CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
FEBRUARY 17, 2009, 6:00 P.M.

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:
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   6- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Council Member Felipe Martinez
Invocation

**PROCLAMATIONS**
2010 Census Partnership

**PRESENTATIONS**
Student Entrepreneur Challenge
U.S. Census Bureau
City Manager’s Featured Project

**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. **Claim – Tyrrell Management Company**
   Re: Considering rejection of a claim in an amount of $823.00 for fence damages that the claimant alleges occurred when a limb from a City tree fell and struck the fence at 303 North D Street on August 15, 2008.

2. **Potential Partnership with CSET for Proposition 84 Water Quality Grant Project – Murry Park Pond Island Removal**
   Re: Informational report regarding a possible partnership with CSET for Proposition 84 grant monies to fund the removal of the island and collected silt from the Murry Park pond.

3. **Authorization to Subordinate Development Fee Payment Plan Agreement – Stephen and Sharon Pearson**
   Re: Considering approval to subordinate agreement between the City and Stephen R. and Sharon A. Pearson to the new loan being executed by the Pearsons for the purpose of refinancing.

4. **Animal Shelter Environmental Determination: APN 251-350-016**
   Re: Making the determination that the development of an animal shelter, dog park and supporting parking and service area on proposed property is categorically exempt from the California Environmental Quality Act pursuant to Section 15332, Class 32 – Infill Development Projects.

5. **Tea at the Zalud House**
   Re: Acceptance of an informational report regarding the ‘Tea at the Zalud House’ event, hosted by the Garden Club on May 16, 2009, from 11:00 a.m. to 2:00 p.m., for the purpose of raising funds for the Zalud House garden enhancement and house renovation.

6. **Electronic Message Board**
   Re: Considering approval of the purchase of an electronic message board to be installed at a location along the Prospect Street frontage of Veteran’s Park for the purpose of promoting Parks and Leisure Services activities.

7. **Purchase of Police Vehicles**
   Re: Authorizing the purchase and outfitting of five marked police vehicles and two Night Watch Commander vehicles for replacement.

8. **Approving a Resolution Authorizing the Submittal of a County-wide State Enterprise Zone Application**
   Re: Considering approval of a resolution authorizing the submittal of a County-wide State Enterprise Zone application and a Joint Powers Agreement for the administration of the targeted tax areas.
9. **Appointment to CDBG Citizens’ Advisory and Housing Opportunity Committee**  
   Re: Considering the appointment of an individual to the Community Development Block Grant Citizens’ Advisory and Housing Opportunity Committee for a term of one year.

10. **Approval for Community Civic Event – Porterville Chamber of Commerce Iris Festival, April 25, 2009**  
    Re: Considering approval of the annual event to take place on Saturday, April 25, 2009, from 9:00 a.m. to 5:00 p.m. on Main Street in downtown Porterville.

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

**PUBLIC HEARINGS**

11. **Request for Reconsideration of Conditional Use Permit 9-2007 (Mr. Iqbal Singh – Friendly Liquor at 809 W. Olive Avenue)**  
    Re: City Council request for reconsideration of CUP 9-2007, to which Modification No. 1 was approved by the Council on February 3, 2008.

12. **Request to Allow for a Conditional Use Permit 4-2008 to Upgrade an Existing Type 20, Beer and Wine Off-Sale License to a Type 21, Beer, Wine and Distilled Spirits Off-Sale License and Letter of Public Convenience or Necessity for an Existing Mini-Mart Located at 809 E. Putnam Avenue**  
    Re: Considering approval of an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits for an existing Mini-Mart located at 809 E. Putnam Avenue.

**SCHEDULED MATTERS**

13. **Projects at Risk Due to Funding Source**  
    Re: Informational report regarding projects that are at risk due to State and Federal funding.

14. **Request Approval of Location to Establish a Card Room Located at 1365 West Olive Avenue**  
    Re: Consideration of a card room location at the Wally’s Hardware Building located at 1365 West Olive Avenue.

15. **Council Member Request – Consideration of City Sponsorship for Youth Voice Conference**  
    Re: Consideration of a request for City sponsorship for the first annual Youth Voice Conference event to take place on March 13, 2009 at the Galaxy 9 Theatres in Porterville.

16. **Council Member Request – City’s Bike and Pedestrian Plan**  
    Re: Informational report regarding the City’s Bike and Pedestrian Plan and information relative to the establishment of a bike route from the west side of the City to the western terminus of the Tule River Parkway trail.

17. **Council Member Request – Consideration to Modify City of Porterville Municipal Code Regarding Delinquent Utility Bills**  
    Re: Informational report regarding the City’s Municipal Code as it pertains to delinquent utility bills.
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 March 3, 2009 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 Office of City Clerk at (559) 782-7464. Notification 48 hours
prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this
meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda
packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the
Agenda packet are available for public inspection during normal business hours at the Office of City
Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at
www.ci.porterville.ca.us.
CITY MANAGER'S FEATURED PROJECT
FOR FEBRUARY, 2009

1. Launch of Economic Development Website Choose Porterville
SUBJECT: CLAIM – TYRRELL MANAGEMENT COMPANY

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Tyrrell Management Company has filed a claim against the City for damages in an amount of $823. Claimant alleges that their fence at 303 North D Street was damaged when a limb from a City tree fell and struck it on August 15, 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: Tyrrell Management Co.
Claimant's Address: 2915 W. Henderson Ave.
Claimant's Telephone No. (Home): (Work) (559) 784-5870
Address where notices about claim are to be sent, if different from above: Same as Above

Date of incident/accident: 8/15/2008
Date injuries, damages, or losses were discovered: 8/15/2008
Location of incident or accident: 303 N. D St.
What did entity or employee do to cause this loss, damage, or injury? Tree limb from city tree fell and destroyed private fence.
(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):

What specific injuries, damages, or losses did claimant receive? Property fenced destroyed.
(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)].

$823.00

How was this amount calculated (please itemize): $51.00 to remove broken fence & haul. $640.00 to build new fence. $132.00 to paint new fence.
(Use back of this form or separate sheet if necessary to answer this question in detail.)
Date Signed: 11/29/09 Signature: D.L.Y.O
If signed by representative:
Representative's Name Telephone:
Address: #
Relationship to Claimant:
SUBJECT: POTENTIAL PARTNERSHIP WITH CSET FOR PROPOSITION 84 WATER QUALITY GRANT PROJECT – MURRY PARK POND ISLAND REMOVAL

SOURCE: Administration

COMMENT: City staff recently met with representatives of CSET (Community, Services, Education, Training) to discuss possible water quality improvement projects that may be eligible for funding through Proposition 84 grant monies, for which CSET has eligibility to apply. Through discussion of potential projects, the removal of the island from the Murry Park pond and removal of collected silt has been identified as a very feasible project. The removal of the island is a component of the Murry Park Master Plan, and in addition, has been identified as a primary remedy to improve the water quality of the pond due to less water fowl that would be present as a result of the elimination of the island nesting area. The removal of collected silt and fowl fecal matter would also greatly assist in the pond’s future water quality.

CSET personnel have visited the Murry Park pond site to develop the project scope, and City staff has been assigned to identify potential contaminants in the removal of the collected fowl fecal matter. Further information will be provided by staff to the Council as the project scope is developed.

RECOMMENDATION: Information Only

ATTACHMENT: None
CITY COUNCIL AGENDA: FEBRUARY 17, 2009

SUBJECT: AUTHORIZATION TO SUBORDINATE DEVELOPMENT FEE PAYMENT PLAN AGREEMENT – STEPHEN AND SHARON PEARSON

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On August 23, 2007, a Development Fee Payment Plan Agreement (DFPPA) in the amount of $129,141.73 was executed between the City and Stephen R & Sharon A Pearson (Pearsons) for the development of an apartment complex on approximately 26,078 square feet of real property, located at 55 North E Street. On February 5, 2009, the Pearsons submitted written notification that they are refinancing the property and, as such, the financial institution requires that the DFPPA be subordinated to the new loan.

Staff has noted that the Pearsons have adhered to the terms and conditions of the DFPPA and that no payments are in arrears. A balance of $77,485.02 remains on the DFPPA. Staff recommends the subordination of the DFPPA to the new loan being executed by the Pearsons.

RECOMMENDATION: That the City Council:

1. Approve the subordination of the Development Fee Payment Plan City-Wide Agreement No. 03-2007 from Stephen R & Sharon A Pearson to Citizens Business Bank; and

2. Authorize the Mayor to sign all necessary documents

ATTACHMENTS: 1) Pearson Correspondence Dated February 5, 2009
2) Subordination Agreement
3) Locator Map

[Signatures]
February 5, 2009

City of Porterville  
City Council

To whom it may concern;

Please accept this letter as our formal request to have the City of Porterville Subordinate to a new loan in the amount of $845,000.00 that we will be making with Citizens Business Bank. We acknowledge that an amount of $77,485.02 is still owing and we will continue to make our regular scheduled payments.

Thank you for your consideration

[Signature]
Stephen Pearson, Trustee

[Signature]
Sharon A. Pearson, Trustee
SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made February 5, 2009, by Daybell Apartments, LLC, a California limited liability company, owner of the land hereinafter described and hereinafter referred to as "Owner", and City of Porterville, hereinafter referred to as "City" present owner and holder of the Development Fee Payment Plan City Wide Agreement hereinafter described and hereinafter referred to as "Agreement,"

WITNESSETH

THAT WHEREAS, Daybell Apartments, LLC, a California limited liability company, did execute a Development Fee Payment Plan City Wide Agreement, dated August 23, 2007, covering:

Complete Legal Description attached hereto as Exhibit "A", made a part hereof and incorporated herein by this reference.

in favor of City of Porterville, which Agreement was recorded 12/27/2007, as Instrument No. 2007-0110739, Official Records of said county; and

WHEREAS, Owner has executed, a deed of trust and note in the sum of $845,000.00 dated to __________ as trustee, covering the above described property in favor of Citizens Business Bank, hereinafter referred to as "Lender", which Deed of Trust was recorded __________ as Document No. __________ of Official Records of Tulare County and

WHEREAS, it is a condition to obtaining said loan that said deed of trust last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the Agreement above described and

WHEREAS, lender is willing to make said loan provided the deed of trust securing the same is a lien or charge upon said land prior and superior to the Agreement above described and provided that the "City" will specifically and unconditionally subordinate and subject the Agreement above described, thereunder, to the lien or charge of the deed of trust in favor of Lender; and

WHEREAS, it is to the mutual benefit of the parties hereto that Lender make such loan to Owner; and the "City" is willing that the deed of trust securing the same shall, when recorded, constitute a lien or charge upon said land which is unconditionally prior and superior to the Agreement above described.

(CLTA SUBORDINATION FORM "D")
(AGREEMENT TO NEW DEED OF TRUST OF RECORD)
NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:

(1) That said deed of trust securing said note in favor of Lender, and any renewals or extensions thereof, shall unconditionally be and remain at all times a lien or charge on the land described therein, prior and superior to the Agreement and to all rights and privileges of the City thereunder, and said Agreement is hereby subjected, and made subordinate, to the lien or charge of the deed of trust in favor of Lender.

(2) That Lender would not make its loan above described without this subordination agreement.

(3) That this agreement shall be the whole and only agreement with regard to the subjection and subordination of the Agreement above described to the lien or charge of the deed of trust in favor of Lender above referred to and shall supersede and cancel, but only insofar as would affect the priority between the Agreement and the deed of trust hereinbefore specifically described, any prior agreements as to such subjection and subordination, including, but not limited to, those provisions, if any, contained in the Agreement above described, which provide for the subjection or subordination of said Agreement to a deed or deeds of trust or to a mortgage or mortgages.

"City" declares, agrees and acknowledges that:

(a) They consent to and approves (i) all provisions of the note and deed of trust in favor of Lender above referred to, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Lender for the disbursement of the proceeds of Lender's loan;

(b) Lender in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Lender represented that it will, see to the application of such proceeds by the person or persons to whom Lender disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part; and

(c) He intentionally and unconditionally waives, relinquishes, subjects and subordinates the Agreement above described, in favor of the lien or charge upon said land of the deed of trust in favor of Lender above referred to and understands that in reliance upon, and in consideration of, this waiver, relinquishment, subjection and subordination, specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment, subjection, and subordination.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR LEASE TO OBTAIN A LOAN, A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

Owner:
Daybell Apartments, LLC

By: Stephen R. Pearson, Trustee of the Pearson Family Revocable Trust Of March 7, 2006

Beneficiary
City of Porterville

By: ____________________________

Title

________________________________

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

STATE OF CALIFORNIA

(CLTA SUBORDINATION FORM "D")
(Agreement to New Deed of Trust of Record)
Sharon A. Pearson, Trustee of the Pearson Family Revocable Trust of March 7, 2006

Claude H. Pearson, as Trustee of the Claude H. Pearson Family Trust of September 25, 1980
COUNTY OF __________________________

On ______________ before me, ____________________________, (here insert name and title of the officer) personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________________ (Seal)

STATE OF CALIFORNIA

COUNTY OF __________________________

On ______________ before me, ____________________________, (here insert name and title of the officer) personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________________ (Seal)
EXHIBIT A
LEGAL DESCRIPTION

THAT PORTION OF BLOCK 78 OF PACIFIC IMPROVEMENT COMPANY’S SUBDIVISION, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAPRecorded IN BOOK 3, PAGE 18 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO KNOWN OF RECORD AS:

BLOCK 78 AS DESIGNATED AND DELINEATED ON THE SECOND AMENDED MAP OF THAT PORTION OF THE TOWN OF PORTERVILLE TULARE COUNTY CALIFORNIA LYING WEST OF THE SOUTHERN PACIFIC RAILROAD, RECORDED IN VOLUME 8, PAGE 17 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF TULARE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 78; THENCE SOUTH 200 FEET ALONG THE EASEL LINE OF SAID BLOCK 78 TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 78; THENCE WEST 150 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 200 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID BLOCK 78 TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST 150 FEET TO THE POINT OF BEGINNING.

APN: 260-211-001-000
CITY COUNCIL AGENDA: FEBRUARY 17, 2009

SUBJECT: ANIMAL SHELTER ENVIRONMENTAL DETERMINATION: APN 251-350-016

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the February 3, 2009 City Council Closed Session meeting, the City Council authorized staff to commence property negotiations on the property identified as Assessor Parcel Number 251-350-016 also identified on Attachment 1. The purpose of the acquisition is to develop a new City-operated animal shelter on property adjacent to the City’s Corporation Yard. Acquisition of the 3.45± acre site will facilitate the development of an animal shelter, dog park and support parking and service area.

The subject proposal is categorically exempt pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines.

