Call to Order
Roll Call

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

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

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

Adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Felipe A. Martinez
Invocation
PROCLAMATIONS
Porterville High School Girls’ Tennis

PRESENTATIONS
Employee Service Awards

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

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. City Council Minutes of November 24, 2009

2. Budget Adjustment – Beverly Street Water System Design
Re: Considering approval of a budget adjustment in an amount of $28,000 to cover design and environmental costs for the Beverly Street Water System Project.

3. Claim – Michael Feagin, III
Re: Consideration of a claim in an amount of $161.76 for property damages that the Claimant alleges were incurred when his vehicle’s tire struck the catch basin face plate on the inside of the curb while making a u-turn at the intersection of N. Prospect and W. Grand on October 13, 2009.

4. Claim – Dora E. Rodriguez on behalf of Vince Cervantes
Re: Consideration of a claim in an amount of $6,439.67, as of date of claim, for property damages that were incurred on August 17, 2009, when a City vehicle backed into the claimant’s vehicle while she was stopped on Kessing Street.

5. Authorization to Advertise for Bids – Porterville Fairgrounds Off-site Improvements Project
Re: Approving staff’s recommended plans and project manual, and authorizing staff to advertise for bids for the project consisting of the construction of offsite improvements consistent with the ultimate width of Tea Pot Dome Avenue and the layout of the future fairgrounds as proposed by the Porterville Fair Board.

6. Resolution Approving Amendment 2 to the Measure R Expenditure Plan
Re: Consideration of a resolution approving the five (5) proposed amendment to the Measure R Expenditure Plan, and authorizing the transmittal of the executed resolution to the Tulare County Transportation Authority.

7. Resolution of Support – Tule River Parkway From Main Street to Plano Street
Re: Consideration of a resolution of support for the construction of Tule River Parkway project from Main Street to Plano Street, and authorizing the transmittal of the resolution to Caltrans.
8. **Porterville Animal Shelter – Colored Exterior Building Elevations**  
   Re: Consideration of preliminary colorized exterior building elevations for the Porterville Animal Shelter.

9. **Mutual Settlement and Release – Rick Perigo Roadsiding**  
   Re: Consideration of a Mutual Release and Compromise Agreement with Rick Perigo Roadsiding regarding the application of soil amendments to the City’s 694 acres as set forth in the City’s 2007 agronomist’s report.

10. **Authorize Payment for OHV Facility Dozer Repairs**  
    Re: Consideration of a request to authorize payment of $9,100.04 for the repair of the D20 Kubota dozer used at the Off-Highway Vehicle Facility for track maintenance.

11. **This Item was Removed.**

12. **Schedule a Joint Meeting with the Library Board for Consideration of the Library Facilities and Space Needs Assessment**  
    Re: Authorizing the scheduling of a joint meeting with the Library Board for consideration of the Library Facilities and Space Needs Assessment on January 12, 2010 at 5:30 p.m. in the Community Room at the Porterville Library.

13. **Information on CSET Urban Forestry Program**  
    Re: Receipt of an informational report regarding a $200,000 Federal stimulus program grant for urban forestry programs within Porterville.

14. **Request to Pursue Gang Reduction, Intervention, and Prevention (CalGRIP) Program Funding**  
    Re: Consideration of a request by the Police Department staff to investigate and, if qualified, pursue CalGRIP funding for gang prevention, intervention and suppression activities.

15. **Assign Airport Lease – Lot 45**  
    Re: Consideration of a request to assign the lease agreement for Airport Hangar Lot 45 between the City of Porterville and Mr. Michael Archer to Gillespie Ag Service.

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

**PUBLIC HEARINGS**

16. **Zoning Ordinance Text Amendment to Amend Section 801.1 (A) of the Porterville Zoning Ordinance to Allow Car Washes as Conditional Uses in the Central Commercial (C-2) Zone**  
    Re: Consideration of an Ordinance Amendment which would allow car washes as Conditional Uses in the Central Commercial Zone.
SECOND READINGS
17. **Ordinance 1758, Zone Change 1-2009**
   Re: Second Reading of Ordinance 1758, An Ordinance of the City Council of the City of Porterville Approving Zone Change 1-2009 Being a Pre-Zoning From County C-1 (Neighborhood Commercial) to City C-1 (Neighborhood Commercial) for that 3.45± Acre Site Located at the Southeast Corner of State Route 65 and Westfield Avenue, which was given first reading at the December 1, 2009, City Council meeting.

SCHEDULED MATTERS
18. **Zalud House Fees and Charges**
   Re: Consideration of the current Zalud House related fees and charges.

19. **Early Literacy Program**
   Re: Consideration of the new early literacy program components to commence in January 2010.

20. **Council Member Requested Agenda Item – Summary of Community Partner Meeting Regarding Early Literacy**
   Re: Acceptance of an informational report about a recent meeting of community partners regarding early childhood literacy.

21. **Council Member Requested Agenda Item – Consideration of Resolution of Support for Tulare Motorsports Complex**
   Re: Consideration of a resolution of support for the proposed Tulare Motorsports Complex.

   Re: Reviewing the progress of 2009 Priority Projects, and consideration of projects as priorities for calendar year 2010.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

**REDEVELOPMENT AGENCY AGENDA**
**December 15, 2009**

Roll Call: Agency Members

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

SCHEDULED MATTERS
PRA-01 **Request for an Exception to the Redevelopment Agency Development Agreement for that Site Located at 298 N. Main Street**
   Re: Consideration approval of a resolution granting an exception to the design guidelines for commercial signs in the Redevelopment Agency’s Development and Disposition Agreement for the existing building located at 298 N. Main Street.

Adjourn to a Meeting of the Porterville City Council.
ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of January 19, 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.
PORTERVILLE CITY MINUTES
ADJOURNED MEETING AGENDA
COUNCIL CHAMBERS, CITY HALL
291 NORTH MAIN STREET, PORTERVILLE
NOVEMBER 24, 2009, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor Hamilton

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation – one individual participated.

ORAL COMMUNICATIONS
- A resident of Porterville, 17 W. Westfield, urged the Council to pursue an ordinance to save oak trees from construction and demolition; and spoke specifically about an oak tree that was recently lost on Castle Avenue.

SCHEDULED MATTER
1. BEVERLY STREET WATER MAIN PROJECT

Recommendation: That the City Council:
   1. Consider the formation of the facility district in concept;
   2. Authorize the ad hoc committee and the City Attorney to prepare the legal documentation; and
   3. Authorize the City Attorney’s Office to report back to City Council with a defined district formation process.

City Manager John Lollis introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report.

Vice Mayor Ward inquired about the proposed interest rate. City Manager Lollis indicated that the figure was arbitrary, and based on low interest loans established by the State for similar types of programs. He noted that the interest rate could be lower than the 3% used as an example.

Vice Mayor Ward spoke in favor of a proactive approach to such issues, and City Manager Lollis spoke of staff’s efforts to review infrastructure within the community and the subcommittee’s role in the process.

A discussion ensued regarding impact fees, during which staff clarified that they would be contingent upon development and the responsibility of the property owner.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve the formation of the facility district in concept; authorize the ad hoc committee and the City
Attorney to prepare the legal documentation; and authorize the City Attorney's Office to report back to the City Council with a defined district formation process. The motion carried unanimously.

Disposition: Approved

The City Council adjourned to Closed Session at 6:19 p.m.

CLOSED SESSION:

A. Closed Session Pursuant to:

Open Session reconvened at 6:39 p.m., at which time it was reported that no action had taken place during Closed Session.

ADJOURNMENT

The City Council adjourned at 6:40 p.m. to the meeting of December 1, 2009.

___________________________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

___________________________________________________________
Pete V. McCracken, Mayor
SUBJECT: BUDGET ADJUSTMENT – BEVERLY STREET WATER SYSTEM DESIGN

SOURCE: Public Works Department - Engineering Division

COMMENT: At the November 24, 2009 City Council meeting, the Council unanimously voted to support the design and construction of the Beverly Street Water System Project. Direction was given to the City Attorney to prepare the proper and legal documents supporting the establishment of a Water Utility District. The “District” will be administered by the City with all legal enforcements and remedies thereof contained within the document.

It is the intent that funding for all aspects of the project come from unreserved general funds and that reimbursement of the fund will be made from monthly payments by the “District” participants. Public Works provided a design and construction schedule that indicated water service would be available on or before June 2010.

To meet this schedule, Public Works respectfully asks that the City Council amend the 2009/2010 budget by $28,000 to allow design efforts to begin immediately. Included in the budget adjustment is a $10,000 augmentation to the existing “Revolving Survey” contract so that either James Winton & Associates or Dee Jaspar and Associates can be called upon to provide immediate topography services along Beverly Street.

Staff estimates that a complete topography survey along Beverly Street can be performed for $5,000 or less. Further, staff estimates that the Beverly Street Water System can be designed in-house for $15,000. An additional $3,000 is needed to prepare and process environmental documents.

Construction funds are not requested at this time. When the “Beverly Street Water Utility District” documents, plans & specifications have been completed, an Engineer’s Estimate of Probable Cots will be presented to the Council with a request for another budget adjustment.

RECOMMENDATION: That the City Council:

1. Direct the Public Works Director to begin design of the Beverly Street Water Project immediately;

[Signatures]

Item No. 2
2. Direct the City Manager to prepare and implement a budget adjustment to the 2009/2010 Annual Budget in the amount of $28,000 to cover design and environmental costs for the Beverly Street Water System Project;

3. Authorize the Public Works Director to augment the existing “Revolving Survey” contract by $10,000; and

4. Authorize the Public Works Director to engage the services of James Winton & Associates or the services of Dee Jaspar & Associates for the purpose of obtaining topographic survey data along Beverly Street from W. North Grand Avenue to Castle Avenue.
SUBJECT: CLAIM – MICHAEL FEAGIN, III

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Michael Feagin, III has filed a claim against the City in an amount of $161.76 for property damages. Claimant alleges that his vehicle’s tire sustained said damages when he struck the catch basin face plate on the inside of the curb while making a u-turn at the intersection of North Prospect and W. Grand on October 13, 2009.

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: Michael T. Feehan #
SS#: [Blacked out]
Claimant's DOB: [Blacked out]
Claimant's Telephone #: 559-361-3852
Claimant's Address: 622 W. McComb Ave Porterville CA

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

Date of incident/accident: 10/13/09
Date injuries, damages, or losses were discovered: 10/13/09
Location of incident/accident: Intersection of N. Prospect and W. Grand
What did entity or employee do to cause this loss, damage, or injury? See second page.

(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)?

City of Porterville

What specific injuries, damages, or losses did claimant receive? See second page.

(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)].

$ 161.76

How was this amount calculated (please itemize)? See second page.

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

Date Signed: 10/14/09 Signature: [Blacked out]
If signed by representative:
Representative's Name Representative's Telephone
Address

Relationship to Claimant
Q: What did entity or employee do to cause this loss, damage, or injury?

A: I Michael T Feagin II was south bound on N. Prospect Ave at approximately 8:30am when I arrived at the intersection of N. Prospect and W. Grand. I get into the far left lane to make a legal u-turn. When the light turned green I precede very slowly with my u-turn, when I was almost complete with the u-turn my right front tire made contact with the curb and I came to a stop. I put my vehicle into reveres and gave it some gas at this point my tire was flat. I drove my vehicle very slowly into the parking lot closest to this corner (same corner), parked and turned off my engine, got out of vehicle to inspect the damage. See pictures #1 and #2. I saw that my tire was flat and torn on the outside wall of it. So I walked over to the curb where my tire had made contact and saw a piece metal protruding from the curb. See pictures #3 and #4. You can see that the red paint is worn off the side of curb and faint tire marks on the sidewalk as well from what looks like where other vehicles have made contact at the same point.

