering approval of a resolution approving the Conditional Use Permit 8-2008 to allow for an upgrade to four (4) gas dispensers and canopy Sherwood Handy Market located at 1907 W. Morton Avenue.

SECOND READINGS
15. Second Reading – Ordinance 1748, Amending Chapter 19 Article II of the Municipal Code Regarding Parkway Trees
   Re: Giving Second reading and adopting Ordinance No. 1748, Amending Chapter 19 Article II of the Municipal Code Regarding Parkway Trees

16. Second Reading – Ordinance 1749, Amending Section 2617 of the Zoning Ordinance Regarding Highway Walls and Landscaping
   Re: Giving Second reading and adopting Ordinance No. 1749, Amending Section 2617 of the Zoning Ordinance Regarding Highway Walls and Landscaping

SCHEDULED MATTERS
17. Consideration of a Time Capsule in Centennial Park
   Re: Considering options available to the Council for the potential placement of a time capsule in Centennial Park.

18. Request for Council Participation Evaluating Grant Writer Consultant Qualifications
   Re: Considering a request to appoint one Council member to work with staff to evaluate the consultant qualifications for grant writer.

19. Request to Establish LOOP Service for Porterville Area
   Re: Considering authorization to initiate a LOOP service for Southeastern Tulare County.

Adjourn to a joint meeting of the Porterville City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 18, 2008

Roll Call: Redevelopment Agency Members

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SCHEDULED MATTER
PRA-01. Authorization to Enter Into a Loan Agreement Between the City of Porterville and the Porterville Redevelopment Agency and Approval to Amend Contract
Re: Considering approval of a loan from Risk Management in an amount not to exceed $100,000 for the expansion of the area to be included in the Redevelopment Project Area Amendment and approval of an amendment to the contract with Urban Future, Inc. to add the area into the redevelopment plan amendment process.

Adjourn to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
November 18, 2008

Roll Call: Public Financing Authority

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS
None

PUBLIC FINANCING SCHEDULED MATTER
PFA-1. Annual Meeting of the Porterville Public Financing Authority

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of December 2, 2008 at 6:00 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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 Chief Deputy City Clerk at (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.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
NOVEMBER 4, 2008, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez (arrived late), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
• Vickie Schulz, 1975 N. Douglas, spoke of the importance of the upcoming Veteran’s Day holiday and members of her family who had served in the military.

CLOSED SESSION:  
A. Closed Session Pursuant to:
   4- Government Code 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation – one individual participated.

PROCLAMATIONS
   National Family Caregivers Month – November, 2008
   America Recycles Week – November 16–22, 2008

PRESENTATIONS
   Employee of the Month – Lupe Diaz
   Auto-Theft Reduction Efforts

ORAL COMMUNICATIONS
• Lori Lady, 369 N. Beverly, expressed disappointment in the conduct of the City’s police officers towards her son and others; expressed concern about the lack of services available for drug rehabilitation; and stated that she had sent a letter to the City regarding the conduct of the officers
and only received a response from the Mayor.

- Boyd Leavitt, P.O. Box 1742, spoke against Item No. 20; expressed concern with the illegal use of cell phones while driving; and requested that Vice Mayor McCracken update him on the outcome of Item 20.

**CONSENT CALENDAR**

Items Nos. 8, 13, and 16 were pulled for discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 7, 2008 AND OCTOBER 25, 2008

Recommendation: That the City Council approve the Minutes of October 7, 2008 and October 25, 2008.

Documentation: M.O. 01-110408
Disposition: Approved

2. CLAIM – VICTOR ALBERT ROCHA

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-110408
Disposition: Approved

3. CLAIM – KAREN SMITH

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 03-110408
Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – HENDERSON AVENUE (JAYE STREET TO SAN JOAQUIN VALLEY RAILROAD CROSSING) REHABILITATION PROJECT

Recommendation: That the City Council:

1. Direct staff to formally close out the preliminary design phase of the project funded by Federal funds (RPSTPL-5122(039));
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-110408
Disposition: Approved
5. AUTHORIZATION TO REJECT BID AND RE-ADVERTISE – BIOSOLIDS HAULING AND LAND APPLICATION

Recommendation: That the Council reject the bid for the hauling and land application of biosolids and authorize staff to re-bid the services.

Documentation: M.O. 05-110408
Disposition: Approved

6. STREET PERFORMANCE MEASURE – 1ST QUARTER UPDATE

Recommendation: Information only.

7. CODE ENFORCEMENT UPDATE

Recommendation: Information only.

9. WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

Recommendation: That the City Council set a Public Hearing for November 18, 2008, to return to Phase I of the Water Conservation Plan.

Documentation: M.O. 06-110408
Disposition: Approved

10. REPORT ON MOBILE COMPUTER TECHNOLOGY ADHOC COUNCIL COMMITTEE PROGRESS

Recommendation: This is an informational item and no action of the City Council is requested at this time.

11. HILLSIDE DEVELOPMENT ORDINANCE FOLLOW-UP REPORT

Recommendation: For informational purposes only.

12. CONSIDERATION OF POLICY REGARDING CITY-FUNDED SPECIAL EVENT LIABILITY INSURANCE COVERAGE FOR HISTORIC PARADES & AIRSHOW

Recommendation: Information only.


Recommendation: That the City Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the
Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application;

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 4, 2008; and

3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

Documentation: M.O. 07-110408
Disposition: Approved

15. SCHEDULING OF MEETINGS OF THE CITY COUNCIL, TO INCLUDE ZONING ORDINANCE UPDATE, PROJECT REVIEW AND GOAL SETTING, AND FIRST MEETING OF JANUARY 2009

Recommendation: That the City Council accept staff recommendations in the scheduling of meetings of the City Council.

Documentation: M.O. 08-110408
Disposition: Approved

8. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS & COMMITTEES – 1ST QUARTER UPDATE

Recommendation: Informational report.

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

Mayor Hamilton suggested consideration of the removal of those members with excessive absences, and Council Member Felipe Martinez requested the inclusion of tardiness in future updates.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved, and direction given.

13. REQUEST TO SET PUBLIC HEARING FOR ORDINANCE REQUIRING FOOD ESTABLISHMENTS TO POST COUNTY HEALTH INSPECTION RESULTS OR SCORES

Recommendation: That the City Council set a Public Hearing for December 16, 2008, to consider the requirement that food establishments post their County health inspection results or scores.
Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

A discussion ensued with regard to the scheduling of a public hearing on the item. Vice Mayor McCracken offered to withdraw his request for a public hearing, work on the ordinance on his own time, and bring the item back at a later time. During the discussion Mayor Hamilton indicated that he had no interest in adopting the ordinance due to it being a County matter. It was noted that the health inspection scores were already available to the public if they had an interest in viewing them.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council deny the request to set a public hearing for ordinance requiring food establishments to post County Health Inspection results or scores, and take no further action on the item.

AYES: P. Martinez, F. Martinez, Ward, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None

Disposition: Denied

16. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE POLICE DEPARTMENT

Recommendation: That the City Council:

1. Adopt the proposed resolution authorizing a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan;
2. Authorize the establishment of one (1) Animal Control Officer classification at salary range 142 ($2,706-$3,301), effective November 4, 2008, modify the Classification Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provision hereof.

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

Council Member Pedro Martinez inquired about the need for additional personnel to assist in the animal control services. Mr. Lollis advised that the issue of capacity within the organization would be addressed to ensure the ability to provide service and flexibility.

COUNCIL ACTION: Resolution 91-08 MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council adopt the proposed resolution authorizing a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan; authorize the establishment of one (1) Animal Control Officer
classification at salary range 142 ($2,706-$3,301), effective November 4, 2008, modify the Classification Plan; and authorize the Mayor to execute these and other documents necessary to implement the provision hereof. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

17. PARKWAY TREE AND LANDSCAPING ORDINANCE

Recommendation: That the City Council:
   1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and
   2. Waive further reading of the draft ordinance, approve the Parkway Tree and Landscaping Ordinance, and order to print.

Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.

The public hearing opened at 7:55 p.m. Seeing no one, the Mayor closed the public hearing at 7:56 p.m.

Council Member Felipe Martinez and Council Member Ward expressed concern with the adjacent property owners being responsible for the maintenance of the trees.

Council Member Pedro Martinez requested clarification on Sections 19-34, 19-35, 19-38 and 19-41, and requested that educational resources be made available to the public.

Community Development Director Dunlap addressed the question of how the ordinance would effect new development and existing development, and advised that the goal was to establish equity.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and waive further reading of the draft ordinance, approve the Parkway Tree and Landscaping Ordinance, and order to print.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Approved

18. HIGHWAY WALL AND LANDSCAPING ORDINANCE

Recommendation: Approve the proposed Highway Wall and Landscaping Ordinance and give first reading to the draft ordinance.
Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.

The public hearing opened at 8:19 p.m. Seeing no one, the Mayor closed the public hearing at 8:20 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the proposed Highway Wall and Landscaping Ordinance and give first reading to the draft ordinance. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

City Attorney Julia Lew advised that Ordinance 1748 and 1749 needed to be read into the record, and the Deputy City Manager read the ordinances by title only.

SCHEDULED MATTERS

19. OPTIONS FOR DEALING WITH IMPROPERLY MAINTAINED ABANDONED OR FORECLOSED PROPERTIES

Recommendation: That the City Council provide additional direction concerning the development of local regulations.

Deputy City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The Council directed staff to contact Chula Vista regarding their registration program and bring back the information for consideration.

Disposition: Direction given.

20. CONSIDERATION OF FORMATION OF MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

Recommendation: Action to be determined by the Council.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council oppose the formation of a Mosquito Abatement District in Southeastern Tulare County. The motion carried unanimously.
21. **UPDATE REGARDING E-MAILS TO AND FROM CITY COUNCIL MEMBERS AND STATUS PER THE CALIFORNIA PUBLIC RECORDS ACT**

Recommendation: That the City Council consider the above information and provide further direction.

Deputy City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

City Attorney Lew recommended the use of city e-mail accounts for all Council business. She advised that staff was working on a retention policy to be brought to the Council early next year, and indicated that the policy was necessary to manage the information and determine whether communications were public records subject to disclosure. Council requested that staff provide a public disclosure notice template for their city e-mail accounts.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Council use of city e-mail accounts to include a public disclosure notice template. The motion carried unanimously.

Disposal: Approved

22. **INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT**

Recommendation: That the City Council accept the Interim Financial Status reports and Grants Summary report as presented.

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

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the Interim Financial Status reports and Grants Summary report as presented. The motion carried unanimously.

Disposal: Approved

23. **QUARTERLY PORTFOLIO SUMMARY**

Recommendation: That the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton requested that future quarterly financial reports be moved up in the agenda.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Felipe Martinez:
  1. Thanked staff for their involvement in the Homeless Connect event;
  2. Requested that a letter be sent to the Housing Authority suggesting that they be in attendance next time;
  3. Thanked the public safety workers for their hard work; and
  4. Extended an invitation to the “Time Marches On” event on Saturday, November 8, 2008.
• Council Member Pedro Martinez:
  1. Suggested a time capsule to coincide with the “Time Marches On” event;
  2. Spoke of note cards for Council use; and
  3. Suggested a golf challenge with the City of Tulare in lieu of the softball challenge.

ADJOURNMENT
The Council adjourned at 9:12 p.m. to the meeting of November 18, 2008 at 6:00 p.m.

SEAL
Luisa Herrera, Deputy City Clerk

_____________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – HELEN KENT

SOURCE: Administration

COMMENT: Ms. Helen Kent has filed a claim against the City in the unlimited jurisdiction of the Tulare County Superior Court for injuries allegedly sustained when she fell while walking through an abandoned tree planter on Garden Street near the corner of Main Street on August 22, 2008.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Helen Kent
Claimant's Address: 924 South Prospect, Porterville, CA 93257
Claimant's Telephone No. (Home): 559-781-8225 (Work): (559) 359-6186 (best contact)

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 8/22/08
Date injuries, damages, or losses were discovered: 8/22/08
Location of incident or accident: corner of Main & Garden (Bank of Sierra)

What did entity or employee do to cause this loss, damage, or injury? WALKED

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known): unknown

What specific injuries, damages, or losses did claimant receive? Broken left foot; broken nose; busted/bruised bottom lip; skinned hand

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)].

 unlimited civil case

How was this amount calculated (please itemize): seeking reimbursement for current & future medical, pain & suffering & lost

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 8/25/08 Signature: Helen Kent

If signed by representative:
Representative's Name
Telephone:
Address

Relationship to Claimant
On August 22, 2008 about 2:45 p.m., I went to Bank of the Sierras at the corner of Main St & Gander. We parked in the hand-capped space beside the Bank on Gander. I got out and went to the bank but it was closed due to a power outage. On the way back to the car, I stepped into the planter box where a tree used to be and fell twisting my foot, falling face first into the cement breaking my nose, bottom lip and scraping my right hand.

I went to the ER and they confirmed that my foot is broken and I need to see an orthopedic specialist.

I am in a neck brace due to having double neck surgery in July, but thank goodness I believe that my brace supported my neck and it is not bothering me.

Helen Kent (559) 539-6196
SUBJECT: CLAIM – KATHY KECK

SOURCE: Administration

COMMENT: Ms. Kathy Keck has filed a claim against the City in an amount of $1,514.00 for property damages the claimant alleges occurred when the water to her residence at 101 W. Heatherwood Court was turned off in error on September 23, 2008.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 3
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

CLAIMANT'S NAME: Kathy D. Reck

DOB: [ REDACTED ]

CLAIMANT'S ADDRESS: 101 W. Heatherwood Ct.