RECOMMENDATION: That City Council determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32 – Infill Development Projects

ATTACHMENTS: Conceptual Layout
COUNCIL AGENDA: FEBRUARY 17, 2009

SUBJECT: TEA AT THE ZALUD HOUSE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Garden Club plans to host an event at the Zalud House with its purpose being to serve as a fundraiser for the Zalud House garden enhancement and house renovation. The event will be a joint effort between the Garden Club and the Parks and Leisure Services Department.

The Garden Club will organize and conduct the event. Parks and Leisure Services will provide promotional and logistical support.

The date of the 'Tea at the Zalud House' will be May 16, 2009. The Tea will be from 11:00 a.m. - 2:00 p.m. Sandwiches, cookies, tea and coffee will be served. Admission is $15. Tickets may be purchased from Garden Club members, at the Parks and Leisure Services office in City Hall, or at the Heritage Center.

RECOMMENDATION: This report is meant to be informational only.

ATTACHMENT: Event flyer
The Garden Club and Park & Leisure Services Present

Tea at the Zalud House
393 N. Hockett St.

Saturday, May 16, 2009
11:00 a.m. - 2:00 p.m.

Sandwiches, cookies, tea, & coffee will be served.

Admission is $15.

Tickets may be purchased from Garden Club members, at the Parks and Leisure Services office in City Hall, or at the Heritage Center.

For more info call 791-7695
COUNCIL AGENDA: FEBRUARY 17, 2009

SUBJECT: ELECTRONIC MESSAGE BOARD

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The 2008 -'09 Veterans Park budget included capital outlay funding of $48,000 for purchase and installation of an electronic message board. The message board will be used to promote all of the Parks & Leisure Services activities as well as possible other City functions. After review of alternative locations, staff has determined a preference for installing the message board at a location along the Prospect Street frontage of Veterans Park, just south of the new CNG fueling station. The electrical supply installation has been coordinated with the CNG fueling station project providing some cost savings in trenching work.

The City Council has authorized staff to conduct a negotiated bid process for this specialty equipment. Four vendors provided bids and equipment information. Staff has reviewed the vendor supplied material and checked the references of the vendors. The low bid of $28,612.50 is from Golden Rule Signs, and the equipment will meet all of our needs.

The Parks and Leisure Services Department is requesting to install a 4' x 8' LED message board. Staff proposes that the post-mounted LED message display be 4' x 8' with the bottom edge of the sign 10' from the ground. A 3' x 6' logo cabinet will be mounted above the LED message display.

The Parks & Leisure Commission has taken action to recommend to the City Council that the Parks and Leisure Services Department proceed with the electronic message board project. A letter from the Parks & Leisure Services Commission Vice-Chair addressing the Commission recommendation is attached.

RECOMMENDATION: That the City Council:

1. Take under advisement the recommendation of the Parks & Leisure Services Commission; and
2. Approve purchase and installation of the electronic message board at staff's recommended location within Veterans Park.

ATTACHMENTS: Site map
Picture of electronic message board
Letter from Commission Vice Chair O'Sullivan

ITEM NO.: 6
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
(559) 782-7462

A portion of the Northwest quarter of Section 27, Township 21, South, Range 27 East, Mount Diablo Base and Meridian.
MEMORANDUM

TO: Mayor Hamilton
Vice Mayor McCracken
Council Member F. Martinez
Council Member P. Martinez
Council Member Ward

FROM: Thomas J. O'Sullivan, Parks & Leisure Services Commission
Vice Chairperson

DATE: February 5, 2009

SUBJECT: Electronic Message Board

The Parks & Leisure Services Commission has reviewed and considered the appearance, and project site plan for a Parks & Leisure Services Department electronic message board. The Commission recommends that the City Council authorize staff to proceed with the necessary steps needed to purchase and install the sign so that it can be utilized to better promote Parks & Leisure activities and programs.
SUBJECT: PURCHASE OF POLICE VEHICLES

SOURCE: Police Department

COMMENT: In the upcoming budget cycle, the Police Department currently has twelve marked patrol vehicles, four unmarked detective vehicles and one police motorcycle scheduled for replacement. In addition, the creation of the Animal Control Unit has required the reassignment of certain existing vehicles from their current duties to other duties in order to meet this additional workload.

Due to strong fiscal management and adherence to our vehicle depreciation plan, the monies for these vehicle replacements have already been accumulated in their respective vehicle depreciation accounts. In past years, a careful evaluation was made on each particular vehicle to determine actual need for replacement and to ensure that a vehicle is not replaced only because it was scheduled to be replaced. In light of budget uncertainties, this part of vehicle replacement process is even more critical and has recently been completed.

With regard to the replacement of the marked police vehicles, it has been determined that of twelve vehicles scheduled for replacement, only five of them are in extreme need of replacement. Although there may be increased maintenance costs with the remaining seven marked vehicles, the Department believes the replacement of these vehicles can be deferred to the 2010/2011 budget year. (Currently, the 2010/2011 budget does not have any scheduled vehicle replacements.) It was also determined that one existing unmarked detective vehicle and the additional vehicle need realized with the creation of the Animal Control Unit will be replaced by two Patrol vehicles currently used by the Department’s Night Watch Commanders. Finally, it is the intent of the Department to seek a grant in order to replace two of the remaining three unmarked detective vehicles, with the third purchase being deferred another year, as well as implement a plan for the motorcycle replacement.

Normally, the Department’s vehicle replacement plan would be part of the budget process. However, there exists a need to pursue a number of these vehicles immediately. Based on the economic issues within the vehicle manufacturing companies, we have been informed that the delivery of
some vehicle purchases, particularly police units, could be delayed for up to a year. We have just been informed that a vehicle supplier has marked police vehicles available for purchase due to other agencies not taking immediate possession of their entire orders. These vehicles are available under both an existing California Highway Patrol contract and a City of Sacramento contract. An additional savings would also be realized in that these vehicles would not require the state’s contract fee.

In addition, the two additional vehicles to be purchased to replace the Night Watch Commander’s vehicles will be Dodge Chargers. These vehicles are not under a current state contract. However, these vehicles are currently available from Folsom Lake Dodge under extremely favorable circumstances. A local estimate priced the vehicles at nearly $33,000 each (before equipment.) In contacting Folsom Lake Dodge, they provided an estimate with a similar cost, but will deduct approximately $8,000 in concessions that are currently available which reduces the cost of the vehicle to approximately $25,000. According to Fleet/Government Vehicle Manager Steve Lindsey, Folsom Lake Dodge, these substantial savings ensure that the costs of these vehicles are equal or less than those on state contracts. A resolution passed by the City Council allows us to negotiate for these vehicles, without doing a bid process. Again, there would also not be any state contract fees.

Based on the above information, it is the Department’s belief that these purchase opportunities must be taken now, prior to the start of the new fiscal year. If we do not act promptly, there is a high risk of both extremely extended delivery dates should the current stock of vehicles be sold and substantial cost increases should the concessions offer expire. The Department request permission to start the vehicle purchase process immediately, not after budget adoption.

RECOMMENDATION: That the City Council:

1) Authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of five marked police vehicles; and

2) Authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of two Night Watch Commander vehicles.
SUBJECT: APPROVING A RESOLUTION AUTHORIZING THE SUBMITTAL OF A COUNTY-WIDE STATE ENTERPRISE ZONE APPLICATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the May 6, 2008 City Council meeting, Council approved the inclusion of the City in the application for a County-wide Enterprise Zone (EZ) application. As noted in the May 6, 2008 agenda item, the Tulare County Targeted Tax Area, also known as the Business Incentive Zone ("BIZ"), will expire in 2012. Should TCEDC be successful in their application of an EZ, the operation of the BIZ would be suspended.

Primary to the application are the resolutions from each participating jurisdiction authorizing the submittal of the application to the State of California Department of Housing and Community Development (HCD). To assure that each jurisdiction’s resolution is received in sufficient time to be included in the application, the consultant requires submittal no later than March 27, 2009. The completed application is due to HCD by March 27, 2009.

Additionally, a Joint Powers Agreement (JPA) was authorized for the administration of the BIZ and a new JPA must be executed for the administration of the proposed EZ. A copy of the draft JPA is attached for Council’s review and a copy has been supplied to the City Attorney for review. Staff is requesting approval for the Mayor to sign the JPA after review by the City Attorney. The agreement will remain substantially in the same form as that which was authorized for the BIZ.

RECOMMENDATION: That the City Council:

1. Approve the attached resolution approving the Enterprise Zone application; and
2. Authorize the Mayor to sign the Joint Powers Agreement after review by the City Attorney; and
3. Authorize the Mayor to sign all other necessary documents for the submittal of the Enterprise Zone application.

2. Resolution of Authorizing Submittal of a County-wide Enterprise Zone Application
3. Draft Joint Powers Agreement Amendment #1
4. Joint Powers Agreement for the Administration of the Targeted Tax Area
COUNCIL AGENDA: May 6, 2008

SUBJECT: PROPOSAL FOR COUNTY-WIDE STATE ENTERPRISE ZONE DESIGNATION

SOURCE: Administration

COMMENT: It has been proposed by the Tulare County Economic Development Corporation (TCEDC) that a county-wide enterprise zone application be prepared and submitted in 2008. It is anticipated that six (6) enterprise zones will be designated within the next two years, with four (4) in 2008 and two (2) in 2009. There will be no further enterprise zone designations until 2031, unless new designations are created by special legislation.

A significant factor in the consideration of an enterprise zone application is the probability that Tulare County's continued designation as a Targeted Tax Area (also known as Business Incentive Zone "BIZ") will no longer be available when the designation expires in 2012. In addition, the enterprise zone designation would allow for all businesses located in the zone to receive incentives, while currently only certain designated industries may receive the benefit in the BIZ. It is proposed that the enterprise zone incorporate substantially the same area that currently is designated as the BIZ. Should the enterprise zone designation be approved, operations as a BIZ would be suspended.

At an anticipated expense of $165,000 for a consultant to prepare the enterprise zone application and local production costs and expenses, a funding proposal has been developed to split the costs among the participating jurisdictions using the same formula which is utilized to fund the BIZ. The following table shows the cost distribution based on the current BIZ formula:

<table>
<thead>
<tr>
<th>Entity</th>
<th>BIZ Rate</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Exeter</td>
<td>3.39%</td>
<td>$5,594</td>
</tr>
<tr>
<td>City of Dinuba</td>
<td>6.11%</td>
<td>10,082</td>
</tr>
<tr>
<td>City of Farmersville</td>
<td>2.99%</td>
<td>4,934</td>
</tr>
<tr>
<td>City of Lindsay</td>
<td>3.59%</td>
<td>5,924</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>14.58%</td>
<td>24,057</td>
</tr>
<tr>
<td>County of Tulare</td>
<td>12.77%</td>
<td>21,071</td>
</tr>
<tr>
<td>City of Tulare</td>
<td>16.39%</td>
<td>27,044</td>
</tr>
<tr>
<td>City of Visalia</td>
<td>37.69%</td>
<td>62,189</td>
</tr>
<tr>
<td>City of Woodlake</td>
<td>2.49%</td>
<td>4,109</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>$165,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Dir. Appropriated/Funded ☑ C/M

Item No. 42
It is anticipated that the Notice of Availability for enterprise zone designations will be issued during this month of May with applications to be due by August. It is anticipated that as many as fifteen (15) enterprise zone applications will be submitted for the six (6) available designations. TCEDC staff has been working with Chabin Concepts, Inc. to prepare a program of work and budget to prepare an Enterprise Zone Application. Chabin prepared the 1998 BIZ application and the City of Lindsay enterprise zone application in 1995. Their clients are consistently ranked in the top scores among enterprise zone applicants and have worked with a number of the local jurisdictions, including the City of Porterville.

RECOMMENDATION: That the City Council:

1. Approve the City’s inclusion in the application for a County-wide enterprise zone application;
2. Approve the proposed funding distribution for the preparation of the application, including the City of Porterville’s responsibility of $24,057; and
3. Authorize a budget adjustment of $24,057 from unallocated General Fund Reserves.
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF AN ENTERPRISE ZONE APPLICATION
TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

WHEREAS, the State of California Department of Housing and Community
Development, Division of Community Affairs has released a "Request for Proposals" for
new designations in the California Enterprise Zone Program to encourage and facilitate
business investment and job development in distressed areas of the State; and

WHEREAS, the City of Porterville desires to submit an application to the State of
California Department of Housing and Community Development for an enterprise zone
designation; and

WHEREAS, the City of Porterville, hereby satisfies the criteria that an area must
meet in order to be eligible for California Enterprise Zone status.

NOW, THEREFORE, BE IT RESOLVED by this Council as follows:

- The City of Porterville finds that the application area is a depressed area and that
designation of the area as an enterprise zone is necessary in order to attract private
sector investment to the application area;

- The City of Porterville authorizes the application;

- The City of Porterville authorizes and supports job development, job creation, and
economic development;

- The City of Porterville authorizes that staffing shall be made available to maintain
record-keeping, monthly updates on zone activities, and to discuss these activities
with program auditors;

- The City of Porterville shall develop a self-evaluation process to measure its
progress in meeting its goals and objectives; and, that this process shall be
submitted to the Department for review, approval and inclusion in the
Memorandum of Understanding (MOU) prior to final designation;

- The City of Porterville agrees to complete all actions stated within the application
that apply to its jurisdiction should the proposed enterprise zone be awarded
designation; and

ATTACHMENT 2
The Mayor of the City of Porterville is authorized to sign the application, the MOU and other documents necessary for the implementation of the enterprise zone.

APPROVED AND ADOPTED this 17th day of February, 2009.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By Patrice Hildreth, Chief Deputy City Clerk
Amendment # 1 – Joint Powers Agreement
Administration of California Enterprise Zone

WHEREAS, a Joint Powers Agreement was made and entered into on October 5, 1998 by and between the City of Dinuba, a municipal corporation, hereinafter referred to as “Dinuba”, the City of Exeter, hereinafter referred to as “Exeter”, the City of Farmersville, a municipal corporation, hereinafter referred to as “Farmersville”, the City of Lindsay, hereinafter referred to as “Lindsay”, the City of Porterville, a municipal corporation, hereinafter referred to as “Porterville”, the City of Tulare, a municipal corporation, hereinafter referred to as “Tulare”, the City of Visalia, a municipal corporation, hereinafter referred to as “Visalia”, the City of Woodlake, a municipal corporation, hereinafter referred to as “Woodlake”, and the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the “County”. County, Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake, are hereinafter collectively referred to as the “parties”.

WHEREAS, the parties have administered the Targeted Tax Area consistent with the provisions of the agreement and respective state regulations; and

WHEREAS, the parties wish to have certain planned commercial and/or commercial areas designated as part of the California Enterprise Zone program; and

WHEREAS, a joint application of the parties for a designation for a California Enterprise Zone program is being prepared; and

WHEREAS, the parties wish to maintain the current administration of the Targeted Tax Area for the California Enterprise Zone should such a zone be designated for the period of such designation.