Q: What specific injuries, damages, or losses did claimant receive?

A: Front passenger tire is torn on the outside wall and flat from having contact with the curb where the piece of metal is protruding from it. See pictures #1, #2, #3, and #4.

Q: How was this amount calculated (please itemize)?

A: I went to Carroll’s Tire Warehouse in Porterville to have a new tire installed on my vehicle. At this point they informed me that my tire was not in stalk and that they would have to order it. They called Roscoe Milton Discount Tires as well and they did not have it in stalk either. So I had purchase a used tire until they can order the tire for me. I have made a copy of the receipt from Carroll’s Tire Warehouse, showing what I spent and what I am going to spend on a new tire.
BILL TO:
MICHAEL FERNIN
3613652

INVOICE NUMBER: 248203

DATE  P.O. #  S.P.  LICENSE #  MAKE  YEAR  ODOMETER  TERMS
10/13/09  GT  6K12883  FORD  076,712  CASH SALE

16100  RH1  16 INCH URED TIRE  25.00  25.00
1  YD  RH1  PASSENGER TIRE DISPOSAL FEE  1.50  1.50

HAVE TO ORDER
25570K16 B. STONE DUROLET HT 689
152.95 PLUS INSTALLATION

CALL TOMAS, JEFF OR GARY FOR YOUR TIRE AND WHEEL NEEDS...
THANKS FOR YOUR BUSINESS.....!

COD
SubTot Parts: 26.50
Tax 9.250% 2.31
Inv Total 28.81

TERMS: CASH UNLESS ARRANGEMENTS MADE. ALL PARTS NEW UNLESS OTHERWISE INDICATED. ALL SALES FINAL, NO CASH REFUNDS.

"I acknowledge notice and oral approval of an increase in the original estimated price."

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY HEREOF. SIGNED X
TO AVOID ADDITIONAL CHARGES, PAY BY CLOSING DATE OF THE MONTH  Tracking # 023158

All accounts are due and payable by the 10th of the month following purchase. A finance charge of 2% per month for a minimum charge of $1.00 for balances under $50.00 which is an annual percentage rate of 24% will be applied to the unpaid balance of the monthly statement after the 10th of each month. Should an attorney be employed to collect or sue brought to enforce payment of this account the purchaser agrees to pay a reasonable attorney's fee and cost of suit. All warranty work must be returned to any Carroll's Tire Warehouse for warranty repairs. It is the customer's responsibility to return the car to Carroll's. Minimum warranty 30 days or 1,000 miles. All warranties - 30 days or 1,000 miles unless specified otherwise.
SUBJECT: CLAIM – DORA E. RODRIGUEZ ON BEHALF OF VINCE CERVANTES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Dora E. Rodriguez, on behalf of Vince Cervantes, has filed a claim against the City in an amount of $6,439.67, as of date of claim, for damages to Mr. Cervantes’ vehicle. (Mr. Cervantes is in the Navy currently stationed in Texas and is being represented by his mother-in-law, Ms. Rodriguez, who was driving the subject vehicle at the time of the incident.) Claimant alleges that while she was stopped on Kessing Street on August 17, 2009 waiting for a City vehicle to clear the street, the City vehicle suddenly backed up, striking claimant’s vehicle. Upon a thorough inspection of the vehicle, the amount of damages claimed was increased when supplemental damage was discovered which rendered the vehicle a constructive total loss.

Upon investigation, City liability was determined. The City’s claims adjustor AIMS has completed its analysis and appraisal, and confirmed the amount of allowable reimbursement to be $7,489.68.

RECOMMENDATION: After consideration and investigation, staff recommends that the City Council accept said claim and authorize payment in the amount of $7,489.68.

ATTACHMENT: Claim

Item No. 4
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's name: Vince Cervantes SS#: [redacted]

Claimant's DOB: [redacted] Claimant's Telephone #: (210) 216-7037

Claimant's Address: 9550 Bertram St, San Antonio, TX 78251

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

Date of incident/accident: 8/17/09

Date injuries, damages, or losses were discovered: 8/17/09

Location of incident/accident: Kessing Street, Porterville, CA

What did entity or employee do to cause this loss, damage, or injury? Stopped in front of mud in the middle of road on Kessing Street due to city vehicle being stopped over.

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Clifford Savage (Driver) Leonard Salaz (Passenger)

What specific injuries, damages, or losses did claimant receive? Damages to vehicle. Please see attached - [redacted] - Gold State body shop.

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)]. $ 64,296.67 as of today

How was this amount calculated (please itemize)? See attached (estimate from Golden State Body Shop)

Date Signed: 10/19/09 Signature: [redacted]

If signed by representative: [redacted]

Representative's Name: Dora E. Rodriguez Representative's Telephone: (280-5151 George)

Address: 2167 W. Linda Vista Porterville, CA

Relationship to Claimant: [redacted]
Vehicle belong to my daughter's son-in-law (Stephanie & Vince Serantes). I am a temporary driver - son-in-law is stationed in San Antonio, TX.

I have permission to drive vehicle (Navy). Had trash container. Did not get close to vehicle - waiting to see what driver was going to do. All of a sudden, saw that vehicle start to back up, slowly the speed up to which time I tried to back up but couldn't do because he approached too fast, so I honked the horn several times. He did not hear me and he hit the front end of my vehicle.
GOLDEN STATE PAINT AND BODY
License #:AH241571 Federal ID #:770575597
Always Quality First
1915 W. Olive
PORTERVILLE, CA 93257
(559) 781-3604 Fax: (559) 781-5802

PRELIMINARY ESTIMATE

Written By: Hugo Sanchez
Adjuster:

Insured: JORGE RODRIGUEZ
Owner: JORGE RODRIGUEZ
Address: 2167 W. Linda Vista
PORTERVILLE, CA 93257-4552
Day: (559) 280-5157

Inspect GOLDEN STATE PAINT AND BODY
Location: 1915 W. Olive
PORTERVILLE, CA 93257

Insuree:
Company:

2002 MERC MOUNTAINEER 4X2 6-4.0L-FI 4D UTV silver Int:
VIN: 4M2ZU66K62ZJ42837 Lic: 7MTP62 TX Prod Date: Odometer: 86775
Air Conditioning Rear Defogger Tilt Wheel
Cruise Control Intermittent Wipers Keyless Entry
Alarm Rear Window Wiper Dual Mirrors
Privacy Glass Console/Storage Overhead Console
Luggage/Roof Rack Fog Lamps Clear Coat Paint
Power Steering Power Brakes Power Windows
Power Locks Power Driver Seat Power Mirrors
AM Radio FM Radio Stereo
Cassette Search/Seek CD Player
Anti-Lock Brakes (4) Driver Air Bag Passenger Air Bag
4 Wheel Disc Brakes Cloth Seats Bucket Seats
Trailerling Package Automatic Transmission Overdrive
Aluminum/Alloy Wheels

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</tr>
<tr>
<td>25</td>
<td>R I</td>
<td>Evacuate &amp; recharge</td>
<td></td>
<td>m 1.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>R I</td>
<td>Refrigerant recovery</td>
<td></td>
<td>m 0.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>R I</td>
<td>Sight shield</td>
<td></td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>R I</td>
<td>COOLING</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>29**</td>
<td>R I</td>
<td>A/M Radiator</td>
<td>1</td>
<td>173.00</td>
<td>m</td>
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</tr>
<tr>
<td>30#</td>
<td>R I</td>
<td>Coolant</td>
<td>1</td>
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<td></td>
</tr>
<tr>
<td>31</td>
<td>R I</td>
<td>Upper shroud</td>
<td>1</td>
<td>42.23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>R I</td>
<td>AIR CONDITIONER &amp; HEATER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33**</td>
<td>R I</td>
<td>A/M Condenser</td>
<td>1</td>
<td>164.00</td>
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</tr>
<tr>
<td>34</td>
<td>R I</td>
<td>HOOD</td>
<td></td>
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</tr>
<tr>
<td>35</td>
<td>R I</td>
<td>Hood</td>
<td>1</td>
<td>736.98</td>
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<td>3.0</td>
</tr>
<tr>
<td>36</td>
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<td>Add for Clear Coat</td>
<td></td>
<td></td>
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<tr>
<td>37</td>
<td>R I</td>
<td>Add for Underside(Complete)</td>
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<tr>
<td>38</td>
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<tr>
<td>39</td>
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<tr>
<td>40*</td>
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<td>41</td>
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<td></td>
<td></td>
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<tr>
<td>42</td>
<td>R I</td>
<td>Blnd RT Fender</td>
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<tr>
<td>43</td>
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<td>45</td>
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<td>46</td>
<td>R I</td>
<td>Add for Edging</td>
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<td>47</td>
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<td>48</td>
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<td>Deduct for Overlap</td>
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<tr>
<td>49</td>
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<td>RT Cladding primed</td>
<td></td>
<td></td>
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<tr>
<td>50#</td>
<td>R I</td>
<td>Clean &amp; retape molding</td>
<td>1</td>
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<tr>
<td>51</td>
<td>R I</td>
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<td>ELECTRICAL</td>
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<tr>
<td>54*</td>
<td>R I</td>
<td>Antenna assy</td>
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<tr>
<td>55</td>
<td>R I</td>
<td>WINDSHIELD</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>56</td>
<td>R I</td>
<td>RT Washer nozzle</td>
<td></td>
<td>0.2</td>
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<td></td>
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<tr>
<td>57</td>
<td>R I</td>
<td>LT Washer nozzle</td>
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<td>0.2</td>
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<tr>
<td>58</td>
<td>R I</td>
<td>FRONT DOOR</td>
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<tr>
<td>59</td>
<td>R I</td>
<td>Blnd LT Door shell to 1/03</td>
<td></td>
<td></td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>R I</td>
<td>LT Cladding</td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
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<tr>
<td>61#</td>
<td>R I</td>
<td>Clean &amp; retape molding</td>
<td>1</td>
<td>3.00</td>
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<tr>
<td>62</td>
<td>R I</td>
<td>LT Belt w/strip</td>
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<td>0.3</td>
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<tr>
<td>63</td>
<td>R I</td>
<td>LT Upper molding w/keypad</td>
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<tr>
<td>64</td>
<td>R I</td>
<td>LT Mirror assy w/o light, w/o</td>
<td></td>
<td>0.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R I</td>
<td>heat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65*</td>
<td>R I</td>
<td>LT Run channel</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>R I</td>
<td>LT Handle, outside</td>
<td></td>
<td>0.4</td>
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PRELIMINARY ESTIMATE
2002 MERC MOUNTAINEER 4X2 6-4.0L-FI 4D UTV silver Int:

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<th>NO.</th>
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<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
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<tr>
<td>67</td>
<td>R&amp;I</td>
<td>LT R&amp;I trim panel</td>
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<td>0.5</td>
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<td></td>
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<tr>
<td>68#</td>
<td>Rpr</td>
<td>Partial Frame Set Up</td>
<td></td>
<td>1.0 F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>69#</td>
<td>Rpr</td>
<td>pre- pull radiator support</td>
<td></td>
<td>1.0 F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70#</td>
<td>Repl</td>
<td>CORROSION PROTECTION</td>
<td>1</td>
<td>0.2</td>
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<td></td>
</tr>
<tr>
<td>71#</td>
<td>Repl</td>
<td>SPRAY TEST PANEL / TINT COLOR</td>
<td>1</td>
<td>0.5</td>
<td></td>
<td></td>
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<tr>
<td>72#</td>
<td>Repl</td>
<td>SPRAY-ON OVERSPRAY MASK</td>
<td>1</td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73#</td>
<td>Rpr</td>
<td>DENIB/TEXTURE SAND &amp; POLISH</td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74#</td>
<td>Subl</td>
<td>HAZARDOUS WASTRE REMOVAL</td>
<td>1</td>
<td>5.00 X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>OTHER CHARGES</td>
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<td></td>
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<tr>
<td>76#</td>
<td>Towing</td>
<td></td>
<td>1</td>
<td>75.00</td>
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Subtotals ==> 2961.63 28.0 17.4

Estimate Notes:
No used parts available as per Steve @ LKQ#3412500. There may be some additional damage that cannot be assessed until repairs are started.

