Call to Order
Roll Call

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

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Irish
Invocation

PROCLAMATIONS
   Health Academy Students

PRESENTATIONS
   Employee of the Month – Bob Blankenship

REPORTS
This is the time for all reports from the City Council, including but not limited to, reports pursuant to AB1234, reports from subcommittees, committees, commissions and boards on which the Council Members serve, and other miscellaneous informational reports.
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.


2. Claim – Elizabeth Barrios and Adriana Becerra
Re: Consideration of a claim in an amount of $287.01 for property damages which claimants allege were incurred when their vehicle struck a pot hole while they were driving on Olive Avenue near Jaye Street on December 19, 2010.

3. Claim – Leonard Manuel
Re: Consideration of a claim in an amount of $1,000 for property damages which claimant alleges were incurred when his vehicle struck a pot hole while he was driving on Olive Avenue near Jaye Street on December 20, 2010.

4. Claim – Andres G. Prieto
Re: Consideration of a claim in an amount of $3,800 for property damages which claimant alleges were incurred when claimant drove his vehicle through flooded conditions on Scranton Avenue near the Porterville Municipal Airport on December 19, 2010.

5. Claim – Esmeralda Martinez
Re: Consideration of a claim in an amount of $555.81 for property damages which claimant alleges were incurred when his vehicle was flooded while parked at 2760 Yowlumne Avenue on December 19, 2010.

6. Claim – Armando De La Cruz
Re: Consideration of a claim in an amount of $500 for property damages which claimant alleges were incurred when his vehicle was flooded while parked on West Street, south of Teapot Dome on December 18, 2010. The cited location is not within the City of Porterville.

7. Claim – Shirley Pena
Re: Consideration of a claim in an amount of $1,599.41 for property damages which claimant alleges were incurred when she was permitted to drive through road construction on Henderson Avenue, on October 20, 2010.

8. Award of Contract – Police Shooting Range Project
Re: Considering awarding of contract in the amount of $170,880.16 to Steelex Industrial of Strathmore, CA, for the project consisting of the construction of an Earthen Berm Shooting Backstop, concrete slab and drainage retention pond, chain-link perimeter fencing with barbed wire for security, and related appurtenances at the property located at 12261 Road 216.
9. **Award of Contract – Waste Water Treatment Facility HVAC Replacement Project**  
Re: Considering awarding of contract in the amount of $29,000.00 to Zone Air Conditioning of Porterville for the project consisting of the installation of two HVAC units and related appurtenances on the Control Building and one HVAC unit and related appurtenances on the Sludge Pump Station Building located at 1333 W. Grand Avenue.

10. **Community Development Block Grant Business Assistance Program Update**  
Re: Informational report regarding the City’s Business Assistance Program loans.

11. **Request for a Master Sign Program for Dr. Vemuri’s Professional Office Complex Located at 557 W. Morton Avenue**  
Re: Considering a request for approval of a master sign program pursuant to Section 305.12 of the Porterville Development Ordinance.

12. **Seafood Café/El Reventon 2010 Year End Update**  
Re: Informational report regarding ABC, police, and building permit activity for the Seafood Café/El Reventon establishment.

13. **Interim Support for the Hazardous Materials Response Team**  
Re: Consideration of continued support for the Hazardous Response Team currently provided by the City of Visalia.

14. **Rotating Collection for Summit Charter Academy**  
Re: Considering authorization to create a Memorandum of Understanding between the City and Burton School District for the purpose of sharing Children’s Spanish Materials for Summit Charter Academy’s dual immersion program.

15. **PTMISEA Bond Program Certification**  
Re: Considering approval of a resolution authorizing the execution of the Certifications and Assurances document required by the Public Transportation Modernization, Improvements, and Service Enhancement Account (PTMISEA) Bond Program.

16. **Council Direction Regarding Initial Composition of Arts Commission**  
Re: Consideration of the initial composition of the Arts Commission.

17. **Review of Local Emergency Status**  
Re: Informational report regarding the Council’s review of the City’s local emergency status pursuant to Article 14, Section 8690 of the California Emergency Services Act.

**PUBLIC HEARINGS**

18. **Request for a Conditional Use Permit to Allow for an Upgrade of an Off-Sale Type 20 (Beer and Wine) License to an Off-Sale Type 21 (Beer, Wine and Distilled Spirits) License for the Morton Avenue Express Market Located at 90 W. Morton Avenue**  
Re: Consideration of a resolution approving Conditional Use Permit 6-2010.

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

19. Heritage Community Center “Wall of Fame” Nominations
Re: Considering the extension of the time period for the City Council to submit nominations for “Wall of Fame” honorees, and rescheduling consideration for the meeting of February 1, 2011.

20. Consideration of Appointments to the Transactions and Use Tax “Measure H” Oversight Committee
Re: Considering the appointment of two individuals to serve as members on the Transactions and Use Tax Oversight Committee to fill the unexpired terms of Dick Eckhoff and Augie Gonzalez.

21. Consideration of Appointments to the Library and Literacy Commission
Re: Considering the appointment of two individuals to the newly expanded Library and Literacy Commission.

22. Council Member Requested Agenda Item – Consideration of Establishing Council Ad Hoc Committee to Review Storm Drainage Mitigation Measures
Re: Considering a request to consider the establishment of an ad hoc committee to review and evaluate potential measures for mitigating drainage issues.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of February 1, 2011 at 5:30 p.m.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

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 COUNCIL  
ADJOURNED MEETING MINUTES  
291 NORTH MAIN STREET, PORTERVILLE  
CITY HALL COUNCIL CHAMBERS  
MAY 27, 2008, 5:30 P.M.

Call to Order at 5:30 p.m.  
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton  
Absent: Council Member Pedro Martinez

ORAL COMMUNICATIONS  
None

CLOSED SESSION:  
A. Closed Session Pursuant to:  

6:00 P.M. RECONVENE OPEN SESSION  
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION  
It was reported that no reportable action took place during Closed Session.

Pledge of Allegiance led by Council Member McCracken  
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS  
None

SCHEDULED MATTER  
1. 2008/2009 BUDGET STUDY SESSION
   City Manager Longley presented the item and provided a brief outline of the structure of the presentation that evening, advising that the Department Directors would provide an overview of their department budgets. Mr. Longley then called upon Chief Financial Officer Maria Bemis who presented a summary of the budget revenues and expenditures for the General Fund, and other major City funds, including Measure H.

   Administrative Services Manager John Lollis next presented a brief overview of the preliminary budget for Risk Management, Finance, Human Resources, City Clerk, and Measure H, which included appropriation proposals.
Parks and Leisure Services Director Jim Perrine responded to questions posed by members of the Council relative to Measure H and elaborated on literacy programs. Mayor Hamilton requested the opportunity to speak with Mr. Perrine regarding the intent of Measure H. Mr. Perrine was directed to prepare a report for Council review and provide a tour of the library.

Finance Director Maria Bemis addressed questions from the Council regarding sales tax revenues.

City Manager Longley presented a brief report regarding the Airport budget, noting that an objective of the airport was to broaden its revenue base beyond fuel. He advised that staffing patterns and other expenses would continue at the 2007/2008 pattern.

Community Development Director Dunlap presented the budgets for Planning, Geographic Information System, Redevelopment and Community Development Block Grant. He indicated that the operational focus of the department would be continuing plans processing and development applications, as well as civic projects like the Courthouse, Fairgrounds, and the Sports Complex. He also spoke of significant planning efforts such as amendments to the General Plan, Urban Development Boundary, and Redevelopment Project Area.

Fire Chief Mario Garcia presented an overview of the proposed budget for the Fire Department. He stated that the budget was static and there had been no increases proposed for the 2008/2009 Fiscal Year. He spoke of staffing levels, an anticipated increase in service call volume, and improved response time. He then provided an update of code enforcement program activity, the planning of a new public safety building, and the completion of fire station training classroom project. Following a question posed by a Council Member, Chief Garcia spoke about disaster preparedness training.

Parks and Leisure Services Director Jim Perrine addressed the Council next, presenting the Parks & Leisure Services proposed budget. Mr. Perrine spoke of staff levels and efforts within Parks; Leisure Services; the Library; the Zalud House; the OHV Park; afterschool programs; the Community Center; the Municipal Pool and aquatic programs; the Youth Center; Measure H literacy services; the Golf Course; and Landscape and Lighting Maintenance Districts.

Following his presentation, Mayor Pro Tem Felipe Martinez suggested that the concession stand at the Municipal Pool be outsourced. The Council made inquiries regarding the OHV Park and then discussed the costs and fees associated with renting of the pool. Mayor Hamilton indicated that he would like to see the department’s revenues in more detail, and inquired about Zalud House revenues. Mr. Perrine responded that the committee charged with identifying revenue opportunities at the Zalud House has had difficulties meeting.

Police Chief Chuck McMillan presented the proposed Police Department budget to the Council. He spoke of Measure H funds, staffing levels, and department priorities such as: task forces; gang prevention and intervention; information sharing; website development; mandated training; and the volunteer program. A discussion followed regarding vehicle replacement, use of CNG vehicles, and booking fees.
Public Works Director Baldo Rodriguez spoke about the status of staffing and service levels in the department. With regard to engineering, Mr. Rodriguez commented on the addition of an Assistant City Engineer and an Assistant Engineer, and spoke of various CMAQ projects. He noted the shortage of one building inspector, but advised of the division’s intent to maintain the same level of service. He spoke of Solid Waste Funds, noting that they were expected to be above expenditures in 2008/2009; Water and Sewer Funds; and street maintenance. A brief discussion ensued regarding the revenues generated from the recycling bins (blue cans), and Field Services Manager Bryan Styles provided clarification.

Administrative Analyst Linda Clark presented the proposed budget for Transit. She spoke of the transition to Compressed Natural Gas (CNG) buses; ridership and fare box ratio statistics; and upcoming efforts to update the Short Range Transit Plan and outline proposed Route 8. Following her presentation, Mrs. Clark addressed questions from the Council regarding existing routes and issues with CNG transition. She was then directed by the Council to search for grants regarding transit passes.

City Manager Longley advised that a study session regarding capital improvement projects needed to be scheduled. The Council gave direction to have the Secretary to the City Manager contact members of the Council for the purpose of scheduling another study session.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

None

**ADJOURNMENT**

The Council adjourned at 8:20 p.m. to the Council Meeting of June 3, 2008.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING
COUNCIL CHAMBERS, CITY HALL
291 N. MAIN STREET, PORTERVILLE, CALIFORNIA
JULY 16, 2008 - 4:00 P.M.

Call to Order at 4:03 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. URBAN BOUNDARIES AMENDMENT

City Manager Longley introduced the item and indicated that Community Development Director Brad Dunlap would be making a presentation regarding the City’s Urban Area Boundary (UAB), the Urban Development Boundary (UDB), and the Sphere of Influence to reflect the intended vision of the recently adopted 2030 General Plan.