NOW, THEREFORE, in consideration of their mutual promises as hereinafter set forth, the parties agree to the following amendment of the Joint Powers Agreement dated October 5, 1998 as follows:

1. Provided that an Enterprise Zone is designated, the term of the Agreement shall be extended an additional 15 years from the date of the Enterprise Zone designation is final by the State of California.
2. All references to the Private Industry Council shall be Workforce Investment Board, the successor organization to the Private Industry Council.
3. The costs incurred to operate the Enterprise Zone will be paid by the parties as outlined in Exhibit B.
4. The management of the Council and the Enterprise Zone shall be assigned to the Economic Development Corporation, which is the administrator of the current Targeted Tax Area.
Exhibit B
Costs to Administer the Enterprise Zone

The current cost sharing for the EDC and BIZ will be combined to form the allocation for the new Enterprise Zone designation.

<table>
<thead>
<tr>
<th></th>
<th>Current allocation to EDC</th>
<th>Current allocation to BIZ</th>
<th>Allocation for Enterprise Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>69,200</td>
<td>10,000</td>
<td>79,200</td>
</tr>
<tr>
<td>Dinuba</td>
<td>10,500</td>
<td>6,762</td>
<td>17,262</td>
</tr>
<tr>
<td>Exeter</td>
<td>5,000</td>
<td>3,653</td>
<td>8,653</td>
</tr>
<tr>
<td>Farmersville</td>
<td>5,000</td>
<td>3,498</td>
<td>8,498</td>
</tr>
<tr>
<td>Lindsay</td>
<td>5,000</td>
<td>4,100</td>
<td>9,100</td>
</tr>
<tr>
<td>Porterville</td>
<td>38,500</td>
<td>15,798</td>
<td>54,298</td>
</tr>
<tr>
<td>Tulare</td>
<td>35,500</td>
<td>17,528</td>
<td>53,028</td>
</tr>
<tr>
<td>Visalia</td>
<td>134,000</td>
<td>36,000</td>
<td>170,000</td>
</tr>
<tr>
<td>Woodlake</td>
<td>5,000</td>
<td>2,682</td>
<td>7,682</td>
</tr>
<tr>
<td></td>
<td>307,700</td>
<td>100,021</td>
<td>407,721</td>
</tr>
</tbody>
</table>
JOINT POWERS AGREEMENT

THIS JOINT POWERS AGREEMENT FOR THE PURPOSE OF ADMINISTRATION OF A TARGETED TAX AREA, made and entered into this 5th day of October, 1998, by and between the City of Dinuba, a municipal corporation, hereinafter referred to as "Dinuba", the City of Exeter, hereinafter referred to as "Exeter", the City of Farmersville, a municipal corporation, hereinafter referred to as "Farmersville", the City of Lindsay, hereinafter referred to as "Lindsay", the City of Porterville, a municipal corporation, hereinafter referred to as "Porterville", the City of Tulare, a municipal corporation, hereinafter referred to as "Tulare", the City of Visalia, a municipal corporation, hereinafter referred to as "Visalia", the City of Woodlake, a municipal corporation, hereinafter referred to as "Woodlake", and the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the "County". County, Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake, are hereinafter collectively referred to as the "parties".

WITNESSETH

WHEREAS, Assembly Bill 1217, authored by Assemblymember Cruz Bustamante, authorized the creation of Targeted Tax Areas to stimulate growth in economically distressed areas; and

WHEREAS, the parties are desirous of encouraging economic growth by encouraging businesses, industries, corporations, and companies to move to their respective jurisdictions and/or remain in their areas, providing jobs, goods and services to their inhabitants; and

WHEREAS, the parties wish to have certain planned commercial/industrial areas of their respective jurisdictions designated as part of a Tulare County City and County to be known as the "Tulare County Business Incentive Zone." The Zone will allow for new and existing businesses within the Zone to claim (A) tax credits towards their State sales and use taxes paid on the purchase of certain machinery, machinery parts and equipment; (B) hiring tax credits for each qualified employee hired; (C) fifteen year net operating loss carry-forward; (D) accelerated expensing deduction; and (E) other benefits which might be available at present or in the future for Targeted Tax Areas; and

WHEREAS, the joint application of the parties for a certain portion of the area within their geographic jurisdictions to be designated as a Targeted Tax Area has been granted; and

WHEREAS, in order to receive the benefits of an Targeted Tax Area, the governing boards of the parties wish to enter into a Joint Powers Agreement to administer this "Targeted Tax Area"; and
WHEREAS, the Targeted Tax Area carries with it the development of a "welfare to work" component, a plan will be developed that is a part of the Targeted Tax Area which is consistent with the CalWorks and Tulare Works plans; and

WHEREAS, Lindsay and Porterville currently have state enterprise zone designations, it is recognized that, should it be awarded, the Targeted Tax Area will "overlay" the existing zones until such time as they expire.

NOW, THEREFORE, in consideration of their mutual promises as hereinafter set forth, the parties agree as follows:

I. EXISTENCE OF SEPARATE LEGAL ENTITY.

Pursuant to the provisions of Section 6503.5 et seq. of the Government Code, the parties hereby create a separate legal entity which is to be known as the Tulare County Business Incentive Zone, (the "BIZ"). It is the intent of the parties to this Agreement that the debts and other liabilities of the BIZ shall not be the debts or liabilities of the parties to this Agreement.

II. TERM OF AGREEMENT

This Joint Powers Agreement, hereinafter referred to as the "Agreement", will remain in full force and effect for the life of the BIZ, (which is at least fourteen (14) years from the date of approval of the targeted tax area designation by the State of California,) or until this Agreement has been terminated by the parties as set forth herein, whichever period is shorter.

III. Purpose of the Agreement; Powers to Be Exercised.

The purpose of this Agreement is to jointly exercise some or all of the powers common to the Members, as appropriate, with the goal of investigating, identifying, planning, developing, financing and implementing, either alone or together with the State of California, reasonable and financially feasible regional long-term solutions to the lack of economic development within the Targeted Tax Area, and for the exercise of such additional powers as may be authorized by law in the manner hereinafter set forth.

The BIZ as a whole shall have the power in its own name to do any of the following:

A. To exercise the common powers of its Members in investigating, identifying, planning, developing, financing and implementing a reasonable and financially feasible plan for the economic development of the lands within the boundaries of the
Members which lands have been designated as a Target Tax Area.

B. To exercise the common powers of its Members to develop, collect, provide and disseminate to the Members, and others, including but not limited to legislative, administrative and judicial bodies, as well as the public generally, information on the opportunities and advantages to locating new businesses and/or expanding existing businesses in the geographic area within the jurisdiction of the Members which is designated as a Targeted Tax Area.

C. To exercise the common powers of its Members to enter into contracts with private or public agencies, including but not limited to contracts with individual parties to this Agreement.

D. To make and enter contracts necessary to the full exercise of its powers including but not limited to contract for the services of engineers, attorneys, planners, financial consultants, and separate and apart therefrom, to employ such other persons as it deems necessary and to enter into agreements with the United States of America, the State of California or any other public or private entity necessary to accomplish the purposes of the BIZ.

E. To acquire and to hold and dispose of property necessary to the full exercise of its powers.

F. To incur debts, liabilities or obligations subject to limitations herein set forth.

G. To issue bonds, notes and other indebtedness, and to enter into leases, installment sale and installment purchase contracts, all as hereinafter provided.

H. To sue and be sued in its own name.

I. To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, the State of California or other public or private entity necessary for the BIZ's full exercise of its powers.

J. To perform all acts necessary or proper to carry out fully the purposes of this Agreement.

IV. MEMBERSHIP

Each of the parties to this agreement shall be and is a Member of the BIZ. The governing body of the BIZ, shall be known as the Job Creation Council, (the "Council"). The Council has all policy and fiscal responsibility and its consent is required for approval
of staffing commitments for the BIZ. The Council shall consist of
one Director appointed by each Member, (plus a second Director
appointed by the County of Tulare,) who shall be a member of the
governing board of that Member at the time of appointment and at
all times while serving as a Director of the Authority. Each
Director and an Alternate Director shall be appointed by action of
the governing body of the Member, and such appointment shall be
effective upon the appointment date as communicated in writing to
the BIZ. Each Director shall serve on the Council from the date of
appointment by the governing body of the Member he/she represents
at the pleasure of such governing body. Except as set forth
herein, an Alternate shall assume all rights of the Director,
representing the appointing Member and shall have the authority to
act in the absence of the Director or in the event that a Director
has a conflict of interest which precludes participation by the
Member in any decision-making process of the Board of Directors.
The Alternate may be the city manager, county, administrative
officer or other employee of the Member which appointed him or her,
or a consultant or a member of the governing body of the Member,
however the Alternate for one of the two Director appointed by the
County of Tulare shall have been nominated by the Tulare County
Private Industry Council, (the PIC), and shall serve at the
pleasure of the PIC.

A. Vacancies in the Office of Director. A vacancy in the
office of Director or Alternate Director shall be filled in the
same manner as is provided for herein for the appointment of
Directors or Alternate Directors.

B. Meetings of Directors. The Council of Directors shall
meet at least annually in order to adopt its annual budget and,
after the first year, to adopt its audit. The Directors should
attend the annual meeting rather than Alternates, however such
attendance is required if the Council is requested to adopt the
annual budget. The Council shall be governed by the Ralph M. Brown
Act and shall adopt a resolution pursuant thereto establishing its
regular time and place for its meetings.

C. Quorum and Voting. Directors representing at least a
majority of the Council shall constitute a quorum for the purposes
of transacting the BIZ's business. In the absence of a Director,
the Alternate which had been appointed by that same Member shall be
counted toward establishing a quorum. Except as otherwise provided
herein or by law, allocations of the Council must be taken by a
majority vote of a quorum. Each Member shall have one (1) vote.
The vote of each Member shall be cast by the Director from that
Member, if present, or, in the absence of the Director or in the
event the Director has disqualified himself due to conflict of
interest, then the vote of that Member may be cast by the
Alternate. A simple majority of a quorum of the Council shall be
adequate to decide issues including the adoption of the annual
budget.
D. Powers and Limitations Thereon. All the power and authority of the BIZ will be exercised by the Council, subject however, to the rights reserved by the Members as herein set forth; provided, however, that the Council may delegate such powers and authority to the Executive Director as the Council may determine by motion, or resolution or order. The Council may also delegate such powers and authority to advisory or subcommittees as the Council may determine by motion, resolution, or order.

E. Minutes. The Secretary of the BIZ shall cause to be kept minutes of all meetings of the Council, and shall cause a copy of the minutes to be forwarded to each Director, each Alternate and to each of the Members and Associate Members hereto.

F. Rules. The Council may adopt from time to time such bylaws, rules and regulations for the conduct of its affairs as may be required.

G. Vote or Assent of Members. The vote, assent, or approval of the Members in any matter requiring such vote, assent or approval hereunder, shall be evidenced by a certified copy of the resolution of the governing board of such Member filed with the BIZ.

H. Officers. The Council of Directors shall choose one of its members, (either an Alternate or a Director) to serve as Chairman, who shall act as presiding officer at meetings of the Council of Directors, and a Vice-Chairman, who shall act as presiding officer in the absence or disqualification of the Chairman. There also shall be selected a Secretary, who may, but need not be, a member of the Council. The Secretary shall be an officer of the BIZ and, as such, shall also serve as the BIZ's Treasurer. An audit of the accounts and records of the agreements shall be made at least once each year by a certified public accountant and a report thereof shall be filed as a public record with each of the Members. Such reports shall be filed within 12 months after the end of the fiscal year or years under examination. The Secretary/Treasurer shall draw warrants and pay demands against the BIZ when such demands have been approved by the Council, and, along with such additional persons as the Council may designate from time to time who have charge of or access to BIZ property, shall file an official bond insofar as and to the extent as is required by the Government Code and the Council of Directors. All officers shall remain in office at the pleasure of the Council of Directors, or for such regular term of office as may be fixed by the Council of Directors by motion, resolution or order from time to time.

I. Privileges and Immunities: All of the privileges and immunities from liability, exemptions from laws, ordinances and rules which apply to the activity of officers, agents, or employees of any of the Members when performing their respective functions
shall apply to them to the same degree and extent while engaged in
the performance of any of the functions and other duties under this
Agreement. None of the officers, agents, or employees appointed by
the Council shall be deemed by reason of their employment by the
Council to be employed by any of the Members or by reason of their
employment by the Council to be subject to any of the requirements
of such Members.

J. Liabilities. It is the intent of the parties to create
a separate legal entity by virtue of this agreement which is the
BIZ. The debts, liabilities and obligations of the BIZ shall be
the debts, liabilities or obligations of the BIZ alone and not of
the parties to this Agreement, except as may otherwise be expressly
set forth herein.

V. FINANCIAL OBLIGATIONS

The costs incurred to operate the BIZ as set forth in this
Agreement will be paid by the parties as outlined in Exhibit "A".
The annual cost for implementation of the BIZ will be borne by the
members and the Private Industry Council, (PIC). The first year's
budget is provided in Exhibit "A". For the remaining years of this
Agreement, the Council shall conduct an annual review of the costs
and may adjust costs based on program need. An annual budget will
be presented to the Council for approval. Other than as expressly
set forth in this Agreement, each party will bear its own costs,
including that of staff time.

VI. ATTORNEY'S FEES

It is the intent of this Agreement that each jurisdiction
absorbs its own legal expenses.

VII. PAYMENT OF COSTS

The administering agency of the BIZ shall invoice each of the
parties for their proportional share of the cost of the annual
operation of the BIZ. Each invoice shall include the allocation
based upon the formula set forth in Exhibit "A". Payment of all
costs incurred under this Agreement shall be made within 30 days
after the presentation of the invoice, except as otherwise
expressly provided herein. The County of Tulare shall be
reimbursed for the costs associated with the Environmental Impact
Report Addendum and the GIS mapping, if required by the County.
Other members may request prior approval from the Council for
expenses incurred on behalf of the Council in order to qualify for
reimbursement.
VIII. MANAGEMENT AND SPECIAL SERVICES

The Council shall award management of the BIZ to an appropriate entity. A separate professional services agreement shall be completed to describe the scope of work. Said contracted entity shall designate the BIZ Manager, provide staff support to the Council, provide coordination of the parties and implement the BIZ program.

IX. FINANCIAL REVIEW

The Chairman of the Council shall require a review of the program and financial records as defined in the management section of the BIZ application plan. The review is to be completed within sixty (60) days after the close of the fiscal year. The fiscal year for the BIZ is defined as July 1 through June 30; The findings shall be presented to and approved by the Council each year.