Parts 2871.63
Body Labor 26.0 hrs @ $ 58.00/hr 1508.00
Paint Labor 17.4 hrs @ $ 58.00/hr 1009.20
Frame Labor 2.0 hrs @ $ 62.00/hr 124.00
Paint 17.4 hrs @ $ 30.00/hr 522.00
Sublet/Misc. .15.00
Other Charges 75.00

SUBTOTAL $ 6124.83
Sales Tax $ 3403.63 @ 9.2500% 314.84

GRAND TOTAL $ 6439.67

ADJUSTMENTS:
Deductible 0.00

CUSTOMER PAY $ 0.00
INSURANCE PAY $ 6439.67

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.
PRELIMINARY ESTIMATE

2002 MERC MOUNTAINEER 4X2 6-4.0L-FI 4D UTV silver Int:

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES: M=MECHANICAL B=BODY LABOR S=STRUCTURAL A=ALIGN P=PAINT E=TECHNICAL LIBRARY T=TAXED MISCELLANEOUS B=BLADE BLIND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION R&D=REPLACE AND RECONNECT EST=ESTIMATE EXT: PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MISC=MISCELLANEOUS NAGS=NATIONAL AUTO GLASS SPECIFICATIONS NON=NON ADJ=ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY REC=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REP=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REF=REPLACE R&I=REPLACE AND INSTALL R&R=REPLACE W/O=WITH W/=/WITH _ ANY PARTS LISTED UNDER THE VEHICLE IDENTIFICATION NUMBER ARE THOSE PARTS THAT MAY BE AVAILABLE FROM THE ORIGINAL EQUIPMENT MANUFACTURER. Parts listed with an asterisk (*) or double asterisk (**) are parts that may be available from the original equipment manufacturer at a lower price than the parts listed with an equal sign (=).

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR2NZ02, CCC Data Date 10/01/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Rep Parts which stands for Competitive Replacement Parts. Used parts are described as LKH, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recored. Reconored parts are described as Recon. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year.

For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.
<table>
<thead>
<tr>
<th>Part Description</th>
<th>Part No.</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 A/M Radiator</td>
<td>2808</td>
<td>$173.00</td>
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<tr>
<td>1-800-Radiator Cal South</td>
<td>(800)723-4286</td>
<td></td>
</tr>
<tr>
<td>32+WHS, DELVR DAILY/overnight</td>
<td>SO CAL, CA 91767</td>
<td></td>
</tr>
<tr>
<td>33 A/M Condenser</td>
<td>3056</td>
<td>$164.00</td>
</tr>
<tr>
<td>1-800-Radiator Cal North</td>
<td>(800)723-4286</td>
<td></td>
</tr>
<tr>
<td>32+WHS, DELVR DALLY/overnight</td>
<td>NOR CAL, CA 94606</td>
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SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - PORTERVILLE FAIRGROUNDS OFFSITE IMPROVEMENTS PROJECT

SOURCE: Public Works Department – Engineering Division

COMMENT: The Public Works Department prepared plans and project manual for the Porterville Fairgrounds Offsite Improvements project. The project consists of constructing offsite improvements consistent with the ultimate width of Tea Pot Dome Avenue and the layout of the future fairgrounds as proposed by the Porterville Fair Board. The project also includes extending a sewer main from the manhole east of West Street Industrial Park to the fire lane on the east property line of the 15-acre fairgrounds site. An add-alternate element covering the frontage of the remainder ±11 acre lease site is also provided.

The estimate of probable cost for site frontage improvements for the base bid portion (15 acre fair grounds and 10 acre lease parcel) is $111,195 with $11,120 required for the construction contingency (10%). An additional $5,560 is required for construction management, quality control and inspection. The total estimated cost associated with frontage improvements for the base bid portion is $127,875.

The estimate of probable cost for extension of the sewer main is $166,750 with $16,675 required for construction contingency (10%). An additional $8,338 is required for construction management, quality control and inspection. The total estimated cost associated with the extension of the sewer main is $191,763.

The estimate of probable cost for site frontage improvements for the add alternate bid portion (11 acre remainder parcel) is $40,463 with $4,046 required for the construction contingency (10%). An additional $2,023 is required for construction management, quality control and inspection. The total estimated cost associated with frontage improvements for the add alternate bid portion is $46,532.

The total estimated cost for all bid items (base bid + add alternate) is $366,170. An Estimate of Probable Cost is attached for Council’s review.

Currently this project is unfunded and requires augmentation to the 09/10 Annual Budget.

RECOMMENDATION: That the City Council:

1. Authorize a budget adjustment by appropriating ($175,000) of Measure R Local Funds for the street frontage improvements;

Dir Appropriated/Funded CM Item No. 5
2. Authorize a budget adjustment by appropriating ($200,000) of Sewer Revolving funds for the sewer main extension to properties proposed for development;

3. Approve staff's recommended plans and project manual; and

4. Authorize staff to advertise for bids for the Porterville Fairgrounds Offsite Improvements Project.

ATTACHMENTS:  Locator Map
               Estimate of Probable Cost
# Fairgrounds Offsite Improvements Estimate

**STREET (FRONTOAGE OF PARCEL 1 AND PARCEL 2)**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<td>2</td>
<td>1</td>
<td>LS</td>
<td>Traffic Control</td>
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<td>1</td>
<td>LS</td>
<td>Cleaning &amp; Grubbing</td>
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<td>$2,000.00</td>
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<tr>
<td>4</td>
<td>1,220</td>
<td>CY</td>
<td>Street Excavation (includes excavation for curb &amp; gutter)</td>
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<td>$9,760.00</td>
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<tr>
<td>5</td>
<td>1,141</td>
<td>CY</td>
<td>16'' Agg. Base</td>
<td>$45.00</td>
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<td>6</td>
<td>577</td>
<td>TN</td>
<td>4'' Asphaltic Concrete Paving</td>
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<td>7</td>
<td>867</td>
<td>LF</td>
<td>PCC Curb &amp; Gutter</td>
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<tr>
<td>8</td>
<td>4</td>
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<td>Curb Return (similar to City Standard C-10 but without ramps)</td>
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<td>9</td>
<td>126</td>
<td>SF</td>
<td>Cross Gutter connecting curb returns (per City Standard C-7)</td>
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<td>$1,890.00</td>
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Subtotal: $111,195.00

**CONSTRUCTION TOTAL (BASE + ADD ALTERNATE)**: $40,463.00

**SEWER OPTION I (Extend to East PL of Fair Property at Fire lane intersection)**

<table>
<thead>
<tr>
<th>ITEM</th>
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<th>AMOUNT</th>
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<tr>
<td>1</td>
<td>70</td>
<td>LF</td>
<td>Boring (Under SCE Secondary Access Road)</td>
<td>[8&quot; SDR 26 PVC Sewer Main, 16&quot; dia. Steel Casings/Bore including bore pit and all other appurtenant items]</td>
<td>$700.00</td>
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<td>2</td>
<td>4</td>
<td>EA</td>
<td>Sanitary Sewer Manholes</td>
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<td>3</td>
<td>2,074</td>
<td>LF</td>
<td>8&quot; SDR 35 PVC Sewer Main [including trenching, backfill, and compaction]</td>
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<td>4</td>
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<td>EA</td>
<td>Connection to Existing Sanitary Sewer Structure</td>
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Subtotal: $166,750.00

**CONSTRUCTION TOTAL (BASE + ADD ALTERNATE)**: $166,750.00

**TOTAL ENGINEERING ESTIMATE**

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<td>Add</td>
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**TOTAL CONSTRUCTION ESTIMATE**: $366,170.00

---

12/3/2009
Project Manager

12/3/2009
City Engineer

12/3/2009
Public Works Director

12/3/2009
City Manager
SUBJECT: RESOLUTION APPROVING AMENDMENT 2 TO MEASURE R EXPENDITURE PLAN

SOURCE: Public Works Department - Engineering Division

COMMENT: In August 2009, member agencies expressed a desire to amend the Measure R Expenditure Plan to reflect more accurately the membership's actual needs. Member Agencies requesting the amendment are the City of Visalia, City of Tulare, City of Lindsay, Tulare County City Managers/CAO and Rail TAC/Rail Negotiating Team.

Amendment #1 – The Measure R Expenditure Plan lists nine specific bike/pedestrian projects for the City of Visalia. A Visalia bike/pedestrian fund will be established for cost savings realized or projected to be realized from any of their nine projects. The City of Visalia may use the cost savings for the other approved City of Visalia bike/pedestrian projects. Additional projects may be added up to the amount of the fund once all of their nine projects have been completed or fully funded.

Amendment #2 – The City of Tulare requests flexibility for bike funding by proposing to change current Santa Fe Bike Corridor improvements from “Santa Fe Bike lights and trail head” to “Trail Lights and Trail Connections” and “Bike Arterial Crossings” to “Bike/Pedestrian Arterial Crossings”.

Amendment #3 – The City of Lindsay requests flexibility for bike/pedestrian funding by proposing to change current Transit project from “Two (2) CNG Buses for $400,000 to “CNG Buses” for $400,000. They also request changes in two Bike/Pedestrian projects by decreasing the allocation for their Pedestrian Walkway/Bike Project from $3,900,000 to $2,800,000, and increasing their allocation for the Phase 3 Downtown Project from $2,800,000 to $3,900,000.

Amendment #4 – The Tulare County City Managers/CAO requests an amendment to the Measure R Expenditure Plan as follows:

“In the event of an economic emergency, the Authority may waive the maintenance of effort requirements by a two thirds (66.67% of the Authority Board membership) vote. An economic emergency may only be declared for up to one year at a time, and must be reauthorized if the emergency continues for more than a year. A fiscal emergency declaration must involve the entire County and cannot be declared for only some or a portion of the jurisdictions.”

Dir ___ Appropriated/Funded MB CM ___ Item No. ___
Amendment #5 – The Rail TAC/Rail Negotiating Team requests an amendment to the Measure R Expenditure Plan as follows:

“For Rail expenditures from the “Transit/Bike/Environmental Projects Program,” funding may be used for ROW acquisition and/or preservation of rail corridors. Preservation of rail corridors by purchase of existing fixtures includes but is not limited to railroad ties, ballast, tracks, and signals are permitted when anticipated commercial operation will result in preservation of the ROW. The purpose of the requirement is to ensure that real-property interest (long term-lease/easement) is maintained for rail use. The expenditure of Measure R funds may not result in a commitment of additional funds. Prior to an agency requesting rail funds from the “Transit/Bike/Environmental Projects Program,” a plan must be submitted that demonstrates the viability of the rail corridor for which the funding is proposed.”