During his presentation Community Development Director Dunlap indicated that the existing boundaries were last updated in 1993 and were believed to fall short of providing the intended land and resources to create the expected new neighborhoods and neighborhood centers envisioned in the General Plan. Mr. Dunlap indicated that staff had prepared a preliminary draft of an analysis that looked at the existing boundaries relative to the new General Plan. He emphasized that the growth projections that would be referenced were rough estimates, and were brought to the Council for the purpose of discussion on a conceptual level.

Community Development Director Dunlap provided the Council with an explanation of a map which identified the planning area, the existing UAB and UDB, and the proposed UAB and UDB. He indicated that the availability of developable land greatly influenced the direction of growth, and that the proposed boundaries took into consideration various development constraints such as agricultural preserves, topography, and infrastructure deficiencies. He also noted that once amended, the UDB could not be amended for five years.

A discussion ensued regarding infrastructure requirements when gaps occur between new development and existing infrastructure. Mr. Dunlap indicated that in those situations the cost would have to be carried by the developer and possibly paid back as future development occurred, and noted that the City would not be required to provide a street connection. The Council also inquired about the shape of the boundaries, development outside the Sphere of Influence, areas affected by the Williamson Act, and incentives for development.
Public Works Director Baldo Rodriguez provided an update regarding the phasing of water tanks on the former Choate property and Martin Hill. He then addressed questions regarding the issuance of CIEDB bonds, the facilitation of growth, and the sewer and water capacity in the area of Porter Vista and the property adjacent to Success Lake.

Council Member Felipe Martinez requested the total acreage of approved maps east of Plano.

Community Development Director Dunlap indicated that staff would be providing the Council with an update for further discussion.

**ORAL COMMUNICATIONS**
- Dorothy Broome, County resident, inquired as to the difference between urban area boundary and urban development boundary, and whether her residence would be annexed into the city. Community Development Director Dunlap offered an explanation to her inquiry.

**ADJOURNMENT**
- The Council adjourned at 5:19 p.m. to the meeting of August 5, 2008, at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
Call to Order at 10:00 a.m.
Roll Call: Vice Mayor McCracken, Council Member Felipe Martinez, Mayor Hamilton
Absent: Council Member Ward, Council Member Pedro Martinez

Pledge of Allegiance led by Mayor Hamilton
Invocation – a moment of silence was observed.

City Staff Members Present: City Manager John Longley, Public Works Director Baldo Rodriguez, City Engineer Mike Reed, Field Services Manager Bryan Styles

Members of the Public and Irrigation District Representatives Present: Eric Borba, Greg Woodard, Greg Shelton, Dick Schafer, Dan Vink, Ken Schmidt, Steve Drumwright, Sean Geivett, Guido Lombardi

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. WATER RIGHTS

Recommendation: None.

City Manager John Longley advised that the meeting had been scheduled at the request of the water districts to discuss the sharing of water resources between the City of Porterville and the districts. Mr. Longley informed everyone that no action would be taken by the Council at the meeting.

A discussion began as to the proposed projects in the Tule Lake Basin and the division of related funding between the participants. Mr. Sean Geivett and Mr. Steve Drumwright spoke of the need for better and more efficient management and use of local water resources and requested that the districts and the City work more collaboratively.

Mr. Dick Schafer updated everyone on of the status of the Success Dam Remediation and expressed concern with the slow pace at which the project was moving forward.

Public Works Director Baldo Rodriguez provided additional information with regard to the remediation project, indicating that $472 million had been projected for the selected downstream project; that the construction period was estimated to be 3.5 years; that the new dam would include a new core and that the tower would require a concrete sleeve at a cost of approximately $6 million; that the Army Corps of Engineers indicated that the cost estimates
were conservative; and that the risk assessment would likely demonstrate that the pool level could be raised.

Mr. Dan Vink spoke of a ground water problem and expressed concern that water quality was also becoming an issue. He reiterated that all of the agencies needed to work together to resolve the issues before the Regional Water Quality Control Board stepped in. The irrigation district representatives spoke of the City’s growth, and voiced concern with its increased use of water which impacted water levels throughout the area.

City Manager Longley spoke of the need to figure out a budget for moving in a direction that is collaborative, but also in the interest of the City. The need for an analysis of the City’s geology and water levels was then identified, with Dr. Ken Schmidt offering assistance in that regard.

**ORAL COMMUNICATIONS**

None

**ADJOURNMENT**

The Council adjourned at 11:55 a.m. to the meeting of December 2, 2008 at 6:00 p.m.

_________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

_________________________
Cameron Hamilton, Mayor
Called to Order at 6:01 p.m.

Roll Call: Vice-Mayor McCracken, Council Member Felipe Martinez, Council Member Ward (arrived late), Mayor Hamilton

Absent: Council Member Pedro Martinez

Pledge of Allegiance led by Council Member Felipe Martinez

Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. **CITY GOALS AND PROJECT PRIORITIES**

   Deputy City Manager John Lollis introduced the item, and stated that the purpose of the meeting was to review and identify current and proposed projects as priorities. He indicated that he would be giving a presentation updating the Council on the status of 2008 projects, following which each department director will give a brief presentation specific to their department.

   Deputy City Manager Lollis reported on the status of the following 2008 Priority Projects:

   - The Courthouse Project – Council will continue to receive bi-monthly updates on efforts.
   - The Porterville Hotel Project – Funding had been secured and negotiations were underway.
   - New Library Project – Assessment of newly constructed libraries to kick off in January of 2009.
   - South Jaye Street/Gibbons Project – Funding an issue, but project was still a priority.
   - Comprehensive Zoning Code Update – Committee meeting regularly and would soon brief the Council on efforts.
   - New Public Safety Station – Development of RFP for the designer and appraisals for land acquisition were underway.
   - Technology Assessment Project – Webpage redesign, Paymentus, Online application capabilities, and Council Member Profile pages.
   - Courthouse Commons and Downtown Overlay – Overlay to be brought to Council in the beginning of the upcoming year.

   He then identified the Cease and Desist Order Removal, Effluent Pipeline and Land Leveling Project, and the Jaye Street/Highway 190 Project as Priority Projects that were completed in 2008.
Community Development Director Brad Dunlap reported that the department had spent a significant amount of time working on large scale civic projects, which would continue to future years, such as:

- The Courthouse Project
- Fairgrounds Relocation
- Sports Complex
- Demolition of buildings at the Fairgrounds site

He then reported on the continuance of efforts relative to Downtown, the Zoning Ordinance, Airport and Downtown Overlays, Riverwalk Phase II Environmental Impact Report, Urban Boundaries Amendment, and the Housing Element Update.

He indicated that the Redevelopment Agency was in the midst of a substantial review of the Project Area Amendment, and added that Economic Development would continue their work on a new website and efforts to develop a retail recruitment strategy. He noted that most projects he had mentioned would continue to be worked on by staff into the next Fiscal Year.

Public Works Director Baldo Rodriguez spoke briefly about completed projects, some which were referenced on a spreadsheet distributed to the Council, and others which had been recently completed and were not coded as such on the handout. Those completed projects included:

- “D”/Hockett Alley Project
- Traffic Signal #10 Project (Westfield and Newcomb)
- Newcomb Street Trench Patch & Drainage Repair
- Sludge line, Westwood Bridge over Tule River
- Airport Remediation Project

He also provided a status report on the following projects which were under construction:

- Core Area II & IV Project
- Morton Avenue Sewer (Roche School)

Mr. Rodriguez reported on projects he indicated would begin in the very near future, and would be the focus of his department for the next six months:

- Murry Park Restroom Project
- Sewer connection for Fire Station classroom building
- Henderson Avenue Rehabilitation Project
- West to Central Booster Pump Station
- CNG Vehicle Fleet Replacement
- Prospect Street Shoulder Rehabilitation
- Indiana Project
- Martin Hill 3MG Tank (Design)
Parks and Leisure Services Director Jim Perrine identified the following as significant efforts of the Parks and Leisure Services Department:

- Golf Course Improvements
- Filling of Leisure Personnel Positions
- Initiation of Jr. Giants Baseball and Jr. Pirates Track & Field Programs
- Spring Kids Fest
- Installation of the Buck Schaffer Clock

Mr. Perrine then identified efforts planned for 2009 which included:

- Lighted Softball Complex at Heritage Site
- Pursuit of Various Grants
- Coordinating, facilitating, and reporting of Advisory Bodies to the Council
- Santa Fe Depot Lease and Sublease Renewals
- Mobile Computer Technology Lab
- Update of Street Tree Guidelines
- Music on Main Street Events
- Zalud House Expansion and Improvement Program
- Recreation League Field Allocation Agreements
- Evaluation of field lighting options
- Character Development Refinements for Recreational Library Programs
- Seeking potential vendor for operation and maintenance of OHV Park
- Negotiation of Leases for City facilities
- Parks Master Plan
- Lighting and Landscape Maintenance District Management
- Marketing and maintenance to City website relative to Parks and Leisure Services

Fire Chief Mario Garcia presented an update on the status of Fire Department Projects which consisted of the following:

- Fire Station No. 2 Classroom
- Delivery of New Type 3 Fire Engine

Police Chief Chuck McMillan spoke of the following 2008 efforts:

- Recruitment Retention
- Reorganization
- Neighborhood Policing Teams
- Auto Theft Taskforce
- Website Upgrades
- Cold Case Investigation
- Juvenile Diversionary Program and Youth Family Liaison

He then elaborated on the department’s goals for 2009, which included:

- Grants
- Implementation of Animal Control Enforcement
- Blue Sky Aviation Joint Use Helicopter Program

Following department presentations staff addressed questions from the Council regarding funding sources, including grants, and the use of dots for voting.

Deputy City Manager Lollis suggested that the Priority Projects be reviewed on a quarterly basis by the Council. He then spoke about the state’s budget and the potential impact to the City. The Deputy City Manager also stated for the record that City Manager Longley and the City Council had done a great job positioning the City to weather the storm ahead. He then thanked staff for their commitment to the organization.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
None

**ADJOURNMENT**
The Council adjourned at 7:36 p.m. to the meeting of December 16, 2008 at 6:00 p.m.

[Signature]
Luisa Herrera, Deputy City Clerk

[Signature]
Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 7, 2010, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Council Member Shelton, Council Member Ward, Vice Mayor Hamilton, Mayor Irish

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 7, 2010

Roll Call: Agency Member McCracken, Agency Member Shelton, Agency Member Ward, Vice Chair Hamilton, Chair Irish

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

During Closed Session, the Joint Redevelopment/City Council Meeting adjourned to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four Cases.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.
   5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no reportable action had taken place.

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

PRESENTATIONS
Miss Porterville and Her Court

REPORTS
- Council Member McCracken reported that he had attended the Family Healthcare Network Gala and spoke favorably of the event.
- Council Member Shelton reported attending the Community Advisory Committee meeting on December 2nd regarding the San Joaquin Valley Air Pollution Control District.
- Council Member Ward spoke about recent Community Services Coordination Committee meetings which focused on youth, gangs, and quality of life in Porterville.
- Mayor Irish lauded the Children’s Christmas Parade.