CLAIMANT'S TELEPHONE NO. (HOME) 559-784-6110 (CELL) 559-920-2005

DATE OF INCIDENT/ACCIDENT: 9-23-2008

DATE INJURIES, DAMAGES, OR LOSSES WERE DISCOVERED: 9-23-2008

LOCATION OF INCIDENT OR ACCIDENT: 101 W. Heatherwood Ct., upstairs sink & dressing area.

WHAT DID ENTITY OR EMPLOYEE DO TO CAUSE THIS LOSS, DAMAGE, OR INJURY: City mistakenly turned off our water and when they turned it on, our pipes burst causing damage to our upstairs sink.

WHAT ARE THE NAMES OF THE ENTITY'S EMPLOYEES WHO CAUSED THIS INJURY, DAMAGE, OR LOSS (IF KNOWN):

WHAT SPECIFIC INJURIES, DAMAGES, OR LOSSES DID CLAIMANT RECEIVE: Pipes under upstairs sink burst causing damage to [ REDACTED ]

WHAT AMOUNT OF MONEY IS CLAIMANT SEEKING OR, IF THE AMOUNT IS IN EXCESS OF $10,000, WHICH IS THE APPROPRIATE COURT OF JURISDICTION: [ REDACTED ]

HOW WAS THIS AMOUNT CALCULATED (PLEASE ITEMIZE): Service Master for water cleanup, drying & repair $327 1/4, water filter $[ REDACTED ]

DATE SIGNED: 10-23-08 SIGNATURE: Kathy D. Reck

IF SIGNED BY REPRESENTATIVE:

REPRESENTATIVE'S NAME

TELEPHONE:

ADDRESS:

RELATIONSHIP TO CLAIMANT
ServiceMaster by Benevento  
744 E. Douglas Ave.  
Visalia, CA 93292-3810  
(559) 625-8554

<table>
<thead>
<tr>
<th>P.O. Number</th>
<th>Terms</th>
<th>Rep</th>
<th>Ship</th>
<th>Via</th>
<th>F.O.B.</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>NET 30</td>
<td></td>
<td></td>
<td>10/15/2008</td>
<td></td>
<td></td>
<td>12000 - Job -</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item Code</th>
<th>Description</th>
<th>Price Each</th>
<th>Amount</th>
</tr>
</thead>
</table>
| WL        | DOL: 9/23/08  
REVISED BILLING  
WATER LOSS BILLING AS PER ATTACHED MITIGATION WORKSHEET  
$1017.50  
DEBRIS REMOVAL  
$25.16  
REINSTALL CARPET WITH NEW PAD  
$284.48 | 1,017.50 | 1,017.50 |
| DEBRIS    |             | 25.16 | 25.16 |
| RL        |             | 284.48 | 284.48 |

Total $1,327.14
Service Master by Benevento

Fed Tax Id#: 77-0361244

Insured: Keck, Kathy
Property: 101 Heatherwood Ct
Porterville, CA 93257

Home: *(559) 784-6110

Claim Rep.: Unknown

Estimator: Rosales, Lorian
Business: 744 E. Douglas Avenue
Visalia, CA 93291

Business: *(559) 625-8554

Claim Number: UNKNOWN
Policy Number: UNKNOWN
Type of Loss: Water Damage

Date Contacted: 9/23/2008 7:30 AM
Date of Loss: 9/23/2008 7:30 AM
Date Inspected: 9/23/2008 7:30 AM
Date Received: 9/23/2008 7:30 AM
Date Entered: 10/6/2008 11:28 AM

Price List: CAVL5B_15AUG08
Restoration/Service/Remodel

Estimate: KECK_KATHY_12900

The City of Porterville in the area and was supposed to turn off the water for the address at 91 Heatherwood Ct Porterville, Ca 93257. Unfortunately the water for 101 Heatherwood Ct. was inadvertently turned off. Once the City of Porterville restored the water to the correct address the pressure from the water broke the valves and water filter in one in of the sinks in the upstairs vanity area. This caused damage to the interior of the structure.
### MAIN LEVEL

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>REMOVE</th>
<th>REPLACE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency service call - during business hours</td>
<td>1.00 EA</td>
<td>0.00</td>
<td>121.26</td>
<td>121.26</td>
</tr>
<tr>
<td>Equipment setup, take down, and monitoring (hourly charge).</td>
<td>6.75 HR</td>
<td>0.00</td>
<td>278.44</td>
<td></td>
</tr>
<tr>
<td>Includes: EMS on 09/23/08 hourly labor to travel to job-site to deliver, setup, inspect, move and adjust, monitor, take moisture readings. Also includes service calls on 09/24/08, 09/25/08, 09/26/08, 09/29/08, and 09/30/08.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haul debris - per pickup truck load - including damp fees</td>
<td>0.25 EA</td>
<td>100.65</td>
<td>0.00</td>
<td>25.16</td>
</tr>
<tr>
<td>Carpet - Minimum charge</td>
<td>1.00 EA</td>
<td>0.00</td>
<td>195.00</td>
<td>195.00</td>
</tr>
<tr>
<td>Charge for re-stretching of the carpet that was detached during water mitigation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpet installer - per hour</td>
<td>1.50 HR</td>
<td>0.00</td>
<td>59.65</td>
<td>89.48</td>
</tr>
<tr>
<td>Travel fee for carpet installer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals: MAIN LEVEL</td>
<td></td>
<td></td>
<td></td>
<td>709.34</td>
</tr>
</tbody>
</table>

### MSTR VANITY

LxWxH 12' 2" x 6' 2" x 8"

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>REMOVE</th>
<th>REPLACE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>293.33 SF Walls</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>368.36 SF Walls &amp; Ceiling</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.34 SY Flooring</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>97.33 SF Long Wall</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36.67 LF Ceiling.Perimeter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lift carpet for drying</td>
<td>27.77 SF</td>
<td>0.00</td>
<td>0.29</td>
<td>8.05</td>
</tr>
<tr>
<td>Tear out wet carpet pad and bag for disposal</td>
<td>27.77 SF</td>
<td>0.37</td>
<td>0.00</td>
<td>10.27</td>
</tr>
<tr>
<td>Air mover (per 24 hour period) - No monitoring</td>
<td>7.00 EA</td>
<td>0.00</td>
<td>25.53</td>
<td>178.71</td>
</tr>
<tr>
<td>One A/M used for seven days to properly dry structure. Equipment was set on 09/23/08 and removed on 09/30/08.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dehumidifier (per 24 hour period) - No monitoring</td>
<td>7.00 EA</td>
<td>0.00</td>
<td>46.23</td>
<td>323.61</td>
</tr>
<tr>
<td>One DH used for seven days to properly dry structure. Equipment was set on 09/23/08 and removed on 09/30/08.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R&amp;R Carpet pad</td>
<td>27.77 SF</td>
<td>0.08</td>
<td>0.57</td>
<td>18.05</td>
</tr>
<tr>
<td>Totals: MSTR VANITY</td>
<td></td>
<td></td>
<td></td>
<td>538.69</td>
</tr>
</tbody>
</table>

KECK_KATHY_12900

10/16/2008

Page: 2
## MSTR BTHROOM

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>REMOVE</th>
<th>REPLACE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lift carpet for drying</td>
<td>1.00 SF</td>
<td>0.00</td>
<td>0.29</td>
<td>0.29</td>
</tr>
<tr>
<td>Tear out wet carpet pad and bag for disposal</td>
<td>1.00 SF</td>
<td>0.37</td>
<td>0.00</td>
<td>0.37</td>
</tr>
<tr>
<td>Air mover (per 24 hour period) - No monitoring</td>
<td>3.00 EA</td>
<td>0.00</td>
<td>25.53</td>
<td>76.59</td>
</tr>
</tbody>
</table>

One A/M used for three days to properly dry structure. Equipment was set on 09/23/08 and removed on 09/26/08.

| R&R Carpet pad | 1.00 SF | 0.08 | 0.57 | 0.65 |

Totals: **MSTR BTHROOM**

| Line Item Totals: **KECK_KATHY_12900** | 1,325.93 |

## Grand Total Areas:

<table>
<thead>
<tr>
<th>SF Walls</th>
<th>SF Ceiling</th>
<th>SF Walls and Ceiling</th>
<th>SF Floor</th>
<th>SY Flooring</th>
<th>LF Floor Perimeter</th>
<th>SF Long Wall</th>
<th>SF Short Wall</th>
<th>LF Ceiling Perimeter</th>
<th>Floor Area</th>
<th>Total Area</th>
<th>Interior Wall Area</th>
<th>Exterior Wall Area</th>
<th>Exterior Perimeter of Walls</th>
<th>Surface Area</th>
<th>Number of Squares</th>
<th>Total Perimeter Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>437.33</td>
<td>95.03</td>
<td>532.36</td>
<td>95.03</td>
<td>10.56</td>
<td>54.67</td>
<td>137.33</td>
<td>81.33</td>
<td>54.67</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**KECK_KATHY_12900**

10/16/2008  Page: 3
### Summary for Dwelling

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line Item Total</td>
<td>1,325.93</td>
</tr>
<tr>
<td>Material Sales Tax</td>
<td>@ 8.250%</td>
</tr>
<tr>
<td>Replacement Cost Value</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Net Claim</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

Resales, Loriann
COUNCIL AGENDA: NOVEMBER 18, 2008

SUBJECT: AWARD OF CONTRACT – FIRE STATION NO. 2 (SEWER CONNECTION) PROJECT (NEWCOMB STREET N. OF MORTON AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: On November 6, 2008 staff received five (5) bids for the Fire Station No. 2 (Sewer Connection) Project. The project includes installation of a sewer lateral, manhole connection, trench patching, concrete and pavement improvements and related sewer appurtenances within and adjacent to the Newcomb Street right of way.

The Engineer’s estimate of probable cost for the project is $16,164.50. The low bid is 3.7% above the Engineer’s estimate but falls within the 10% established by City Council. An additional $1,675.50 is required for the construction contingency (10%) and an additional $3,000 is required for construction management, quality control and inspection.

Funding is provided by the carry over of unused monies related to Phase One (training room facility) and Local Transportation Funds will finance the concrete improvements associated with the project.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Serna Construction, Inc.</td>
<td>$16,755.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>2. Halopoff &amp; Sons, Inc.</td>
<td>$19,690.08</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>3. Victory Engineers, Inc.</td>
<td>$19,955.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>4. HPS Mechanical, Inc.</td>
<td>$36,626.00</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
<tr>
<td>5. Central Valley Asphalt</td>
<td>$42,649.00</td>
</tr>
<tr>
<td>Lindsay, CA</td>
<td></td>
</tr>
</tbody>
</table>

Direct Appropriated/Funded: MB, CM, BS

Item No. 4
SUBJECT: ACCEPTANCE OF PROJECT – HENDERSON AVENUE STORM DRAIN, VILLA STREET TO ‘G’ STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Henderson Avenue Storm Drain Project, Villa Street to ‘G’ Street, per plans and specifications. The project included installation of 24” and 18” master plan storm drain piping, manholes, catch basins, pave-out and related appurtenances along the south side of Henderson Avenue from Villa Street to ‘G’ Street.

City Council authorized an expenditure of $312,849.32 for construction. Final construction cost is $312,331.10. Funding is provided by storm drain developer impact fees and was approved in the 07/08 Annual Budget.

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

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion.
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\pub\works\Engineering\Council Items\Acceptance of Project - Henderson Avenue Storm Drain Project - 2008-11-18.doc

Dir Appropriated/Funded CM Item No. 5
SUBJECT: ACCEPTANCE OF PROJECT – D AND HOCKETT STREET ALLEY RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff and Sons Inc. has completed the D and Hockett Street Alley Reconstruction Project per plans and specifications. The project included a v-gutter, asphalt concrete improvements, an alley approach and two wheelchair ramps.

City Council authorized an expenditure of $43,454.06 for construction. Final construction cost is $41,298.92. Funding for the project was approved in the 2008/2009 Annual Budget under Miscellaneous Alley and the funding source is Local Transportation Funds.

Halopoff and Sons Inc., requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion.
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\pwb\work\Engineering\Council Items\Acceptance of Project - D and Hockett Street Alley Project - 2008-11-18.doc
Reconstruction of "D" Street and Hockett Street Alley
COUNCIL AGENDA – NOVEMBER 18, 2008

THIS ITEM HAS BEEN REMOVED.

Item No. 7
SUBJECT: CALTRANS “CALL FOR PROJECTS” – BICYCLE TRANSPORTATION ACCOUNT (BTA)

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans has announced a “call for projects” for Fiscal Year 2009/2010. Projects approved by Caltrans will be 90% funded by Bicycle Transportation Account (BTA) funds. The local agency must provide a 10% match. Applications must be submitted to the Caltrans District 6 office by December 1, 2008.

A successful application must include:

1. Council resolution affirming the City’s commitment to fund the 10% local match. Measure “R” Bike funds can be used to satisfy this requirement.

2. CEQA clearance for each proposed project.

3. Provide proof that the City has an approved Bicycle Transportation Plan (BTP). On October 7, 2008, the City Council approved the BTP. The approved BTP should be re-approved and language should be included in the above mentioned resolution stating approval of said “plan”.