At this time, the Tulare County Transportation Authority asks that all member agencies approve by resolution, the five (5) proposed amendments listed above.

RECOMMENDATION: That the City Council:

1. Affirm by Resolution the five (5) amendments to the Measure R Expenditure Plan;

2. Authorize the Mayor to sign the Resolution; and

3. Direct the City Clerk to transmit the executed Resolution to the attention of Ted Smalley, Tulare County Transportation Authority.

ATTACHMENT: Resolution

P:\pubworld\Engineering\Council Items\Resolution Approving Amendment 2 to Measure R Expenditure Plan - 2009-12-15.doc
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
APPROVING AMENDMENT 2 TO THE
MEASURE R EXPENDITURE PLAN

WHEREAS, member agencies have been given an opportunity to recommend changes to the Measure R Expenditure Plan; and

WHEREAS, the member agencies have proposed Amendment 2 that contain the following five (5) amendments to the Measure R Expenditure Plan:

Amendment #1 – The Measure R Expenditure Plan lists nine specific bike/pedestrian projects for the City of Visalia. A Visalia bike/pedestrian fund will be established for cost savings realized or projected to be realized from any of their nine projects. The City of Visalia may use the cost savings for the other approved City of Visalia bike/pedestrian projects. Additional projects may be added up to the amount of the fund once all of their nine projects have been completed or fully funded.

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WHEREAS, all nine member agencies must present Amendment 2 to their respective Boards and Councils for approval; and

WHEREAS, the Tulare County Transportation Authority will present the membership’s Resolution to the Board of Supervisors for their approval;

NOW THEREFORE BE IT RESOLVED THAT:

The City Council of the City of Porterville approves Amendment 2 to the Measure R Expenditure Plan as described herein.

APPROVED AND ADOPTED this 15th day of December, 2009.

ATTEST:
John Lollis, City Clerk

____________________________________________________
Pete V. McCracken, Mayor

By Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: RESOLUTION OF SUPPORT – TULE RIVER PARKWAY FROM MAIN STREET TO PLANO STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Public Works prepared and transmitted a 2010/2011 Bicycle Transportation Account (BTA) application to the Department of Transportation for the purpose of constructing the Tule River Parkway project from Main Street to Plano Street. The City is already the recipient of an Environmental Enhancement & Mitigation (EEM) grant for right of way acquisition.

Application requirements include a “Resolution of Project Support” affirming Council’s support for the project and committing the City to budget a 10% local match in FY 2010/2011. The project components reimbursed by the BTA grant include design, construction and construction management. In aggregate, the budgetary estimate is $460,000. The City’s local match is therefore $46,000. Funds to support the 10% local match can be secured from Measure ‘R’ “Pedestrian & Bike” funds.

A “Resolution of Project Support” is attached for Council review. If Council finds merit and can support staff’s application for the Tule River Parkway - Main Street to Plano Street, staff respectfully asks that the City Council authorize the Mayor to execute the “Resolution of Project Support”.

RECOMMENDATION: That the City Council:

1 Approve and authorize the Mayor to execute the attached “Resolution of Project Support”; and

2 Direct the Public Works Director to transmit the executed “Resolution of Project Support” to Caltrans District 6: Local Projects.

ATTACHMENTS: Resolution of Project Support
Locator Map

P:\pub\pubwork\Engineering\Council Items\Resolution of Project Support - Tule River Parkway, Main Street to Plano Street - 2009-12-15.doc

[Signature]
Appropriated/Funded N/A CM

Item No. 7
SUBJECT: PORTERVILLE ANIMAL SHELTER – COLORED EXTERIOR BUILDING ELEVATIONS

SOURCE: Public Works Department – Engineering Division

COMMENT: The Public Works Department, in conjunction with the design consultant Taylor-Teter Partnership, would like to present the preliminary colorized exterior building elevations for the Porterville Animal Shelter. The consultant is seeking input from the Council before progressing with the final plans and specifications.

Public Works and Police staff have reviewed the exterior building elevations and found them to be acceptable.

RECOMMENDATION: That City Council:

1. Review the colorized exterior building elevations and provide input requiring the consultant’s attention; or

2. Approve the color renderings as presented.

ATTACHMENTS: Preliminary Colorized Exterior Building Elevations

P:\pubworks\Engineering\Council Items\Porterville Animal Shelter - Colored Exterior Building Elevations - 2009-12-15.doc

Dir ___ Appropriated/Funded _ CM _ Item No. 8
TITLE: MUTUAL SETTLEMENT AND RELEASE – RICK PERIGO ROADSIDING

SOURCE: CITY ATTORNEY

COMMENT: An issue arose as to the whether soil amendments set forth in the City’s 2007 agronomist’s report were applied to the City’s 694 acres in conformity with the report. The City Council has authorized settlement of the issue with the lessee (Perigo) in the amount of $37,500.00, as a one-time lease payment credit concerning lessee’s December 2009 payment.

Attached is a Mutual Settlement and Release and Compromise Agreement, recommended to be executed by this office in order to complete the transaction.

RECOMMENDATION: That the City Council approve the attached Mutual Release and Compromise Agreement.

ATTACHMENTS: Mutual Release and Compromise Agreement

\julia\mkj\Porterville\general\agnperigorelease.docx

Item No. 9
MUTUAL RELEASE AND COMPROMISE AGREEMENT

This Agreement made and entered into this ___ day of December, 2009, by and between City of Porterville, hereinafter referred to as "City" and Rick Perigo Roadsiding, hereinafter referred to as "Lessee", as follows:

WHEREAS, “Lessee” has a lease agreement with the City concerning 693.94 acres of the City’s Reclamation Area;

WHEREAS, a dispute has arisen between the parties over the terms of the lease and concerning whether certain soil amendments, made a part of the City’s agronomist’s 2007 report and relied upon by Lessee in the submission of its lease proposal to the City, were actually applied to the land; and

WHEREAS, each party now desires to reach a full and final settlement of all claims that might arise out of or in any way relate to said contractual relationship by the execution of this Mutual Release and Compromise Agreement.

In consideration of the mutual promises and release set forth herein, the parties agree as follows:

1. RELEASE. Each party hereby releases and forever discharges the other, its officers, employees, agents, accountants, attorneys and all other acting for, under or in concert with such party, past or present, of and from any and all claims, demands, actions, causes of action, allegations, damages, liabilities, losses, costs or expenses, including attorney's fees of any kind or nature whatsoever, past or present, ascertained or unascertained, whether or not known, suspected or claimed, or which might have been asserted in regard to the alleged failure to apply soil amendments, and any claims of any kind regarding said dispute which existed between the parties.

2. CITY’S CONSIDERATION. As consideration for this Mutual Release and Compromise Agreement, the City agrees as follows:
   a) City shall pay Lessee the sum of $37,500.00 in full settlement of Lessee’s claim.
   b) City shall pay Lessee the sum specified in subsection (a), upon the execution of this release, via a one-time credit toward Lessee’s lease payment due in December 2009.

3. LESSEE’S CONSIDERATION. As consideration for this Mutual Release and Compromise Agreement, Lessee agrees not to sue or initiate against City, or any of the persons, corporations, or other entities covered by this release, any compliance review, action or proceeding, or participate in same, individually or as a member of a class, under any contract (express or implied) law, or regulation, whether state or local pertaining in any manner whatsoever to this dispute.

4. NO ADMISSION. This Agreement is the compromise of all possible disputed claims and fully and finally settles all possible claims between the parties regarding this dispute and is intended to prevent any further involvement in said dispute. Neither the payment of any consideration hereunder nor anything contained in this Agreement shall be interpreted or construed to be an admission of liability on the part of any person or party named herein.

5. FINAL SETTLEMENT. Each party understands and agrees that this Agreement shall act as a full and final release of all claims, known or unknown, whether or not asserted, arising from the events referred to in the Recitals. Each party expressly waives any rights or benefits available under Section 15423 of the Civil Code of the State of California, which provides as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release which, if known to him, must have materially affected his settlement with the debtor.

6. SUCCESSORS. This Agreement shall inure to the benefit of each party hereto, their predecessors, successors, subsidiaries, affiliates, representatives, assigns, agents, officers, directors, employees and personal representatives, past, present and future.
7. **EFFECTUATION.** The parties will execute any and all documents and do all other things as may be necessary to carry out the terms of this Agreement.

8. **LEGAL REPRESENTATION.** The parties represent and acknowledge that each of them have had the opportunity to be represented by legal counsel with respect to this Agreement and that each party has had the opportunity to be fully advised with respect to all rights which are affected by this Agreement. The parties shall bear their own attorney's fees.

9. **MODIFICATION.** This Agreement contains the entire agreement between the parties and may not be altered, amended, or modified in any respect, except by a writing duly executed by the party to be charged. All prior agreements, understandings, oral agreements, and writings are expressly superseded hereby and are of no further force or effect.

10. **CONSTRUCTION.** Headings are used herein for convenience only and shall have no force or effect in the interpretation or construction of this Agreement. As used in this Agreement, the singular shall include the plural, the masculine, the feminine, and neuter genders.

11. **EFFECTIVE DATE.** This Agreement shall become effective immediately upon execution.

12. **VENUE.** Any proceeding brought to enforce this agreement shall be brought in Tulare County, California.

13. **ATTORNEY'S FEES.** In the event suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of his costs of suit reasonable attorney's fees. The "prevailing party" shall be the party who is entitled to recover his costs of suit, whether or not the suit proceeds to final judgment.

DATED:______________

BY:_________________________

Pete V. McCracken, Mayor
City of Porterville

DATED:______________

_____________________________________

Rick Perigo, [title]
Rick Perigo Roadside

APPROVED AS TO FORM

DATED:______________

McCORMICK, KABOT, JENNER & LEW

BY:_________________________

Julia M. Lew
City Attorney

DATED:______________

BY:_________________________

Attorney for Lessee

E:\JULI\MKJL\PORTERVI\GENERAL\MUTUAL RELEASE COMPROMISE AGRMTPerigo.docx
COUNCIL AGENDA: DECEMBER 15, 2009

SUBJECT: AUTHORIZE PAYMENT FOR OHV FACILITY DOZER REPAIRS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The D20 Kubota dozer used at the OHV Facility for track maintenance threw a track and it was found that the tension adjustments had been fully utilized. Both tracks and their tensioners were essentially worn out. Repairs have been made and the unit has been returned to service. The full repair cost is $9,100.04 and funds are available in the OHV facility budget.

RECOMMENDATION: Authorize payment for the OHV Facility dozer repairs.
THIS ITEM WAS REMOVED.
SUBJECT: SCHEDULE A JOINT MEETING WITH THE LIBRARY BOARD FOR CONSIDERATION OF THE LIBRARY FACILITIES AND SPACE NEEDS ASSESSMENT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council authorized the creation of a Library Facilities Planning Committee (LFPC) to develop a plan for the library services and facility needs for implementing the City General Plan. The Committee was assembled with a composition of Library Board Members, Friends of the Porterville Library, community members, library patrons, school officials, a City Council Member (Vice Mayor), and a city staff. Their initial engagement was in becoming familiar with library services and current library facilities, as well as other library organizations and facilities. The City Council then authorized the services of consultants Page+Morris to facilitate the LFPC in preparing a Library Facilities and Space Needs Assessment. That report has now been compiled and has been distributed to the City Council.