ORAL COMMUNICATIONS
- Brock Neeley, requested that Items 1a, 1b, and 1c be removed, and spoke in favor of a Civilian Police Review Commission.
- Britt Fussel, Assistant Director of Tulare County Resource Management Agency, requested permission to address the Council during consideration of Item No.23.
- Dick Eckhoff, spoke in favor of Item No. 22, stating that paddle boat disruption of the pond may help reduce the population of geese and ducks.

CONSENT CALENDAR
Items 4, 5, 8 and 11 were pulled for further discussion.

At the Mayor’s request, and in response to concerns raised in Oral Communications, City Attorney Lew advised that members of the Council were able to consider Minutes for meetings they had not attended.


Recommendation: That the City Council approve the Minutes of February 12, 2008, June 14, 2008 and June 24, 2008.

Documentation: M.O. 01-120710
Disposition: Approved

2. PURCHASE OF SPECIALIZED EQUIPMENT
Recommendation: That the Council authorize purchase by negotiation of the specialized equipment listed, and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 02-120710
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – WASTE WATER TREATMENT FACILITY HVAC REPLACEMENT PROJECT

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary funds from the Waste Water Treatment Facility Reserve Fund.

Documentation: M.O. 03-120710
Disposition: Approved

6. ACCEPTANCE OF PROJECT – CITY HALL SPRAYED POLYURETHANE ROOFING PROJECT

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

Documentation: M.O. 04-120710
Disposition: Approved


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

Documentation: M.O. 05-120710
Disposition: Approved

9. ADDITION OF VEHICLE TO POLICE FLEET
Recommendation: That the City Council authorize the Police Department to take possession of the Peacekeeper vehicle and add it to their fleet.

Documentation: M.O. 06-120710
Disposition: Approved

10. PORTERVILLE DEVELOPMENT CODE UPDATE

Recommendation: That the City Council’s review of the revised Development Ordinance be delayed until approximately May 2011.

Documentation: M.O. 07-120710
Disposition: Approved

12. GRANT AWARD – FAMILY PLACE LIBRARY IMPLEMENTATION

Recommendation: That the City Council accept the grant award from the California State Library and direct staff to comply with grant requirements.

Documentation: M.O. 08-120710
Disposition: Approved

13. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) VACANCY

Recommendation: That the City Council direct staff to issue a press release to solicit applications to fill the unexpired term of Mr. Dick Eckhoff on the Transactions and Use Tax Oversight Committee.

Documentation: M.O. 09-120710
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1-3, 6, 7, 9, 10, 12 and 13. The motion carried unanimously.

4. AWARD CONTRACTS – CNG POWERED REFUSE COLLECTION TRUCKS

Recommendation: That the Council award the contracts for one (1) new CNG powered front load refuse collection truck in the amount of $243,671.75 and three (3) new CNG powered side load refuse collection trucks in the amount of $799,515.01 to Tharp’s of Porterville, CA. Further, that Council authorize payment upon satisfactory delivery of the equipment.
City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward questioned whether maintenance and operational costs were considered when purchasing vehicles. Staff responded that it was an aspect of the analysis and specifications.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council award the contracts for one (1) new CNG powered front load refuse collection truck in the amount of $243,671.75 and three (3) new CNG powered side load refuse collection trucks in the amount of $799,515.01 to Tharp’s of Porterville, CA; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved

5. **REJECT ALL BIDS AND RE-ADVERTISE – POLICE SHOOTING RANGE PROJECT**

Recommendation: That the City Council reject all bids and direct City Engineer to re-advertise the project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Mr. Lollis informed the Council that the recommendation to reject all bids was due to a misinterpretation of the plans and specs by some of the bidders.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reject all bids and direct the City Engineer to re-advertise the project. The motion carried unanimously.

Disposition: Approved

8. **ACCEPTANCE OF PROJECT – RECLAMATION AREA MONITOR WELL**

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

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

Council Member Shelton commended staff for coming in under budget.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Disposition: Approved

11. ACCEPTANCE OF OFFER FOR PROPERTY LOCATED AT APN NO. 253-009-020 (NORTHWEST CORNER OF PUTNAM AND HENRY)

Recommendation: That City Council:
1. Adopt Resolution accepting a Grant Deed from Central California Conference Association of the Seventh-Day Adventists, a California Religious Corporation, as Trustee of the Samuel S. & Betty Jean Rutan 1974 Revocable Trust, under Trust Agreement dated January 24, 1974;
2. Authorize the City to pay escrow fees;
3. Authorize staff to make payment to Central California Conference Association of the Seventh-Day Adventists, a California Religious Corporation, as Trustee of the Samuel S. & Betty Jean Rutan 1974 Revocable Trust, under Trust Agreement dated January 24, 1974, in the amount of $250,000 after completion of escrow;
4. Authorize the Mayor to sign all necessary documents; and
5. Authorize staff to record all documents with the County Recorder.

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

Council Member McCracken posed various questions to staff regarding the property, including but not limited to: zoning, Murry Park Master Plan, intended land use, and future expenditures; and expressed concern with deficit spending. The remaining Council Members commented on concerns raised by Council Member McCracken, and spoke of the benefits of the purchase.

Mayor Irish indicated that he would like land use options to be considered by the Parks and Leisure Services Commission, and expressed a few of his own concerns regarding future use of the property.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adopt a Resolution accepting a Grant Deed from Central California Conference Association of the Seventh-Day Adventists, a California Religious Corporation, as Trustee of the Samuel S. & Betty Jean Rutan 1974 Revocable Trust, under Trust Agreement dated January 24, 1974; authorize the City to pay escrow fees; authorize staff to make payment to Central California Conference Association of
the Seventh-Day Adventists, a California Religious Corporation, as Trustee of the Samuel S. & Betty Jean Rutan 1974 Revocable Trust, under Trust Agreement dated January 24, 1974, in the amount of $250,000 after completion of escrow; authorize the Mayor to sign all necessary documents; authorize staff to record all documents with the County Recorder; and direct that land use options be considered by the Parks and Leisure Services Commission and recommendations brought back to Council.

AYES: Shelton, Ward, Hamilton, Irish
NOES: McCracken
ABSTAIN: None
ABSENT: None

Disposition: Approved, and direction given.

The Council took a ten minute recess at 7:22 p.m.

PUBLIC HEARINGS
14. SIERRA VALLEY - TENTATIVE SUBDIVISION MAP 1-2010 (BOB PURKISS)

Recommendation: That City Council:
1. Adopt the draft resolution approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map 2-2010; and
2. Adopt the draft resolution approving Sierra Valley Tentative Subdivision Map 2-2010.

City Manager Lollis introduced the item. Mayor Irish and Council Member Shelton indicated that they would be abstaining from the item due to having a lease hold interest in excess of $2,000 per year, and exited the Council chambers. Associate Planner Jose Ortiz then presented the staff report.

The public hearing was opened at 7:40 p.m. Seeing no one, Mayor Pro Tem Hamilton closed the public hearing at 7:41 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map 2-2010; and adopt the draft resolution approving Sierra Valley Tentative Subdivision Map 2-2010. The motion carried unanimously.

Disposition: Approved

15. PUBLIC HEARING TO ADOPT REVISED SIGN CODE
Recommendation: That City Council:
1. Open the public hearing to receive input on the revised sign code; and
2. Continue the public hearing to December 21, 2010.

City Manager Lollis introduced the item and advised that the City Attorney required additional time to review the revisions.

The public hearing was opened at 7:43 p.m.

Disposition: This public hearing was continued to December 21, 2010.

SECOND READINGS
16. ORDINANCE 1770, ADOPTING THE 2010 CALIFORNIA BUILDING CODE, EXISTING BUILDING CODE, RESIDENTIAL CODE AND ENERGY CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1770, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1770, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-1, 7-2, AND 7-3.4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; THE 2010 CALIFORNIA RESIDENTIAL CODE AND THE 2010 CALIFORNIA ENERGY CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

17. ORDINANCE 1771, ADOPTING THE 2010 CALIFORNIA MECHANICAL CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1771, waive further reading, and adopt said Ordinance.
City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1771, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

18. ORDINANCE 1772, ADOPTING THE 2010 CALIFORNIA PLUMBING CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1772, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1772, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

19. ORDINANCE 1773, ADOPTING THE 2010 CALIFORNIA ELECTRICAL CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1773, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item and presented the staff report.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1773, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

20. ORDINANCE 1774, ADOPTING THE 2010 CALIFORNIA FIRE CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1774, waive further reading, and adopt said Ordinance.

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


The City Manager read the ordinance by title only.

Disposition: Approved

21. ORDINANCE 1775, ADOPTING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE

Recommendation: That City Council give Second Reading to Ordinance No. 1775, waive further reading, and adopt said Ordinance.
City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1775, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

22. PROPOSAL TO OPERATE AMUSEMENT ATTRACTION AT MURRY PACK AND VETERANS PARK

Recommendation: That City Council consider the proposal and give direction accordingly.

Disposition: This item was removed from the agenda by staff and continued to a future meeting.

23. CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA)

Recommendation: That City Council:

1. Provide direction to staff on whether to remain or begin the process of withdrawing from the CWMA;

2. If Council decides to withdraw from the CWMA, direct staff to transmit to the CWMA Administrator the “Notice of Intent to Withdraw” no later than December 15, 2010; and;

3. Direct staff to begin the process of preparing all necessary documents to comprehensively plan, develop, operate, and manage the transformation, diversion, recycling, processing and disposal of solid waste effective July 1, 2011.

City Manager Lollis introduced the item. City Attorney Lew noted a previously disclosed conflict of interest and exited the chambers. The City Manager noted for the record that the City Attorney’s firm provided legal services to the CWMA, and Public Works Director Baldo Rodriguez presented the staff report. Prior to beginning Mr. Rodriguez reminded the Council that Mr. Fussel from the Tulare County RMA and Ms. Magana from CWMA were in the audience.
The Council posed questions to staff regarding the origin of the item; the information provided in staff’s report; participation of other cities; and the funding source for payment to the CWMA.

Following the staff report Mr. Britt Fussel, Assistant Director of the Tulare County RMA spoke about the HHW Program and Construction/Demolition Debris Program offered to all County residents, and addressed questions from the Council.

Vice Mayor Hamilton indicated that he was not satisfied with the operations out at the waste sites, and although he was not in support of ending the City’s participation in the CWMA, he was in favor of improving operations and reducing costs.

Council Member Shelton expressed concern with the accuracy of the numbers provided by the County, and communicated his desire to save the City money.

The Council discussed the 180-day notice requirement for withdrawal from the JPA; the insufficiency of the information presented; and the scheduling of a study session for the purpose of meeting with the CWMA and the County to discuss future participation and cost saving measures.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve continuing the City’s participation in the CWMA through July of 2012; and direct staff to schedule a Study Session prior to the first meeting in July of 2011 to consider future participation in CWMA. The motion carried unanimously.

Disposition: Approved, and direction given.

**24. CONSIDERATION OF ESTABLISHING A PROGRAM FOR VOLUNTARY CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS BY CITY EMPLOYEES AND RESIDENTS.**

Recommendation: That City Council direct staff and set parameters for the employees and residents voluntary charitable contributions program.