X. RESOLUTION MECHANISM

All parties agree that, if they have questions concerning the programs, activities, management, funding and results of the BIZ, to raise them immediately to the Executive Director of the BIZ. All questions concerning the BIZ which the Executive Director is unable adequately to address shall be taken to the Council. All parties agree to address concerns promptly and work to achieve creative solutions to the individual party’s concerns in order to maintain complete participation by all of the parties. The Executive Director may be included in this discussion, as appropriate. Should the matter not be resolved by the Council, the Council may name an impartial mediator. The mediator shall meet with the concerned parties within thirty days after being named to hear the dispute and work with the complaint to arrive at a resolution. Agreed upon change shall be implemented within thirty days and reviewed for effectiveness by the Council thirty to ninety days thereafter.

XI. TERMINATION

The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement. A majority vote in favor of termination by the governing body of each of the parties to this Agreement shall serve to terminate this Agreement. Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of
pre-termination contract activities. Upon termination and/or completion of this Agreement, any surplus funds shall be returned to the then Members in proportion to the contributions made.

XII. NOTICES

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

**COUNTY OF TULARE**

Tom Campanella, CAO  
County of Tulare  
2800 West Burrel Ave.  
Visalia, CA 93277

With Copy to:

Mike Coffield, Director  
Resource Management Agency  
County of Tulare  
5961 S. Mooney Blvd.  
Visalia, CA 93277

**CITY OF DINUBA**

Ed Todd, City Manager  
City of Dinuba  
405 E. El Monte Way  
Dinuba, CA 93618

With Copy to:

Dan Meinert  
City of Dinuba  
405 E. El Monte Way  
Dinuba, CA 93618

**CITY OF EXETER**

Roy Chase, City Manager  
City of Exeter  
P. O. Box 237  
Exeter, CA 93221

With Copy to:

Felix Ortiz  
City of Exeter  
P. O. Box 237  
Exeter, CA 93221

**CITY OF FARMERSVILLE**

Ken Whorton, City Manager  
City of Farmersville  
147 East Front Street  
Farmersville, CA 93223

La Rue Quine, City Clerk  
City of Farmersville  
147 East Front Street  
Farmersville, CA 93223

**CITY OF LINDSAY**

Bill Drennan, City Manager  
City of Lindsay  
P. O. Box 369  
Lindsay, CA 93247

Scot Townsend  
City of Lindsay  
P. O. Box 369  
Lindsay, CA 93247
CITY OF PORTERVILLE
Guy Huffaker, City Manager
City of Porterville
P. O. Box 432
Porterville, CA 93258

Michael Unser
City of Porterville
P. O. Box 432
Porterville, CA 93258

CITY OF TULARE
Kevin Northcraft
City Manager
City of Tulare
411 E. Kern Avenue
Tulare, CA 93274

Howard Edson
City of Tulare
411 E. Kern Avenue
Tulare CA 93274

CITY OF WOODLAKE
Bill Lewis, City Manager
City of Woodlake
350 North Valencia
Woodlake, CA 93286

Ruth Gonzales
City of Woodlake
350 North Valencia
Woodlake, CA 93286

CITY OF VISALIA
Steve Salomon, City Manager
City of Visalia
707 W. Acequia
Visalia, CA 93291

Dianne Guzman, Ass. City Manager
City of Visalia
315 E. Acequia
Visalia, CA 93291

With a courtesy copies to:

PRIVATE INDUSTRY COUNCIL
Joe Daniel, Administrator
Private Industry Council
P. O. Box 3146
Visalia, CA 93278

TULARE COUNTY EDC
Bill Evans
TCEDC Executive Director
113 South M Street
Tulare, CA 93274

TULARE COUNTY HEALTH AND HUMAN SERVICES
Ron Probasco
Agency Director
Health & Human Services
County of Tulare
5957 S. Mooney Blvd.
Visalia, CA 93277

Lou Fernandez
Program Manager
Health & Human Services
County of Tulare
5957 S. Mooney Blvd.
Visalia, CA 93277
Notice personally delivered or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

XIII. ADMISSIONS OF NEW PARTIES.

Additional parties may become Members or Associate Members upon such terms and conditions as are determined by the Council of Directors of the BIZ upon the affirmative vote of a majority of all Directors, by executing a counterpart signature page to this Agreement and providing the Authority written acknowledgment of any conditions for membership established by the Authority Board.

XIV. AMENDMENTS:

This Agreement may be amended upon written approval of any amendment by a majority vote of the governing boards of each of the Members.

XV. CONSTRUCTION

This Agreement reflects the contributions of all parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

XVI. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument.

XVII. NO THIRD PARTY BENEFICIARIES INTENDED

Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

XVIII. GOVERNING LAW

This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. Any litigation arising out of this Agreement shall be brought in Tulare County, California. The parties waive the removal provisions of California Code of Civil
Procedure Section 394.

XIX. WAIVERS

The failure of any party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by any party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by any other party.

XX. ASSIGNMENT

There shall be no assignment or transfer of any of the rights or privileges or any part thereof of this Agreement without the written consent of all parties. However, it is expressly agreed that the County of Tulare may assign its rights and obligations in the Agreement to the Tulare County Redevelopment Agency.

XXI. INTEGRATION

This Agreement represents the complete and entire understanding between the parties as to those matters contained herein. No prior oral or written understanding, except as expressly provided herein, shall be of any force or effect with respect to those matters covered herein. This Agreement may only be modified or amended in writing, signed by all parties, except as otherwise specifically provided herein. All of the parties acknowledge that the hearings used herein are for reference only and that the terms of this Agreement are set out in the text under such headings.

XXII. SEVERABILITY

If any term, condition, covenant, provision or part thereof of this Agreement is, or is declared, invalid, void unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect.

CITY OF DINUBA

By: [Signature]

Mayor

Attest: [Signature]

City Clerk, City Dinuba
CITY OF WOODLAKE
By:  
Mayor

Attest: 
Deputy City Clerk, City Woodlake

CITY OF PORTERVILLE
By:  
Mayor

Attest: 
City Clerk, City Porterville
Exhibit “A”
Budget and Cost Allocation

Tulare County Business Incentive Zone
November 1, 1998 - June 30, 1999

1. PROJECTED BUDGET

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary</td>
<td>$24,000</td>
</tr>
<tr>
<td>Overhead</td>
<td>6,000</td>
</tr>
<tr>
<td>Auto allowance</td>
<td>667</td>
</tr>
<tr>
<td>Expenses</td>
<td>667</td>
</tr>
<tr>
<td>Training/ meetings</td>
<td>4,000</td>
</tr>
<tr>
<td>Marketing: Ad development/placement</td>
<td>22,200</td>
</tr>
<tr>
<td>Staff support</td>
<td>4,666</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$66,200</td>
</tr>
</tbody>
</table>

2. COST SHARING

<table>
<thead>
<tr>
<th>PART</th>
<th>POPULATION</th>
<th>%</th>
<th>CONTRIBUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>15,250</td>
<td>.0611</td>
<td>$4,050</td>
</tr>
<tr>
<td>Exeter</td>
<td>8,475</td>
<td>.0339</td>
<td>1,600*</td>
</tr>
<tr>
<td>Farmersville</td>
<td>7,450</td>
<td>.0299</td>
<td>1,600*</td>
</tr>
<tr>
<td>Lindsay</td>
<td>8,975</td>
<td>.0359</td>
<td>1,600*</td>
</tr>
<tr>
<td>Porterville</td>
<td>36,350</td>
<td>.1458</td>
<td>9,650</td>
</tr>
<tr>
<td>Tulare</td>
<td>40,900</td>
<td>.1639</td>
<td>10,850</td>
</tr>
<tr>
<td>Visalia</td>
<td>94,000</td>
<td>.3769</td>
<td>24,950</td>
</tr>
<tr>
<td>Woodlake</td>
<td>6,200</td>
<td>.0249</td>
<td>1,600*</td>
</tr>
<tr>
<td>County of Tulare</td>
<td>31,850</td>
<td>.1277</td>
<td>10,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>249,450</td>
<td>100 %</td>
<td>$66,200</td>
</tr>
</tbody>
</table>

*Designated first year contribution for cities under 10,000 population,

3. PRIVATE INDUSTRY COUNCIL – BIZ NEW $ BUDGET

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Employer Resource Specialists</td>
<td>$203,810</td>
</tr>
<tr>
<td>Equipment</td>
<td>18,960</td>
</tr>
<tr>
<td>Op expenses</td>
<td>19,800</td>
</tr>
<tr>
<td>Travel</td>
<td>1,200</td>
</tr>
<tr>
<td>Promotion – Business Ret. &amp; Exp.</td>
<td>55,000</td>
</tr>
<tr>
<td>Training and meetings</td>
<td>4,000</td>
</tr>
<tr>
<td>Total</td>
<td>$302,770</td>
</tr>
</tbody>
</table>
CITY COUNCIL AGENDA: February 17, 2009

SUBJECT: APPOINTMENT TO CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On February 3, 2009, the City Council appointed six of the seven existing committee members to another one year term on the Community Development Block Grant (CDBG) Citizens' Advisory and Housing Opportunity Committee. The seventh member of the committee asked not to be reappointed for another term.

In response to the recent press release informing the community of the vacant position, two persons, Robert Shivers and Kelle Jo Lowe have submitted applications (Attachment 1) expressing their interest in serving on the committee. After reviewing the applications in accordance with the adopted Citizen Participation Plan which places particular emphasis on representation from low income areas, staff is recommending that Kelle Jo Lowe be appointed to the committee.

RECOMMENDATION: That the City Council appoint Kelle Jo Lowe to a one year term on the CDBG Citizens’ Advisory and Housing Opportunity Committee.

ATTACHMENTS: 1. Applications
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Kelle jo Lowe
(Please Print)

Appointment to: Porterville Community Development Block Grant Citizens Advisory and Housing Opportunity Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 875 S. Wisconsin
Porterville Ca 93257

Mailing Address: __________________________

Name of Business: Kelle Lowe, Paramedical / Beckman Coulter

☑ Own  ☐ Operate

Business Address: 875 S. Wisconsin
Porterville Ca 93257

Telephone: Home 783-0748
Work 381-1117
FAX __________________________
E-mail Kelle Lowe88@yahoo.com

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: Porterville Neptunites Board, 10 years.
      CYSA Soccer Board, Vice President, 7 years.
      Benton Elementary School Site Council, 4 years.

I am a single mother of 2 working full time at Beckman's. I am low income and do live in a neighborhood that needs work. I have lived in my home for 14 years.

I was previously a self-employed para-medical examiner. I am most interested in becoming more involved in our community.

☐ Resume attached
☐ Letter of request attached

Submitted By:  Kevleawe  2-3-9  
                Date

Received by:  Luisi Herrera

Forwarded to:  City Clerk  □  Date:

      City Council  □  Date:
      City Manager  □  Date:

      Applicable Dept.  □  Date:  2-4-09

Tentative Council Mtg Date:_________________________________
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Robert Shivers
(Please Print)

Appointment to: Citizens Advisory & Housing Opp Com
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 2316 W. Wall Ct
Porterville, CA 93257

Mailing Address: ____________________________

Name of Business: Shivers & Associates

☐ Own  ☐ Operate

Business Address: Same

Telephone: Home 784-1337
Work 392-4889
FAX 784-1337
E-mail Shivers.assoc@att.net

City of Porterville resident: ☑ Yes ☐ No
Registered Voter: ☑ Yes ☐ No

Page 1 of 2

RECEIVED
JAN 28 2009

Community Development Department
Qualifications: 8 YEARS BANKING, 20 YEARS Finance
Specifically REAL ESTATE, Agriculture, Equipment Leasing.

Educaton 2 YEARS PORTERVILLE College, Special classes
Bakersfield College, BUSINESS RELATED SEMINARS

Local History: Family has been here permanently since 1946, Graduated PUTS, Attended Burton Elementary as did my children and grandchildren.
Provided consulting services to many businesses in various industries throughout the Valley.

☐ Resume attached
☐ Letter of request attached

Submitted By: [Signature] 1-27-09

Date

Received by: Luci Herrera

Forwarded to: City Clerk ☐ Date:
City Council ☐ Date:
City Manager ☐ Date:
Applicable Dept. ☑ Date: 1-28-09

Tentative Council Mtg Date: __________________________

Page 2 of 2
Robert E. Shivers  
2316 W. Wall Ct  
Porterville, CA 93257  
Res.: 559.392-4889  
Fax: 559.784.1337  
shivers.assoc@att.net

Summary

- Eighteen years experience in Banking in Agricultural, Commercial, Consumer and Real Estate lending, serving as Branch Manager for 7 years.
- Experienced in Institutional Consumer, Commercial, Ag, Real Estate Finance and Equipment Leasing.

Employment History

**Real Estate**  
2002 - 2007

Sequoia Pacific Development Co. LLC, Clovis, CA  
Co-Managing Member

A local real estate acquisitions firm assisting major and national developers locate developable ground at reasonable prices and terms.

- Areas of effort: Sanger (1200 SFR Lots) Dinuba-Reedley, Selma-Clovis (commercial potential properties)
- In 2005, our company posted roughly 80% of all acquisitions for the D.R. Horton, Inc. Fresno office, roughly $60MM in wholesale value.

CalWest Diversified, Fresno, CA  
2002 – present

**Mortgage Broker**  
Manager, SFR Mortgage Department (small office of five people)

- Assisted in acquiring 80+ acres at Shaver Lake – the only non-Edison owned property in that area.

**Equipment Leasing**  
1998 – 2002

Accountant’s Financial Services (AFS), Fresno, CA  
Director of Financial Sales

Leasing and Commercial Real Estate Finance. AFS was owned by the partners of one of the larger local CPA firms in Fresno. The intent was to pre-expose the CPA clients with tax savings Capital Asset Planning (Leasing).

- During this period, we saved the CPA clients literally millions of dollars in leases tax benefits and reduced commercial real estate rates via our "Brokerage" of specific commercial loans.

AmPac Leasing, Riverside, CA  
National Account Manager  
1998 - 2000

**Small Business Consulting**  
1982 – 1997

Porterville Ready Mix, Porterville, CA  
Marketing Consultant

- Increased sales by 33% in the first year.
Signal Hill Savings & Loan, Long Beach, CA
1996
Consultant
- Assisted the S&L in the commercial paper funding of loan transactions to various paper buyers.
- During my tenure, we found opportunities to streamline the internal SFR Mortgage Loan process and delivery system.

Consultant 1982 – 1996
- Consulted to various small businesses and farmers. Largest transaction: received loan commitment for $100MM to fund Medical Accounts Receivable for Mr. Jack Walker, a well known West Coast Medical I.T. personality.
- Established a Marketing program for a patented medical lift.
- Marketed portable school buildings from San Diego, CA to Chico, CA, generating roughly $10MM in annual sales.