The Library Facilities Planning Committee, the Friends of the Porterville Library, and the Porterville Library Board of Trustees have each endorsed the report and recommend its consideration by the City Council. In order to more effectively consider the report, these same groups request that the City Council schedule a special meeting devoted to this matter on January 12, 2010. To provide for the Library Board’s full participation the meeting should be scheduled and noticed as a joint meeting. Staff suggests that the location be designated as the Community Room within the Library at 5:30 PM.

RECOMMENDATION: That the City Council schedule a joint meeting with the Library Board for consideration of the Library Facilities and Space Needs Assessment on January 12, 2010 at 5:30 PM in the Community Room.

ATTACHMENTS: Memo transmitting Facilities and Space Needs Assessment Letter from the Friends of the Library Letter from the Library Board of Trustees

[Signature] Director [Signature] City Manager

ITEM NO.: 12
MEMORANDUM

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

From: Jim Perrine  

Date: November 13, 2009

Subject: Library Facilities and Space Needs Assessment Report

The Library Facility Planning Committee has completed another milestone in their efforts towards determining a recommended strategy for provision of future library facilities. A Facilities Space and Needs Assessment Report has been compiled and a copy is herewith forwarded to the City Council with this memorandum. The Library Facility Planning Committee wishes to convey to the City Council that the Needs Assessment is not intended to be a “stone tablet”, but rather a snap shot of the vision arrived upon in 2009 through the committee’s efforts. Additional work is yet to be accomplished by the committee over the next month or so. They would then appreciate the opportunity to meet in a study session format with the City Council to fully review their efforts to date, including review and discussion of the Needs Assessment Report. It is suggested that such a study session be scheduled in January 2010 if the Council concurs with this approach.

Copy: John Lollis

Jim Perrine  
Parks & Leisure Services Director  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257  
Phone: 559.782.7536  
Fax: 559.791.7854
Porterville Friends of the Library  
December 7, 2009

To: Porterville City Manager John Lollis  
To: Porterville Parks and Leisure Services Director Jim Perrine

The Friends of the Library wish to thank Lupe Diaz and Rebecca Carley for their recent presentation to the group on the Porterville Public Library Facilities and Space Needs Assessment Report. Please express our appreciation to them for sharing the key points of this report. In addition to a very professional presentation, they engaged in an open dialogue with the group in response to our questions and concerns.

The Friends agree that the library facility as it exists today marginally meets the needs of the local community. The group also acknowledges that this facility will be unable to meet the public’s needs in the future as identified by the library facility needs assessment planning committee. We support a community vision of a library that will be able to respond to the many competing demands of the local library users.

Although we support this vision, we do have some thoughts and recommendations that we would like to share with you, the managers and leaders of our city and community.

1) The group recommends that the building plan for a new facility be staged so that the new facility would meet core library services first and allow for facility expansion as additional funding becomes available. The group was concerned with building and operating costs and by staging the development to allow for expansion, the group believed the building costs could be manageable and the operating costs sustainable.

2) The group recommends that the $25M estimate for a new building not become a focus item as this project moves into the next phase. The marketing plan should emphasize the needs and services identified in this report which pave the way for the estimated size of the building. The $25M should not be “cast in stone” as realistic dollar estimates are unpredictable for a building in the year 2030. Individuals often fixate on dollar figures which then overshadow needs and service projections. As the project becomes more closely defined, the accompanying dollar figures can also be more closely defined. The group felt very strongly that a $25M figure in the current economy and in a community that does not have an abundance of wealth could surface as a barrier to public support.

3) The group recommends that land costs, available parking, and public transportation be primary considerations as potential sites are identified. Revitalization of the downtown area should not be the determining factor for a site. We believe that sites should be identified which meet the considerations above and are cost effective so that the community gets the most for their money.

Please contact me if you need further clarification of the points addressed in this letter. We thank you for the opportunity to be briefed on this report although we regret that the full report was not yet available for our review. Therefore, please note that our thoughts and recommendations expressed in this letter are based upon the information provided at the briefing.

Sincerely,

/s/ Pat Beck  
Pat Beck  
President
MEMORANDUM

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

FROM: Joe Moreno, Library Board of Trustees

DATE: December 10, 2009

SUBJECT: Library Board of Trustees Support of the Library Facility Planning Report

The Library Board of Trustees have been kept apprised of the progress and efforts that the Library Facility Planning Committee has put forth over the course of this year.

The Library Board of Trustees reviewed the Library Facilities and Space Needs Assessment on Tuesday, December 8 at our regular meeting. At this time, we would like City Council to know that the Library Board of Trustees, as an advisory body to Council, took action to fully support and endorse the results of the Facilities and Space Needs Assessment and to keep efforts moving forward.

The Library Board of Trustees is aware that the Library Facility Planning Committee has requested to meet with Council in January and the Board wishes to fully participate in that meeting.
COUNCIL AGENDA: DECEMBER 15, 2009

SUBJECT: INFORMATION ON CSET URBAN FORESTRY PROGRAM

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: CSET has been advised that they are entitled to a $200,000 Federal stimulus program grant for urban forestry programs within Porterville. City staff has identified a list of activities and projects that this program could address. Generally, these will be cleanup and enhancement of current park and landscape areas, including some tree planting with supporting irrigation system extensions. CSET will be assembling a final application within the next week or two.

RECOMMENDATION: Receive this informational report.
SUBJECT: REQUEST TO PURSUE GANG REDUCTION, INTERVENTION, AND PREVENTION (CALGRIP) PROGRAM FUNDING

SOURCE: Police Department

COMMENT: The California Emergency Management Agency (Cal EMA), in partnership with the Governor's Office of Gang and Youth Violence Policy (OGYVP), has presented a Request for Proposals (RFP) for the California Gang Reduction, Intervention, and Prevention (CalGRIP) Program for Cities. The purpose of this RFP process is to award cities grant funding for gang prevention, intervention and suppression activities.

The purpose of the CalGRIP grant program is to provide grants to cities for gang prevention, intervention, reentry, education, job training and skills development, family and community services and suppression activities. The Police Department is respectfully requesting approval to investigate and if qualified, pursue this grant opportunity.

This item would be brought back to Council for final approval if the Department is successful in obtaining this grant.

RECOMMENDATION: That the City Council:

1) Authorize Police Department staff to investigate and, if qualified, pursue the CalGRIP funding opportunity.

Item No. 14
SUBJECT: ASSIGN AIRPORT LEASE - LOT 45

SOURCE: Administrative Services/Purchasing Division

COMMENT: Mr. Michael Archer, the current leaseholder of Lot 45, has sold his hangar to Dana and Susan Gillespie, owners of Gillespie Ag Service of Porterville, CA. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Mr. Archer dated July 1, 1992. The lease will expire June 30, 2012. A five-year option was exercised by Mr. Archer in 2007. No further options remain.

RECOMMENDATION: That the City Council approve the assigning of the lease agreement for Airport hangar Lot 45 between the City of Porterville and Mr. Michael Archer to Gillespie Ag Service.

Attachments: Current Airport Map showing Lot 45
Assignment of Lease
Lessor’s Consent to Assignment of Lease
Letters of Request from the parties
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of January, 2010, by and between Mr. Michael Archer, 19426 Campbell Creek Dr., Springville, CA, owner of a hangar on Lot 45 at the Porterville Municipal Airport, as the Assignor, and Gillespie Ag Service, 15301 Road 192, Porterville, CA, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective January 1, 2010, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated July 1, 1992, (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Michael & Frankie L. Archer, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 45, and containing a total area of approximately 5,180 square feet, and establishing an original Lease terminating June 30, 2012.

2. Effective January 1, 2010, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord’s consent hereto, Assignee’s Noticed Address and Assignee’s Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and is not in default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

6. The parties understand there is a $150 assignment fee, and the Assignee must provide proof of liability insurance within thirty (30) days of Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR
BY: ____________________________
  Michael Archer

ASSIGNEE
BY: ____________________________
  Dana Gillespie
  Gillespie Ag Service
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 45

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 45, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 15th day of December, 2009.

CITY OF PORTERVILLE

BY: Pete V. McCracken
MAYOR, CITY OF PORTERVILLE
"LESSOR"

ATTEST: John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: Julia Lew, City Attorney
23 November 2009

Michael Archer  
19426 Campbell Creek Drive 
Springville, Ca  93265  
Phone: (559) 539-2755

To: 
Frank Guyton  
Manager  
Porterville Municipal Airport

This correspondence is a request for transfer of our hangar lease on Lot 45 at Porterville Municipal Airport effective 31 December 2009.

The hangar has been sold to Gillespie Ag Service  
(Dana & Susan Gillespie- husband and wife).

If you have further questions I can be reached at (559) 539-2755.

Thank you,  
Michael Archer

Michael Archer
23 November 2009

Frank Guyton
Manager
Porterville Municipal Airport

I have purchased the hangar on Lot 45 and request the lease be transferred to Gillespie Ag Service.

I will take ownership of the existing hangar effective 31 December 2009.

If you have further questions, I can be reached at (559) 359-1679.

Thank you,

Dana Gillespie
CITY COUNCIL AGENDA: DECEMBER 15, 2009

PUBLIC HEARING

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTION 801.1 (A) OF THE PORTERVILLE ZONING ORDINANCE TO ALLOW CAR WASHES AS CONDITIONAL USES IN THE CENTRAL COMMERCIAL (C-2) ZONE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

On November 30, 2009, John S Hale of JLH Properties LLC filed an application for a Zoning Text Amendment to allow car wash businesses as conditional uses in the Central Commercial (C-2) Zone. The request has been reviewed by Staff and discussed at a Project Review Committee Meeting on November 18, 2009, where staff expressed no concerns with the proposal.

ANALYSIS:

In the current Zoning Ordinance, Car Washes are allowed as permitted uses in the General Commercial (C-3) and Highway Commercial (C-H) Zones. Part of the reason for limiting them to more intense commercial zoning was the potential for impacts that car wash facilities might have on adjacent businesses and how that might affect the establishment of an effective retail destination. Some of the impacts of concern included, but were not limited to:

- Noise from automatic equipment and dryers
- The discharge of soap and use of other chemicals
- Aesthetics

With the improvements to technology and efficiency, today’s car wash facilities often do not cause the same level of impacts on adjacent properties. Staff has found that if a car wash were to be established in a retail zone such as Central Commercial (C-2), the site could be conditioned and improved in a way that would avoid these negative externalities through sound mitigation, proper drainage and plumbing improvements, building design, and landscaping.

It should be noted that car wash businesses are proposed to be allowed in the Retail Commercial Zone (C-2) in the new zoning ordinance, which is expected to be adopted early next year. However, the applicant is currently working on the development of the Jaye Street Crossing Shopping Center and would like the City to consider making this change at this time.
RECOMMENDATION: That the City Council:

1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and

2. Waive further reading of the draft ordinance, approve Ordinance Amendment 2009-01 and order to print.

ATTACHMENT: Draft Ordinance
ORDINANCE NO.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE
MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE
SECTION 801.1 (A) PERTAINING TO CAR WASHES IN
THE CENTRAL COMMERCIAL (C-2) ZONE

WHEREAS: On December 15, 2009, the City Council at its regularly scheduled meeting,
held a public hearing and considered an amendment to Municipal Code Appendix A – Zoning
Ordinance Section 801.1; and

WHEREAS: On December 15, 2009, the City Council waived further reading and ordered
to print draft amendment sections to the Zoning Ordinance regulations regarding conditional uses
in the Central Commercial (C-2) Zone; and

WHEREAS: based on analysis conducted on car washes and their potential effect on
adjacent properties, the Council made the following findings in support of Zoning Ordinance
Amendment 2009-01.