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

The Council briefly discussed the staff time required for the implementation of such a program.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the establishment of a program which would allow employees and residents to make voluntary contributions to non-profit organizations.
AYES: Hamilton
NOES: McCracken, Shelton, Ward, Irish
ABSTAIN: None
ABSENT: None

Disposition: Denied

PORTERVILLE PUBLIC FINANCING AUTHORITY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 7, 2010

Roll Call: Director McCracken, Director Shelton, Director Ward, Vice Chair Hamilton, Chair Irish

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS
None

PUBLIC FINANCING SCHEDULED MATTER
PFA-1. ESTABLISHING REGULAR MEETING DATES FOR 2010 AND 2011

Recommendation: That Porterville Public Financing Authority approve the draft resolution establishing regular meeting dates for the Authority for 2010 and 2011.

Executive Secretary Lollis introduced the item and presented the staff report.

AUTHORITY ACTION: MOVED by Vice Chair Hamilton, SECONDED by Director McCracken that the Financing Authority approve the draft resolution establishing regular meeting dates for the Authority for 2010 and 2011.

AYES: McCracken, Shelton, Ward, Irish
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved

The Authority adjourned at 8:42 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Vice Mayor Hamilton shared that he had attended the Imperial Ambulance Anniversary Party, and spoke of the Porterville High School Football Valley Championship game on Friday.
• Council Member Ward commented on the great turnout at this year’s Children’s Christmas Parade, and requested scheduling of the Council meeting or Memorial Tree Lighting event be adjusted to allow for Council attendance at the event.
• Council Member Shelton:
  1. Reported his attendance at the Retirement party for Police Department employees; Porterville Area Ministerial Association Thanksgiving Meal Event; Christmas Tree Lighting Ceremony; free meal at Nazarene Church; Fishing Derby at Murry Park; Helping Hands free meal; Groundbreaking for Woodlake Sewer Plant; Children’s Annual Christmas Parade; First Friday Coffee; St. Anne’s Holiday Bazaar; Imperial Ambulance Anniversary; Family Healthcare Network Gala; Elk’s Breakfast and Town Talk;
  2. Encouraged attendance at upcoming events which included: The Train Show at the Porterville Museum, Lunch at the Elks Lodge to honor Foster Grandparents, Sierra View District Hospital Mixer, Senior Dinner, Christmas Dinner, and Photos with Santa at the Police Department;
  3. Wished Officer Carrillo a speedy recovery from his motorcycle accident; and
  4. Indicated that Mr. John Focke would like to schedule a presentation regarding the tribal school.
• Mayor Irish:
  1. Stated that he too attended the Imperial Ambulance Anniversary event;
  2. Lauded Parks and Leisure Services Director Milt Stowe for improved landscape at City Hall;
  3. Indicated that he would like to see City Hall painted; and
  4. Stated that he had full confidence in the Police Chief and City Manager in the handling of Police Department personnel issues.

The Council reconvened in Closed Session at 8:52 p.m.

CLOSED SESSION
The Council reconvened in Open Session at 10:04 p.m., and it was reported that no reportable action had taken place.

ADJOURNMENT
The Council adjourned at 10:05 p.m. to the meeting of December 21, 2010 at 5:30 p.m.

Luisa Herrera, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 21, 2010, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward, Mayor Irish

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA
DECEMBER 21, 2010

Roll Call: Agency Member McCracken, Vice Chairman Hamilton, Agency Member Shelton, Agency Member Ward, Chairman Irish

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

During Closed Session, the Joint Redevelopment/City Council Meeting adjourned to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   5- Government Code Section 54957 - Public Employee Performance Evaluation - City Manager.
6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member McCracken
Invocation – a moment of silence was observed.

PROCLAMATIONS
Porterville High School Varsity Football – Valley Championship
Health Academy Students
Jim Kusserow – John Philip Sousa Foundation Legion of Honor

PRESENTATIONS
Employee of the Month – Jason Biagio
Employee Service Awards
Tribal Education Programs

REPORTS
• Council Member Shelton reported on his attendance at a recent meeting concerning bids and contracts.

City Manager Lollis requested that the Council consider adding an Emergency Item onto the Agenda to allow the Council to consider ratifying his December 19, 2010 proclamation of a local emergency due to conditions of extreme peril caused by historical excessive precipitation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council add the Emergency Item – Request for City Council Confirmation and Ratification of City Manager Proclamation of Existence of Local Emergency onto the Agenda. The motion carried unanimously.

ORAL COMMUNICATIONS
• John Coffee, a Porterville resident, 1) voiced concern with vehicles parking in bicycle lanes on weekends, particularly along Morton Avenue; 2) expressed concern with cyclists riding on the wrong side of the street and requested enforcement of the law in that regard; and 3) commented that a large number of LED traffic signal lights were out and suggested they might be defective.
• Khris Saleh, expressed concern with the antiquated Library systems and facility, and requested that the Council proceed with the new Library project.
• Virginia Gurrola, 719 El Granito, thanked Mayor Irish, Council Member Shelton, City Manager Lollis, and Fire Department and Public Works personnel for their efforts in dealing with the flood conditions over the weekend. Ms. Gurrola commented that the flooding was exacerbated due to lack of sufficient infrastructure, noted that infrastructure had been a priority for past Councils, and requested that this Council reprioritize the issue. She then spoke of neighbors helping neighbors and of her appreciation for the
Porterville community.

CONSENT CALENDAR
Vice Mayor Hamilton moved that the Council approve Item Nos. 1 through 11. Council Member McCracken seconded the motion. Item Nos. 2 and 4 were then removed for further discussion, and Item No. 7 was removed by staff at the request of the lessee and continued to a future meeting.

1. CITY COUNCIL MINUTES OF AUGUST 13, 2008

Recommendation: That the City Council approve the City Council Minutes of August 13, 2008.

Documentation: M.O. 02-122110
Disposition: Approved.

3. ACCEPTANCE OF PROJECT - JAYE STREET SEWER & WATER EXTENSION

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

Documentation: M.O. 03-122110
Disposition: Approved.

5. REIMBURSEMENT AGREEMENT FOR OFFSITE WATER MAIN – 247 E. CHASE AVENUE (PEDRO GARCIA)

Recommendation: That the City Council adopt the draft resolution establishing that before properties are permitted to connect to the off-site water main, their pro-rated shares of the reimbursement amount shall be collected. The total reimbursement amount to be collected shall not exceed $8,400.

Documentation: Resolution 127-2010
Disposition: Approved.

6. ADOPTION OF RESOLUTION FOR THE PURCHASE OF PROPERTY LOCATED AT APN NO. 268-120-004 – NICHOLSON

Recommendation: That the City Council:
1. Authorize staff to begin escrow with the City paying all escrow fees;
2. Adopt the draft resolution accepting a grant deed from Daryl C. Nicholson, Trustee of the Daryl C. Nicholson and Victoria M. Nicholson Trust;
3. Authorize staff to make payment to Daryl C. Nicholson and Victoria M. Nicholson Trust, in the amount of $41,000 after completion of escrow;
4. Authorize the Mayor to sign all necessary documents; and
5. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 128-2010
Disposition: Approved.

8. UPDATE – FOOTHILL PARKWAY ALIGNMENT PLAN

Recommendation: Informational report only.
Disposition: Information received.

9. STATUS REPORT DEVELOPER IMPACT FEES

Documentation: M.O. 04-122110
Disposition: Approved.

10. TELETRAC SERVICE CONTRACT

Recommendation: Information only. No action required.
Disposition: Information received.

11. LEGAL SERVICES AGREEMENT – CITY ATTORNEY

Recommendation: That the City Council:
1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the legal Services Agreement on behalf of the City Council.

Documentation: M.O. 05-122110
Disposition: Approved.

Vice Mayor amended his motion to exclude Item Nos. 2, 4, and 7.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1, 3, 5, 6, and 8-11. The motion carried unanimously.

2. AWARD CONTRACT - BIOSOLIDS HAULING AND SCREENING

Recommendation: That the Council award the annual contract for loading, hauling and screening biosolids to Liberty Composting, Inc. of Bakersfield, CA, in the amount of
$46.00 per ton. Further, that the City Council authorize payment upon satisfactory performance.

City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez elaborated on the destination of the biosolids waste.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the Council award the annual contract for loading, hauling and screening of biosolids to Liberty Composting, Inc. of Bakersfield, CA, in the amount of $46.00 per ton. Further, that the City Council authorize payment upon satisfactory performance. The motion carried unanimously.

Disposition: Approved.

4. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT PLANO BRIDGE REHABILITATION PROJECT – ENVIRONMENTAL RE-EVALUATION

Recommendation: That the Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with Quad Knopf at an agreed fee of $29,833 for the services described herein;
2. Authorize progress payments up to 100% of the fee amount; and
3. Authorize a 15% contingency to cover unforeseen environmental requirements that relate to project efforts.

City Manager Lollis noted a perceived conflict of interest, advising that his father was employed by Quad Knopf, recused himself from the discussion, and exited the Council Chambers.

Deputy City Manager Milt Stowe presented the item. After the staff report was waived by Council, a brief discussion took place as to the evaluation process involved in the selection of professional service providers, and of the benefits and detriments to Council’s presence during the interview and rating processes.

City Attorney Lew advised that because Porterville was a Charter City, different procedures might be available. She indicated that she could research the matter further and report her findings and available options to the Council.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council authorize the Mayor to execute the Consultant Service Agreement with Quad Knopf at an agreed fee of $29,833 for the described services; authorize progress payments up to 100% of the fee amount; and authorize a 15% contingency to cover unforeseen environmental requirements that relate to project efforts. The motion carried unanimously.

Disposition: Approved.
7.  RECLAMATION AREA LEASE LAND ADJUSTMENT

Recommendation: That the City Council:
1. Adjust the Reclamation Area Lease to an annual amount of $84,898;
2. Authorize the reimbursement of the $4,871 for the pro-rated 2009/2010 lease year to Rick Perigo Roadsiding; and
3. Authorize the Mayor to sign the draft Amendment No. 1 to the Lease Agreement.

Disposition: This item was removed from the agenda by staff at the request of the Lessee and continued to a future meeting.

PUBLIC HEARINGS

12. PUBLIC HEARING TO ADOPT REVISED SIGN CODE

Recommendation: That the City Council close the public hearing and give direction to staff to re-notice the item for a future public hearing.

City Manager Lollis presented the item and the staff report.

Mayor Irish confirmed that nobody in the audience was present to speak on the item. The Council then directed staff to re-notice the item for a future public hearing.

Disposition: Public hearing closed; staff direction given.

13. VACATION OF A PUBLIC UTILITY EASEMENT RELATED TO THE VILLA SIENNA APARTMENT COMPLEX (PORTERVILLE HOUSING PARTNERS, LP)

Recommendation: That the City Council:
1. Open the public hearing and take comments;
2. Adopt the draft resolution of vacation for a public utility easement; and
3. Authorize the City Clerk to record said resolution.

City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 8:02 p.m. and closed at 8:03 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council adopt the draft resolution of vacation for a public utility easement; and authorize the City Clerk to record said resolution. The motion carried unanimously.