The top two projects listed in the City’s BTP are:

Project #1: Extension of Rails to Trails – Olive Avenue to Date Street. Engineer’s Estimate - $550,000. Local Share - $55,000

Project #2: Tule River Parkway – Main Street to Plano Street. Engineer’s Estimate - $492,000. Local Share - $49,200

RECOMMENDATION: That the City Council:

1. Direct the Public Works Director to complete and transmit two applications to Caltrans District 6 office for Projects #1 and #2; and

[Signatures]

DIR Appropriated/Funded MB CM Item No. 8
2. Authorize the Mayor to sign the attached Resolution that 1) affirms the City's commitment to appropriate funds in FY 2009/2010 to satisfy the City's 10% local match and 2) approves the attached Bicycle Transportation Plan which contains Project #1 and Project #2.

ATTACHMENT: Resolution
CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO RE-SCHEDULE THE ZONING ORDINANCE STUDY SESSION TO DECEMBER 16, 2008

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff is currently working with Dyett and Bhatia Urban Planning Consultants and the Community at large to create a comprehensive Zoning Ordinance to implement the newly adopted general plan. Staff has been conducting meetings with various committees to gather input on the process and has reviewed and provided comments on a number of important, including, but not limited to:

1. Land Use and Districts
2. Development Standards
3. Subdivisions
4. Administration
5. Supplemental Standards
6. Downtown Guidelines

To complete the process of reviewing and commenting on the first phase of the process, staff requested a study session to review the work accomplished to date and gather council comments. It was originally scheduled for December 2, 2008 because the item needs a significant amount of time to cover properly and it was expected that the agenda for that meeting would be light. With so many items on the agenda for the December 2, 2008 City Council meeting, staff would like to re-schedule the study session to the December 16, 2008 City Council meeting in anticipation of a light agenda, being so close to the Christmas holiday.

RECOMMENDATION: That the Council authorize staff to re-schedule the Study Session for the Zoning Ordinance Update to the December 16, 2008 City Council Meeting

ATTACHMENTS: None
CITY COUNCIL AGENDA: NOVEMBER 18, 2008

SUBJECT: REQUEST TO SCHEDULE STUDY SESSION TO REVIEW THE MARKET ANALYSIS AND BUSINESS INCUBATOR STUDY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In June 2007, the City received a grant from the U.S. Department of Commerce Economic Development Administration (EDA) for an analysis of market and industry trends to identify business clusters which could be successful within the local economy and to perform a business incubator assessment. The City contracted with Chabin Concepts to conduct the studies, with the business incubator component being performed by Claggett Wolfe Associates as a subcontractor to Chabin. A copy of the Executive Summary of the Market Feasibility Study for a Business Incubator is attached. The complete Market Analysis and Business Incubator Study is being provided to City Council and is available for review by the public by contacting the Community Development Department.

Staff is requesting a study session be scheduled for January 13, 2009 to review and discuss the information presented in the studies.

RECOMMENDATION: That the City Council schedule a study session on January 13, 2009 to review and discuss the material presented in the Market Analysis and Business Incubator Study.

ATTACHMENTS: Market Feasibility Study for a Business Incubator Executive Study

Item No. 10
Market Feasibility Study for a Business Incubator in Porterville, CA

This Report was Prepared under an Award from the
U.S. Department of Commerce
Economic Development Administration
to the City of Porterville.
Center for Entrepreneurial Training and
Business Incubator Development
Grant No. 07 79 06017

October 15, 2008
Acknowledgements

This publication was prepared by Claggett Wolfe Associates in collaboration with Chabin Concepts for the City of Porterville. The statements, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Economic Development Administration, the City of Porterville or its partners. Those involved in the project include:

Prepared For:
City of Porterville, Community Development Department

Submitted By:
Claggett Wolfe Associates
3108 Sunshine Meadows Lane
Auburn, CA 95602
530-878-8250

Principal Author
Chuck Wolfe, Claggett Wolfe Associates

Supporting Authors/Researchers
Fawn McLaughlin, F.J. McLaughlin & Associates
Sarah Murley, Applied Economics
Allison Larsen, Chabin Concepts

The researchers and authors of the report owe a debt of gratitude to the many organizations and individuals that participated in interviews for this project. A list of those that participated in the interviews is presented on the following page. Some names have been kept confidential at the request of the participant.
<table>
<thead>
<tr>
<th>Project Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acosta, Kari</td>
</tr>
<tr>
<td>Basra, Akbar Singh</td>
</tr>
<tr>
<td>Bohman, Michelle</td>
</tr>
<tr>
<td>Cardell, Arthur</td>
</tr>
<tr>
<td>Castle, Janice</td>
</tr>
<tr>
<td>Corkins, John</td>
</tr>
<tr>
<td>Delpeardang, Kent</td>
</tr>
<tr>
<td>Dimmitt, Craig</td>
</tr>
<tr>
<td>Domingo, Gil</td>
</tr>
<tr>
<td>Dunlap, Brad</td>
</tr>
<tr>
<td>Eckhoff, Dick</td>
</tr>
<tr>
<td>Ennis, Ben</td>
</tr>
<tr>
<td>Fallert, Kip</td>
</tr>
<tr>
<td>Fazzona, Mark</td>
</tr>
<tr>
<td>Flores Carlson, Dr. Rosa</td>
</tr>
<tr>
<td>Gaupe, Larry</td>
</tr>
<tr>
<td>Henry, William</td>
</tr>
<tr>
<td>Hamburg, Lisa</td>
</tr>
<tr>
<td>Ingraham, Gary</td>
</tr>
<tr>
<td>Jaramillo, Gl</td>
</tr>
<tr>
<td>Johns, Karen</td>
</tr>
<tr>
<td>Leavitt, Mary</td>
</tr>
<tr>
<td>Lollis, John</td>
</tr>
<tr>
<td>Longley, John</td>
</tr>
</tbody>
</table>
Executive Summary

Introduction

The City of Porterville has experienced residential growth over the past decade but has not had the advantage of similar growth in its base economy. The City's economic growth has been dominated by the retail sector (e.g., the addition of big box retailers such as Home Depot and Lowe's) with additional contributions coming from outside this sector with the opening of the Wal-Mart distribution center, the expansion of Beckman Coulter's local operation, and the attraction of ProDocument Solutions. Although some gains have been made, the City has recognized that additional initiatives must be undertaken to broaden its economic base and keep the quantity and quality of job creation at a pace that meets the needs of its diverse and growing population.

The purpose of this study was to validate the market potential and feasibility for one or more Porterville-based business incubator facilities to encourage entrepreneurs in different industry and business sectors.

Market Area

The project was initiated by looking at the City of Porterville and the market opportunities that might be captured by a Porterville-based business incubator. These opportunities can be translated into a geographic market area that might be served by such a program. In defining the market area the project team considered a number of dynamics that could influence a business incubator's capacity to attract and support client companies. These dynamics ranged from practical criteria such as accessibility to more complex conditions such as industry focus, competitive forces, and the value of services that might be offered to differentiate the incubator from other competing programs.

For the purpose of establishing an area of study, the project team initially focused on accessibility as defined by regional commute patterns and the area's historic trends in terms of economic expansion. Using these guidelines, the primary market area for the study was defined as follows.

- North along the Highway 65 and 99 corridors to Exeter and Lindsay.
- South along the Highway 65 and 99 corridors to Delano.
- East to the Sierras (including the communities such as Springville and California Hot Springs, and the Tule River Indian Reservation).
- West to Highway 99 (including Tulare and Visalia).

During the interview process some concerns were raised as to a Porterville incubator's ability to attract entrepreneurs from the Cities of Tulare and Visalia. After further consideration and a review of regional perceptions regarding travel, the project team found these concerns to have merit and the Cities of Tulare and Visalia were removed from the proposed market area as a primary source of potential deal flow.  

1 Based on research on business incubation around the U.S., the project team has found that regular travel habits and the associated location (and accessibility) of the incubator have a significant influence on an entrepreneur's decision to locate in the incubator facility and/or travel to use the incubator's resources.
Market Analysis

The market analysis followed a series of steps designed to assess regional conditions and identify opportunities for company formation, expansion and/or attraction that could be supported by a Porterville-based business incubation program. This process involved both a quantitative and qualitative assessment of a number of different factors, each of which served as an indicator of potential incubator demand. The project team used these indicators along with its experience to determine the market feasibility of the business incubation program and to develop projected demand figures. Information was gathered from published data sources and from over 40 interviews with individuals in the Porterville region.

- Aviation industry
- Renewable Energy industry
- Food Processing industry
- Technology industry
- Manufacturing industry (not included above)
- Business Services industry

In addition to current business activity, historic trends and future opportunities, the project team evaluated the region relative to a number of different criteria that could influence the feasibility of a Porterville-based business incubator. These criteria and their respective findings are presented in Tables 1 through 4. An expanded look at future cluster opportunities is presented in Appendix A of the full report.
# Table 1: Summary of Market Conditions by Targeted Industry Sector

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Business Activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>• Businesses w/employees</td>
<td>Very Limited</td>
<td></td>
<td>Very Limited</td>
<td></td>
<td></td>
<td>Limited</td>
</tr>
<tr>
<td>• Non-employer Businesses</td>
<td>None</td>
<td></td>
<td>Very Limited</td>
<td></td>
<td></td>
<td>Limited</td>
</tr>
<tr>
<td>Growth in Business Activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>• Businesses w/employees</td>
<td>Very Limited</td>
<td></td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
</tr>
<tr>
<td>• Non-employer Businesses</td>
<td>None</td>
<td></td>
<td>Very Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>• Future Industry Opportunities for Incubation</td>
<td>Very Limited</td>
<td></td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
</tr>
<tr>
<td>Local Innovation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>• SBIR/STTR Activity</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>• Patent Activity</td>
<td>None</td>
<td>None</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>None</td>
</tr>
<tr>
<td>• University Research Funding</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Value Added Business Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>• Accounting/Financial Services</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td></td>
<td></td>
<td>Adequate</td>
</tr>
<tr>
<td>• Legal Services</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td></td>
<td></td>
<td>Adequate</td>
</tr>
<tr>
<td>• Business Assistance Programs</td>
<td>General Business</td>
<td>General Business</td>
<td>General Business</td>
<td>General Business</td>
<td>General Business</td>
<td>General Business</td>
</tr>
<tr>
<td>• Industry Specific Support Programs &amp; Networks</td>
<td>Limited Regional</td>
<td>Regional</td>
<td>Limited Regional</td>
<td>Regional</td>
<td>Regional</td>
<td>Local &amp; Regional</td>
</tr>
<tr>
<td>• Business Financing</td>
<td>Adequate</td>
<td>Limited to Adequate</td>
<td>Adequate</td>
<td>Limited to Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------</td>
<td>------------------</td>
<td>------------</td>
<td>------</td>
<td>------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Local Business Conditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Available Workers - Unskilled</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
</tr>
<tr>
<td>Available Workers - Skilled</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
</tr>
<tr>
<td>Wage Rates and Benefits</td>
<td>Lower than Region</td>
<td>Lower than Region</td>
<td>Lower than Region</td>
<td>Lower than Region</td>
<td>Lower than Region</td>
<td>Lower than Region</td>
</tr>
<tr>
<td>Developable Sites</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
</tr>
<tr>
<td>Existing Space – Small Office</td>
<td>Not Applicable</td>
<td>Very Limited</td>
<td>Not Applicable</td>
<td>Limited</td>
<td>Not Applicable</td>
<td>Limited</td>
</tr>
<tr>
<td>Existing Space – Small Industrial</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
</tr>
<tr>
<td>Hwy and Road Networks</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Airport – Services</td>
<td>Charter</td>
<td>Charter</td>
<td>Charter</td>
<td>Charter</td>
<td>Charter</td>
<td>Charter</td>
</tr>
<tr>
<td>Incentive Zones</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Limited to Adequate</td>
<td>Adequate</td>
<td>Limited to Adequate</td>
</tr>
<tr>
<td>Livability of Community</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
<td>Limited to Adequate</td>
<td>Adequate</td>
<td>Adequate</td>
</tr>
<tr>
<td>Entrepreneurial Activity/Culture</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Limited</td>
<td>Limited to Modest</td>
</tr>
<tr>
<td>Local Leadership &amp; Support</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
</tr>
<tr>
<td>Competitive Forces</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
<td>High</td>
<td>Low to Moderate</td>
<td>Low to Moderate</td>
</tr>
<tr>
<td>Critical Business Factors that Impact Specific Industries</td>
<td>Assessment &amp; Perceptions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Available workers – both skilled and unskilled</td>
<td>Unemployment rates in Porterville and Tulare County have consistently exceeded state and national unemployment levels. This proves labor is available. However, the workers are predominately low-skilled and perceived not to be able to support high-end office or technology industries. The population level produces an inadequate labor supply to support back office operations which usually have at least triple turnover rates and require a very large labor pool.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reasonable wage rates and fringe benefits relative to competing cities</td>
<td>For aviation-related businesses, highly skilled production workers are imperative, including many engineer and scientist occupations which demand higher skills than the labor pool provides in Porterville.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abundant and networked vocational and technical training providers that meet the needs of local employers</td>
<td>Porterville is perceived to have lower wages than most populated areas of the San Joaquin Valley. California has some of the highest mandated benefits in the nation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Innovation opportunities with partner universities and research institutions</td>
<td>Porterville College has cut back many vocational programs. Other technical training providers are not located in Porterville. No industry-specific training programs are offered in Porterville.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ready-to-go sites and buildings served with all utilities, highway access, proper zoning and controls in place which will prevent undesired development. Reasonable lease rates or purchase prices are available.</td>
<td>Research partner institutions which enhance innovation and work with businesses to develop new products are not available in Porterville. CSU Fresno provides the nearest venue for innovation resources.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Porterville has lower cost land than near-by competitors (Visalia, Tulare). Land parcels and industrial parks are adequate, but not extensive. The city has a developed industrial park at the Porterville Airport with runway access.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No new buildings are available for industrial use. Unless companies desire a build-to-suit option, the lack of available industrial buildings puts Porterville behind the competition in projects seeking an existing building. Typically, 50% of all site searches prefer an existing building.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 2: Summary of Local Business Conditions