Banking 1963 - 1982
Monument National Bank, Ridgecrest, CA 1982
- Proposed EVP and Organizing Exec Committee for this to-be-formed Bank in Ridgecrest, CA (China Lake area, Kern County).

Community First Bank, Bakersfield, CA 1975 – 1982
Senior Business Development Officer, Bakersfield Main Branch Manager, Shafter, CA
- Received Branch Manager of the Year award in 1978

Assistant Branch Manager, Kerman, CA 1975

United California Bank 1972 – 1975
Consumer Loan Department Manager, Porterville, CA 1975
- Branch had 1,000 loans, many not properly documented. Restructured the entire department increasing Consumer Loan Branch position from 17 of 17 branches to number 3 in one year.

Consumer Loan Department Manager, Tower District, Fresno, CA 1973
Installment Loan Department/
Large Automotive Financial Department, Bakersfield, CA 1972
- Successfully participated in Commercial Loan Training, Fresno, CA

Consumer Auto Finance, Visalia, CA
Loan Adjustment Division, Fresno, CA (Collections and repossessionss)

Began my banking career out of community college in 1963 with Crocker-Anglo Bank in Porterville, starting in the Consumer Loan Department as a Teller, working my way up to Loan Manager at San Joaquin Valley National Bank in Porterville, then to EVP of Monument National Bank by 1980.

References furnished upon request.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE
IRIS FESTIVAL, APRIL 25, 2009

SOURCE: Administrative Services - Finance Division

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 10th Annual Iris Festival on Saturday, April 25, 2009, from 9:00 a.m. to 5:00 p.m. The following street/sidewalk/parking lot/park closures/uses is requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street;
Cleveland Avenue from Division Street to the alley east of Main Street;
Thurman Avenue from Division Street to alley east of Main Street and
Harrison Avenue from Division Street to alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park, Main St.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit "A." The application, agreement, exhibit "A," request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit "A" of the Community Civic Event forms.

ATTACHMENT: Community civic event application and agreement, vendor list, request for street, sidewalk and parking lot closure/usage, Exhibit A, map, outside amplifier permit, Exhibit B.

D.D. Appropriated/Funded N/A C.M. Item No. 10
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: 1-23-09  Event date: 4-25-09
Dec'd 1-27-09

Name of Event: Jiva Festival

Sponsoring organization: Porterville Chamber PHONE # 784-7502
Address: 93 N Main

Authorized representative: Donnette Silva Caity PHONE # 784-7502
Address: 93 N Main

Event chairperson: Garry Giraudi PHONE # 784-7502

Location of event (location map must be attached): Main Street

Type of event: Festival - Food; Craft Booths; Stage; Entertainment; Kids Amusements; Non Profit Info Booths

Nonprofit status determination: 501 C 3

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

- Barricades (quantity): 100
- Police protection: Yes [x] No [ ]
- Street sweeping: Yes [ ] No [x]
- Refuse pickup: Yes [x] No [ ]
- Other: ________________________________

Parks facility application required: Yes [x] No [ ] Attached [ ]
Assembly permit required: Yes [ ] No [x] Attached [ ]

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

- Approve [ ] Deny [ ]
- Bus Lic Spvr
- Pub Works Dir
- Comm Dev Dir
- Field Svcs 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 you convenience. This original certificate shall be submitted prior to the City of Porterville Council’s approval.

Authorized Representative Initials

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

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 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.

Authorized Representative Initials

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

Authorized Representative Initials

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

Porterville Chamber (Name of Organization)

(Signature) 11/23/09 (Date)
CITY OF PORTERVILLE

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

Name of event: **Iris Festival**

Sponsoring organization: **Porterville Chamber**

Location: **Main Street**  
Event date: **4-30-01**  
Event time: **9am-5pm**

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>Vendors will be submitted one week prior to event</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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: Iris Festival
Sponsoring organization: Porterville Chamber
Event date: 4-25-09

Hours: Event hours 9am-5pm

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>Main Street</td>
<td>Olive</td>
<td>Morton</td>
<td>Booths, Kids</td>
</tr>
<tr>
<td>Garden</td>
<td>Main</td>
<td>East Alley</td>
<td>Area, Stage</td>
</tr>
<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>Entertainment</td>
</tr>
<tr>
<td>Mill</td>
<td>Division</td>
<td>East Alley</td>
<td>Red Traffic</td>
</tr>
<tr>
<td>Putnam</td>
<td>Division</td>
<td>East Alley</td>
<td></td>
</tr>
<tr>
<td>Cleveland</td>
<td>Division</td>
<td>East Alley</td>
<td></td>
</tr>
<tr>
<td>Thuman</td>
<td>Division</td>
<td>East Alley</td>
<td></td>
</tr>
<tr>
<td>Harrison</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main</td>
<td>Olive</td>
<td>Cleveland</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Oak</td>
<td>Main</td>
<td>Second</td>
<td>Sales</td>
</tr>
<tr>
<td>Mill</td>
<td>Hockett</td>
<td>Main</td>
<td>Sales</td>
</tr>
<tr>
<td>Putnam</td>
<td>Hockett</td>
<td>Main</td>
<td></td>
</tr>
</tbody>
</table>

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking lot</td>
<td>Room's Shuttle Stop</td>
</tr>
<tr>
<td>Between Allen's 5 Previous</td>
<td></td>
</tr>
<tr>
<td>JC Penney Site</td>
<td></td>
</tr>
</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE

IRIS FESTIVAL

APRIL 25, 2009

Business License Supervisor:  
S. Hartman  

Vendor list required prior to event

Public Works Director:  
B. Rodriguez

Provide general cleanup after event. Return City barricades if borrowed from City.

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

Fire Chief:  
M. G. Garcia

Situate the vendors on Main Street so that a fire apparatus access road for emergency use is maintained during the event.

Parks and Leisure Services Director:  
J. Perrine

Applicate to complete Facility Reservation Request for Centennial Plaza.

Police Captain:  
S. Rodriguez

Please see exhibit B

Administrative Services Manager:  
P. Hildreth

See attached, exhibit A, page 2.

EXHIBIT “A,” Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Gary Giraudi
Location: Main Street
Date of Event: April 25, 2009
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.
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:
   
   Porterville Chamber
   93 N Main, Suite A
   Phone # 78-4-7502

2. Address where amplification equipment is to be used:
   
   Main Street
   Phone # 280-3519

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Pete McCrachen
   Julie Ream

4. Type of event for which amplification equipment will be used:
   
   Jazz Festival

5. Dates and hours of operation of amplification equipment:
   
   4-25-09  9am - 5pm

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

Applicant: [Signature]
Date: 1/23/09

Chief of Police: [Signature]
Date: Jan. 30, 2009

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 URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: _____________________________
______________________________
______________________________

3/27/01
CITY OF PORTERVILLE
Community Civic Event Application

PORTERVILLE IRIS FESTIVAL – April 29, 2009

Proposed Conditions/Requirements for Porterville Iris Festival – Downtown Porterville

➢ City Council approval is required for all street closures.

➢ Ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

Silver Rodriguez, Captain
Police Department
February 2, 2009

EXHIBIT B

PORTERVILLE POLICE DEPARTMENT MISSION STATEMENT
The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.
CITY COUNCIL AGENDA FEBRUARY 17, 2009

PUBLIC HEARING

SUBJECT: REQUEST FOR RECONSIDERATION OF CONDITIONAL USE PERMIT 9-2007 (MR. IQBAL SINGH - FRIENDLY LIQUOR AT 814 W. OLIVE AVE)

OWNER APPLICANT: MR. IQBAL SINGH – FRIENDLY LIQUOR

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT – PLANNING DIVISION

COMMENT:

On February 3, 2009 the Porterville City Council approved a Modification #1 to the approved Conditional Use Permit (CUP) 9-2007 by a vote of three (3) to one (1) to allow for deviation from the originally approved gas canopy design. After approving the modification the City Council took an intermission from the meeting and returned after a short break. Upon the City Council returning to order, some members of the City Council expressed that they felt some kind of a penalty should have been imposed on the applicant for constructing prior to approval of the modified design. Because the applicant had already left the meeting, the City Attorney recommended the City Council make a motion to reconsider the modification and re-notice the item for the next Council meeting.

In addition to the attached staff report, the following is a chronology of events describing site visits and summarizing correspondence with the market owner and contractors:

12/17/08 - Staff was informed that the site had an issue with the location of the pumps and reduced landscaping at the southeast corner of the property. Staff inspected the site, identified the issues and found that there were several other components of the project that were constructed or under construction that were unauthorized. Those issues included a relocation of underground drainage, curb location, and the construction of sidewalk that did not meet City Standards. Review of the construction plans found that in addition to the fuel pumps and canopy being relocated, the main building was also constructed twenty-seven (27') feet further back on the property from what was shown on the construction plans. On several occasions staff asked the lead contractor what went wrong and “why wasn’t the site constructed as designed?” the contractor’s response was “that the other subcontractor was responsible for that portion of the job.” The owner was unable to comment on his contractor’s work.

12/30/09 – The parking lot was paved.

DD [Signature] CM [Signature] Appro./Funded n/a Item No. 11
12/31/08 - Staff inspected the site and realized that the parking would have to be redesigned to accommodate the ADA requirements and the clean-air filtration system. The filtration system was not shown on the original design plans and was not taken into consideration for design of the required parking lot. Staff informed the owner of the issues and did not receive a comment.

On several occasions between 12/31 and 1/9 Staff met with the paving contractor to discuss alternative designs to the parking area and trash enclosure that would meet City code and standards. Ultimately two designs were proposed but not presented on a site plan. Staff contacted Gary Weaver (architect/designer) and asked that an as-built plan be submitted and a proposed parking layout be incorporated for staff to review and approve. The revised and proposed site plan was submitted within days.

1/9/09 - Staff observed the materials for the canopy on site and as the materials were being erected, staff realized that the design of the canopy was not consistent with the approved plan. The canopy was approximately a third of the way completed when staff informed the owner and contractor not to proceed. The applicant was informed that the canopy was not an approved design and that it should not go up. The owner basically shrugged his shoulders turned and said “that’s what we got.” Staff let the owner know that it was not acceptable and should not proceed. At that point staff came back and informed the City Planner. The contractor also came into the office before the canopy was completed and to try to better understand the issue. He (canopy contractor) said that he could not stop because the materials were on the job site. He claimed that that was the plan that was submitted and approved by staff and that he was going to complete the task.

1/12/09 - Staff was asked to inspect the site and let the owner know that the relocation of the building and canopy, and redesign of the parking lot was something that staff and the Zoning Administrator could approve but that the “re-design” and construction of the canopy could only be authorized by the City Council.

1/13/09 - Staff authorized a temporary occupancy permit that allowed the convenience market to operate without the use of the gas pumps. The owner was informed that the gas pumps could not be utilized until the City Council approved a modification to the design and construction of the gas canopy. The owner was instructed to formally submit an application for Modification to the Conditional Use Permit.

1/14/09 - The Zoning Administrator approved the As-built plan and new parking lay-out.

1/22/09 - Staff took photos of the redesigned canopy as completed.
City Council authorized Modification No.1 to Conditional Use Permit 9-2007. That same evening the Council made a motion to reconsider the Conditional use permit so that the City Council could consider imposing a penalty as a result of constructing the redesigned gas canopy without prior approval.

In the past the City Council has penalized applicants and/or business owners for violation of their Conditional Use Permit conditions of approval. An example of this last occurred in 2003 when the Porterville Police Department and California Department of Alcoholic Beverage Control conducted a “decoy” operation in which an underage subject attempted to purchase alcohol from several Porterville convenience markets. In the case of “Frank’s Stop & Go,” the business owner and applicant for the existing Conditional Use Permit was the clerk who made the sale to the test subject. Conditional Use Permit 4-2000 was approved on November 21, 2000 to allow the sale of beer and wine under an off-sale license in an existing mini-market located at 610 West Olive Avenue (Frank’s Stop and Go). One of the Conditions of Approval for that Conditional Use Permit reads:

“The developer/applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this, or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Article 31 of the Porterville Zoning Ordinance.”

At the regularly scheduled meeting on November 4, 2003, the City Council held a public hearing and voted to adopt Resolution 146-2003 modifying Conditional Use Permit 4-2000 to prohibit alcohol sales for a period of 60 days and to impose a probationary period of three years for violating the conditions of approval.

As per the direction of the City Council, the matter of Conditional Use Permit 9-2007 is returning for the City Council to consider imposing a penalty as a result of constructing the redesigned gas canopy without prior approval. This course of action is consistent with what the City Council has done in the past.

At the February 3, 2009 meeting, the City Council mentioned two possible penalties to consider:

1. 15-day moratorium on the use of the fueling pumps.
2. 30-day moratorium on the use of the fueling pumps.

RECOMMENDATION: That the City Council direct staff on how to proceed.

ATTACHMENTS:

1. Complete Staff report from the February 3, 2009 City Council meeting
CITY COUNCIL AGENDA FEBRUARY 3, 2009

PUBLIC HEARING

SUBJECT: REQUEST FOR MODIFICATION TO CONDITIONAL USE PERMIT 9-2007 (MR. IQBAL SINGH - FRIENDLY LIQUOR)

OWNER APPLICANT: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT:

On October 16, 2007 the Porterville City Council approved Conditional Use Permit (CUP) 9-2007 to allow for construction of a new 2400± square foot convenience store and a gasoline/fuel island with a canopy. The CUP required that the canopy be constructed to match the architecture of the store with decorative columns, a pitched roof and similar materials and colors. The applicant is now requesting a modification to the approved Conditional Use Permit (CUP) 9-2007 to allow for deviation from the originally approved gas canopy design.

The approved plans identify the specific location, size, and design of the new convenience market and related improvements. Through the process of site inspections per the approved construction plans, staff discovered that the gas pumps and canopy, as well as the convenience market, were not constructed where the plans had indicated. The convenience store building was set back 27 feet further from Olive Avenue than what was originally approved, and the gas islands and canopy were constructed seven (7) feet closer to the south east corner of the property along Olive Avenue. Staff evaluated the design changes and determined that all of the changes met or could meet Zoning Ordinance regulations. The parking lot needed to be re-designed in order to accommodate a state required gas filtration system and the Americans with Disabilities Act requirements. Staff believes the parking lot will actually function better than the original design. City staff could not, however, authorize a change to the appearance of the canopy because consistency with the building was required in the conditions of approval. The City Council’s resolution of approval specifically states in condition #49, that the subject site will be developed, constructed and maintained in accordance with Exhibits “A” and “B” (attached). These exhibits illustrate the building and canopy design as well as the project site plan.