Disposition: Approved.
SCHEDULED MATTERS

14. WATER, SEWER, TREATMENT PLANT AND STORM DRAIN IMPACT FEES

Recommendation: That the City Council consider staff's report and provide direction accordingly.

City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

A brief discussion ensued during which time staff elaborated on the history of the item and of the procedural and substantive concerns expressed by Mr. Robert Keenan of the Home Builder's Association.

Disposition: Report received.

15. PROPOSAL TO OPERATE AMUSEMENT ATTRACTION AT MURRY AND VETERANS PARKS

Recommendation: That the City Council consider the proposal and give direction accordingly.

City Manager Lollis presented the item, and Parks and Leisure Services Director Milt Stowe presented the staff report.

A brief discussion ensued during which the Council confirmed that the operational area was not in proximity to vehicular traffic, that the proposal would be a pilot program in Murry Park only; and that the operators were considering the addition of another train for Kids Day. The Council then voiced support for the concept and requested that a formal agreement be brought back for consideration.

Disposition: Staff directed to bring back a formal agreement.

16. REVIEW OF LIBRARY MEASURE H PART-TIME PERSONNEL

Recommendation: That the City Council:
1. Authorize that $3,736.19 of the Kinder Program costs be reimbursed into the Measure H fund from the Parks and Leisure Services Department, Leisure Division’s Special Programs account; and
2. Allow staff to operate the Library Division with an acceptable staffing infrastructure to keep up with the demand of services and quality of delivery by providing adequate budget allocations to support personnel.

City Manager Lollis presented the item, and Parks and Leisure Services Director Stowe presented the staff report.
The Council thanked Director Stowe for bringing the matter to the Council’s attention and for making the necessary corrections.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation. The motion carried unanimously.

M.O. 08-122110

Disposition: Approved.

ADDED ITEM: EMERGENCY ITEM: REQUEST FOR CITY COUNCIL CONFIRMATION AND RATIFICATION OF CITY MANAGER PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY

Recommendation: That the City Council:

1. Approve the draft resolution confirming the existence of a local emergency; requesting Office of Emergency Services Director concurrence and approval of financial assistance; and Governor Proclamation of State of Emergency; and

2. Provide direction to staff with regard to scheduling an adjourned meeting to review the local emergency status.

City Manager Lollis presented the item and the staff report.

After a brief discussion took place on the efforts of staff and residents during the emergency and the current status thereof, Mayor Irish invited members of the public to come forward and speak.

- John Coffee, a Porterville resident, thanked the City and staff for its proactive approach in handling the emergency.

COUNCIL ACTION: Resolution 130-2010 MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council approve the draft resolution confirming the existence of a local emergency; requesting Office of Emergency Services Director concurrence and approval of financial assistance; and Governor Proclamation of State of Emergency; and direct staff to schedule an adjourned meeting on January 5, 2011 at 6:00 p.m. to review the status of the local emergency declaration. The motion carried unanimously.

Disposition: Approved; Adjourned Meeting scheduled.

The City Council adjourned at 8:52 p.m. to a Joint Meeting of the Porterville City Council and the Porterville Public Financing Authority.

JOINT CITY COUNCIL/PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 21, 2010

Page 8 of 10
Roll Call:  Director McCracken, Vice Chairman Hamilton, Director Shelton, Director Ward, Chairman Irish

WRITTEN COMMUNICATION
None

ORAL COMMUNICATIONS
None

PUBLIC FINANCING PUBLIC HEARING
PFA-1.  CONSIDERING THE REFINANCING OF CURRENT CITY SEWER BONDS

Recommendation:  1. That the City Council and the Porterville Public Financing Authority open and conduct the public hearing;

2. That the City Council consider the approval of the draft resolution approving proceedings to finance and refinance improvements to the City’s Municipal Sewer System, approving issuance of revenue bonds by the Porterville Public Financing Authority for such purposes, approving the form and authorizing execution of related documents and authorizing official actions;

3. That the Porterville Public Financing Authority consider the approval of the draft resolution authorizing the issuance and sale of revenue bonds to finance and refinance improvements to the City of Porterville’s Municipal Sewer System, approving the form and authorizing execution of related documents and authorizing official actions; and

4. That the City Council and the Porterville Public Financing Authority authorize the execution of all necessary documents.

City Manager/Agency Secretary John Lollis presented the item and the staff report. Mr. Lollis clarified that the 2002 bonds were not proposed to be refinanced, but rather only the 1997 issuance, and that the term was proposed to be extended, with the payment obligation remaining the same.

The public hearing was opened at 8:56 pm. and closed at 8:57 p.m. when nobody came forward.

At the Council’s request, Mr. John Fitzgerald of Fitzgerald Public Financing, and Mr. Ben “Bud” Levine of Wulff, Hansen and Company, came forward and spoke briefly of the bond market and the proposed timing of the refinance.

COUNCIL ACTION:  MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the draft resolution approving proceedings to finance and refinance improvements to the City’s Municipal Sewer System, approving issuance of revenue bonds by the Porterville Public Financing Authority for such purposes, approving the form and authorizing execution of related documents. The motion carried unanimously.
AGENCY ACTION: MOVED by Vice Chairman Hamilton, SECONDED by Director McCracken that the Authority approve the draft resolution authorizing the issuance and sale of revenue bonds to finance and refinance improvements to the City of Porterville’s Municipal Sewer System, approving the form and authorizing execution of related documents and authorizing official actions. The motion carried unanimously.

Disposition: Approved.

The Joint City Council/Public Financing Authority Meeting adjourned at 9:16 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Shelton spoke of his attendance at the Foster Grandparents Luncheon, the Senior Dinner, the Exchange Club Dinner, and the Orange Belt Board of Realtors event. He then spoke of his, City Manager Lollis and the Mayor’s efforts over the weekend to aid in the response to the flooding and thanked staff for their hard work. Council Member Shelton then voiced support for the formation of a committee to look at cost effective ways in which future flooding could be avoided.
- Council Member Ward lauded the recent event held at Port Naz for the Women’s Shelter.

ADJOURNMENT
The Council Meeting adjourned at 9:28 p.m. to the meeting of January 18, 2011.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Ronald L. Irish, Mayor
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Shelton, Council Member Ward, Vice Mayor Hamilton, Mayor Irish

Pledge of Allegiance Led by Vice Mayor Hamilton
Invocation – a moment of silence is observed.

REPORTS
- Council Member Shelton reported that he had received a call from the San Joaquin Valley Air Pollution Control District inquiring whether he was interested in serving on an Environmental Justice Action Group committee. He indicated that he was not interested, but passed the offer on to other members of the Council.

ORAL COMMUNICATIONS
- Barry Caplan, Porterville resident, wished everyone in attendance a Happy New Year; spoke of an article in the Porterville Recorder regarding Council Member resolutions; requested the Council consider reversing its 3-minute time limitation for Oral Communications; and expressed concern regarding possible exposure of the City regarding the cross at Murry Park, citing a recent federal court decision on a similar matter.

SCHEDULED MATTERS
1. STATUS AND REVIEW OF DESIGNATED LOCAL EMERGENCY

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Deputy City Manager Milt Stowe introduced the item and presented the staff report. The Council then reviewed a map which identified areas of the city that suffered significant flood damage and pictures of those same areas.

Deputy City Manager Stowe and Public Works Director Rodriguez then updated the Council on the Federal Emergency Management Agency’s (FEMA) visit which took place earlier that day.

While reviewing photos of damage to Henderson Avenue a discussion ensued regarding warranties on contractor work for City projects. Staff advised that a warranty period of one year was typical, but noted that the warranty period could be extended if the Council so directed.
Council Member Ward expressed his concern regarding quality of work, and stated that it may not be in the best interest of the City to award projects to the lowest acceptable bid.

Deputy City Manager Stowe thanked Battalion Chief Loran Blasdell, Acting Field Services Supervisor Michael Knight, and City staff for their hard work during the emergency. Mayor Irish also recognized City Manager Lollis for his proactive action in declaring a state of local emergency. Council Member Shelton lauded staff who participated in the filling and distribution of sand bags.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, make the determination that a need exists to continue said local emergency designation. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS
None

OTHER MATTERS
None

ADJOURNMENT
The Council adjourned at 6:31 p.m. to the meeting of January 18, 2011 at 5:30 p.m.

______________________________
Luisa Herrera, Deputy City Clerk
SEAL

______________________________
Ronald L. Irish, Mayor
SUBJECT: CLAIM – ELIZABETH BARRIOS AND ADRIANA BECERRA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Elizabeth Barrios and Adriana Becerra have filed a claim against the City in an amount of $287.01 for property damages which claimants allege were incurred when their vehicle struck a pot hole while they were driving on Olive Avenue near Jaye Street on December 19, 2010.

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

Item No. 2
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: Elizabeth Becerra - Adriana Becerra

DOB: __________ Gender: Male _______ Female _______ SS#: ________

Claimant's Telephone #: __________

Claimant's address: 449 W Center Porterville CA 93257

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

Date of incident/accident: 12/19/10

Date injuries, damages, or losses were discovered: 12/19/10

Location of incident/accident: Olive Ave near Jay St

What did entity or employee do to cause this loss, damage, or injury: Pop hole should have been responsible to cover hole.

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

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

What specific injuries, damages, or losses did claimant receive? Car hit sidewalk pot hole and bent rim of tire cause tire to flat.

(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 900(1)] 287.01

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

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

Date Signed: 12/21/10 Signature: Adriana Becerra

If signed by representative:
Representative's Name ___________________________ Address ___________________________
Telephone # ___________________________ Relationship to Claimant ___________________________
ESTIMATE

PORTERVILLE
456 PLANO ROAD
PORTERVILLE, CA 93257
(559) 788-2758
EPA #: CAL000302318  BAR #: ARD213653

Vehicle Information
Year: 2007  Make: MITSUBISHI
Model: GALANT  Color:
License: 6FSC602 (CA)  Odometer: 1
Engine: 4-2376 2.4L SOHC
VIN:

Customer Instructions
Save Old Parts? No
Bill To: Same

Order No.: 81318  Page 1
Date: 12/20/2010
Time: 09:38 AM
Prepared by: 8040-LUIS PADILLA

Cust.: ADRIANA BECERRA  Cust. No.: 10-225783
Address: 449 W CENTER
City, State, Zip: PORTERVILLE, CA 93257
Home: (559) 781-3831  Work:
Cell: (559) 789-1747

Part No. Description                        Qty  Unit Price  Total Price

OP OPW CRUISER ALLOY 905C 20"             1.00  232.00   232.00

******* CONSUMER ADVISORY **********
PLEASE RE-TORQUE YOUR LUG NUTS WITHIN THE FIRST 50 MILES.

CUSTOMER INITIALS ------------------

LBR MD MOUNT OR DISMOUNT            1.00  14.50    14.50
LBR WBRF ROAD FORCE WHEEL BALANCE    1.00  16.95    16.95

TIRED PRESSURE ADJUSTED TO VEHICLE SPECIFICATIONS IN PSI
FRONT ___  REAR ___

Resetting Tire Pressure Monitoring Systems (TPMS) is NOT included in checking air pressure.