<table>
<thead>
<tr>
<th>Adequate capacity of all infrastructure systems to accommodate the projected needs of new business and industry.</th>
<th>Southern California Edison has recently located a new service center in Porterville and they are committed to serving the power needs of the community, especially the needs of new businesses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The wastewater treatment facility has 1.7 MGD unused capacity which will increase to 3.2 MGD (total capacity of 8.0 MGD) when 160 acres are added to the reclamation area.</td>
<td>Water, natural gas and communications are sufficiently available.</td>
</tr>
<tr>
<td>A network of highways and arterial roads that supports the efficient movement of people and goods.</td>
<td>Not being located on a major interstate highway limits interest by distribution facilities, despite Wal-Mart's presence in Porterville. All-time high fuel prices are putting more demands on warehouse and distribution projects to locate on major interstates. The impact of increasing traffic on local state routes is already being felt by local businesses, as well. Measure R funds are targeted for improvements on Highway 190.</td>
</tr>
<tr>
<td>Availability of multi-modal transportation systems, especially rail-served sites.</td>
<td>One available site is possibly served by rail but no rail spur has been designed to serve multiple sites in any industrial park.</td>
</tr>
<tr>
<td>Airport with scheduled service and cargo capabilities.</td>
<td>No commercial or cargo services occur at the Porterville Municipal Airport. Nearest commercial flights are out of Visalia, but limited. Other passenger airports in the area are located in Bakersfield and Fresno.</td>
</tr>
<tr>
<td>Incentives to lower cost of development and/or operations compared to other places.</td>
<td>Porterville has several incentive programs which help to compete with neighboring areas by reducing operating costs – HUB Zone, Targeted Tax Area, Recycling Marketing Development Zone and Foreign Trade Zone. These programs are useful tools but most site searches conduct a thorough analysis of basic business operation factors then incentives are considered later in the analysis. Incentives are often referred to as the “icing on the cake” or a “tie-breaker” but not the drivers for site location decisions.</td>
</tr>
<tr>
<td>Livability of Community.</td>
<td>Attractive small town and gateway to Sequoia National Park. A variety of housing stock is available, from executive to entry-level. Excellent K-12 schools.</td>
</tr>
<tr>
<td>Program</td>
<td>Assessment</td>
</tr>
<tr>
<td>---------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| Central California SBDC and SCORE | • Viewed as a potential collaborative partner versus a competitor.  
• Greatest benefit is in providing general business support across all industries.  
• If properly utilized, these programs would limit the need for an incubator to support the Business Services Industry. |
| Tulare County EDC | • Viewed as a potential collaborative partner with its business assistance services and Tools For Business Success web-site |
| Proposed College of the Sequoias Incubator | • Potential competitive program for businesses in all Industries, especially those in the technology, manufacturing and Business Services Industries.  
• Market findings indicate that this will likely face similar market challenges and could present a collaborative opportunity for the region. |
| Lyles Center for Innovation and Entrepreneurship | • Viewed as a potential collaborative partner, especially with the launching of the entrepreneurship training program in Porterville. |
| Central Valley Business Incubator (CVBI) | • Potential competitor for businesses in the Energy, Technology and Manufacturing Industries.  
• The program could also be viewed as a potential collaborative partner if arrangements can be established to extend CVBI’s resources and programs into Tulare County. |
| Existing commercial office and industrial space | • Availability of lower cost office space on a lease or sub-lease basis could present competition for an incubator.  
• There is a lack of small flexible industrial space in Porterville. However, small flexible space in Tulare and Visalia could create competition for a Porterville-based incubator focused on light manufacturing. |
Table 4: Assessment of Financial Viability

<table>
<thead>
<tr>
<th>Structure</th>
<th>Estimated Costs</th>
<th>Sources of Funding</th>
</tr>
</thead>
</table>
| Construct and own a stand-alone incubator facility - approximately 40,000 sq. ft. of office & light industrial space (new construction) | Land & Build - $7.5 million²  
Operating Costs - $250K annually³ | EDA - $1.5 to $2 million  
Program Revenue (e.g., rent, service fees) - $220K annually⁴  
Government general fund and private sector support |
| Lease existing 40,000 sq. ft. facility and build out office & light industrial space | Fit-up - $2.8 million⁵  
Lease expense - $240K annually⁶ | EDA - $ .5 to $2 million⁷  
Program Revenue (e.g., rent, service fees) - $220K annually⁸  
Government general fund and private sector support |
| Provide incubation services without a dedicated facility (e.g., contract with CVBI) | Operating Costs - $40K annually for 1 to 2 day per week on-site provide service to businesses in Porterville area | Program Revenue (e.g., service fees) - $5K - $8K annually⁹  
Government general fund and private sector support |

² Approximate figure based on land cost of approximately $5 per sq. ft. (3 acres), $150 per sq. ft. for construction and fit-up (prevailing wage), and $7 per sq. ft. site work.

³ Based on Claggett Wolfe Associates' experience with programs with 2.5 staff and general operating expenses.

⁴ Based on approximately 25,000 net leasable space at an average rate of $.70 per sq. ft., plus limited fee income from services.

⁵ Based on fit-up of 40,000 sq. ft. at approximately $70 per sq. ft. (prevailing wage).

⁶ Based on lease rate of $.50 per sq. ft.

⁷ There are restrictions for using EDA funds for leased properties which might preclude the use of these funds for the project.

⁸ Based on approximately 25,000 net leasable space at an average rate of $.70 per sq. ft., plus limited fee income from services.

⁹ Ibid.
Conclusions and Recommendations

A review of all of the targeted industries showed that the Renewable Energy and Food Processing Industries present future business attraction opportunities for the City of Porterville. However, due to a number of factors these sectors present limited or inadequate opportunity for a facility-based incubator in Porterville. The other targeted sectors may provide some near-term demand (i.e., estimated at 3 to 4 businesses) for a facility-based incubator, but these levels would be insufficient to sustain an effective incubation program. Demand may increase over a 7 to 10 year period as the community develops and supports a targeted business attraction effort, and solidifies its vision and leadership.

In addition, the project team concluded that following overarching efforts would impact Porterville’s capacity to develop a successful incubation program (currently or in the future).

- The Porterville area must develop an entrepreneurial culture (or mindset) where starting or working for a SME is an acceptable alternative to working for larger established businesses, government agencies and/or academic institutions. The current efforts to establish and expand entrepreneurial education in the area would serve as a solid platform for developing this culture.

- The region must expand effort to build its skilled and semi-skilled labor pool to provide the workers that would be needed to start grow and/or attract businesses in the targeted industries.

- The Porterville area should look for opportunities to encourage the development of small- and mid-size (e.g., 1,000-5,000 sq. ft.) commercial space for flexible office and industrial use that could be used to attract and retain growing companies that could be supported by incubation type services.

- The Porterville area must continue to work on improving its self-image to provide a positive environment for starting and growing SMEs.

Although a facility-based incubator would be premature at this time, the City of Porterville and its partners have a unique opportunity to lay the foundation for future entrepreneurial and SME development activity by continuing (and expanding) their youth entrepreneurship training program and implementing more focused entrepreneurship and SME developed efforts (e.g., business plan competitions and SME recognition events). In addition, current needs could be filled by establishing a formal relationship with the Central Valley Business Incubator (CVBI) to launch an on-going satellite program where CVBI staff would have a part-time presence in the community to serve local businesses and entrepreneurs. Such an arrangement would provide local support while opening up the broader regional resource network (e.g., coaching, professional services, technical skills and access to capital) that would be required to create value for the program’s clients.

The recommendations that follow are intended to provide the City of Porterville and its partners a list of action items that could help foster future opportunities for SME formation and growth. As efforts take hold they may generate sufficient future demand to warrant a facility-based incubator.
- Take steps to improve the area’s entrepreneurial culture (or mindset) by continuing and expanding the level of entrepreneurial activity in the community.

- Continue the collaboration with the CSU Fresno Lyles Center for Innovation and Entrepreneurship’s to deliver the “Moving at the Speed of Innovation” training in collaboration with the City of Porterville, Porterville College, the Porterville Unified School District and the Tulare County EDC. Supporters should consider expanding the program in line with other work conducted by Dr. Stearns of the Lyles Center to move the program down to the middle-school level to stimulate creative thinking and innovation that can be translated into entrepreneurial activity at the high school, college and university level.¹⁰

- Establish a local business plan competition at the high school and college level with a longer term objective of collaborating with surrounding communities to establish a regional competition for finalists from locally sponsored competitions.

- Establish an annual event to recognize local SMEs and entrepreneurs working in collaboration with the City of Porterville, Porterville Chamber of Commerce, Tulare King Hispanic Chamber of Commerce, Porterville College, the Porterville Unified School District and local businesses.

- Work with local and regional partners to bring back targeted vocational training programs at local schools and Porterville College focused on building skills to support businesses in targeted industries.

- Work with local developers to identify opportunity for developing smaller flexible office and industrial space to support efforts to encourage start-ups and attract existing SMEs in the targeted industries. The City should also communicate with developers to keep them abreast of potential demand as businesses grow beyond this small flexible space.

- Continue local efforts to enhance the community’s self-image and to project a positive image outside the area. This effort should incorporate imagery supporting small business and entrepreneurship as important components of the local economy.

- Lend support, where possible, to assist existing SMEs to strengthen and/or expand operations.

- Develop a menu of services that leverages existing programs and resources to assist businesses in the targeted sector (e.g., programs and resources offered Porterville College, Porterville Chamber of Commerce, Tulare King Hispanic Chamber of Commerce, Tulare County EDC, CSU Fresno Lyles Center, Central Valley Business Incubator, Central California SBDC, SCORE, etc.). The objective would be to make access to these services easy and transparent to the user regardless of the provider. The message and image should be consistent on the web-sites and in the literature of all community partners.
As the City of Porterville and its partners consider their options, they should approach the City of Visalia and its partners (e.g., Visalia EDC and the College of the Sequoias), and the City of Tulare to discuss opportunities for developing a regional incubator program. A collaborative arrangement between the two cities to share in the cost of establishing satellite operations of the Central Valley Business Incubator would be a viable interim step to providing high quality (and lower cost) incubation services to Tulare County and allow each community to review actual market demand prior to initiating the expensive undertaking of establishing a standalone business incubator in the future.
COUNCIL AGENDA: NOVEMBER 18, 2008

SUBJECT: AUTHORIZE HOLIDAY LIGHTING DECORATIONS ALONG MAIN STREET AND FOR GARDNER TREE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council previously approved $14,000 within the General Fund budget under Community Promotions for the annual lighting decorations along Main Street, for the Gardner Tree adjacent to City Hall, and for the Centennial Plaza gazebo. The gazebo lighting and the trees along Main from Thurman to Cleveland have been installed in advance of the annual Fabulous Music Jam event at a cost of $1,655.91. Authorization is now sought from the City Council for expenditure of up to $12,344 to have Christmas Décor perform the services necessary to light the Main Street trees and the Gardner Tree. The work generally consists of supplying the lighting materials, installing the lighting, remove the lighting, rental of special equipment for installation and removal of the Gardner Tree lighting, and storing the lighting materials.

RECOMMENDATION: Authorize and direct the Purchasing Agent to retain the services of Christmas Décor in an amount not to exceed the funding allocated within the budget for the holiday lighting decorations along Main Street, for the Gardner Tree, and for the Centennial Plaza gazebo.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT  
PORTERVILLE AREA MINISTERIAL ASSOCIATION - TREE LIGHTING CEREMONY, NOVEMBER 28, 2008

SOURCE: Administrative Services, Purchasing Division

COMMENT: The Porterville Area Ministerial Association is requesting approval to hold the annual "Tree Lighting Ceremony" at the Centennial Plaza, on Friday, November 28, 2008. The event consists of tree lighting and caroling from 4:00 p.m. to 8:00 p.m.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit "A."


DD  Appropriated/Funded  C.M.  Item No. 12
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 10/28/08  Event date: 11/29/08  Event time: 4:00 PM to 8:00 PM
Name of Event: TREE LIGHTING CEREMONY

Sponsoring organization: P.A.M.A.  PHONE 
Address: 
Authorized representative: KEITH HARRON  PHONE # 781-0922
Address: 1150 W. PIONEER  1229 W. HENDERSON  # 329
Event chairperson: 
PHONE 

Location of event (location map must be attached): CENTENNIAL PLAZA

Type of event: TREE LIGHTING & CAROLING

Nonprofit status determination: Yes

City services requested (an fees associated with these services will be billed separately)
Barricades (quantity): 
Street sweeping: Yes ___ No ___ 
Police protection: Yes ___ No ___ 
Refuse pickup: Yes ___ No ___ 
Other: 

Parks facility application required: Yes ___ No ___ 
Assembly permit required: Yes ___ No ___ 

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

Approve Deny
Bus Lic Spvr 
Pub Works Dir 
Comm Dev Dir 
Field Svs Mgr 
Fire Chief 
Parks Dir 
Police Chief 
Deputy City Mgr 

1 of 4
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.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

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 shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted prior to the event.