A. That due to improvements in technology and efficiency, car wash businesses can be
designed and operated in a manner to avoid potential impacts on adjacent
properties, and the remainder of the community; and

B. That through a Conditional Use Permit process, the City of Porterville could establish
and enforce conditions of approval to insure that the design and operations of a
proposed car wash in the Central Commercial Zone would not have a significant effect
on adjacent properties or the remainder of the community.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville
does hereby amend Porterville Zoning Ordinance Section 801.1 to read as follows:

801.5: USES ALLOWED IN C-2 ZONE WITH CONDITIONAL USE PERMIT:

A. The following uses may be allowed upon approval of a conditional use permit and the
provisions of subsection 2100B of this ordinance:

1. Auction yards or sales.

2. Automobile and motorcycle dealerships conducted wholly within a building
enclosed on all sides including the display, storage, repair, and reconditioning of
vehicles, subject to the provisions of article 26 of this ordinance.

3. Bar and nightclub. Any such use involving the serving of alcoholic beverages under
an on-sale license shall be subject to the provisions of subsection 2100B of this
ordinance.

ATTACHMENT
4. Billiard and pool hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

5. Bus depot and taxi terminal, no repair or storage on site.

6. Call center.

7. Car Wash.

8. Church.

9. Commercial recreation, including, but not limited to, arcades. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

10. Drive-in theater.


12. Hotel/motel and apartment hotel.

13. Indoor building material sales.

14. Institutional buildings such as schools, colleges, hospitals, sanitariums, and buildings of an educational, charitable or philanthropic nature (but excluding veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

15. Large retail over fifty thousand (50,000) square feet.

16. Nursery, flower or plant and commercial greenhouse; provided, that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

17. Restaurant or cafe which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

18. Service station.

19. Theater or auditorium. (Ord. 1679 § 2, 9-6-2005; Corrected Ord. 1679 § 2, 2-21-2006)
BE IT ORDAINED THAT this ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

Pete McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1758, ZONE CHANGE 1-2009

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1758, An Ordinance of the City Council of the City of Porterville Approving Zone Change 1-2009 Being a Pre-Zoning From County C-1 (Neighborhood Commercial) to City C-1 (Neighborhood Commercial) for that 3.45± Acre Site Located at the Southeast Corner of State Route 65 and Westfield Avenue, was given first reading on December 1, 2009, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1758, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1758

Item No. 17
ORDINANCE NO. 1758

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 1-2009 BEING A PRE-ZONING FROM
COUNTY C-1 (NEIGHBORHOOD COMMERCIAL) TO CITY C-1
(NEIGHBORHOOD COMMERCIAL) FOR THAT 3.45± ACRE SITE
LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65
AND WESTFIELD AVENUE.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of December 1, 2009, conducted a public hearing to consider General Plan Amendment
1-2009, Zone Change 1-2009 (pre-zoning) and Annexation 472 for that site located on the
southeast corner of State Route 65 and Westfield Avenue; and

WHEREAS: Zone Change 1-2009 (pre-zoning) is a proposal to change the existing
County C-1 Zoning (Neighborhood Commercial) to City C-1 (Neighborhood Commercial) Zone
for that 3.45± acre site located on the southeast corner of State Route 65 and Westfield Avenue; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of December 1, 2009, opened the public hearing to consider General Plan Amendment
1-2009 and Zone Change 1-2009 (pre-zoning) for that 3.45± acre site located on the southeast
corner of State Route 65 and Westfield Avenue; and

WHEREAS: In order to facilitate pre-zoning the property, a General Plan Amendment is
required to re-designate the site from Public/Institutional to Neighborhood Commercial. General
Plan Amendment 1-2009 is a proposal to change the Land Use Element of the General Plan from
Public/Institutional to Neighborhood Commercial on that 3.45± acre site located on the southeast
corner of State Route 65 and Westfield Avenue know as Al’s Market located at 943 W.
Westfield Avenue; and

WHEREAS: Zone Change 1-2009 (pre-zoning) is contingent upon the passage of
General Plan Amendment 1-2009; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest
would best be served by approval of the proposed pre-zoning from County C-1 (Neighborhood
Commercial) to City C-1 (Neighborhood Commercial) for that 3.45± acre site located on the
southeast corner of State Route 65 and Westfield Avenue; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 1-2009:

1. That the proposed zoning will conform with the land use designation of the
   General Plan upon approval of General Plan Amendment 1-2009.
2. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

On October 28, 2009, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from October 28, 2009 to November 17, 2009. At the end of that period, no agencies responded.

3. That the subject project will not create adverse environmental impacts

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study, comments from interested parties and the public, as well as response to written comments received during the review period. It was determined that potential impacts associated with the proposed were less than significant.

4. That this zoning classification will ensure that any future development of the subject site will be in conformance with existing use and polices and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: Zone Change 1-2009 is contingent upon approval of General Plan Amendment 1-2009.

Section 2: That the following described property in the City of Porterville, County of Tulare, State of California, know as Zone Change 1-2009, is hereby pre-zoned from County C-1 (Neighborhood Commercial) to City C-1 (Neighborhood Commercial) for the 3.45± acre site located on the southeast corner of State Route 65 and Westfield Avenue more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 472

PASSED, APPROVED AND ADOPTED this 15th day of December, 2009.

ATTEST:
John Lollis, City Clerk

By: __________________________
    Patrice Hildreth, Chief Deputy City Clerk

______________________________
Pete V. McCracken, Mayor
SUBJECT: ZALUD HOUSE FEES AND CHARGES

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has requested the review of current fee information for the Zalud House. These charges were last adjusted in 2006. The revenues produced by the Zalud House result from tour admission and garden rentals.

The Zalud House and Garden has been an enterprise fund for the City of Porterville for over thirty years. The Zalud House Masterplan addresses strategies for revenue generation. Marketing and operational changes are needed to ensure the viability of the operation of the museum.

GARDEN RENTAL: The Zalud House Revenue Recommendation Committee provided a recommendation for adjustment of Garden rental fees in November 2005. The recommendation was reviewed and endorsed by the Parks and Leisure Services Commission. The City Council adjusted the rental charges effective March 1, 2006.

Prior to March 2006:
$50.00 per hour during scheduled house hours (two-hour minimum rental for weddings)
$60.00 per hour during non-scheduled House hours
$75.00 reservation deposit (non-refundable if customer cancels)
$25.00-$300 cleaning deposit.

Fees adopted in March 2006:
$250.00 Event Use (up to three hour time period)
$ 75.00 Extended time for event use (per hour after the initial three hour period.
$175.00 Reservation/Cleaning Security deposit (non-refundable if customer cancels reservation may be applied to outstanding charges.)

ADMISSION FEES: Admission fee for adults is $2.00 and $.50 for children.

NIGHT TOURS: The charge for a night-time event is $25.00 per person (minimum $50.00 per event) for groups up to six persons and for a duration of up to 4 hours. The Porterville Ghost Society hosts the spirit tours of the Zalud House as a service to the Parks & Leisure Services Department.
One of the Masterplan revenue strategies is establishment of a formal partnership between the City of Porterville and the Porterville Ghost Society. They are currently pursuing a LLC to legitimize their business status. Once they are established as a business entity other arrangements and potential fee changes should be considered.

Expansion of the relationship with PGS will provide the Parks and Leisure Services Department with an increased market for tours and events at the Zalud House and Garden. The Porterville Ghost Society hosted a sold out Paranomal Event on October 10, 2009 held at the Barn Theatre. The Zalud House was the main tour attraction for those attending the class. Another paranormal event is tentatively planned for April 17 and 18, 2010, which will again bring in revenue and publicity for the Zalud House and the City of Porterville.

City staff will continue to work with organizations in cultivating partnerships to increase marketing of the Zalud House with efforts focused on enhancing the tourism of the museum and garden. The Masterplan concept of expanding the garden area will afford a larger space to accommodate a greater variety of events.

Staff suggests that some adjustment to fees and charges be considered for early implementation. Garden rental fees could be returned to the previous amounts, admission fees could be increased to the next full dollar amounts, and night tour fees could be established at $40 per person and $400 per evening for multiple group events. Any fee adjustments considered will require a noticed public hearing.

**RECOMMENDATION:** That the City Council consider the Zalud House related fees and charges, provide direction for any appropriate changes, and direct that a public hearing be noticed for January 19, 2010 for consideration of adoption of Zalud House related fees and charges.

**ATTACHMENTS:** Historical fee and revenue Information
<table>
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<tr>
<th>Year</th>
<th>Zalud House Revenues</th>
<th>Rental/Night Tour Revenue</th>
<th>Rentals</th>
<th>Reservation/Cleaning Deposit</th>
<th>Paranormal Tours</th>
<th>Totals</th>
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<td>300.00</td>
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<th>Year</th>
<th>Zalud House Revenues</th>
<th>Rental/Night Tour Revenue</th>
<th>Rentals</th>
<th>Reservation/Cleaning Deposit</th>
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<td>2009-2010</td>
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*One of the two rentals was for the T.A.P.S. Paranormal Event held on October 10, 2009.*

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<tr>
<th>Year</th>
<th>Admission Revenues</th>
<th>Rentas/night Tour Events</th>
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<td>635</td>
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<td>2009-2010</td>
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<td>176</td>
<td>476</td>
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COUNCIL AGENDA: DECEMBER 15, 2009

SUBJECT:  EARLY LITERACY PROGRAM

SOURCE:  PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library Board of Trustees has thoroughly discussed the idea to implement an early literacy program for 2010. Preliminary discussion took place at the September Library Board meeting to outline new pre-K literacy services and outreach opportunities. Library Board Member Sharon Patterson and staff provided a draft program design to the Library Board at their October meeting for discussion. At the October meeting the Library Board recommended staff develop additional program components for early literacy. Staff presented the proposed early literacy program components to the Library Board at their November meeting. The Library Board accepted the staff report as submitted and recommends the proposal of Early Literacy Program to City Council for consideration.

Traditionally early literacy efforts have centered on a weekly pre-K story hour that includes stories, songs, rhymes, and crafts. Staff is often invited to visit local childcare centers to read stories aloud to pre-K children and to share information about library services.

Current budget year efforts have allowed the installation of six early literacy workstations for pre-K through sixth grade. The workstations are located at the Main branch and Margaret J. Slattery Children’s Library. The workstations have numerous educational programs in English and Spanish. A Spanish Story Time program was established at the Margaret J. Slattery Library in September 2009. The story time includes stories, songs, and rhymes.

The purpose of creating early literacy services would expand the overall literacy efforts provided by the Porterville Library. The 2009 Library Facility Planning Committee efforts outline five primary service roles the Porterville Library will serve in the future. One of the five identified is “early literacy: create young readers, children from birth to age five, have programs and services designed to ensure they will enter school ready to learn to read, write, and listen.”

In an effort to build upon the early literacy service role, staff has outlined for implementation the following Early Literacy Program components.

1. Create parent and newborn outreach program with Sierra View District Hospital as a partner. The program outreach would involve coordination of resources that include a program brochure with one redeemable coupon for every newborn to receive a soft cover book for newborns and infants through 12 months.

[Signature]
Director

[Signature]
Appropriated/Funded

[Signature]
City Manager

ITEM NO.: 19
2. Implementation of a Lapsit Program at the Main branch that provides an opportunity for parents and children ages 0-2 yrs to participate in a weekly activity with stories, songs with movement, and interactive time with other parents.  
3. Develop a resource pamphlet for parents providing them an overview of materials and information they can access to meet their informational needs. Staff would coordinate distribution of resource pamphlets to local pediatrician offices.