SHP WW WHEEL BALANCE WEIGHTS - PARTS  1.00   3.00    3.00

Subtotal: 266.45
FET: 0.00
Shop Supplies: 0.00
Sales Tax: 20.56

Total: 287.01

The estimate is based on our inspection at this time and does not cover additional parts or labor which may be required after the work has been started. After the work has started, worn or damaged parts which are not evident on first inspection may be discovered. This estimate does not cover such contingencies. In cases where additional work is deemed necessary, customer authorization will be secured prior to commencement of that additional work. This estimate expires 15 days from date. I hereby authorize the repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanics lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. Dealer not responsible for unavailability of parts or delays in parts shipments beyond dealers control nor for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond our control. Additional terms and conditions printed on reverse side. All parts installed are new unless specified otherwise. I acknowledge notice and oral

above and receipt of this estimate.
SUBJECT: CLAIM - LEONARD MANUEL

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Leonard Manuel has filed a claim against the City in an amount of $1,000 for property damages which claimant alleges were incurred when his vehicle struck a pot hole while he was driving on Olive Avenue near Jaye Street on December 20, 2010.

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: Leonard Manuel Claimant's Telephone #: [Redacted]

SS#: [Redacted] DOB: [Redacted] Gender: Male X Female

Claimant's address: 660 N Reservation Rd

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

Date of incident/accident: 12-20-10

Date injuries, damages, or losses were discovered: 12-20-10

Location of incident/accident: Olive & Sanye St.

What did entity or employee do to cause this loss, damage, or injury? Pothole on Olive

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

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

What specific injuries, damages, or losses did claimant receive? 21 in Rim & Tire Broken

(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 §10(f)): $1,000

How was this amount calculated (please itemize)?

Date Signed: 12-20-10 Signature: Leonard Manuel

If signed by representative:
Representative's Name Address
Telephone #: Relationship to Claimant
SUBJECT: CLAIM – ANDRES G. PRIETO

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Andres G. Prieto has filed a claim against the City in an amount of $3,800 for property damages which claimant alleges were incurred when claimant drove his vehicle through flooded conditions on Scranton Avenue near the Porterville Municipal Airport on December 19, 2010.

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

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

Claimant's Name: Andres Prieto
Claimant's Telephone #: [Redacted]
SS#: [Redacted]
DOB: [Redacted]
Gender: Male [X] Female [ ]
Claimant's address: 160 W. ESTHER Porterville Ca. 93257

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

Date of incident/accident: 12-19-10 at 8:50 PM
Date injuries, damages, or losses were discovered: 12-19-10
Location of incident/accident: Scranton RD By Airport

What did entity or employee do to cause this loss, damage, or injury? On other 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)? No caution signals or warnings and Lighting

What specific injuries, damages, or losses did claimant receive? Got stuck in Pond Like Puddle motor sucked water and Blew motor

(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(4)] I just want my vehicle fixed and see if they can put lighting on that corner called around different shops cost around $3,500 or maybe less

How was this amount calculated (please itemize)?

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

Date Signed: 12-21-10

Signature: [Redacted]

If signed by representative:
Representative's Name
Address
Telephone # Relationship to Claimant
When my car wasn't sounding right then I knew it had taken in water when trying to start. When I approached Westwood my car made a loud pounding noise and then it stalled in the middle of the road. I pushed it to the side of road and there was one everywhere it wouldn't start anymore. I waved a few people down and nothing then the off-duty bus drivers picked me up and took me to Home Depot were the bus stop was moved to. I didn't know they were it because it was off and it was my Monday. I wish somebody would of called me to let me know and none of this would of happened.

Compliance Leave Smith and everyone else said to write an incident report to let Tom Stewart know what happened. Now I gotta figure out how to get from and back to work because that was my only vehicle.

No warnings for floods or signs of sinking and no lighting.

Thank you

Andy Brietzke
Maintenance
Graves
**Road Service**

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<th>DATE IN</th>
<th>DATE OUT</th>
<th>TIME START</th>
<th>TIME FINISH</th>
<th>REQUESTED BY</th>
<th>PO/CASE #</th>
<th>OFFICER NAME</th>
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<td>12-20-10</td>
<td>3:22 PM</td>
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<td>A.M.</td>
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**NAME:**  
Ardly Prick

**ADDRESS:**  
160 N Esth

**CITY:** Porterville  
**STATE:** CA  
**ZIP:** 93257

**YEAR:** 2001  
**MAKE/MODEL:** Mercury Sable  
**COLOR:** tan  
**ODOMETER:** 84,340

**REGISTRATION:**  
**TOWED TO:** 160 N Esth

**INSPECTED BY INSURANCE CO.:**  
**APPRAISER NAME:**  
**DATE:**  
**DRIVER:**

**RELEASED BY:**  
**DATE:**  
**PHONE #:**

**REASON FOR TOW:**  
- [ ] ACCIDENT  
- [ ] BREAK DOWN  
- [ ] ABANDONED  
- [ ] UNREGISTERED  
- [ ] NO START  
- [ ] OUT OF GAS  
- [ ] FLAT TIRE  
- [ ] FIRE LANE  
- [ ] LOCK OUT  
- [ ] NO TRESPASS  
- [ ] TOW ZONE  
- [ ] ARREST  
- [ ] STOLEN  
- [ ] IMPounded  
- [ ] SNOW REMOVAL

**SPECIAL EQUIPMENT USED:**  
- [ ] WINCH  
- [ ] FLARES  
- [ ] SCOTCH BLOCKS  
- [ ] DOLLY  
- [ ] RAMPS  
- [ ] SNATCH BLOCKS

**METHOD OF PAYMENT:**  
- [ ] CASH  
- [ ] CHECK  
- [ ] DRIVERS LIC. #  
- [ ] CREDIT CARD #  
- [ ] DRIVER'S LIC. #  
- [ ] AUTHORIZED SIGNATURE  
- [ ] DATE

**DRIVER'S SIGNATURE:**  
**DATE:**  

**TIME STORAGe CHarge:**

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<th>PERSONALs TAKEN BY</th>
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<td>FLAT BED/RAMP</td>
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**VEHICLE STORAGE TIME:**

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<th>TO</th>
<th>DAYS</th>
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**INDICATE DAMAGED AREA(S) ON VEHICLE:**

- [ ] KEYS LEFT
- [ ] RADIO

**MILEAGE:**

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**TOWED PER ORDER OF:**

- [ ] STATE POLICE
- [ ] LOCAL POLICE
- [ ] OWNER OF A CAR
- [ ] DEALER

**TOWED TO:** 25 15 W Rosy

**CAR OF PARTY:**  

**EMPLOYED:**

- [ ] Brodie Gherke  
- [ ] Lucia Escamilla  
- [ ] Kyle Sanderson  
- [ ] Brian Jarvis  
- [ ] Andrea Cobinette

**Messed Their Car at Parking**

**David Borjon, Photographer, South Valley Bureau**

**Fresno, CA 93706-1883**  
**Cell (559) 627-5376**

**AB CB 93706-1883**  
**ABC Owned & Operated**

©1998 AW Direct, Inc.
EAGLE MOUNTAIN CASINO
INCIDENT REPORT

Today's Date: 12-20-10  Date of Incident: 12-19-10

Person Filing Report: Andy Preto  Title: Maintenance Supervisor
Shift: Graves  Time: 8:50 PM

Who was involved with the incident: (Customer and/or Employee)

I, Andy Preto

Witnesses: Richards Ana, Lucy Bus Drivers

If customer injury, provide address and telephone: 

Where did the incident occur: Going to Employee Bus Stop

Estimated/Actual Damage or cost: N/A

Describe the incident: I was going to Bus Stop around 8:50 PM when I approached a big grateful/flowered area.
I approached it slowly when my car stalled in the middle. I attempted to start it, but it wouldn't because it was too deep. After a few minutes, it crested over slowly. Staying on I turned the car around.

Recommendation: 

Signature of Witness: 

Signature:

Date Received: Report Number:
Distributed To:

(Revised Form 11-10-08)
SUBJECT: CLAIM – ESMERALDA MARTINEZ

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Esmeralda Martinez has filed a claim against the City in an amount of $555.81 for property damages which claimant alleges were incurred when his vehicle was flooded while parked at 2760 Yowlumne Avenue on December 19, 2010.

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: Esmeralda Martinez  Claimant's Telephone #: [Redacted]

SS#: [Redacted]  DOB: [Redacted]  Gender: Male □ Female X

Claimant's address: 1238 N Sweetbrier Ave Lindsay CA 93247

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

Date of incident/accident: 12/19/2010

Date injuries, damages, or losses were discovered: 12/22/10 and still reviewing for more damage.

Location of incident/accident: 27160 Youlliume Ave

What did entity or employee do to cause this loss, damage, or injury? Did not report flooding until cars were damaged.

(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)?

Interior detail & Carpet replacement & other damages.

What specific injuries, damages, or losses did claimant receive? I lost the amount of my insurance deductible $555.81

(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)] $555.81  total
deductible for insurance premium

How was this amount calculated (please itemize)? deductible for insurance premium claim

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

Date Signed: 12/26/11  Signature: [Signed]

If signed by representative:
Representative's Name ______________________  Address ______________________
Telephone # ______________________  Relationship to Claimant ______________________
SUBJECT: CLAIM – ARMANDO F. DE LA CRUZ

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Armando De La Cruz has filed a claim against the City in an amount of $500 for property damages which claimant alleges were incurred when his vehicle was flooded while parked on West Street, south of Teapot Dome on December 18, 2010. The cited location is not within the City of Porterville.

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: Armando F. De La Cruz  Claimant's Telephone #: ____________

SS#: __________________ DOB: ______________ Gender: Male X Female ______

Claimant's address: 1111 Greenfield Dr. Porterville

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

Date of incident/accident: 12-18-10

Date injuries, damages, or losses were discovered: Flooding inside of my vehicle

Location of incident/accident: West Street, just south of Teapot Park.

What did entity or employee do to cause this loss, damage, or injury? Lack of maintenance.

Caused malfunctions of drainage system causing flooding on the street.

(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)? N/A

What specific injuries, damages, or losses did claimant receive? Vehicle was partially submerged under water. Approximately 5'-6' of water made its way into my vehicle.

(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 $30,000, 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)]. $500.00 for vehicle damages and $6,000.00 for pain and suffering.

Deductible: ____________

How was this amount calculated (please itemize)? Claim specialist inspected vehicle's damages and exceed $6,000.00. I am only requesting compensation.

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

Date Signed: 12-28-10  Signature: ________________________

If signed by representative:
Representative's Name ______________________ Address ______________________
Telephone #: ______________________ Relationship to Claimant ______________________
for my deductible.
SUBJECT: CLAIM – SHIRLEY PENA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Shirley Pena has filed a claim against the City in an amount of $1,599.41 for property damages which claimant alleges were incurred when she was permitted to drive through road construction on Henderson Avenue, on October 20, 2010. The claim was subsequently tendered to Intermountain Slurry Seal, Inc. for processing.