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 permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, 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.

<table>
<thead>
<tr>
<th>Name of organization</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAMA</td>
<td>Keith Hansen</td>
<td>10/31/08</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE

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

Name of event: ____________________________

Sponsoring organization: ____________________________

Location: ____________________________ Event date: _______ Event time: _______

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. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NONE**
CITY OF PORTERVILLE

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

Name of event: __________________________________________

Sponsoring organization: __________________________________________

Event date: ___________________________ Hours: ___________________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Closed

Parking lots and spaces

Location

Activity

NONE
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE AREA MINISTERIAL ASSOCIATION
TREE LIGHTING CEREMONY
NOVEMBER 28, 2008

Business License Supervisor:
S. Perkins Hartman

No requirements.

Public Works Director:
B. Rodriguez

Provide general clean up services immediately following ceremony. Sponsor shall not station, park or otherwise place equipment or vehicles on City sidewalk.

Community Development Director:
B. Dunlap

Porterville Redevelopment Agency is to be listed as Additional Insured.

Field Services Manager:
B. Styles

No comment.

Fire Chief:
Mario G. Garcia

No comment.

Parks and Leisure Services Director:
J. Perrine

No objections, conditions or requirements for this event.

Police Captain:
S. Rodriguez

Deputy City Manager:
J. D. Lollis

See attached exhibit “A”, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Area Ministerial Association
Event: Tree Lighting Ceremony
Event Chairman: Keith Hanson
Location: Centennial Plaza
Date of Event: November 28, 2008

RISK MANAGEMENT: Conditions of Approval

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

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.

EXHIBIT “A,” Page 2
This application must be submitted 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:
   
   Keith Hansen
   
   1150 W Pioneer
   
   Phone # 781-0922

2. Address where amplification equipment is to be used:
   
   Centennial Park
   
   Phone # 781-14

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Keith Hansen

4. Type of event for which amplification equipment will be used:
   
   Tree Lighting Ceremony

5. Dates and hours of operation of amplification equipment:
   
   FRIDAY - 11/28/08
   
   7:00 pm - 8:00 pm

(Note: Corrected Date)

6. A general description of the sound amplifying equipment to be used:
   
   TBD
I hereby certify that all statements and answers on this registration form are true and correct.

Keith Hansen
Applicant

Silver Rodriguez
Chief of Police

10/31/08
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker 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, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
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, juke box, 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.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URG
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.

cc: 

__________________________

__________________________

__________________________

3/27/01
# ACORD CERTIFICATE OF LIABILITY INSURANCE

**Producer:** (800) 995-7525 FAX: (800) 995-7521

**Church & Casualty Insurance Agency Inc**

3440 Irvine Ave Suite 150

Newport Beach, CA 92660

**Insured:** Pastor Don Roulsen (559) 784-3798

**Porterville Ministerial Assoc**

776 W Grand Ave

Porterville, CA 93258-2031

**Date:** 11/5/2008

---

### COVERAGES

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. Aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>HIERARCHY</th>
<th>LTR. SH.</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A X</td>
<td>GENERAL LIABILITY</td>
<td>COMMERCIAL GENERAL LIABILITY CLAIMS MADE OCCUR</td>
<td>0152503-02-927691</td>
<td>5/24/2008</td>
<td>5/24/2011</td>
<td>EACH OCCURRENCE: $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### AUTOMOBILE LIABILITY

- ANY AUTO
- ALL OWNED AUTOS
- SCHEDULED AUTOS
- HIRED AUTOS
- NON-OWNED AUTOS

COMBINED SINGLE LIMIT ($5 accident)

BODILY INJURY (Per person)

BODILY INJURY (Per accident)

PROPERTY DAMAGE (Per accident)

### GARAGE LIABILITY

- ANY AUTO

AUTO ONLY - EA ACCIDENT

OTHER THAN EA ACCIDENT

AUTO ONLY: AGG

### EXCESSUMBERLIA LIABILITY

- OCCUR CLAIMS MADE

DEDUCTIBLE

RETENTION

### WORKERS COMPENSATION AND EMPLOYERS LIABILITY

- ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED

- If yes, describe under SPECIAL PROVISIONS below

- WC STATUTORY LIMITS

- MEL EACH OCCIDENT

- MEL DISEASE - EA EMPLOYEES

- MEL DISEASE - POLICY LIMIT

### DESCRIPTION OF OPERATIONS/Locations/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Evidence of insurance for a Christmas Tree Lighting Ceremony located at 291 N. Main St., Porterville, CA on November 28, 2008. Certificate holder is named additional insured only with respect to the activities of the Insured Insured on the above described premises. All activities/operations not specifically run/acted by the Named Insured are excluded.

### CERTIFICATE HOLDER

(559) 781-0992

City of Porterville

Porterville Redevelopment Agency

291 N. Main St.

Porterville, CA 93257

### CANCELLATION

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 10 days written notice to the Certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative:

S. Zertuche, CIC/DARLE

ACORD 25 (2001/08) INS025 (0108).00c

©ACORD CORPORATION 1999

Page 1 of 2
PUBLIC HEARING

SUBJECT: WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

SOURCE: Public Works Department – Field Services Division

COMMENT: With the change in the seasons upon us and temperatures on the way down, water usage has slightly declined giving us the opportunity to let some of our wells rest from the long summer run. The water system operated through the peak hot months exceptionally well with only a few minor pump malfunctions. The addition of the newest Well No. 29, on West Henderson Avenue, was a great addition to the system and an asset for sustaining satisfactory water pressure levels during peak demand times throughout the summer. The system once again operated exceptionally well with no low pressure and fewer affiliated complaints than in past years.

Phase II of our Water Conservation Plan was implemented May 1, 2008, of this year with the introduction of the new voluntary odd/even watering plan. A media campaign for the conservation plan began with radio and newspaper messages. Billing statements were also sent out with inserts explaining the new plan (odd addresses would water on Tuesday, Thursday and Saturday, and even addresses would water on Wednesday, Friday and Sunday with NO watering on Mondays). Other programs promoted were May being declared Water Conservation Month and promotion of water saving ideas at the Porterville Fair booth. There was an approximate 10% lower consumption in the months of June and July than the previous year. Porterville residents are commended for their conservation efforts.

During the November 4, 2008, Council meeting, Council set November 18, 2008, as the Public Hearing date to return to Phase I of the Water Conservation Plan.

RECOMMENDATION: That the City Council return to Phase I of the Water Conservation Plan.

ATTACHMENT: Production Graph

P:\pub\workdir\Engineering\Council Items\PH Water System Status Ph II Water Conservation - 2008-11-18.doc

Dir Appropriated/Funded Item No. 13
PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT 8-2008 TO ALLOW FOR AN UP-GRADE TO FOUR (4) GAS DISPENSERS AND CANOPY AT SHERWOOD HANDY MARKET LOCATED AT 1907 W. MORTON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for an up-grade from two (2) to four (4) self-service automobile fuel dispensers and a canopy in conjunction with an existing 2,870 square foot convenience market. The subject site is situated in a C-1 (Neighborhood Commercial) Zone, located at 1907 W. Morton Avenue.

The self-service fuel operation will consist of two (2) islands containing four (4) gas dispensers each. The proposed canopy will be architecturally compatible with the existing building.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Conditional Use Permit 8-2008 subject to conditions of approval.

ATTACHMENT: Complete Staff Report
CITY COUNCIL STAFF REPORT
City of Porterville
November 18, 2008

CONDITIONAL USE PERMIT 08-2008
FOR CITY COUNCIL MEETING OF NOVEMBER 18, 2008
Proposed up-grade to four (4) gas dispensers and canopy in conjunction with an existing convenience market (Sherwood Handy Market) located at 1907 W. Morton Avenue.

APPLICANT: Osama Aroush
2464 W. Memory Lane
Porterville, CA 93257

PROPERTY OWNER: Sherwood Handy Market
Osama Aroush & Mounib Dakhil
1907 W. Morton Avenue
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for an up-grade from two (2) to four (4) self-service automobile fuel dispensers and canopy in conjunction with an existing 2,870 square foot convenience market. The subject site is situated in a C-1 (Neighborhood Commercial) Zone, located at 1907 W. Morton Avenue. The self-service fuel operation will consist of two (2) islands containing four (4) gas dispensers each. The proposed canopy will be architecturally compatible with the existing building.

SIZE OF PROPERTY: .417 acres

GENERAL PLAN CLASSIFICATION: Neighborhood Commercial

ZONING CLASSIFICATION: C-1 (Neighborhood Commercial)

SURROUNDING ZONING LAND USE:
North: City R-1 - Single family residential subdivision
West: City R-1 - Single family residential subdivision
South: City R-1 - Single family residential subdivision
East: City R-1 - Single family residential subdivision
LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>November 5, 2008</td>
<td>November 3, 2008</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING:

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of Conditional Use Permit 8-2008 to allow for an up-grade from two (2) to four (4) self-service automobile fuel dispensers and a canopy in conjunction with an existing 2,870 square foot convenience market. The subject site, approximately 417± acres, is a developed convenience market with two (2) fuel dispensers. The existing convenience, Sherwood Handy Market, is located at 1907 W. Morton Avenue. The proposed up-grade will be from two (2) existing self-service automobile fuel dispensers to four (4) proposed self-service automobile fuel dispensers and a canopy. The proposed canopy will be architecturally compatible with the existing building. A trash enclosure will be located at the north/west corner of the property and oriented at an angle for easy access by City trash trucks. A loading zone will be located near the existing convenience market for easy access and delivery. A five (5) foot wide landscaping strip separating the parking area from the public street will be constructed. Additionally, a six-foot in height masonry block wall separating the residential use with the commercial use will be in place along the property line.

The subject site was developed prior to annexation into the City in 2006. The subject site is consistent with the General Plan’s Land Use Diagram and zoning however, The City Zoning Ordinance requires approval of a Conditional Use Permit when automobile fuel dispensing is associated with the market.

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the draft resolution Conditional Use Permit 8-2008 subject to conditions of approval.

ATTACHMENTS:

1. Land Use and Zoning Map
2. Site Plan
3. Rendering
4. Draft Resolution

Fernando Rios
Project Planner

November 18, 2008
Date
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 8-2008 TO ALLOW FOUR (4) FUEL DISPENSERS AND A CANOPY AT SHERWOOD HANDY MARKET LOCATED AT 1907 W. MORTON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of November 18, 2008, conducted a public hearing to consider Conditional Use Permit 8-2008, being a request to allow for an up-grade from two (2) to four (4) gas dispensers and a canopy at Sherwood Handy Market located at 1907 W. Morton Avenue

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the site’s General Plan Land Use and Zoning Designation C-1 (Neighborhood Commercial).

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.

3. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

4. That the proposed project per Section 15061 (B)3 of the CEQA Guidelines is Categorically Exempt.

5. That the existing facility and site is physically suitable for the type of development proposed.

6. That the designs of the improvements are not likely to cause substantial environmental damage.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-2008 subject to the following conditions:

1. Fourteen (14) parking spaces are required for the project based on the 2,870 square foot mini-mart; applicant is proposing eighteen (18) parking spaces.

2. A five (5) foot wide screening planting strip shall be installed separating the parking area from the public street and shall be properly and permanently maintained.

3. One ADA van accessible parking (17’x 20’).
4. A six-foot in height masonry block wall. A block wall is required along the property lines separating the residential use from the commercial. A block wall is required to be constructed and maintained where a non-residential use abuts a residential use. NOTE: Applicant may request an extension of time to City Council if the construction of the wall is not financially feasible with in a year’s time.

5. Applicant/agent will remove existing wheel stops located on the east end of the project site.

6. Applicant/agent will provide a 10’ minimum width 400 square feet loading zone.

7. Applicant/agent will provide a trash enclosure to the satisfaction of field service.

8. Clear visibility from the cashier’s area in the convenience store to the fuel dispensing pumps will be required.


10. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

11. The developer/applicant shall comply with Appendix J, “Grading” of the 2007 California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

12. The developer/applicant shall construct curb, gutter, sidewalk, pave-out, etc. along the full frontage of the parcel (Ord. No. 1306).

13. The developer/applicant shall construct sidewalk to meet commercial standards (9.5 feet wide).

14. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

15. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s). A total of forty-two (42) feet of right of way is required south of Morton Avenue centerline. It appears from our records that an additional two (2) feet may be required to obtain the ultimate right of way width.
16. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

17. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer, or pay in lieu fee. Do not use wood poles without prior written approval of the City Engineer.

18. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

19. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

20. The developer/applicant shall relocate the existing water meter to the appropriate location within the sidewalk area. A Backflow prevention device shall be installed downstream of the meter (on private property) and protected from vehicular traffic.