To support this Early Literacy Program, staff developed the following goals.  
Goal 1 - To implement Early Literacy Services in 2010 that builds a resource center parents can utilize as they themselves grow and develop along with their children.  
Goal 2 - To sustain an Early Literacy Service Program for pre-K through outreach and programming.  
Goal 3 - To provide a library environment that creates young readers through early literacy development.

Staff identified the following annual cost estimates for the proposed Early Literacy program components.

**Parent & Newborn Outreach Program:**  
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<th>Item</th>
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<td>Supplies &amp; Materials</td>
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<td><strong>TOTAL</strong></td>
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**Lapsit Program:**  
<table>
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<td>Staff</td>
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**Resource Pamphlet:**  
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<td>Printing Cost (per 3,000 copies)</td>
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The estimated annual increased program cost is approximately $18,500. After review of current budget savings from existing programs and services staff suggests funds to support the Early Literacy Program for the balance of the current year come from budgeted Measure H funds. In addition, staff will advocate for opportunities to gain community sponsors who wish to get involved with new literacy efforts.

**RECOMMENDATION:** That Council receives the recommendation of the Library Board of Trustees and approves the new Early Literacy program components commencing in January 2010.

**ATTACHMENTS:** Memorandum from Library Board of Trustees to City Council
MEMORANDUM

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

FROM: Ellen Nichols, Library Board of Trustees, Chairperson

DATE: November 18, 2009

SUBJECT: Early Literacy Program

The Library Board of Trustees has evaluated and thoroughly discussed library based pre-K early literacy activities. At the Library Board meeting on November 12, 2009, action was taken to forward to Council this recommendation for staff to implement new early literacy efforts.

Public Libraries in general provide a variety of literacy services to all members within a community. The purpose of partnering early literacy services and outreach with other community agencies would enhance the overall literacy efforts of our Porterville City Library.

The Library Board of Trustees strongly advocate continuing development of new outreach and other service program opportunities that support all literacy efforts provided by our City Library.

The Library Board of Trustees would like to thank Council for your time and consideration.
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Resolution of Support for Tulare Motorsports Complex

SOURCE: City Manager

COMMENT: Councilman Hamilton has requested that the Council consider adopting a Resolution in support of the proposed Tulare Motorsports Complex. Considered a project of significant regional economic development emphasis, the Tulare Motorsports Complex is proposed to develop over 700 acres to include a 1-mile oval super speedway racetrack, drag strip, go kart track, luxury condominiums, commercial offices, business park, retail stores, hotels, RV park, and public services.

RECOMMENDATION: That the City Council consider the adoption of a Resolution of support for the Tulare Motorsports Complex.

ATTACHMENT: Draft Resolution
Project Rendering
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, IN SUPPORT OF THE PROPOSED TULARE MOTOR SPORTS COMPLEX PROJECT

WHEREAS, the City of Tulare is considering the proposed development of an approximate 700 acre site to serve as a world-class, state-of-the-art Motor Sports Complex; and

WHEREAS, the proposed Motor Sports Complex would include a 1-mile, D-shaped oval super speedway racetrack and separate drag strip, which would expect to host a wide variety of national, regional, and local racing events, to possibly include six large events and numerous smaller events per year; and

WHEREAS, the proposed Motor Sports Complex would also include a Go Kart Track, as well as a mixed-use development of entertainment-related uses, luxury condominiums, commercial offices, technology-oriented business park, retail stores, hotels, RV park, and public services; and

WHEREAS, the proposed Motor Sports Complex would attract automotive- and agricultural technology-based businesses that provide good wages and opportunities to area residents; and

WHEREAS, the proposed Motor Sports Complex would create a national destination that provides visitors with a wide variety of recreational and shopping opportunities that encourage people to stay beyond the racing events; and

WHEREAS, the proposed Motor Sports Complex would promote economic growth and development, providing significant economic benefits to the area through employment opportunities and tax revenues.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville, does hereby support the development of the proposed Tulare Motor Sports Complex.

APPROVED AND ADOPTED this 15th day of December, 2009.

________________________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: ______________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Summary of Community Partner Meeting Regarding Early Literacy

SOURCE: City Manager

COMMENT: Vice Mayor Ward has requested that the Council receive a written summary of the recent meeting of community partners regarding early childhood literacy.

As the Council is aware, a number of community partners involved in early literacy were invited to participate in a City-sponsored meeting to discuss potential strategies and prospects for coordination in reaching as many of the young children in the Porterville community as possible. The community partners that participated with City staff in the meeting included: County of Tulare Board of Supervisors, Bright Start, Burton Elementary School District, County of Tulare Health & Human Services Agency, First 5, Porterville Unified School District, Sierra View District Hospital, and Tulare County Office of Education. Conversation during the meeting began with discussion on how contact is made with newborns and their families, with several groups indicating that they already have programs in place, ranging from “Baby’s 1st Book” in a welcome basket/newborn kit at the hospital (First 5), to in-home educator programs (County Office of Education). During the course of conversation, it seemed that early literacy was just one component of a larger subject of availability of services to young families, and it seemed apparent to the meeting participants that reviewing and evaluating the prospect of establishing a Family Resource Center in Porterville would serve multiple purposes in providing a “one-stop shop” for services to families.

As several of the family resource center facilities are located within Tulare County (Lindsay, Visalia, Woodlake), and with the Council’s supporting direction, it was indicated that a group visitation of the meeting participants to a couple of these facilities would be helpful in bringing focus to the conversation of attempting to meet the needs of the community’s youth and families. It was indicated that other community partners (i.e., Family Healthcare Network, Central California Family Crisis Center) should be identified for committee involvement. Vice Mayor Ward has also expressed his interest in having the Council select another Councilmember to participate in the meetings with community partners.

RECOMMENDATION: That the City Council accept the information report.
COUNCIL AGENDA: December 15, 2009

SUBJECT: COUNCIL REVIEW OF 2009 PRIORITY PROJECTS, AND CONSIDERATION OF 2010 PRIORITY PROJECTS

SOURCE: City Manager

COMMENT: The Council's consideration of adopting priority projects for the 2010 calendar year was initiated at its adjourned meeting on December 8th, with the lighting of the Skate Park at Veteran's Park approved as a 2010 Priority Project. It was the Council's interest to continue the deliberation of adopting priority projects at this evening's regular meeting.

In December 2008, the Council adopted the selection of ten (10) Priority Projects, to serve as major priorities for the City in the dedication of both effort and resources for the 2009 calendar year.

Courthouse, Fairgrounds, and Related Projects
Considered a “Century Project” for the City, the State's acquisition of approximately seven (7) acres of City property for the construction of the new South County Justice Center will have closed escrow on December 14th. A significant milestone of this project was completed at the December 8th adjourned meeting, as the Council approved the new license agreement with the Junior Livestock and Community Fair (Fair), which included the Fairgrounds relocation from its current location on Olive Avenue to Municipal Airport property on Tea Pot Dome Avenue. As the acquired property currently houses the Municipal Ballpark, a CEQA mitigation measure by the State includes the City receiving approximately $600,000 for the purposes of lighting City-selected playing fields within the community. Staff will continue to work diligently with Fair Board representatives in the development of the new fairgrounds site, in anticipation of the new site beginning operations in Fall 2010. In support of the new Courthouse development, staff has completed topographies for the water main and storm drain improvements for Olive Avenue, and will continue to assist the State in facilitating the development and construction of the Courthouse. The Downtown Overlay (Courthouse Commons Master Plan) approved by the Council in August 2008 will seek to be incorporated in the Comprehensive Zoning Ordinance Update.
Porterville Hotel Project
Staff continues to work diligently both with the State toward an agreement that would allow for the replacement of affordable housing units that would be lost in the demolition of the Porterville Hotel, as well as the current property owner in resolving financing complexities involved in the State’s affordable housing loan and tax credit programs. It was recently reported to the Council by staff that progress is being made with the State in the replacement housing issue. Staff also continues to work with the developer proposing to accommodate part of the replacement housing units as part of the Villa Siena housing project. It is staff’s anticipation that formal resolution with both the State and the developer would be achieved in Spring 2010, with demolition of the Porterville Hotel to follow within the same calendar year.

New Public Safety Station
With the selection of a site south of Highway 190 and east of Jaye Street, the City and relevant property owner have verbally approved a purchase agreement for the acquisition of land for the new public safety station, and is awaiting formal approval by the property owner. The Fire Department has submitted an application for approximately $1.5 million in Federal stimulus grant funding for fire station construction, and the application has been successful through several screenings. The securing of land is a requirement for funding, should the application prove successful. The Ad Hoc Committee that was established in support of the planning for the new station should soon seek the Council’s approval to proceed with an issuance of Statement of Qualifications to solicit designers for the project, with the facilities completed design and authorization to bid for construction the major milestones for 2010. Facility construction is anticipated in Spring 2011, with the facility becoming operational in early 2012.

New Library Facility Project
The Library Facility Planning Committee has met throughout the year with the selected Consultant toward developing a community needs assessment that would seek to address both potential uses and sizes of a proposed new City public library. It is recommended that a Council Study Session be scheduled in January 2010 (proposed for Tuesday, January 12th) with the Planning Committee and the Library Board of Trustees to discuss the Planning Committee’s assessment of needs.

Comprehensive Zoning Ordinance Update Project
As a component of the City’s General Plan Update that was adopted in 2008 by the Council, the Zoning Ordinance Update
Committee continues to meet regularly toward the submission of the Zoning Ordinance Update to the Council in Spring 2010. It is anticipated that the Council will spend a significant duration of time over the next year in the consideration of the Zoning Ordinance Update, with anticipation of Council approval by Summer 2010.

**Jaye Street to Gibbons Avenue Project**
Staff has completed the design of the roundabout, and approximately ninety percent (90%) of the street design, for this project. Similar to the new public safety station, land acquisition along Jaye Street to support this project remains the critical path to the project. It is anticipated that with sufficient funding, construction would begin by Summer 2010, with completion before the end of the 2010 calendar year.

**Indiana Street Low Water Crossing Project**
Staff continues to work on acquiring property on the north side of the Tule River in support of this project, and its necessity is also being considered as part of the Riverwalk Phase II Environmental Impact Report study.

**Technology Assessment Project**
While several internal technology improvements have been implemented, the major component of this project is the redevelopment of the City's website. The Council subcommittee that was formed to review the new websites development has met and commented that the new website is a significant improvement over the current site, and it is expected that the Council will launch the new website during its meeting on January 19th.