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: Shirley J. Peña
Claimant's Telephone #: [Redacted]

SS#: [Redacted] DOB: [Redacted] Gender: Male Female √

Claimant's address: 1061 East Thurman Ave., Porterville, CA 93257

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

Date of incident/accident: 10/20/10

Date injuries, damages, or losses were discovered: 10/22/10

Location of incident/accident: Henderson Avenue, Porterville, CA.

What did entity or employee do to cause this loss, damage, or injury? Intermountain Slurry Seal, Inc. was applying asphalt to road & forward worker allowed me to enter site.

(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)?

Intermountain Slurry Seal, Inc.

What specific injuries, damages, or losses did claimant receive? Asphat damage to right rear bumper, front fender to linens.

(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 920(f)]

$1,599.41

How was this amount calculated (please itemize)? Estimate received from Golden State Paint & Body of Porterville, CA.

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

Date Signed: 12/23/01 Signature: Shirley Peña

If signed by representative:
Representative's Name Address
Telephone # Relationship to Claimant
GOLDEN STATE PAINT AND BODY
License #:AH141571 Federal ID #:770575597
Always Quality First
1915 W. Olive
PORTERVILLE, CA 93257
(559)781-3604 Fax: (559)781-5802

PRELIMINARY ESTIMATE

Written By: Jason Laubacher
Adjuster:

Insured: Shirley Pena
Owner: Shirley Pena
Address: 1061 E. Thurman
Porterville, CA 93257
Day: (559)789-9505

Claim #
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact: 2. Right Front Pil

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

Business: (559)781-3604
2 Days to Repair

2003 PONT SUNFIRE 4-2.2L-FI-2D CPE White Int:Gray
VIN: [redacted] Lic: [redacted] CA Prod Date: [redacted] Odometer:
Air Conditioning Rear Defogger Dual Mirrors
Console/Storage Fog Lamps Rear Spoiler
Clear Coat Paint Power Steering Power Brakes
Power Trunk/Gate Release AM Radio FM Radio
Stereo Search/Seek Driver Air Bag
Passenger Air Bag Cloth Seats Bucket Seats
Recline/Lounge Seats Automatic Transmission Overdrive
Full Wheel Covers

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<td></td>
<td>Repl RT Fender liner</td>
<td>1</td>
<td>55.57</td>
<td></td>
<td>0.5</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>PILLARS, ROCKER &amp; FLOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Repl RT Rocker molding</td>
<td>1</td>
<td>333.57</td>
<td>0.5</td>
<td>1.4</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Add for Clear Coat</td>
<td></td>
<td></td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>7#</td>
<td></td>
<td>Repl RT Qtr liner</td>
<td>1</td>
<td>55.57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>REAR BUMPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9**</td>
<td></td>
<td>Repl RECOND Bumper cover</td>
<td>1</td>
<td>331.00</td>
<td>1.6</td>
<td>2.6</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Add for Clear Coat</td>
<td></td>
<td></td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>11#</td>
<td></td>
<td>Repl SPRAY TEST PANEL / TINT COLOR</td>
<td>1</td>
<td>7.50</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>12#</td>
<td></td>
<td>Subl HAZARDOUS WASTE REMOVAL</td>
<td>1</td>
<td>5.00 X</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>13#</td>
<td></td>
<td>Rpr DENOIB/TEXTURE SAND &amp; POLISH</td>
<td>1</td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PRELIMINARY ESTIMATE
2003 PONT SUNFIRE 4-2.2L-FI 2D CPE White Int:Gray

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Subtotals ==</td>
<td>816.63</td>
<td>3.6</td>
<td>5.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Estimate Notes:
Parts need replacement due to road tar damage. Estimate written for visible damage only, more damage may be found once repairs begin. Prior damage to rear bumper and rear body panel unknown until after teardown.

<table>
<thead>
<tr>
<th>Parts</th>
<th>811.63</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body Labor</td>
<td>3.6 hrs @ $ 60.00/hr 216.00</td>
</tr>
<tr>
<td>Paint Labor</td>
<td>5.3 hrs @ $ 60.00/hr 318.00</td>
</tr>
<tr>
<td>Paint</td>
<td>5.3 hrs @ $ 30.00/hr 159.00</td>
</tr>
<tr>
<td>Sublet/Misc.</td>
<td>5.00</td>
</tr>
</tbody>
</table>

SUBTOTAL $1509.63
Sales Tax $970.63 @ 9.2500% 89.78

GRAND TOTAL $1599.41

ADJUSTMENTS:
Deductible 0.00

CUSTOMER PAY $0.00
INSURANCE PAY $1599.41

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.
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: B=BODY LABOR D=DIGNOSTIC E=ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS: ADJ=ADJACENT ALGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&J=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MISC=MISCELLANEOUS NAGS= NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFN=REFINISH REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBJ=SUBJECT LT=LEFT W/O=W/OUT W_/WITH/_SYMBOLS: #:MANUAL LINE ENTRY *=OTHER [IE.. MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS _ EITHER _ OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPP=NATIONWIDE CRASH PARTS PROGRAM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR1FK95, CCC Data Date 10/01/2010, 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 Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recorded parts are described as Recore. 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. pounded 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>Quantity</th>
<th>Part</th>
<th>Part No.</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>RECOND Bumper cover</td>
<td>GM1100658R</td>
<td>$331.00</td>
</tr>
</tbody>
</table>

Keystone - Complete
3131 SOUTH NORTH POINT DR.
FRESNO, CA  93725

(800)339-5033
(559)271-6750

Keystone - Complete
13642 ORDEN DRIVE
SANTA FE SPRINGS, CA  90670

(800)243-4340

Keystone - Complete
2530 LINDSAY PRIVADO #C
ONTARIO, CA  91761

(800)421-7866
(909)986-4586
AUTOMOBILE CLAIM REPORT

Agent copy

Reporting agent: SUSANNE M. ACENCIO
Agent code: 55-1956
Agent phone: (559) 784-6370
Alias: 39CY

Claim#: -
Claim rep: -

INSURED

Coverages: A 15/30/25, H
Policy number: [Redacted]
Insured: PENA, SHIRLEY

Date of loss: 10-20-10
Time of loss: 10:00 PM
Date reported: 12-27-10
Address: 1061 E THURMAN AVE
City: PORTERVILLE
St: CA
Phone: H 559-789-9505
Zip: 93257-4249
Contact: SHIRLEY

Location of loss: HENDERSON AVE
City: PORTERVILLE
St: CA

VEHICLE 1

Insured vehicle/year/make/model/bodystyle#: 03 PONTIAC SUNFIRE 2DR
VIN: [Redacted]
License number/state: / Involved in loss? YES
Driveable?

Prior damage:
Principal damage: RIGHT REAR & FRONT FENDER
Location: PH'S POSSESSON
Driver: PENA, SHIRLEY

FACTS

VEH 1 WAS TRAVELING WB ON HENDERSON & DROVE OVER SOME FRESH ASPHALT THAT CAUSED DAMAGE TO HER VEH.

Police report made? NO
Dept where reported:
Report number:

Insured violation? Describe:
Claimant violation? Describe:

Remarks:
SHE'S AWARE NO COVERAGE, HOWEVER SHE NEEDS PROOF OF A CLAIM FILED FOR THE CITY OF PORTERVILLE.

Any person who knowingly presents a 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.

[Signatures]

I HEREBY DECLARE THAT THE FACTS IN THIS REPORT ARE TRUE AND ACCURATE.
Insured sign here Date
X / /

I HEREBY DECLARE THAT THE FACTS IN THIS REPORT ARE TRUE AND ACCURATE.
Driver sign here Date
X / /

RECEIVED

DEC 27 2010

CITY OF PORTERVILLE
PERSONNEL
SUBJECT: AWARD OF CONTRACT – POLICE SHOOTING RANGE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 6, 2011 staff received ten (10) bids for the Police Shooting Range Project. The project includes the construction of an Earthen Berm Shooting Backstop, concrete slab with drainage retention pond, chain-link perimeter fencing with barbed wire for security, and related appurtenances. The project is located at the Underhill property, 12261 Road 216, Porterville, CA 93257. The project also includes three (3) add alternate bids for the installation of a pervious concrete slab, a light gauge steel awning, and additional chain-link perimeter fencing. Regrettably, two of the bids were deemed unresponsive to the City’s specifications.

The engineer’s estimate of probable cost for the entire project, including all add alternates, is $213,023.04. The low bid for the project is 19.8% below the Engineer’s estimate. An additional $17,088.02 is required for construction contingency (10%), and $17,088.02 is required for construction management, quality control and inspection. The total estimated cost for the project is $205,056.22.

The General Fund Carryover is the funding source for this project as approved in the 2010/2011 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Steelex Industrial</td>
<td>$170,880.16</td>
</tr>
<tr>
<td>Strathmore, CA</td>
<td></td>
</tr>
<tr>
<td>2. Soils Engineering, Inc.</td>
<td>$180,249.55</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
<tr>
<td>3. Bartlett Construction</td>
<td>$189,013.29</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>4. Lockwood General Engineering, Inc.</td>
<td>$194,897.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>5. Halopoff &amp; Sons, Inc.</td>
<td>$196,760.10</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>6. R.J. Berry Jr., Inc.</td>
<td>$201,443.00</td>
</tr>
<tr>
<td>Selma, CA</td>
<td></td>
</tr>
</tbody>
</table>

Dir [Signature] Appropriated/Funded [Signature] Item No. 8
7. Garrett Thompson Construction, Inc. $222,865.00  
    Modesto, CA

8. Davis Moreno Construction, Inc. $240,879.25  
    Fresno, CA

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Police Shooting Range Project Base Bid and all Add Alternates to Steelex Industrial, in the amount of $170,880.16;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection.

ATTACHMENT: Locator Map

P:\pub\work\Gereral\Council\Award of Contract - Police Shooting Range Project - 2011-01-18.doc
SUBJECT: AWARD OF CONTRACT – WASTE WATER TREATMENT FACILITY HVAC REPLACEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 6, 2011 staff received five (5) bids for the Waste Water Treatment Facility HVAC Replacement Project. The project consists of the installation of two HVAC units and related appurtenances on the Control Building and one HVAC unit and related appurtenances on the Sludge Pump Station Building located at 1333 W. Grand Ave.

The engineer's estimate of probable cost for the project is $34,000. The low bid for the project is 14.7% below the Engineer's estimate. An additional $2,900 is required for construction contingency (10%), and $2,900 is required for construction management. The total estimated cost for the project is $34,800.

The Waste Water Treatment Facility Reserve Fund is the funding source for this project as approved in the 2010/2011 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Air Conditioning</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>American Inc.</td>
<td>$35,477.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>Johnson Controls</td>
<td>$45,379.00</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
<tr>
<td>Four C's Service, Inc.</td>
<td>$49,900.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>Smith Electric Service</td>
<td>$52,700.00</td>
</tr>
<tr>
<td>Santa Maria, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Waste Water Treatment Facility HVAC Replacement Project to Zone Air Conditioning in the amount of $29,000.00;

Item No. 9
2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management.