21. A back-flow device is required on the water meter.

22. Install a grease trap or grease interceptor if one does not exist already.

23. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). The enclosure location is to be approved by City prior to issuance of building permit. The enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

24. Compliance with access laws (both State and Federal) is required.

25. Compliance with all applicable codes is required.

26. Soil compaction test is required.

27. School Development fees and all other city fees are due at the time of building permit.

28. Restrooms and Main entrance must comply with disabled access laws.

29. All construction offices, storage containers, etc. for temporary use must receive City Council approval.

30. Signs require separate permits.

31. The applicant/agent shall add an adequate video surveillance system on the new pumps to help prevent theft and vandalism.
32. The project must comply with latest applicable codes.

33. If unattended self-service dispensing is conducted communications to notify the Fire Department must be provided per 2204.3.6 C.F.C.

34. The subject site will be developed in accordance with the site plan, elevation plans, and building colors and materials labeled “Exhibit A”.

35. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

36. At all times, the convenience market shall be operational and maintained to comply with State Law, The City of Porterville Municipal Code, adopted building codes and all other applicable laws and ordinances.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
Sherwood Handy Market

Land Use/ Zoning

- Neighborhood Commercial/ C-1
- Low Density Residential/ R-1
SUBJECT: SECOND READING – ORDINANCE 1748, AMENDING CHAPTER 19 ARTICLE II OF THE MUNICIPAL CODE REGARDING PARKWAY TREES

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1748, an Ordinance of the City Council of the City of Porterville Amending Chapter 19 Article II of the Municipal Code Regarding Parkway Trees, was given First Reading on November 4, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1748, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1748

Item No. 15
ORDINANCE NO. 1748

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 19 ARTICLE II
OF THE MUNICIPAL CODE REGARDING PARKWAY TREES

WHEREAS: On March 4, 2008 the City Council of the City of Porterville adopted a comprehensive General Plan Update; and

WHEREAS: The Circulation Element of the adopted General Plan includes policies to facilitate the development of landscaped parkways along major streets and in new projects; and

WHEREAS: The City of Porterville Municipal Code currently has standards and regulations for the installation and care of parkway trees; and

WHEREAS: That additional clarification and provisions are needed to amend the Municipal Code to implement and maintain the desired improvements; and

WHEREAS: Significant efforts were made to involve the public in the creation of this ordinance; and

WHEREAS: A public hearing was held before the City Council on November 4, 2008, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: The project qualifies as a Class 8 Categorical Exemption from the California Environmental Quality Act, therefore no further environmental review is needed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Municipal Code to include what is attached hereto and incorporated herein by reference as Exhibit A.

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

PASSED APPROVED AND ADOPTED this ______ day of November, 2008.

ATTEST: ____________________________________________

Cameron Hamilton, Mayor

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Article II. Parkway Trees

19-31: Purpose

The purpose of this chapter is to promote and regulate the planting, long term care, maintenance, and protection of street trees within the city.

19-32: Definitions

For the purposes of this chapter, the words and terms used herein are defined as follows:

“City” means the City of Porterville

“Commission means the City of Porterville Parks and Leisure Services Commission

“Crown Dripline” means the outer perimeter of a tree’s canopy.

“Director” means the City of Porterville Parks and Leisure Services Director.

“Parkway” means that area of the public right of way that is between the back of curb, or edge of pavement if no curb, and the right of way line that is not covered by sidewalk. A parkway can also mean a tree well that is within a sidewalk.

“Parkway Tree” means any tree or other plant, other than ground cover, located within a parkway.

“Person” means individuals, associations, corporations, public agencies, joint ventures, partnerships, contractors, and other agents or employees.

“Property Owner” means the owner of property directly adjacent to the public right-of-way.

“Public Improvement” means any street paving, curbs, gutters, sidewalks, water pipes and appurtenances, sewer pipes and appurtenances, driveways or any other publicly owned facility located in a publicly owned street right-of-way, easement or on private property.

“Street means any public street, way, place, alley or other public property owned or controlled by the city for the present or future use of pedestrians or vehicles.

“Street Tree” means any tree that is located within the public right of way, or any tree within a street tree easement in or adjacent to the public right-of-way.

“Top” means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within a tree’s crown dripline to such a degree so as to remove the normal canopy and disfigure the tree.
19-33: Street tree guidelines

The City of Porterville is authorized to develop and administer guidelines for the care, preservation, pruning, planting, replanting, removal or disposition of street trees. These guidelines shall be adopted by resolution of the City Council. The Commission’s recommendation shall be considered when adopting the guidelines. The guidelines shall include an authorized species list, spacing guidelines for each authorized species, specifications for street tree planting, and specifications for nursery stock quality of street trees. The guidelines shall be periodically reviewed and updated as needed.

19-34: Tree Planting

A. No parkway tree shall be planted by any person without prior approval in writing of the Director.

B. It is unlawful for any person to plant or maintain any tree within ten (10) feet of any public sidewalk, street, or curb, exclusive of alleys, without approval of the Director or as part of a discretionary permit approval. Any person planting or maintaining trees contrary to this section may be required, after notice and hearing by the Commission, to remove said tree or perform such corrective measures as may be deemed necessary by the commission.

19-35: Protection and maintenance of street trees

No street tree shall be altered, pruned, or removed except in accordance with the provisions of this chapter and the adopted street tree guidelines. No person shall cause any substance or material to be on or near a street tree which shall restrict its natural growth or shall cause it damage. No person, without the approval of the Director, shall place or maintain any stone, cement or other substance so that it shall impede the free access of water or air to the roots of any parkway tree.

Attachment to trees

No person, without the approval of the Director, shall attach or keep attached to any parkway tree, or to the guard or stake intended for the protection thereof, any wire, rope, sign, or any other device whatsoever.

19-36: Topping

Except as necessary to insure public safety or as authorized by the Director, no person shall top any street tree or other tree located on public property. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the discretion of the Director.
19-37: Interference prohibited

No person shall interfere with the Director or persons acting under his authority while engaged in planting, mulching, pruning, trimming, spraying, or treating or removing any parkway tree of the city, or in the removing of any stone, cement or other substance from about the trunk of any parkway tree.

19-38: Protection during construction

Street trees shall be protected to the extent possible from damage during construction, sidewalk repair, repair of utility structures and facilities above and below ground, and other similar activities by the person conducting the construction or activity. The zone of protection shall include the ground beneath the crown dripline of the tree. Protection measures shall be included in building permit applications when building permits are required for construction.

19-39: Responsibility for care and maintenance

All watering and trimming of street trees for maintenance and beauty shall be the responsibility of the adjoining property owner, unless these responsibilities are fulfilled by a funding program authorized by the city, such as, but not limited to, a Homeowner’s Association or similar Assessment District.

19-40: Trimming heights

Notwithstanding other provisions of this chapter, property owners shall keep street trees adjoining their property and all private trees trimmed up to a height of not less than twelve (12) feet over a street or alley, and up to a height of not less than ten (10) feet over the parkway and sidewalk.

19-41: Trimming specifications

All street trees shall be pruned in accordance with American National Standards Institute (ANSI) A300 standards, as amended from time to time. A copy of the standards shall be maintained by the Director and made available for review upon request.

19-42: Protection of rights-of-way

Property owners shall keep public rights-of-way adjacent to owner’s property clear of debris.

19-43: Quality of street trees

New plantings of street trees shall be in accordance with the street tree guidelines for nursery stock quality.
19-44: Replacement of street trees

Street trees removed by the Director or by natural causes shall be replaced on-site, on a one-for-one basis. The location and species of any replacement tree shall be determined by the Director.

19-45: Removal of stumps

All stumps of removed street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

19-46: Responsibility for repair of curb, gutter and sidewalk

Repair and/or replacement of curb, gutter, and sidewalk damaged by a tree is the responsibility of the adjoining property owner.

19-47: Responsibility for repair of water services

Repair and/or replacement of water lines and other water infrastructure, between the water meter and the structure, damaged by a tree shall be the responsibility of the adjoining property owner.

19-48: Responsibility for repair of sewer laterals

Repair and/or replacement of sewer laterals damaged by a tree shall be the responsibility of the adjoining property owner.

19-49: Plantings in new developments

In new residential, commercial, and industrial developments, the developer shall plant street trees in the size, number, manner, and type required by the street tree guidelines and the city improvement standards. Funding for long term maintenance and care of the street trees, and repair to infrastructure damaged by the street trees, in new developments shall be provided through a Homeowner’s Association or a similar Assessment District.

19-50: Street trees under utility lines

Street trees planted under utility lines shall be of an approved species specified in the street tree guidelines.

19-51: Public health, safety and welfare

The Director shall have the right to plant, prune, maintain, spray and remove trees, plants and shrubs within public rights-of-way, as may be necessary to insure public safety and pedestrian clearance, and the long term health of the trees.
19-52: City’s right to remove street trees

No person shall severely prune, remove, injure or interfere with any parkway tree without a permit therefore from the Director.

A. The Director may remove parkway trees at city expense for the following reasons:
   1. Trees threatening an immediate hazard to persons or property;
   2. Trees directly in the way of the construction of public improvements;
   3. Dead trees.

B. The Director may authorize the removal or alteration of parkway trees at the property owner’s expense or at the expense of other than the city when said removal or alteration is, in the opinion of the Director, necessary to permit the alteration, repair, demolition or moving of any structure.

C. The Commission may authorize the removal of parkway trees at city expense for the following reasons:
   1. Dying, decayed or potentially hazardous trees;
   2. Trees diseased beyond reclamation;
   3. Trees causing a visual hazard to the traveling public;
   4. Trees hosting economically undesirable insects or diseases.

D. The Commission may authorize the removal of parkway trees at the expense of the property owner, or other than the city, for the following reasons:
   1. For property improvement when the Commission finds that a better or more suitable planting may be developed;
   2. For thinning to proper spacing;
   3. When the removal is for the purpose of repairing public improvements;
   4. For a more desirable planting or conformance with the approved tree list.

E. The Director shall advise the Commission of all removals authorized by the Director under this section.

F. It is the intention of the City Council to facilitate the planting of new trees whenever trees are removed, and to bring about the repair of public improvements damaged by parkway trees. In order to effect these purposes the Commission or Director shall, whenever practicable, require the following actions to be performed by the affected person as part of any removal authorization:
   1. Replacement of tree with a new tree of appropriate size;
   2. Repair of any public improvements damaged by the tree to be removed.
   The said replacement of tree or repair of public improvements specified in subsections A and B of this section shall be agreed upon in writing by the
affected person prior to any removals hereunder, in a form approved by the City Attorney.

G. The Director may refer any matter within the scope of subsections A and B of this section to the commission as he deems appropriate.

H. All authorization for tree removals granted under this section shall be valid for thirty (30) days following the date of said authorization.

19-53: Unauthorized removal of parkway trees; procedure for replacement

A. The owners of lots or portions of lots fronting on any portion of a public right of way or parkway who has removed, or caused to be removed, any parkway tree shall, within thirty (30) days following notice to replace, cause said tree to be replaced with a variety of tree approved by this article.

B. Notice to replace may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the parkway where said tree has been removed, or by mailing said written notice, postage prepaid, to the person in possession of such property, or to the owner thereof, at his last known address as the same appears on the last equalized assessment records of the City of Porterville or to the name and address of the person owning such property as shown in the records of the City Clerk. Said written notice shall contain a notice to replace said tree and the director shall immediately upon mailing of the notice cause a copy thereof, printed on a card of not less than eight inches by ten inches (8" x 10") in size, to be posted in a conspicuous place on the property.

C. The notice shall particularly specify the types of trees that are permitted for replacement and in the event any public improvement has been damaged by the tree removal, the notice shall specify the work of public improvement that is to be done, how it is to be done and what materials shall be used in the repair; it shall further specify that if the tree is not replaced and the repair is not commenced within thirty (30) days after notice is given and diligently and without interruption prosecuted to completion, the Director shall make such repair and replacement and the cost of the same shall be a lien on the property.

D. Upon completion of the replacement and repair by the City of Porterville, the Director shall cause notice of the cost of repair and replacement to be given in the manner specified in this section for the giving of written notice, which notice shall specify the day, hour and place when the city council will hear and pass upon a report of the Director of the cost of repair and replacement, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed by the provisions of this section or any other interested person.

E. Upon completion of the repair and replacement, the Director shall prepare and file with the City Council a report specifying the trees which have been replaced and the public improvements which have been repaired, the cost of the tree replacement, the
cost of the repairs, a description of the real property in front of which the repairs have been made or trees replaced, and the assessment against each lot or parcel of real property to be levied to pay the cost thereof. Any such report may include the cost of repairs or tree replacement of any number of parcels of property whether contiguous to each other or not.

F. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Director together with any objections or protests which may be raised by any of the property owners liable to be assessed for the replacement of a parkway tree and for the work of making such repair and any other interested person. Thereupon the City Council may make revision, correction or modification in the report as it may deem just, after which, by motion or resolution, the report as submitted or as revised, corrected or modified shall be confirmed. The City Council may adjourn the hearing from time to time. The decision of the City Council on all protests and objections that may be made shall be final and conclusive.

G. The cost of tree replacement and the cost of repair, if any, may be assessed by the city council against the parcel of property fronting upon the parkway where such tree has been replaced and repairs made, and cost so assessed, and if not paid within five (5) days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid or until it is discharged of record.

H. The Director may file in the Office of the County Recorder of Tulare a certificate giving notice of the lien and a description of the real property so assessed and the amount of the lien.