The applicant is requesting a different canopy based on his contractor’s claim that the approved design of the canopy shown on Exhibit “A” is not possible as it is not financially feasible. Additionally, the contractor claimed that the original bid was for a standard basic flat roof canopy, as installed. Because the applicant needs City Council approval to install a different canopy, the applicant has been unable to get his building permits finalized and has been restricted from utilizing the gas pumps for business. In an effort to allow the convenience market to open while the canopy matter is resolved,
temporary occupancy has been approved. The applicant, as per attached letter (see attachment 6), is proposing to paint the canopy to match the color scheme of the existing convenience store with a beige background with a dark brown 8” stripe on the bottom side of fascia to match the existing building. Also, incorporating a stone veneer wrapping the canopy poles four (4) feet in height from the base.

All requirements of the Zoning Ordinance have been met in the revised design including parking, loading zone, setbacks, block walls, etc. All projects require separate sign permits from the actual building plans. To date, the applicant has not submitted any sign permits but has installed a flat panel/billboard type sign at the entrance of the new building. The applicant will need to secure a building permit for the sign that has been installed.

ENVIRONMENTAL REVIEW

The subject proposal is categorically exempt pursuant to Section 15302 (Reconstruction/Replacement Rule) of the CEQA Guidelines.

ALTERNATIVES TO THE PROJECT AND EFFECT OF ALTERNATIVES:

1. Approve the applicant’s request for modification to the CUP and require the applicant to complete the modified canopy, including its supporting columns and panel trim, and any future buildings/structures to be consistent with the architecture of the convenience store building, including the use of similar materials, colors, stucco and stone veneer finishes. The canopy does not need a pitched roof, as was originally proposed to accomplish this.

2. Deny the applicant’s request for modification to the conditional use permit which would disallow the gas canopy as constructed, and require the applicant to construct the gas canopy as designed in the originally approved CUP.

3. Approve the applicant’s request for modification to the CUP and allow the canopy as constructed.

RECOMMENDATION: Staff recommends that the City Council:

1. Authorize Alternative 1; “Approve the applicant’s request for modification to the CUP and require the applicant paint the canopy panel of similar materials, colors, stucco and stone veneer finishes as per applicants proposal within a month period or per councils determination upon adopted resolution.

2. Adopt draft resolution approving modification #1 to Conditional Use Permit 9-2007, subject to conditions of approval.
ATTACHMENTS:

1. Land Use, Zoning and General Plan Map
2. Site Plan (Exhibit "A")
3. Rendering (Exhibit "B")
4. Gas canopy photographs
5. CUP Modification Application
6. Applicant's Letter of Request for Modification
7. Draft Resolution
Land Use/Zoning
General Plan Map

Landuse/Zoning -
C-3 = Heavy Commercial Zone
R-3 = Multiple Family Zone
O-A = Open Area Zone

General Plan Designation -
- Heavy Commercial
- High Density Residential
- Public & Quasi Public
Modification of C.U.P.

CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME:

Friendly Liquor

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

814 W. Olive
Porterville, Ca, 93257
784-8937

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT/CONTACT PERSON:

2471 W. Memory Lane, Porterville, Ca
Iqbal Singh

PROJECT ADDRESS AND NEAREST CROSS STREETS:

814 W. Olive
Porterville, Ca.

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
We need to modify the conditional use permit for the canopy because we did not understand it had to be done exactly the same.

Date of most recent sale of property: N/A

If applicant is the lessee, give date property was leased: N/A

List below the original deed restrictions pertaining to the type of improvements permitted:
N/A

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300' radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed. We do not believe this deviation from original conditional permit will cause any injury, or be detrimental for public welfare.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).
   
   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).

   **Canopy is to protect customers from sun and rain while pumping gas into vehicle**

   (b) Total number of employees that will work on the property.

   2

   (c) Total number of off-street parking spaces provided or planned.

   12

   (d) Maximum height of buildings or structures.

   10 ft. to top of structure

   16 ft. to bottom of ceiling

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

   N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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OWNER'S DECLARATION

STATE OF CALIFORNIA )  
COUNTY OF TULARE ) ss

I, Iqbal Singh, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

1/08/09 this 8 day of January, 2009.

Signed

Telephone (559) 734-8927  
Mailing Address 814 W. Olvey  
Porterville, CA. 93257

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received __________________________  
Date __________________________

Receipt No. __________________________

By __________________________
To Porterville City Council,
From Friendly Liquor

We are requesting to deviate from the original design of the canopy. We are proposing to paint the canopy to match the color scheme of the store with a beige background and with a dark brown 8” stripe on the bottom side of fascia to match store. And with the rock wrapping the canopy poles four feet high on the Canopy Poles. If approved we would like be able to pump fuel while we are getting these changes done to the canopy.

The reason we did not install the canopy the way the plans approved by City Council, was that we did not know the canopy had to be exactly like the plan since 99 percent of the canopies built in Porterville are all flat roof canopies. Most pitch roof canopies are old wooden roof canopies which have been remodeled. When we applied for the permit we also submitted Structural Calculations on page 1 it has the canopy specifications which show a typical 3’ Fascia, and Structural Plan View, Section/Elevation, and General Notes which also on page 1 Section/Elevation it shows without a doubt how the canopy was going to be built these plans were approved and permit # COM-05-08-0130 was given on 6/03/08. Also on page 3 it shows again the 3’ fascia and has no specs for pitch roof. You would think that is the reason for plan check to verify all requirements for a site. We realize we did make a mistake in submitting plans that were not made to the requirements on the plans approved by the City Council but we also have to realize that the City Building Department also made a mistake in approving the plans and letting us go this far till the Canopy is up and then say it is not right. On the City Council Resolution No. 105-2007 Condition # 34 it says Gas Canopy Structure shall require engineered Stamp set of plans. That is the only condition on the resolution for the canopy. And we did submit a set of engineered set of plans to receive the permit for the canopy.

Thank You, Iqbal Singh

FRIENDLY LIQUOR
814 W. OLIVE AVE.
PORTERVILLE, CA 93257
(559) 784-8937

ATTACHMENT
ITEM NO. 6
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF MODIFICATION No.1 TO THE APPROVAL OF CONDITIONAL USE PERMIT 9-2007 FOR THAT .38± ACRE SITE LOCATED AT THE NORTHWEST CORNER OF OLIVE AVENUE AND INDIANA STREET

WHEREAS: The City Council at its regularly scheduled meeting of October 16, 2007, adopted Resolution 105-2007 approving Conditional Use Permit 9-2007 to allow the development of a new 2400± square foot building to continue the existing use, a canopy for an addition of a gasoline/fuel island, and a carwash. The subject site is situated in a C-3 (Heavy Commercial) Zone, located at 814 W. Olive Avenue on the northwest corner of Olive Avenue and Indiana Street; and

WHEREAS: On February 3, 2009 the City Council conducted a public hearing to consider Modification No.1 to CUP 9-2007, a request to modify architectural detailing of the proposed fuel island canopy; and

WHEREAS: The City Council made the following findings with respect to the proposed project:

1. That the proposed modification is consistent with the site’s General Plan Land Use (Heavy Commercial) and Zoning (C-3 Heavy Commercial Zone) Designations.
2. That the site is physically suitable for the type of modification proposed. The proposed modification use will have the same purpose and capacity as the existing use.
3. That the design of the modification is not likely to cause substantial environmental damage.
4. That the proposed modification per “Reconstruction or Replacement” Exemption Class 3, Section 15302 (b) of the CEQA Guidelines is Categorically Exempt.
5. That the proposed location of the modification and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
6. That the standards of the site area dimensions, site coverage, height of 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.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 1 to Conditional Use Permit 9-2007, subject to the following conditions:
1. That the conditions contained in City Council Resolution 105-2007 shall remain in full force and effect except as modified herein.

2. The City Council of the City of Porterville omits original condition #49 of Resolution 105-2007 and approves new conditions #49 and #51 to read as follows:

49. That the construction of any structure or building on the site shall conform substantially to the approved plans incorporated herein by reference as Approved Zoning Administrator Exhibit “A” except as modified herein.

51. That the proposed canopy, including its supporting columns and panel trim, and any future buildings/structures shall be consistent with the architecture of the convenience store building including the use of similar materials, colors, stucco and stone veneer finishes. The canopy does not need a pitched roof, as was originally proposed to accomplish this.

Cameron Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By ________________________________

Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 11-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF MODIFICATION No.1 TO THE APPROVAL OF CONDITIONAL USE PERMIT 9-2007 FOR THAT .38± ACRE SITE LOCATED AT THE NORTHWEST CORNER OF OLIVE AVENUE AND INDIANA STREET

WHEREAS: The City Council at its regularly scheduled meeting of October 16, 2007, adopted Resolution 105-2007 approving Conditional Use Permit 9-2007 to allow the development of a new 2400± square foot building to continue the existing use, a canopy for an addition of a gasoline/fuel island, and a carwash. The subject site is situated in a C-3 (Heavy Commercial) Zone, located at 814 W. Olive Avenue on the northwest corner of Olive Avenue and Indiana Street.; and

WHEREAS: On February 3, 2009 the City Council conducted a public hearing to consider Modification No.1 to CUP 9-2007, a request to modify architectural detailing of the proposed fuel island canopy; and

WHEREAS: The City Council made the following findings with respect to the proposed project:

1. That the proposed modification is consistent with the site’s General Plan Land Use (Heavy Commercial) and Zoning (C-3 Heavy Commercial Zone) Designations.
2. That the site is physically suitable for the type of modification proposed. The proposed modification use will have the same purpose and capacity as the existing use.
3. That the design of the modification is not likely to cause substantial environmental damage.
4. That the proposed modification per “Reconstruction or Replacement” Exemption Class 3, Section 15302 (b) of the CEQA Guidelines is Categorically Exempt.
5. That the proposed location of the modification and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
6. That the standards of the site area dimensions, site coverage, height of 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.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 1 to Conditional Use Permit 9-2007, subject to the following conditions:
1. That the conditions contained in City Council Resolution 105-2007 shall remain in full force and effect except as modified herein.

2. The City Council of the City of Porterville omits original condition #49 of Resolution 105-2007 and approves new conditions #49 and #51 to read as follows:

49. That the construction of any structure or building on the site shall conform substantially to the approved plans incorporated herein by reference as Approved Zoning Administrator Exhibit “A” except as modified herein.

51. That the proposed canopy, including its supporting columns and panel trim, and any future buildings/structures shall be consistent with the architecture of the convenience store building including the use of similar materials, colors, stucco and stone veneer finishes. The canopy does not need a pitched roof, as was originally proposed to accomplish this.

Cameron Hamilton, Mayor

ATTEST:

John D. Lohff, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
I, JOHN LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of February, 2009.

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

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<th>McCracken</th>
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<th>F. Martinez</th>
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JOHN LOLLIS, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: FEBRUARY 17, 2009

PUBLIC HEARING

SUBJECT: REQUEST TO ALLOW FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 E. PUTNAM AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: At the January 20, 2009 City Council meeting, the City Council voted to consider the applicant’s request for a submittal of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue. The Porterville City Council, at their regularly scheduled meeting of March 1, 2005 denied Conditional Use Permit 1-2005 to allow for the same upgrade request of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license.

The subject site is located in Census Tract 39.01 which allows a maximum of seven (7) off-sale alcohol licenses. Currently, there are twelve (12) existing licenses there, including the one at this site.

The request for upgrade in alcohol license is consistent with the general plan policies that promote neighborhood commercial, walkable communities, accessibility to services and goods within a sensible and convenient distance.

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 b3 of the CEQA Guidelines, the proposed project qualifies for a categorical exemption

STAFF RECOMMENDATION: That the Council approve Conditional Use Permit 4-2008 for an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the attached resolution.

ATTACHMENTS: Complete Staff Report

Appropriated/Funded N/A CM Item No. 12
CONDITIONAL USE PERMIT 4-2008
FOR CITY COUNCIL MEETING FEBRUARY 17, 2009

APPLICANT: Mounib Dakhil – Sunnyside Market
809 E. Putnam Ave
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting consideration of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue.

SIZE OF PROPERTY: 25,972 square feet

GENERAL PLAN CLASSIFICATION: Neighborhood Commercial

ZONING CLASSIFICATION: C-1 (Neighborhood Commercial)

SURROUNDING ZONING AND LAND USES:
North: Low Density Residential – R-1 (Single Family Residential)
West: Parks and Recreation – OA (Open Area) – Porterville Municipal Golf Course
South: Low Density Residential – R-1 (Single Family Residential)
East: Low Density Residential – R-1 (Single Family Residential)/commercial building (small retail building with multiple tenants space)

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<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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<td>Categorically exempt from CEQA</td>
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ENVIRONMENTAL REVIEW:

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 b3 of the CEQA Guidelines, the proposed project qualifies for a categorical exemption.
PROJECT/DESCRIPTION ANALYSIS:

At the January 20, 2009 City Council meeting, the City Council voted to consider the applicant’s request for a submittal of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue. The Porterville City Council at their regularly scheduled meeting on March 1, 2005 denied Conditional Use Permit 1-2005 to allow for the upgrade of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license. The denial was based on City Council’s belief that the area would not benefit from the upgrade in alcohol and the area did not warrant an intensification of use in an area over-concentrated with licenses. It was believed at the time that the result of approving the upgrade would result in an undesirable effect on the community by establishing a city wide precedent of allowing other convenience markets to seek similar intensifications.

The applicant informed the Project Review Committee, that upon approval of a conditional use permit to allow for the sale of distilled sprits, the distilled sprits would be located behind the clerk’s counter and not accessible to the general public.

The Porterville Police Department has indicated that very few service complaints in regard to alcohol related incidences have been registered at this location. Although the Police Department has no objection to the project, a standard condition in the resolution was imposed to require the installation of security lighting on the exterior of the building and/or in the parking lot sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department.

The Parks & Leisure Services Director recommends against the approval of the subject alcohol license upgrade. This recommendation is based upon concerns with two public facilities within close proximity to the location of the applicant. It is the Director’s opinion that the incremental convenience of access for purchase of distilled sprits will result in a lessening of the public’s enjoyment of Porterville Golf Course and Murry Park, and will contribute to more litter, broken glass, and other detriments to the park facilities.

Section 2100 D of the Porterville Zoning Ordinance states the following:

“Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance.”

The subject site is located in Census Tract 39.01 which allows a maximum of eight (7) off-sale alcohol licenses. Currently, there are eleven (12) existing licenses there, including the one at this site. This makes nearly one and a half times more than the number of licenses allowed in the tract according to the ratio of alcohol licenses to population. Of these licenses 8 are for beer and wine and 4 are for beer, wine, and distilled spirits.
Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the additional license or upgrade in license type.