**Effluent Pipeline and Land-Leveling of Sewer Property**
*This project has been completed*

**Jaye Street Widening, Highway 190 to Springville Avenue**
*This project has been completed*

Projects of note that have been completed include:
- Airport Pesticide Remediation
- CNG Station and Equipment Canopy
- Community Center Parking Lot
- Core Area II and IV Improvements
- G Street Reconstruction and Storm Drain
- Henderson Avenue Street Rehabilitation
- Hockett Street and Mill Avenue Parking Lot
- Indiana Street Sidewalk and Shoulder Stabilization
Projects of note that have been completed include: (continued)
- Indiana Street/Henderson Avenue/Prospect Street Shoulder Stabilization
- Lions, Murry, Veterans, and Zalud Playground Replacements
- Murry and Zalud Park Pavilion Replacements
- Murry Park Restroom Replacement
- Newcomb Street/Olive Avenue/Orange Avenue/Prospect Street/Westwood Street Slurry Seal
- OHV Park Canopy
- Retail Department Store Development
- WWTF Screening and Grit Equipment Upgrade

Projects of note that are nearing completion include:
- Electronic Message Board
- Housing Planning Element
- Regional Fire Training Facility
- Well No. 31 Pumping Facility

With presumed funding, significant anticipated projects in the coming 2010 calendar year include:
- Airport Area Economic Development Projects (EDA Grant)
- Airport Lighting and Runway Rehabilitation (FFA Grants)
- ARRA Olive Avenue Street Rehabilitation (ARRA Grant)
- Arterial Street Rehabilitation/Measure R Bonding (Measure R)
- City Communications Tower Upgrade/P-25 License Compliance (DHS Grant)
- City Facility Energy-Efficiency Infrastructure Improvements (ARRA Grant and Building Fund Loan)
- City Library Facility Infrastructure Improvements (Carryover)
- Community Infrastructure Needs Assessment (N/A)
- “Friends of the Library” Facility Development (TBD)
- Gun Training Range Relocation (Carryover)
- Heritage Trail Extension: Olive Avenue to Heritage Center (ARRA Grants)
- Martin Hill/Rocky Hill Reservoirs and Mathew Street/Morton Avenue Water Trunk Lines (CIEDB Loan)
- Murry Park Pond Dredging and Park Improvements (CSET Grant)
- New Fairgrounds Development (Measure R, Sewer Fund)
- OHV Land Buffer Acquisition (OHV Grant)
- Planning Area Boundary Amendments: UDB/UAB (N/A)
- Proposition 84 Heritage Sports Complex Grants (N/A)
- RDA Project Area Boundary Amendment (RDA)
- Regional Fire Training Facility Drill Grounds and Parking (Carryover)
- Riverwalk Phase II Environmental Impact Report (N/A)
- Villa Siena Mixed-Use Affordable Housing (RDA)
- Zalud House Master Plan (Zalud House Fund)

RECOMMENDATION: That the City Council review the progress of its 2009 Priority Projects, and consider the adoption of 2010 Priority Projects.

ATTACHMENT: Priority Project Listing
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SCHEDULED MATTER

SUBJECT: REQUEST FOR AN EXCEPTION TO THE REDEVELOPMENT AGENCY DEVELOPMENT AGREEMENT FOR THAT SITE LOCATED AT 298 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting an exception to the design guidelines for commercial signs in the Redevelopment Agency’s Development and Disposition Agreement for the existing building located at 298 N. Main Street.

HISTORY: On November 5, 2005, The Porterville Redevelopment Agency entered into a Development and Disposition Agreement (DDA) with the then developer/owner, Ennis Commercial Properties LLC, for the subject property. An obligation of the developer was to facilitate the development of a restaurant/coffee shop in the ground level lease space adjacent to Centennial Park. In order to preserve the historical characteristics of the downtown area, the Downtown Porterville Architectural Design Guidelines (DPAD) were adopted as part of the DDA. The DPAD guidelines were incorporated as part of the DDA which included building, landscape, site-work in the City right of way, and signage. The building was subject to compliance with the standards contained in the DPAD.

In 2008, Smith Commercial Properties, LLC, acquired the property from Ennis Commercial Properties, LLC, with the DDA requirements for future development of restaurant/coffee shop.

In August of 2009 Steve Feleay (the applicant), President/Owner of Hoagie’s Heroes with Seattle’s Best Coffee, signed a lease for the two southwest spaces on the first floor. The Community Development Department has been working with the applicant on the commercial sign designs and guideline requirements for the new location of Hoagie’s Heroes and Seattle’s Best Coffee™ shop. After exploring and considering several possibilities under the commercial sign guidelines, the Hoagie’s Heroes business identification sign and the Seattle’s Best Coffee (trademark identification) sign presented challenges in complying with the downtown redevelopment sign guidelines and requirements.

On December 1, 2009, the applicant submitted a letter requesting an exception to the DDA and DPAD guidelines to facilitate the installation of architecturally compatible and effective signage that would otherwise not
meet the DDA and DPAD guidelines. The applicant has struggled to find an arrangement for effective signage on this building, due to the nature of the building façade and location of existing trees.

The design of the proposed sign for "Hoagie’s Heroes" has been the trademark business identification and logo for over thirty years. Hoagie’s Heroes first opened in Visalia in 1977 and moved to Porterville in 1979. The business sign/logo is well established and recognized throughout the Porterville area and the proposed window signage for "Seattle's Best Coffee™," is a trademarked sign and logo. Both of the sign designs are an important "Branding" of the retail service that is provided by each business. Mr. Feleay is working with attorneys to trademark the business identification/logo.

ANALYSIS: As stated, the DDA serves as a guide for development of the building to preserve the historical characteristics of the downtown area. DPAD Section 2.0 discusses the different types of signs allowed including front façade signs and window signs. Façade signs are required to be individual letters. Window signs are limited to one per business, and are limited to gold, gold leaf, black and/or white in color.

As with “Seattle’s Best Coffee™” trademarks are an essential indicator of identification to a business as a source of good services. Unfortunately, the DPAD does not address trademark identification signs or logos. This results in the “Hoagies Heroes” and Seattle’s Best Coffee™ not meeting the individual letter and color guidelines. However, the signs, similar in color and design, do bring a “visual unity” as required by the DPAD guidelines.

From a design standpoint, staff finds that the proposed signs meet the intent of the downtown guidelines and General Plan. The proposed signs are consistent in color and size and transition to the restaurant’s main entrance, creating the “visual unity” required in the DPAD. The business entry for Seattle’s Best Coffee is a double door entry made of glass. The DPAD limits the allowed signage to one sign in the window. The two proposed signs, however, balance the double door entry and improve the transition to the Hoagie’s Heroes proposed signs. Although the proposed signage does not meet the DPAD individual lettering and color requirements, they do meet the City’s Sign Ordinance requirements.

The request meets the City of Porterville General Plan vision for the downtown area in creating vibrant commercial and a cultural center for the community. The locally owned and established Hoagie’s Heroes and franchise Seattle’s Best Coffee Shop will fill vacant lease spaces that have never been occupied.
RECOMMENDATION: That the Redevelopment Agency adopt the draft resolution granting the exception to the approved DDA as proposed.

ATTACHMENTS:

1) Sign Elevation Plans
2) Steve Feleay request letter
3) Smith Commercial Properties Letter
4) Draft Resolution
SIGN SPECS:

MATERIAL: 1/2" ALUMINUM FACED PLYWOOD. TRADE NAME OMEGA LUSTERBOARD.

SUPPORT TUBING: 2" O.D. 14 GA BRUSHED STAINLESS STEEL

COLORS: PMS 1955 RED, PMS 3425 GREEN, PMS 1225 YELLOW

Quality signs since 1948
DECAL PLACEMENT SPECS

3 LOCATIONS

24 IN

16 IN

1 LOCATION
WINDOW SIZE: 60 IN X 96 IN
DECAL IS 21% OF WINDOW AREA

24 IN

12 IN

1 LOCATION

ATTACHMENT
ITEM NO. 1

Quality signs since 1948
Hoagie’s Heroes Inc.
P.O. Box 8134
Porterville, CA 93257
559-784-1251
559-781-7868 fax

December 1, 2009

Brad Dunlap
Deputy City Manager
City of Porterville
291 N. Main
Porterville, CA 93257

Dear Brad:

This letter is a request by Hoagie’s Heroes Inc. for an exception to the signage standards of the redevelopment guidelines for our future location at 298 N. Main, Suites two and three. After exploring and considering several possibilities in regards to signage and with the help of commercial artist Mike Willis with Willis Design in Bakersfield, we believe the signage proposed not only suits our purposes, but also works well with the design of the building and is an attractive addition to downtown Porterville. The design of the building and the surrounding landscape presented several challenges in regards to signage. We feel we have addressed those challenges in a way that works well. In regards to using our logo, it is the signature that we have used, with minor variations, since January of 1979 at our current location at 416 West Olive Porterville. We would appreciate the opportunity to continue to use that signature in signage not only to promote our brand, but more importantly to reassure and inform customers that though we have moved we are still the same company.

We look forward to being a part of the downtown community and appreciate your consideration of this request. If you have any questions or if I might be of any assistance please be in touch.

Sincerely,

Steve Feleay
President

EXHIBIT A
ATTACHMENT
ITEM NO. 2
December 1, 2009

Bradley D. Dunlap
Community Development Director
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Brad:

This letter is in support of a request by Hoagie’s Heroes for an exception to the signage standards of the redevelopment guidelines for the site at 298 N. Main Street, Suites 2 and 3. Smith Commercial Properties, LLC is the owner of the aforementioned site and is leasing these suites to Hoagie’s Heroes for operation of their restaurant.

We realize that certain exceptions are needed by Hoagie’s Heroes and these are largely based on the lack of flat surfaces at an appropriate level to apply signage as well as the needed use of the long-used logos for the restaurant.

We wish to thank you and the City Council for considering this request by Hoagie’s Heroes and would be happy to discuss our position with you further if you so desire.

Sincerely,

Daniel S. Smith
Member

RECEIVED
DEC - 2 2009

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF PORTERVILLE GRANTING AN EXCEPTION TO THE DEVELOPMENT AND DISPOSITION AGREEMENT AND DOWNTOWN PORTERVILLE ARCHITECTURAL GUIDELINES WITH SMITH COMMERCIAL PROPERTIES, LLC, REGARDING SIGNAGE FOR HOAGIES HEROES AND SEATTLE’S BEST COFFEE BUSINESS IDENTIFICATION SIGNS AND LOGOS LOCATED AT 298 N. MAIN STREET.

WHEREAS: The Redevelopment Agency of the City of Porterville, at its regular scheduled meeting of December 15, 2009 considered an exception to the Redevelopment Agency Development and Disposition Agreement with Smith Commercial Properties, LLC, regarding signage for that property located at 298 North Main Street; and

WHEREAS: On December 1, 2009, the applicant filed a request for an exception (Exhibit A) to the Redevelopment Agency Development and Disposition Agreement (DDA) regarding signage for Hoagie’s Heroes and Seattle’s Best Coffee™ located at 298 N. Main Street; and

WHEREAS: The existing building has insufficient space on the building façade for approved signage types to be installed in an effective manner; and

WHEREAS: The location of existing street trees along Main Street limit effective placement of commercial signage on this building; and

WHEREAS: The DDA requires the developer to incorporate a restaurant/coffee shop with outdoor seating in the plaza oriented toward Centennial Park.

WHEREAS: The proposed signs comply with the City of Porterville Sign Ordinance; and

WHEREAS: The proposed signs and businesses will support the attraction and retention of specialty retail and restaurant businesses that will enhance Porterville’s unique character; and

WHEREAS: The proposed signs are consistent in color and size and transition to the main entrance sign, creating a “visual unity” as required in the Downtown Porterville Architectural Development Guidelines; and

WHEREAS: The request meets the City of Porterville General Plan vision for the downtown area in creating vibrant commercial and a cultural center for the community by filling vacant lease space in an underutilized building; and

ATTACHMENT
ITEM NO. 4
NOW, THEREFORE, BE IT RESOLVED: That the Redevelopment Agency of the City of Porterville does hereby grant an exception to the Agencies Development and Disposition Agreement with Smith Commercial Properties, LLC, to allow Hoagie’s Heroes and Seattle’s Best Coffee signage as shown in Exhibit B.

________________________________________________________________________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Manager

BY
Patrice Hildreth, Chief Deputy City Clerk