I. The lien shall be collected at the time and in the manner as ordinary city taxes are collected and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment and lien.

19-54: Tree removal; public utilities, and others

Any person maintaining any overhead wires, pipes, or underground conduits or appurtenances along or across any street desiring to have any parkway tree trimmed, pruned or removed in connection with the maintenance of its facilities may file with the director a written request that such work be done. Such request shall describe the work desired to be done, and it shall be within the discretion of the Director to require a written agreement upon the part of the petitioner to pay the cost thereof and to do such work in the way stipulated by the Director before the issuance of any permit hereunder, including the replacement of any trees removed hereunder.
19-55: City’s right to perform maintenance

The Director shall have the right to prune a tree overhanging any street or right-of-way within the city so that branches shall not severely obstruct the light from any street lamp or intersection, and so that there shall be a clear space of twelve (12) feet above street surface or ten (10) feet above the parkway and sidewalk surface. The Director may enter upon and may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

19-56: Utility company’s right to perform maintenance

Tree limbs growing near overhead lines and utility facilities may be pruned to clear such facilities by the affected utility company in compliance with applicable franchise agreements with the city.

19-57: City right to remove obstructions in right-of-way

If, in the director’s opinion, a real and significant vehicular sight line or pedestrian obstruction or hazard is created by shrubs, hedges, and similar vegetation, within the parkway, the adjoining property owner shall be required upon notification, to satisfactorily correct the situation within thirty (30) days. Upon failure of the property owner to comply with written notice, the director will cause such obstructions to be removed and will bill the property owner for all costs involved.

19-58: Street tree removal permits

The director shall establish a permit system to be used to authorize street tree removal. The director shall use his or her discretion with respect to tree removal permits as governed by this chapter and by the street tree guidelines. No person will be authorized to remove trees covered by this chapter without first having received a permit to do such work. Permits shall not be valid for a period longer than thirty (30) days from issuance date. Exceptions, in the discretion of the director, shall be those permits issued to public utilities serving the area, which permits may be valid for a period of one year.

19-59: Abatement of trees causing obstruction

A. Generally: It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be ten feet (10') over sidewalks, and twelve feet (12') over all streets except truck thoroughfares which shall have a clearance of sixteen feet (16').
B. Notice To Prune: Should any person or persons owning real property bordering on any street fail to prune trees as hereinabove provided, the Director shall order such person or persons, within ten (10) working days after receipt of written notice, to so prune such trees.

C. Order Required: The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

D. Failure To Comply: When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune such trees, and the exact cost thereof shall be assessed to the owner. The Administrative Services Director or designee shall, at the appropriate time each year, cause to be filed with the Tax Assessor of the county a description of the property together with the name of the owner or reputed owner thereof against which such special assessment shall be made, and the installment then due and unpaid with accruing interest, may be assessed as taxes against the owner or reputed owner of the real property, and the amount of money so assessed shall bear the same penalties and interest as taxes regularly assessed on default of payment thereof.

19-60: Appeal to council

Any interested person may appeal, in writing, a decision of the Director regarding a removal permit, setting forth his/her reason(s) for such appeal to the Commission. Such appeal shall be filed with the city clerk within ten (10) business days after the notice of the Director’s decision.

Any interested person may appeal a decision of the Commission to the City Council if a request therefore is filed with the City Clerk within ten (10) days after notice of the Commission’s decision. The appeal shall be placed on the agenda of the Council’s next regular meeting after the appeal is filed. If the appeal is filed within ten (10) business days of the council’s next regular meeting, the appeal shall be placed on the agenda of the council’s second regular meeting following the filing of the appeal. It shall be the duty of the Director to notify the property owner or other affected person of the time and place any appeal will be heard, such notice to be given at least ten (10) days prior to said hearing. The council shall consider the appeal and uphold, reverse, or modify the decision of the director. The decision of the council shall be final.

19-61: Liability

Nothing in this chapter shall impose any liability upon the city, or members of the council, or any of its officials or employees, nor relieve the property owner or occupant of any private property from the duty to keep his or her private property, sidewalks, and rights-of-way abutting such private property in a safe condition.
SUBJECT:  SECOND READING – ORDINANCE 1749, AMENDING SECTION 2617 OF THE ZONING ORDINANCE REGARDING HIGHWAY WALLS AND LANDSCAPING

SOURCE:  ADMINISTRATION/CITY CLERK DIVISION

COMMENT:  Ordinance No. 1749, an Ordinance of the City Council of the City of Porterville Amending Section 2617 of the Zoning Ordinance Regarding Highway Walls and Landscaping, was given First Reading on November 4, 2008, and has been printed.

RECOMMENDATION:  That the Council give Second Reading to Ordinance No. 1749 waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1749
ORDINANCE NO. 1749

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING SECTION 2617
OF THE ZONING ORDINANCE REGARDING
HIGHWAY WALLS AND LANDSCAPING

WHEREAS: On March 4, 2008 the City Council of the City of Porterville adopted a comprehensive General Plan Amendment; and

WHEREAS: The Economic Development Element and Circulation Element of the adopted General Plan includes policies encouraging the development of uniform attractive walls and landscaping along state highways in the community; and

WHEREAS: The City of Porterville Municipal Code currently has standards and regulations for the installation of highway walls; and

WHEREAS: That additional clarification and regulation is needed to the Municipal Code to implement and maintain the desired improvements; and

WHEREAS: Significant efforts were made to involve the public in the creation of this ordinance; and

WHEREAS: A public hearing was held before the City Council on November 4, 2008, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: The project qualifies as a Class 8 Categorical Exemption from the California Environmental Quality Act, therefore no further environmental review is needed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Zoning Ordinance to include as follows:

2617: FENCE REQUIREMENTS FOR SEPARATION OF RESIDENTIAL USES FROM NONRESIDENTIAL USES:

A. A masonry block wall six feet (6') in height shall be constructed and maintained on the side and/or rear lot line where a nonresidential use abuts a residential use or zone where there is no alley. If the residential use developed prior to the nonresidential use, a six foot (6') high wood fence may be constructed. The masonry wall footing, when constructed, shall comply with city standard plan B-Ib. The narrow offset portion of the masonry wall footing shall abut the existing wood fence posts, or close thereto. The gap between the fence shall be sealed with a top rail approved by the city engineer. A condition of approval may be imposed upon the developer of the nonresidential use to work with the adjacent property owner to eliminate the abutting and parallel wood fence. Said wall shall be constructed concurrently with the nonresidential development. Those uses subject to a
conditional use permit may be evaluated to determine applicability of the wall requirement.

B. In locations where a residential use is being developed adjacent to an existing nonresidential development, the residential development shall construct a wall within the residential development if one does not already exist. The property line between residential and nonresidential use shall be developed with a six foot (6') high masonry block wall. Subject masonry block wall shall step down to forty two inches (42'') in height from the side property line intersecting the front property line to a depth equal to the required front or side yard setback of the abutting residential use in order to provide for safe line of sight for vehicular traffic. The design of such improvements shall be approved by the city engineer.

C. Where a residential use abuts state highway rights of way or state highway frontage road rights of way, a masonry block wall at least eight feet (8') in height from finished grade shall be installed along that frontage, unless an acoustical analysis verifies that an appropriate height greater or lesser than the eight feet (8') is warranted, subject to the approval of any conditional use permit, parcel or subdivision map or any applicable development identified in subsection 2619A3 of this article.

Such masonry block wall shall be constructed of decorative, split-face block and brown in color per the approved colors maintained in the Community Development Department. The wall shall include decorative columns, spaced no more than sixty (60) feet apart, with stone veneer. The entire wall, including the columns, shall be capped on top. Figure 1 below contains an example of how this should look:

Landscaping shall be provided along these walls to include trees, shrubs, and vines in order to improve the aesthetics of the wall and prevent graffiti. Adequate land and access shall be provided to install and maintain such landscaping, to the satisfaction of the Parks and Leisure Services Director. Maintenance of wall landscaping shall be provided by the Developer, or by an assessment district established for said maintenance in perpetuity.

Figure 1 – Highway Wall Example
D. Wall height separating residential uses from nonresidential uses and public rights of way may be increased in height to accommodate adequate sound attenuation as required through the findings of an acoustical analysis prepared by an acoustical professional. The design of such improvements shall be approved by the city engineer.

E. Regardless of whether site design allows access to an alley, a block wall may be required based on the site design of the proposed parking lot, service area, or when other noise, light and glare generating uses are oriented toward a residential use. The wall design shall be approved as part of the project by the city engineer to ensure that adequate line of sight distance is provided.

F. The city engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review. (Ord. 1198, 5-6-1980; Ord. 1385 § 7, 8-18-1987; Ord. 1442 §§ 2, 3, 9-18-1990; Ord. 1678 § 3, 9-6-2005)

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

PASSED APPROVED AND ADOPTED this ______ day of November, 2008.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Patrice Hildreth, Chief Deputy City Clerk
CONSIDERATION OF A TIME CAPSULE IN CENTENNIAL PARK

A request was made by a City Council Member to provide information on time capsules for the Council's consideration for possible installation in Centennial Park.

A wide range of options are available for the Council's consideration with regard to the time capsule vessel, ranging in costs from $0 to approximately $700. In 2003, in recognition of the City's Centennial Celebration, the City and Chamber of Commerce jointly endeavored to place a time capsule at City Hall, which consisted of a donated barrel from Armstrong Olives filled with historical memorabilia from the City and local businesses. If the Council wished to proceed in this fashion, staff could investigate the same or similar options for a vessel, at $0 or minimal cost. More technologically-advanced vessels are also available, such as purchasing a time capsule from a manufacturer. Staff located one such manufacturer, Heritage Time Capsules, who provides a range of sizes, materials, and even preservation kits to ensure protection for the capsule's contents. Information on the manufacturer's options is attached hereto for Council's reference.

In the event the Council wishes to proceed with this project, care should be given for proper organization of the time capsule, such as selection of a retrieval date, and the appointment of a committee and an "archivist" to ensure the time capsule is not forgotten (which apparently is a very common occurrence). In fact, during staff's research a mention was made to another possible time capsule that was buried in the City sometime in the 1960's. As of the time of this writing, staff was unable to confirm its existence. Additional care should further be given to the selection of items to encapsulate, and the possible registration with the International Time Capsule Registry, which attempts to document all known time capsules.

RECOMMENDATION: That the Council provide further direction to staff.

ATTACHMENTS: Information from Heritage Time Capsules

Item No. 17
Price
Your Price: $179.00

Availability: In Stock

Quantity Pricing

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-200</td>
<td>$99.00</td>
</tr>
</tbody>
</table>

Description
For our clients that are looking for a metal time capsule, we offer the aluminum Personal Series Heritage Time Capsules. They are coated to protect against corrosion and sealed with an o-ring. Plus, these capsules are fire-resistant.

Each Capsule is laser engraved with a serial number to keep track of the respective beneficiaries. The Personal Series Heritage Time Capsule is environmentally secure, watertight, airtight and corrosion resistant to acid soils for ultimate protection.

Fundraising Idea: If you need to purchase 25 or more Personal Series Heritage Time Capsules, we’ll give you a discounted rate of just $99.00 each. That’s a savings of $80 per time capsule!

Product Details:
- Material: Aluminum
- Height: 16-inches
- Outside Diameter: 4.5-inches
- Weight: 6 pounds

Related Items
Price

Your Price: $479.00

Availability: In Stock

Choose Options and Quantity

Design

Signature White

Preservation Kit

☐ Yes [+55.00]

☐ No

Description

Our mid-size Composite Heritage Time Capsule. It is a beautiful Capsule that can be displayed or buried in the ground. The Composite Heritage Time Capsule is environmentally secure, corrosion resistant to acid soils, watertight and airtight for ultimate protection. This is a stand-alone unit for which a vault is not required.

PRODUCT DETAILS:

• Material: Composite
• Seal: Pressure-Closed-Cell Foam
• Size: Slightly bigger than a propane tank used on a gas grill
  o Height: 16-inches
  o Outside Diameter: 16-inches
  o Wall Thickness: 0.25-inches
  o Opening at Mouth: 12-inches
  o Weight: 24 pounds

FEATURES:

• Conforms well to gaps with rough surfaces as well as to expansion and contraction caused by temperature change
• When heated or compressed, the foam will not permit any component to be squeezed out

ADVANTAGES:

• Offers excellent weatherability, high resistance to low and high temperatures
• High chemical resistance (acids and alkalis)
• Easy to compress
• Excellent water tightness can be obtained
Design Your Own Time Capsule

Just Choose “Your Logo” from the Design Drop Box Below

Price
Your Price: $554.00

Availability: In Stock

Choose Options and Quantity

- Design: Your Logo (White)
- Preservation Kit: Yes (+$55.00), No
- Quantity: 1

Description

NOW you can include your own logo or design!

We now offer our customers the option of including their own custom logo or design on our Full-Size and Half-Size Time Capsules. If you would like to go this route, simply choose the color of your time capsule from the Design Drop Down. After you complete your order, a representative from Heritage Time Capsule will contact you with details on how to submit your custom logo or design. Or simply send your high-resolution logo or design in EPS or JPG format to sales@heritagetimercapsules.com.

Please allow five additional days for processing and producing custom-designed Heritage Time Capsules.