The subject site is consistent with the Neighborhood Commercial General Plan Land Use and Zoning Designations. The Neighborhood Commercial designation is intended for small-scale commercial development that provides convenience retail for local neighborhoods.

RECOMMENDATION: That the Council approve Conditional Use Permit 4-2008 for an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the attached resolution.

ATTACHMENTS:

1. Existing Land Use/General Plan Land Use/Zoning Map
2. Census Tract Map 39.01
3. Site Plan, interior layout, elevations and pictures of existing site
4. Applicant’s letter
5. Customer signatures
6. City Council Resolution 38-2005
7. Draft Resolution
8. Mayor’s letter of public convenience or necessity

Jose B. Ortiz Project Planner 2/17/09 Date
To the city council of Porterville

From

Sunnyside Handy Market
809 E Putnam Ave
Porterville Ca 93257

Hello dear sirs and madams; please kindly accept to read this application from us for a re-consideration of an upgrade from beer and wine license type 20 to type 21 so we can start selling hard liquor in our store.

As a start; I want to tell you that a few years ago we applied for a liquor license but our request was denied by the city council for reasons such as having liquor might make more people drunk and lead them to cause problems and that the neighborhood is already not safe. However this time we are applying and we’re all hope that you gentlemen and ladies are going to take the last peaceful and quiet few years in your consideration and that our neighborhood is getting bigger and there isn’t any liquor store close by us. Actually, the nearest store is few miles away and that’s the thing our customers are complaining about to the extent that most of them have signed on papers which we have at the store asking for the approval of a liquor license for our store. Finally, we sure appreciate any time and effort you gentlemen and ladies spend looking through our application and re-considering this upgrade for the benefit of public, progress of the city and business and so may God help you to do the right thing as you always do.

And thank you very much
Sincerely
Owner
Maurie DAKHIL

General manager
FRANK ALSET

559-359-3361

559-359-5411

ATTACHMENT
ITEM NO. 4

Letter # 2
Date 3-3-98
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. INSERT NAME
2. INSERT NAME
3. INSERT NAME
4. INSERT NAME
5. INSERT NAME
6. INSERT NAME
7. INSERT NAME
8. INSERT NAME
9. INSERT NAME
10. INSERT NAME

11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]

ATTACHMENT
ITEM NO. 5
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. Nicolas Tence
3. Martha Clark
4. [Signature]
5. Thomas Castilla
6. [Signature]
7. Nelly Caballero
8. Ameen Nawaz
9. [Signature]
10. [Signature]
11. Santiago Acier
12. Lydia Aza
13. Tom Bethune
14. [Signatures]
15. [Signatures]
16. James P. Bledsoe
17. [Signatures]
18. [Signatures]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Rosemary Sunberg
2. Gayle Capircich
3. Mary Nuzzo
4. Mary Brehm
5. Minnie Smith
6. Kenneth Taylor
7. Robert Torres
8. Angel Gutierrez
9. Francine Dracite
10. Susan Moreau
11. Yadira Pico
12. Licia Barron
13. Szy Szy
14. Todd Raline
15. Todd Raline
16. Robert Chappie
17. E. Dot
18. Amanda Kiser
19. Mary Ann Shepherd
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. MANUEL MARTINEZ
16. Rich Haasen
17. Todd Pixler
18. [Signature]
19. [Signature]
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Michael O'Neil
2. Ray Mon
3. Sharley Fernandez
4. Andrea Rania
5. Jose Sepeda
6. Kathy Molina
7. Julio Baez
8. Emi L. 784-7055
9. John Cook
10. En M.
11. Donna Abramchuk
12. Veronica Garza
13. Gary Mullis
14. R. Mac
15. Victoria Coreces
16. Matthew Arisco
17. Maria Szyman
18. Steve Tamporello
19. Sandra Villaznque
20. Chiho Abovado
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Janie Sanchez
2. J. A. Thompson
3. Carl Harvey
4. Sonya Creasy
5. Marva
6. James Brown
7. Jamie Dae
8. Jose Valdez Jr.
9. Carl O. Martinez
10. Yvania Gonzalez
11. Jorge Ruiz
12. S. C. O.
13. Kimberly Halsey
14. Lorrie A. Luchsader
15. Sue McNeil
16. Scott Johnson
17. George
18. Tony Fox
19. M. Fred
20. James Castro
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Joseph Phanthavong
2. Rubiana Rodriguez
3. Bahid H. Hasnes
4. John Ostranski
5. Beatrice Sev
6. Alba Bener
7. Alfredo Lopez
8. Frank Sheari
9. Francisco Hernando
10. Jerry Panagakos
11. Lorraine
12. Ozzie Bailey
13. Mary E. Harnes
14. Fred Pek
15. Pete Cen
16. Juan Martinez
17. Jack Lassiter
18. Gerald
19. John Bryant
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Sandra Beas
2. Alice Atana
3. Kathleen Denny
4. Colleen Fisher
5. Janet Coleman
6. Tony Sullivan
7. Frank Chase
8. James Whiting
9. Jess S. Meg
10. Art C.
11. A. Magrabi
12. Jose Torres
13. Michael Stecic
14. Paul L.
15. 
16. Raymond Aquino
17. David Bankol
18. Sam D.
19. Macdonald Martinez
20. Eld C.
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Tarah Madalynn
2. Ace Carter
3. Rae Barm
4. Mariah
5. Robert
6. Rudy García
7. Kelly García
8. Annie Silva
9. [Signature]
10. [Signature]
11. Aly Hart
12. Ignacio Ramon
13. Isidro Alvarado
14. Chilo Alvarado
15. Franciska Rodriguez
16. Devon Fowler
17. [Signature]
18. Frank White
19. Jacqueline White
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Stephen Chassan
2. [Signature]
3. Belch Le Vassan
4. Patrick Le Vassan
5. Jody Cookman
6. Jane Z
7. Scotty Lek
8. Jose Garcia
9. [Signature]
10. [Signature]
11. Chia Munjia
12. [Signature] June 98
13. Warren Mykness
14. Mary Ordees
15. Michael Negro
16. [Signature] Peter
17. Julie Roady
18. Babam Batsa
19. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Dave Snell
2. [Signature]
3. Lynnette Weisler
4. George Pena
5. [Signature]
6. Bohnie Weisler
7. Rebelle Mitchell
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Jesse O. Shields Jr.
2. Jesse O. Shields Sr.
3. Deani Parker
4. 
5. 
6. 
7. Rhonda Pose
8. Tim Thomas
9. 
10. 
11. 
12. 
13. Victoria Welld
14. 
15. 
16. G. Oliver
17. 
18. 
19.
we the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. 
2.  
3. Adrian Serrado  
4. Tony Ruiz  
5. Florentino Serrado  
6.  
7.  
8. John Alba 4-10-1982  
9. Mary Bed  
10. Joe M Jones  
11.  
12.  
13. Janie Hampton  
14. Abel Calderon  
15. Magdiy Ceprozu  
16. Marcy see  
17. Charity Mannix  
18.  
19. Heather Mageeno  
20. Eric Read
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Sande Beyerbach
2. Dr. Zelle
3. Jack Bar
4. Marla Jett
5. 
6. David Mason
7. Del Sierra
8. Swordhay
9. Frank C. Nilse
10. 
11. 
12. 
13. 
14. 
15. Elvice Bar
16. 
17. 
18. 
19. 
20. John Price
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Linda Miller
2. Sue Sage
3. Soobal Max
4. George
5. Michael Hopper
6. ENDD PHENOMATH
7. Shelli
8. Rene Martinez
9. Tanya
10. Regan Sivri
11. Josie
12. Jessica Rodriguez
13. Robert Wagner
14. Margaret
15. J. M.
16. E. Cortes
17. Kathy Miller
18. Natasha R
19. Annie Silver
20. Robert M. Smith
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Jose Luis Aguilar
2. Juan Roque
3. Mark Alvarado
4. Greg Casada
5. Glory Connor
6. Roxane Hillman
7. Allen Beyer
8. Daniel Brinton
9. [Signature]
10. Jon G.
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. Evi Rodriguez
18. [Signature]
19. Sonia Garcia
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Ginnette  
2. Maria Aguilera  
3. Juan Carlos  
4.  
5. Alfredo  
6.  
7. Anthony Trujillo  
8.  
9.  
10.  
11. Dana Michaels  
12.  
13.  
14. Srisay Mosana  
15. Eddie Morehead  
16.  
17. Antonio Rios  
18. Mary Ray  
19.  
We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Ed Aloue
2. Eriberto Sato
3. 
4. John Hyres
5. Jessica De
6. Thomas Barros
7. Alberto Dios
8. Crt
9. Marie Bambers
10. Martin Cates
11. Maria Bedda
12. Joe Jones
13. David Peluso
14. Ruben F Fr
15. Joseph Espinoza
16. J. Blake Turner
17. 
18. 
19. Raymond Aqien
20. Sylvia silica
To whom it may concern.

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
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9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Stephanie Savage
2. John Hughes
3. Rose Underwood
4. Christina Echo
5. Tony Ando
6. 
7. 
8. 
9. 
10. Jori Connolly
11. Tom Garcia
12. Jennifer Christensen
13. Stephanie Park
14. 
15. Freddie Sanchez
16. Jake Ortiz
17. Yena Cifuentes
18. Slam Pack
19. Jesse Shwikel
20. Anthony Rodriguez
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]
RESOLUTION NO. 38-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS FOR DENIAL OF CONDITIONAL USE PERMIT 1-2005 TO ALLOW THE UPGRADE OF AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of February 15, 2005, conducted a public hearing to consider Conditional Use Permit 1-2005, being a request to allow the upgrade of an existing Type 20, beer and wine license to a Type 21, beer, wine and distilled spirits off-sale license and a Letter of Public Convenience or Necessity for an existing mini-mart located at 809 East Putnam Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to “General Rule” Exception - 14 Ca. Admin. Code 15061 (b) (3) - Permit regulating operation of an existing mini-mart. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

2. Section 2100 D of the Porterville Zoning Ordinance states the following:

   Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

   Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance.

3. State Law requires that if a license location is changed or the type of license is upgraded or downgraded (to increase or decrease privileges), a Letter of Public Convenience or Necessity is required.
4. The subject site is located in Census Tract 30.01 which allows a maximum of eight (8) off-sale alcohol licenses. Currently there are 10 (to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue). The majority of the licenses are located in the commercial areas along Plano Street and Date Avenue. Two (2) of those businesses are licensed to sell distilled spirits, as is the Big "D" Liquor Store on the east side of Plano Street located in Census Tract 41.01.

5. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment.

6. That due to the nature of the request to upgrade the existing Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license, the City Council finds that granting the proposed intensification of use would result in an undesirable effect on the community by establishing a City wide precedent allowing other convenience stores to seek similar intensifications thereby impacting the health, safety and general welfare of citizens residing in the community.

7. That due to the existing over concentration of off-sale licenses in Census Tract No. 30.01, approval of the Conditional Use Permit would further facilitate a precedence of allowing future Conditional Use Permits for alcoholic beverages in this Census Tract.

8. That due to the aforementioned, the proposed Conditional Use Permit would encourage potential of an environment of unstable, and undesirable conditions not suitable for the character of a site in the vicinity of the closeness of the existing residential subdivision to the south and Murry Park to the west.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby deny Conditional Use Permit 1-2005.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )  SS
COUNTY OF TULARE  )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 15th day of March, 2005.

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

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<tr>
<th>Council:</th>
<th>WEST</th>
<th>IRISH</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
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<td>ABSENT:</td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
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 4-2008 TO ALLOW THE UPGRADE OF AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE

WHEREAS: On March 1, 2005, the Porterville City Council at their regularly scheduled meeting by Resolution 38-2005 denied Conditional Use Permit 1-2005 to allow for the upgrade of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license.

WHEREAS: On January 20, 2009 the City Council of the City of Porterville authorized the applicant to submit application stating there was sufficient evidence of significant change in circumstances; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of February 17, 2009, conducted a public hearing to consider Conditional Use Permit 4-2008, being a request to allow the upgrade of an existing off-sale Type 20, beer and wine alcohol license to an off-sale Type 21, beer, wine, and distilled spirits alcohol license and a Letter of Public Convenience or Necessity for an existing convenience market located at 809 E. Putnam Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for the site.

   Conditional Use Permit 8-82 allowed for approval of a PD(R)-(Planned Development Residential Subdivision) for Hacienda Heights which also included a small commercial parcel. Approval of Phase One of Conditional Use Permit 8-82 allowed for the construction of the existing mini-mart and fuel dispensing island. On or about July 1983, the mini-mart was built. The existing market has been selling alcoholic beverages (beer and wine) prior to the adoption of Article 21 of the Porterville Zoning Ordinance.

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

Conditions of approval are included to ensure adequate development standards are met.
3. Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance. (Ord. 1198, 5-6-1980; Ord. 1393? 1, 11-17-1987; Ord. 1450? 1, 1-2-1991; Ord. 1657? 1, 8-3-2004)

4. State Law requires that if a license location is changed or the type of license is upgraded or downgraded (to increase or decrease privileges), a Letter of Public Convenience or Necessity is required.

5. The subject site is located in Census Tract 39.01 which allows a maximum of eight (8) off-sale alcohol licenses. Currently, there are eleven (11) (to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue).

6. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment.

7. This project is Categorically Exempt pursuant to “General Rule” Exception - 14 Ca. Admin. Code 15061 (b) (3) - Permit regulating operation of an existing mini-mart.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2008 subject to the following conditions:

1. The developer/applicant shall install security lighting on the exterior of the building and/or in the parking lot sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department.

2. No alcohol advertising shall be displayed on the outside of the proposed building.

3. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

4. That the consumption of alcoholic beverages shall be prohibited on-site.

5. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the
Police Department resulting form the sales of alcohol will result in revocation of the Conditional Use Permit.

6. That a Letter of Public Convenience or Necessity will require approval by the Porterville City Council.

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

8. The applicant shall provide a loading space(s) in accordance with Section 2400 and 2401 of the Zoning Ordinance.

9. That all distilled spirits shall be kept and maintained in a secure area accessible only to employees and retrieved at the request of the customer.

10. The hours of operation shall be between the hours 5am to 11pm seven days a week. At all times the convenience market shall be maintained in accordance with all applicable Municipal Code and Zoning Ordinance regulations.

11. Unless an extension of time is granted by the City Council, the Conditional Use Permit shall expire one (1) year after the date of approval if the up-grade of the off-sale Type 21, beer, wine and distilled spirits license has not been granted by the Department of Alcoholic Beverage Control Board.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
February 17, 2009

California Alcoholic Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention Joyce Knodel:

RE: “Sunnyside Handy Market” – 809 East Putnam Avenue

Dear Ms. Knodel:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 21 off-sale beer, wine and distilled spirits license in conjunction with the existing mini-market located at 809 East Putnam Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code”, the subject site is located within Census Tract 39.01 which allows eight (8) off-sale licenses. At present there are 11 to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue.

2. Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

On February 17, 2009, the City Council conditionally approved Conditional Use Permit 4-2008 (see attached resolution) to allow for the up-grade of an existing Type 20 off-sale of beer and wine to a Type 21 off-sale of beer, wine and distilled spirits license. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of the Type 21 off-sale beer, wine and distilled license in conjunction with the exiting mini-market.

Further, issuance of the Type 21 off-sale license allowing beer, wine and distilled spirits sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the Sunnyside Handy Market are to be in small quantities in conjunction with the purchase of other merchandise, to include an added service to the customers.

For these reasons, the City Council of the City of Porterville supports issuance of the Type 21 off-sale beer, wine and distilled spirits license from the Sunnyside Handy Market located at 809 East Putnam Avenue.

Sincerely,

Cameron Hamilton, Mayor
SUBJECT: PROJECTS AT RISK DUE TO FUNDING SOURCE

SOURCE: Public Works Department - Engineering Division

COMMENT: The current economic conditions have forced staff to review all projects where funding may be delayed or removed from City control. As stated in the Mayor's State of the City address, the 2008/2009 fiscal year should progress with minimal distractions from the adopted budget.

However, the economic realities compel staff to inform Council that it has State & Federal funded projects under design or construction that would be dramatically affected if these funds were removed. These projects and their associated costs along with the financial component at risk are shown in Category 1 and 2 of the attached table. Category 3 also has State and/or Federal funding but these projects pose a lesser risk because the projects are not under contract. If the funding does not materialize, the City can choose not to pursue the project until funding is secured.

Staff's initial discussions with the State program managers indicate that the funds listed in bold type will be available for the life of the project. Unfortunately, there is no guarantee that these funds will be available to the City should the State or Federal government decide to keep the money.

As stated in this report, the current fiscal year appears to be tracking within reasonable expectation of the adopted budget. Should the economy continue its downward trend, Local Transportation Funds (LTF), Special Gas Tax (SGT) and Traffic Impact Fees (TIF) will be lower than "normal". This will significantly impact next year's capital projects. Compounding this problem is the real possibility that State Transit Assistance Apportionment Funds (STAF) may be curtailed or eliminated.

Without STAF, the impact to the City's transit operation will be approximately $700,000. The State mandates that unmet transit needs shall be funded before any allocation of LTF Funds is made for streets and roads. What this means is that capital projects and routine street maintenance operations such as pothole repair and overlay work dependent on LTF funds will be greatly reduced or eliminated. Staff will keep Council posted on any new developments as the year progresses.

RECOMMENDATION: None. Information only.

ATTACHMENT: Projects at Risk Due to Funding Sources
### Projects at Risk Due to Funding Sources

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Projects Under Contract for Design</th>
<th>08-09 Budget Amount</th>
<th>Amount of At Risk Funds</th>
<th>Funding Source</th>
<th>Expenditure Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>69-9172</td>
<td>Montgomery Ave./Jaye St. Roundabout</td>
<td>$800,000</td>
<td>$800,000</td>
<td>ANT, TIF &amp; TIF</td>
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<tr>
<td>69-9164</td>
<td>Shop Upgrade for CNG Vehicles</td>
<td>$135,000</td>
<td>$135,000</td>
<td>CMAQ, SGT</td>
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</tr>
<tr>
<td>65-9703</td>
<td>Jaye Street Bridge - Design</td>
<td>$630,000</td>
<td>$559,000</td>
<td>HBRR, LTF-COP</td>
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<td>69-9192</td>
<td>Nowcomb Street, South of Roby Ave CMAQ Project (Design Only)</td>
<td>$40,000</td>
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<td>CMAQ-STP</td>
<td>6/30/2010</td>
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<tr>
<td>69-9192</td>
<td>Beverly Street, South of Roby Ave CMAQ Project (Design Only)</td>
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<td>CMAQ-STP</td>
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<td>69-9115</td>
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<td>$2,310,000</td>
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<th>Projects Under Contract for Construction</th>
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<table>
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<tr>
<th>Project No.</th>
<th>Projects At Risk But Not Under Contract</th>
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<td>69-9117</td>
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<td>65-9701</td>
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<td>89-9132</td>
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<td>69-9123</td>
<td>Plano Street Bridge</td>
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<td>89-9123</td>
<td>* G Street Reconstruction</td>
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<td>$60,000</td>
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<td>89-9123</td>
<td>* Main Street - College Avenue Roundabout</td>
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<td>$12,884,000</td>
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* McFarland Costa Housing Project developers funds at risk include:

- $2,379,944 State Prop 1C Funds - Infrastructure/Infill
- $1,000,000 State Prop 1C Funds - Joe Serna Farm Worker Grant
- $3,379,944

<table>
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<tr>
<th>Project No.</th>
<th>Projects Where Funding Risk Is Questionable</th>
<th>08-09 Budget Amount</th>
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<td>89-9457</td>
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<td>69-9958</td>
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<td>$1,128,000</td>
<td>$1,014,000</td>
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SCHEDULED MATTER

SUBJECT: REQUEST APPROVAL OF LOCATION TO ESTABLISH A CARD ROOM LOCATED AT 1365 WEST OLIVE AVENUE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting site approval of a proposed card room at the Wally's Hardware Building located at 1365 West Olive Avenue. As per the City Manager's suggestion, the applicant has submitted proposed plans to the Project Review Committee (PRC) in order to identify any particular issues associated with locating the card room at the proposed site. By nature of due process, the proposed card room does not require review by the PRC. Due to the recently denied proposed card room locations at 34 East Garden Avenue and at 34 West Oak Avenue, it was suggested to the applicant to submit a proposed site to PRC and City Council in an effort to avoid any construction and development costs associated with the card room prior to City Council consideration.

The PRC has reviewed the submitted plans (Attachments 1-3) for the proposed card room. Staff considered the proposal in light of prior card rooms downtown and the concerns expressed by the Council at the September 16th 2008 and December 2, 2008 City Council Meetings.

Staff observed that there is a public school located within 300 feet of the proposed site and that having a card room that close, may prove to be a neighborhood conflict. However, in the absence of serving alcohol, there is no code requirement for a Conditional Use Permit, this close to a “sensitive use.”

The Police Department did not express any significant public safety concerns with uses in the surrounding vicinity, unless the applicant were to apply for an alcohol license. That would trigger public safety concerns with the nearby school.

It should also be noted that there is currently some outstanding issues with illegally constructed walls within the building that need to be addressed with the Building Division.

Without a request for an alcoholic beverage license for this site, staff finds that the proposed card room is an acceptable use for this site.

RECOMMENDATION: That the City Council consider the proposed card room location at 1365 West Olive Avenue.

ATTACHMENTS:

1. Aerial Photograph
2. Site Plan

ITEM NO. 14
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Consideration of City Sponsorship for Youth Voice Conference

SOURCE: Administration

COMMENT: A Councilmember has requested that the City Council consider serving as a sponsor for the first annual Youth Voice Conference, scheduled to be held at the Galaxy 9 Theatres for the afternoon of Friday, March 13, 2009. The complete student councils from Porterville College and the local area high schools would be invited to participate, including: Citrus, Granite Hills, Harmony, La Sierra Charter, Monache, Porterville, Redwood Summit Charter, and Strathmore. It has been proposed for the local schools districts to partner in the event by providing student transportation to and from the theatre, as well as allowing for the release of the students. A band(s) comprised of local high school talent would be arranged to provide entertainment before and after the conference.

In preparation for the event, the Youth Commission Committee representatives from each high school are responsible for coordinating a survey of their student population before the event, which would provide information as to what issues within the Porterville area are seen as most important to the local youth and should be discussed at the conference. In addition to a motivational speaker, two members of the City Council would be invited to present at the event, and would speak to the students regarding the issues that have been raised through the survey.

Though the level of commitment in sponsorship has not yet been defined, the City could partner in the event by providing lunch for the attending students, as well as potentially student transportation in the event that school transportation is insufficient. The Chamber of Commerce is partnering in the event by assisting with publicity and planning.

RECOMMENDATION: As directed by Council.

ATTACHMENTS: None
SUBJECT: COUNCIL MEMBER REQUEST - BIKE AND PEDESTRIAN PLAN

SOURCE: Public Works Department - Engineering Division

COMMENT: A City Council Member requested a review of the City's Bike and Pedestrian Plan and specific information in regards to establishing a bike route from the west side of the City to the western terminus of the Tule River Parkway trail (State Route 65). Recently, Tulare County Transportation Authority (TCTA) required that the City Council adopt a Bike plan in order to expend Porterville's share of the funds collected as part of the Measure R Expenditure Plan. In response to this requirement, City Council adopted a plan during the October 7, 2008 meeting.

It is estimated that about $2,000,000 will be collected as part of this tax measure over the next thirty (30) years. TCTA also required agencies to state their plan of expending those funds over the same timeframe and the following list was given to TCTA:

1. Extension of Rails to Trails – Olive Avenue to Date Street, $550,000.
2. Tule River – Main Street to Plano Street, $492,000.
3. Tule River – SR 65 to Newcomb Street, $878,000.

The Council Member asked for consideration of a bike and pedestrian structure that crosses the Tule River at Newcomb Street and a connecting trail along the river from the structure to the existing trail at State Route 65. Project # 3 above is in line with Council Member's request, however the structure is not.

The adopted Circulation Element for vehicular traffic and the adopted Bike Plan cross the Tule River at the same locations. In all cases, new bridges or rehabilitated bridges will accommodate bike and pedestrian pathways. Each bridge project accounts for a bike connection to the Tule River Parkway trail.

RECOMMENDATION: Information provided at Council Member's request.

ATTACHMENT: Bike Plan
Circulation Element
SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – Consideration to Modify City of Porterville Municipal Code Regarding Delinquent Utility Bills

SOURCE: Administration

COMMENT: A Council member has requested consideration for modification of Municipal Code as it relates to delinquent utility bills. Currently by Code, utility bills are delinquent if they remain unpaid at 5:00 p.m. on the 30th day after their billing date, and a delinquency charge of 10% as a penalty is added to the bill. The Code also states that the service for utility bills that remain unpaid at 5:00 p.m. on the 45th day after their billing date are subject to discontinuance. In addition, Code states that a consumer whose service has been discontinued is required to pay all accrued bills and penalties and may be required to re-establish his credit by making a cash deposit with the City not to exceed $20.00. Resolution No. 107-89 adopted an additional water delinquent turn on/turn off fee in the amount of $15.00 to reimburse the City for costs incurred in discontinuing and reconnecting service when due to non-payment.

City staff understands the Council member’s interest in modification to include a gradual increase in the penalty percentage (e.g. 1% per day delinquent up to 10 days for a 10% total penalty), and that the utility billing include a display of the increasing penalty.

RECOMMENDATION: None

2. Council Resolution No. 107-89

Item No. 17
25-19: DUE DATE OF PAYMENTS; PENALTY FOR DELINQUENT PAYMENT:

All utility bills shall be delinquent if they remain unpaid at five o'clock (5:00) P.M. on the thirtieth day after their billing date and a charge of ten percent (10%) as a penalty for said delinquency shall be made and added to the amount of and become a part of said delinquent utility bill, and the service for all utility bills which shall remain unpaid at five o'clock (5:00) P.M. on the forty fifth day after their billing date shall be subject to discontinuance. (Ord. Code ? 3526; Ord. 846 ? A, 11-16-1965; Ord. 964 ? A, 1-1-1970; Ord. 1537 ? B87, 8-6-1996)
Any delinquent water rate bills which remain unpaid at five o'clock (5:00) P.M. on the forty fifth day after the billing date, shall be listed by the finance department for shutoff and this shutoff list shall be executed the following working day. The administrative services director, or designee, may proceed to make a personal demand for payment on the delinquent consumer or person responsible for the payment of the bill if he can be conveniently located; provided, that the failure to make this personal demand shall in no case invalidate the provisions of this article. If the consumer or responsible person does not, at this time, make immediate payment, the administrative services director, or his designee, shall shut off the water, and the water so shut off shall not be turned on until the amount of the delinquent bill, with the accrued penalties and with an additional sum as fixed by resolution of the city council for turning on and off the service, shall be paid to the finance department.

A consumer's water service may be discontinued for the nonpayment of a bill for water service rendered, provided, that the bill has not been paid by the forty fifth day after the billing date. Such bill shall be deemed presented to the consumer when delivered to him personally, when left at the property served, or at his place of business, or when deposited in the United States post office at Porterville, postage prepaid, addressed to the consumer's last known address.

A consumer who has failed to pay his water bills in accordance with the provisions of this article and whose service has been discontinued therefor, shall be required to pay all accrued bills and penalties and may be required to reestablish his credit by making a cash deposit with the city finance department not to exceed twenty dollars ($20.00). (Ord. 1537 ? B88, 8-6-1996; Ord. 1614 ? 1, 9-17-2002)
RESOLUTION NO. 107-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING CERTAIN FEES AND CHARGES FOR THE CITY OF PORTERVILLE

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the hereto attached Fees and Charges for the City of Porterville are hereby adopted.
Dated this 15th day of August, 1989.

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA) (SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a special meeting of the Porterville City Council called and held on the 15th day of August, 1989.

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

AYES: COUNCILMEN: Pruitt, Lok, Leavitt, Smith, Ensslin
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

Georgia Hayley, Deputy City Clerk

Attachment 2
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<tr>
<th>Number</th>
<th>Title &amp; Description</th>
<th>Effective Date</th>
<th>Amount</th>
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<td>Fee to defray the cost of receiving the applications,</td>
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<tr>
<td></td>
<td>investigating the applicants background and proposed</td>
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<td>premises, and enforcing City requirements to assure the</td>
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<td>public safety, health, welfare and morals.</td>
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<td>CITY FIRE HYDRANT INSPECTION TESTING FEES</td>
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<td>inspection of City hydrant system to ascertain</td>
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<td>PRIVATE HYDRANT SYSTEM INSPECTION TESTING FEES</td>
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<td>inspection of private hydrant systems to ascertain</td>
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<td>SWIMMING POOL ADMISSION FEES</td>
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<td><strong>Admission Fees</strong></td>
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<td>Fee to defray cost of pool maintenance and operation.</td>
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<td>Continuation of planned, gradual rate change begun in</td>
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<td>S-110</td>
<td>ZALUD HOUSE &amp; GARDEN RENTAL FEES</td>
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<td>PICNIC PAVILION RENTAL FEES</td>
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<td>New fee to defray the cost of rental of the</td>
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<td>picnic pavilion and recreation area.</td>
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</tbody>
</table>