PRODUCT DETAILS:

Our mid-size Composite Heritage Time Capsule. It is a beautiful Capsule that can be displayed or buried in the ground. The Composite Heritage Time Capsule is environmentally secure, corrosion resistant to acid soils, watertight and airtight for ultimate protection. This is a stand-alone unit for which a vault is not required.

- Material: Composite
- Seal: Pressure-Closed-Cell Foam
- Size: Slightly bigger than a propane tank used on a gas grill
  - Height: 16-inches
  - Outside Diameter: 16-inches
  - Wall Thickness: 0.25-inches
  - Opening at Mouth: 12-inches
  - Weight: 24 pounds

FEATURES:
Price

Your Price: $579.00

Availability: In Stock

Choose Options and Quantity

Design  Signature White

Preservation Kit  

Yes [+69.00]  No

Quantity 1  Add to Cart

Description

Our largest Composite Heritage Time Capsule! It is a beautiful Capsule that can be displayed or buried in the ground. The Composite Heritage Time Capsule is environmentally secure, corrosion resistant to acid soils, watertight and airtight for ultimate protection. This is a stand-alone unit for which a vault is not required.

PRODUCT DETAILS:

- Material: Composite
- Seal: Pressure-Closed-Cell Foam
- Size: Slightly smaller than an apartment-sized hot water tank.
  - Height: 32-inches
  - Outside Diameter: 16-inches
  - Wall Thickness: 0.25-inches
  - Opening at Mouth: 12-inches
  - Weight: 34 pounds

FEATURES:

- Conforms well to surfaces as well as to expansion and contraction caused by temperature change
- When heated or compressed, the foam will not permit any component to be squeezed out

ADVANTAGES:

- Offers excellent weatherability, high resistance to low and high temperatures
- High chemical resistance (acids and alkalis)
- Easy to compress
- Excellent water tightness can be obtained
NOW you can include your own logo or design!

We now offer our customers the option of including their own custom logo or design on our Full-Size and Half-Size Time Capsules. If you would like to go this route, simply choose the color of your time capsule from the Design Drop Down. After you complete your order, a representative from Heritage Time Capsule will contact you with details on how to submit your custom logo or design. Or simply send your high-resolution logo or design in EPS or JPG format to sales@heritagetimecapsules.com.

Please allow five additional days for processing and producing custom-designed Heritage Time Capsules.

PRODUCT DETAILS:

Our largest Composite Heritage Time Capsule! It is a beautiful Capsule that can be displayed or buried in the ground. The Composite Heritage Time Capsule is environmentally secure, corrosion resistant to acid soils, watertight and airtight for ultimate protection. This is a stand-alone unit for which a vault is not required.

- Material: Composite
- Seal: Pressure-Closed-Cell Foam
- Size: Slightly smaller than an apartment-sized hot water tank.
  - Height: 32-inches
  - Outside Diameter: 16-inches
  - Wall Thickness: 0.25-inches
  - Opening at Mouth: 12-inches
  - Weight: 34 pounds

FEATURES:
Search

Home > Additional Products

Category
› Time Capsules
› Additional Products

Products (Total Items: 4)

- [Heritage Medallion]
  - Price: $650.00
  - Order by: [Buy]

- [Heritage Vault]
  - Price: $999.00
  - Order by: [Buy]

- [Preservation Kit Full-Size]
  - Price: $69.00
  - Order by: [Buy]

- [Preservation Kit Half-Size]
  - Price: $55.00
  - Order by: [Buy]

Copyright © 2006 Heritage Time Capsules. All Rights Reserved. Ecommerce Software powered by 3DCart.
CITY COUNCIL AGENDA: NOVEMBER 18, 2008

SUBJECT: REQUEST FOR COUNCIL PARTICIPATION EVALUATING GRANT WRITER CONSULTANT QUALIFICATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the October 21, 2008 City Council meeting, Council directed staff to solicit interest from qualified individuals and/or firms to act as an On-Call consultant for preparation of grant applications. A Request for Qualifications was distributed on October 17, 2008 and seven (7) Statement of Qualifications (SOQ) were received by the November 5 deadline.

A team has been coordinated to evaluate the SOQ’s, consisting of the City Manager, Deputy City Manager, Community Development Director, and Park and Leisure Services Director. Staff is requesting that Council appoint one member to assist with evaluation of the consultant qualifications for grant writers per the Public Works consultant evaluation process.

RECOMMENDATION: That City Council appoint one Council member to work with staff to evaluate the consultant qualifications for grant writer.
COUNCIL AGENDA

Request to Establish LOOP Service for Porterville Area

City Manager

Members of the City Council have expressed interest in the past in a LOOP bus that would bring youth from Woodville, Poplar, and Terra Bella to Porterville for activities. Supervisor Phil Cox has encouraged the City to apply for the creation of the service. The service is intended especially to assist at-risk youth with a specific focus on age ranges 8 to 10. It is a gang prevention activity.

A potential program would be to bring youth to the City Library. The bus, operated by Tulare County Area Transit, could stop in the three communities on a loop and drop the youth off at the Porterville Library. The loop could remain continuous until 8PM when the Library closes on Monday through Thursday.

Other sites for drop off could be defined as the program proceeds, and these could include the City Pool in the summer, or the City’s Heritage Youth Center. Also, the service could be coordinated with the Porterville Unified School District to define specific sites for pick-up and important activities that the bus might serve. In Visalia, the connection with the unified school district was important to tie the outlying communities in with City functions.

If we proceed, this will be one of the first times the City has been the catalyst on the effort. It is critical that the City be a member of the partnership and the provision of services between the city, schools, Boys and Girls Club and other activity providers is the critical ingredient regarding success.

One important item regarding success will be the availability of buses for the program. Porterville is now holding three surplus buses, one of which Tulare County Area Transit may want to use for services such as this. However, they are diesel buses and particulate filters will have to be purchased and installed to meet California Air Resources Board (CARB) requirements. If the City were to donate one of the buses, it may be more feasible for the County to retrofit the bus for LOOP service.

Item No. 19
RECOMMENDATION:

(1) Authorize the City Manager to correspond with Supervisor Cox asking to initiate a LOOP service for Southeastern Tulare County.

(2) Specifically coordinate with the Porterville Unified School District regarding the implementation of the service including pick-up and activity sites.

(3) Donate a surplus 1999 Ford Aerotech bus held by the City to TCAT.

C/M
SUBJECT: AUTHORIZATION TO ENTER INTO A LOAN AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE PORTERVILLE REDEVELOPMENT AGENCY AND APPROVAL TO AMEND CONTRACT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the January 15, 2008 joint meeting of the Porterville City Council and Porterville Redevelopment Agency, both entities approved the Redevelopment Area Amendment and Master Plan as projects. During the May 6, 2008 joint meeting of the City Council and Redevelopment Agency, the contract with Urban Futures, Inc. (UFI) for the Redevelopment Area Amendment was approved and a budget of $500,000 for both the Amendment and Master Plan projects was established.

Upon review of the first phase of the blight determination provided by UFI, staff has found merit in expanding the focus area to include a number of small “pockets” of land that were not included in the original study area and a larger portion of East Porterville. The significance of including these parcels into the Redevelopment Area will provide significant opportunity for the Agency to address blighting conditions which have a direct impact on quality of life and economic development opportunities. Some of these conditions include deteriorating buildings, lack of infrastructure, and a prevalence of crime. Each of these conditions can be addressed through activities and funding of the Redevelopment Agency. UFI provided a consultant services cost of $64,300 (which, does not include other expenses such as consultant travel, reproduction, mailings and any other direct and out of pocket expenses) to add area one into the redevelopment plan amendment process. A map showing the potential added area is provided as Attachment 1.

The 2008/09 budget provided funding for this project in the amount of $100,000 as a loan from the Risk Management to the Redevelopment Agency. This funding was not a factor in the original budget of $500,000, which uses a combination of Redevelopment unallocated reserves, reallocation of funding from the Enterprise Zone application, and a loan from the Porterville Civic Development Foundation. To fund the proposed additional areas, the budgeted $100,000 loan would be required.

The Redevelopment Agency is requesting that the loan bear 3% simple interest, beginning upon the adoption of the amended area and that repayment be due and payable in thirty (30) years.

RECOMMENDATION: That the Porterville Redevelopment Agency:

1) Request a loan in the amount of $100,000 from Risk Management for the expansion of the area to be included in the Redevelopment Project Area Amendment and

APPROPRIATED/FUNDED [Signature]

ITEM NO. PRA-01
2) Amend the contract with Urban Futures, Inc. to include Area 1 as shown on Attachment 1 of this document in an amount not to exceed $64,300.

That City Council:

1) Approve the Redevelopment Agency’s request for a loan in an amount not to exceed $100,000 for the expansion of the area to be included in the Redevelopment Area Amendment, with 3% simple interest accruing beginning upon the adoption of the Redevelopment Project Area Amendment and that payment be deferred for thirty (30) years.

ATTACHMENT: 1) Potential Added Area Map
PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: In 1992, the Porterville Public Financing Authority was formed designating the City Council members as directors. According to the Authority’s By-laws, an annual meeting is to be held each year to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 issued in December 1992. In September 2008, the Redevelopment Agency refinanced the Tax Allocation Bonds for the purpose of financing the Porterville Hotel Project and related housing project. The same reporting requirements are necessary.

A status report for these projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept public comment, and approve the 2008 Status Report for the Redevelopment Bond Issue #1 and refinancing of Tax Allocation Bond Projects.

ATTACHMENT: 2008 Status Report for Redevelopment Bond Issue #1 and Refinance of the Tax Allocation Bond Projects
PORTERVILLE REDEVELOPMENT AGENCY
Bond Issue No. 1 and
Refinance of Tax Allocation Bonds
Status Report
As of November 1, 2008

1992 Total Bond Issue: $6,185,000
   Redevelopment Fund $4,682,242
   Low and Moderate Income Housing Fund $1,170,561

2008 Total Refinance Bond Issue: $8,475,000
   Redevelopment Fund $5,725,000
   Low and Moderate Income Housing Fund $2,750,000

<table>
<thead>
<tr>
<th>REDEVELOPMENT FUND</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects:</td>
<td></td>
</tr>
<tr>
<td>Porterville Hotel Project</td>
<td>Due diligence</td>
</tr>
<tr>
<td>Streetscape:</td>
<td></td>
</tr>
<tr>
<td>Main Street – Morton Avenue to Olive Avenue (includes conversion of Main Street, Second Street and Hockett Street to two-way traffic)</td>
<td>Complete</td>
</tr>
<tr>
<td>Putnam Avenue and Olive Avenue – Hockett Street to Second Street</td>
<td>Design Phase Complete</td>
</tr>
<tr>
<td>Street and Pedestrian Lighting of side streets</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Alley Lighting – Morton Avenue to Olive Avenue</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Street Furnishings</td>
<td>Phase I Complete; Additional Phases to be accomplished as funds become available</td>
</tr>
<tr>
<td>Main Street – Olive Avenue to Orange Avenue</td>
<td>Design Phase Complete</td>
</tr>
<tr>
<td>Parking Lots – Construction and Acquisition:</td>
<td>Complete</td>
</tr>
<tr>
<td>Second/Harrison</td>
<td></td>
</tr>
<tr>
<td>Hockett/Oak</td>
<td>Site was acquired by the City of Porterville and construction completed for a Transit Center on site utilizing alternative funding source.</td>
</tr>
</tbody>
</table>

ATTACHMENT ITEM NO. 1
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second/Olive and adjacent lots</td>
<td>Complete</td>
</tr>
<tr>
<td><strong>Building Renovation:</strong></td>
<td></td>
</tr>
<tr>
<td>Financial Incentive Program</td>
<td>14 Façade Renovations Complete</td>
</tr>
<tr>
<td><strong>Building Assistance:</strong></td>
<td></td>
</tr>
<tr>
<td>Chamber of Commerce Office Complex</td>
<td>Complete</td>
</tr>
<tr>
<td><strong>Loan Repayment:</strong></td>
<td></td>
</tr>
<tr>
<td>City Loan Repayment – Risk Management Fund Loan 1</td>
<td>Complete</td>
</tr>
</tbody>
</table>

### LOW AND MODERATE INCOME HOUSING FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Villa Siena – (Macfarlane &amp; Costa) 70 unit multi use Low and Moderate Housing Project (a portion of the replacement housing for the Porterville Hotel)</td>
<td>Due diligence</td>
</tr>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 1 (1994)</td>
<td>Complete - $250,000 expended</td>
</tr>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 2 (Year 2002)</td>
<td>Complete - $121,951 expended</td>
</tr>
<tr>
<td>Low Income Homebuyer Casas Buena Vista Homebuyer Assistance</td>
<td>Complete - $425,342 expended</td>
</tr>
<tr>
<td>Casas Buena Vista Project Common Area Improvements, Utilities, Meeting Expenses, Escrow Costs, Debt Service</td>
<td>Complete - $321,830 expended</td>
</tr>
<tr>
<td>Multifamily Rental Construction Program: Project #1: St. James Place Construction Complete February 2005</td>
<td>Complete - $254,000 expended (served as the 25% match for the $1,000,000 HOME grant)</td>
</tr>
<tr>
<td>Project #2: Date Avenue Apartments Infrastructure</td>
<td>Complete - $115,000 expended</td>
</tr>
<tr>
<td>Implementation Plan</td>
<td>Complete - $24,364 expended</td>
</tr>
</tbody>
</table>