ATTACHMENT: Locator Map
SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As a component of the City's Community Development Block Grant, funds are allocated for economic development through the Business Assistance Program, which has two parts. One component is for large projects which require funding in excess of $50,000, typically used for construction of improvements, equipment purchases, and acquisition. Currently, the Business Assistance Program has three loans in its portfolio.

Listed below is a summary of the Business Assistance Program large loans:

<table>
<thead>
<tr>
<th>Applicant/ Business Type</th>
<th>Use of Funds</th>
<th>Original Loan Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ProDocumentSolutions Printing Facility (Loan originated in 2003; balance owed is $86,786)</td>
<td>Parking Lot Improvements, Security Equipment</td>
<td>$355,000</td>
</tr>
<tr>
<td>Charles and Jan Crissman Automobile Body Repair</td>
<td>Acquisition</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mark Sidley’s Porterville Chrysler New Automobile Sales</td>
<td>Inventory and Working Capital</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

The second component of the Business Assistance Program is the Small Business Revolving Loan. The main objective of this program is to provide "gap" funding for small businesses that either are just starting a business in Porterville or are trying to expand their business. Currently, the Small Business Revolving Loan program has seven loans in its portfolio and three loans pending additional information from the applicants.

Listed below is a summary of the Small Business Revolving Loans:

<table>
<thead>
<tr>
<th>Applicant/ Business Interest</th>
<th>Use of Funds</th>
<th>Original Loan Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alla Liberstein, MD Medical Practice</td>
<td>Equipment</td>
<td>$45,000</td>
</tr>
<tr>
<td>Plano Jerky Manufacturing/Retail</td>
<td>Expansion of Facility</td>
<td>$15,000</td>
</tr>
<tr>
<td>Applicant/Business Interest</td>
<td>Use of Funds</td>
<td>Original Loan Amount</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Porterville Ford Automobile Sales</td>
<td>Equipment and Signage</td>
<td>$38,000</td>
</tr>
<tr>
<td>McLaughlin Plumbing Professional Services</td>
<td>Working Capital</td>
<td>$35,000</td>
</tr>
<tr>
<td>BMK, Inc. Retail</td>
<td>Working Capital</td>
<td>$50,000</td>
</tr>
<tr>
<td>Elsa Medina Restaurant</td>
<td>Equipment and Working Capital</td>
<td>$50,000</td>
</tr>
<tr>
<td>William and Glenda Mauldin Retail</td>
<td>Working Capital</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

The program mandates the creation or retention of One (1) job for each $35,000 in assistance. The loans above represent the creation or retention of 57 full-time equivalent jobs.

It should be noted that with the three (3) pending loans, the program will exhaust all of the available funding for loans. However, as loans are repaid additional funding becomes available for new loans.

RECOMMENDATION: For information only.
SUBJECT: REQUEST FOR A MASTER SIGN PROGRAM FOR DR. VEMURI'S PROFESSIONAL OFFICE COMPLEX LOCATED AT 557 W. MORTON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a master sign program pursuant to Section 305.12 of the Porterville Development Ordinance (Code) for the professional office complex located at 557 W. Morton Avenue.

HISTORY: On November 8, 2010, the Building Division issued a “Stop Work” notice for the installation of a sign without having the proper permits. On November 17, 2010, the applicant submitted a permit application for the sign attached herein; however, the sign did not meet the standards of a monument sign pursuant to Section 305.09(f) of the Code. Specifically, it exceeded the maximum sign area of sixty (60) square feet allowed in employment districts and the setback requirement of a minimum of five (5) feet from the property line. In addition, signs attached on fences are prohibited pursuant to Section 305.05.

ANALYSIS: Staff determined that a master sign program could provide the method for allowing the existing sign to be permitted. A master sign program allows the applicant to integrate the design and placement of the sign within the project (D-Overlay 1-2010) with the overall development design to achieve a more unified appearance, while also providing for additional sign area and other consideration that may be required. The orientation, layout and overall design of the professional office complex and the fence height, design and proximity to the building, limited the placement options of site signage. Placing the sign on the fence turned out to be the best location for vehicular and pedestrian visibility and would not constitute a direct or potential danger to vehicular and pedestrian traffic. The proposed sign is a sixty-eight (68) square foot granite slab attached and integrated into the fence design with concrete block columns. Since the existing building constitutes phase 1 of the development, additional consideration should be given to the ultimate signage needed to accommodate phase 2. As such, a condition of approval has been incorporated that limits the number of monument signs on the site to one. In this event, the sign could identify the center, or identify multiple doctors within the center.
REQUIRED FINDINGS:

In order to approve a master sign program, the decision-making body shall find that all of the following are met:

1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures and any adjoining signage on the site.

   The proposed sign is compatible in style with the new office development and complements the overall design concept of the office complex.

2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification.

   This master sign program addresses monument signage for both phases of the development and coordinates placement and design. No other freestanding detached sign will be allowed per this master sign program.

3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

   Directional and building address signage meets the requirements of the City and is adequate for both pedestrian and vehicular circulation access.

RECOMMENDATION: That the City Council:

Approve the proposed master sign program for Dr. Vemuri’s professional office complex located at 557 W. Morton Avenue, subject to the conditions of approval.

ATTACHMENT:

1. Picture of proposed sign
2. Draft Resolution
RESOLUTION NO. ___ 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF A MASTER SIGN PROGRAM FOR DR. VEMURI'S PROFESSIONAL OFFICE COMPLEX LOCATED AT 557 W. MORTON AVENUE.

WHEREAS: On March 16, 2010, the City Council of the City of Porterville approved the findings and conditions for "D" Overlay Site Review 1-2010 for Dr. Vemuri's professional office complex; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of January 18, 2011, supported the findings to allow a Master Sign Program for this development; and

WHEREAS: A Master Sign Program allows the applicant to integrate the design and placement of the sign within the project (D-Overlay 1-2010) with the overall development design to achieve a more unified appearance pursuant to Section 305.12 of the Porterville Development Ordinance; and

WHEREAS: The City Council made the following findings:

1. The proposed sign is compatible in style and character with any building or structure to which the sign is to be attached, any surrounding structures and any adjoining signage on the site.

2. Due to the orientation, layout and overall design of the professional office complex and considering the fence height, design and proximity to the building, there are limited placement options for site signage

3. Future tenants will be provided with adequate opportunities to construct, erect or maintain additional signs for identification and will have the opportunity to share signage onto the monument sign area.

4. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby grant a Master Sign Program for Dr. Vemuri's professional office complex subject to the following conditions:

1. That all conditions contained in Resolution No. 26-2010 for D-Overlay Site Review 1-2010 shall remain in full force and effect.

2. That any additional signage shall comply with the Sign Code except as may be provided by the Master Sign Program.

ATTACHMENT ITEM NO. 2
3. That this monument sign is the only one allowed for the entire professional office complex.

4. That future modifications to this monument sign shall generally comply with exhibit "A" attached herein. The size and design of the sign shall remain as is.

5. That any future and/or permanent tenants shall incorporate into the monument their proposed signage as approved by the Zoning Administrator.

______________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ________________________________
Luisa Herrera, Deputy City Clerk
CITY COUNCIL AGENDA: JANUARY 18, 2011

SUBJECT: SEAFOOD CAFE/EL REVENTON 2010 YEAREND UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – Planning Division

COMMENT: On July 1, 2008 the City Council considered a request for Public Hearing to modify Conditional Use Permit 5-2007. The issues in the agenda item resulted in a concern that the Seafood Café/El Reventon was not in compliance with Conditional Use Permit 5-2007 and the Department of Alcohol and Beverage Control (ABC) conditions of approval. The City Council voted not to modify the Conditional Use Permit and instead directed staff to initiate a monitoring program to oversee all ABC, police, and building permit activity for the Seafood Café/El Reventon establishment.

The Community Development Department has established a monthly program to monitor the progress of the Seafood Café/El Reventon. In this program, reports are printed from the ABC, the Building Division, and the Police Department (Attachments 1, 2, and 3 respectively). The reports are reviewed for all activity throughout that month and reported to the City Council on a quarterly basis. This report provides information for the entire 2010 year. During this time, the restaurant has remained active with no violations with the ABC. All the information gathered has been similar for each quarter with the exception to one building permit that was applied for in January and finalized in May 2010. Site visits to the business by the Police Department have been routine; ranging from mostly traffic stops to patrol/bar-checks to battery, fights, suspicious vehicles, etc. The police activity identified is common and a result of the sensitive nature of the business.

Due to the history, sensitive nature of the business, public concern, and safety, staff will continue to report a quarterly update to the City Council until directed otherwise. Staff will continue to monitor and within the Planning Division, file monthly progress reports from ABC, the Police Department, and Building Division. These reports have assisted with providing information in determining a current “Good Business Practice” by the Seafood Café/El Reventon.

Recommendation: Informational

[Signatures] Appropriated/Funded [Signature] CM [Signature] Item No. 12
Jose Ortiz

From: Montgomery, Jason@ABC [Jason.Montgomery@abc.ca.gov]
Sent: Friday, January 07, 2011 4:38 PM
To: Jose Ortiz
Subject: #433294 1091 W. Olive Ave, Porterville - Sending mail server found on ips.backscatterer.org

Jose,

Per are telephone conversation today, the above premises has had no administrative actions for the year 2010 to present. Please see below relating to the premises disciplinary history.

Thank You

Jason Montgomery
Fresno ABC

California Department of Alcoholic Beverage Control

License Query System Summary
as of 1/6/2011

<table>
<thead>
<tr>
<th>License Information</th>
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<tr>
<td>License Number: 433294</td>
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<tr>
<td>Primary Owner: FARIAS, GRACIELA</td>
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<td>ABC Office of Application: 21 - FRESNO</td>
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<table>
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<th>Business Name</th>
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<table>
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<th>Business Address</th>
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<tr>
<td>Address: 1091 W OLIVE AVE</td>
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<tr>
<td>Census Tract: 0036.02</td>
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<tr>
<td>City: PORTERVILLE</td>
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<tr>
<td>County: TULARE</td>
</tr>
<tr>
<td>State: CA</td>
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<td>Zip Code: 93257</td>
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<table>
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<tr>
<th>Licensee Information</th>
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<tr>
<td>Licensee: FARIAS, GRACIELA</td>
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<table>
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<tr>
<th>License Types</th>
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<tbody>
<tr>
<td>1) License Type: 47 - ON-SALE GENERAL EATING PLACE</td>
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<table>
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<th>License Type Status: ACTIVE</th>
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<tr>
<td>Term: 12 Month(s)</td>
</tr>
<tr>
<td>Original Issue Date: 29-DEC-2005</td>
</tr>
<tr>
<td>Expiration Date: 30-NOV-2011</td>
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| Master: Y |
| Duplicate: 0 |
| Fee Code: P40 |
| Condition: OPERATING RESTRICTIONS |
| License Type was Transferred On: 29-DEC-2005 FROM: 47-411338 |

1/10/2011
<table>
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<tr>
<th>2) License Type: TEMPORARY PERMIT</th>
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<td>FROM: 47-411338</td>
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**Current Disciplinary Action**

**Reg. Number:**

**Disciplinary History**

**Reg. Number:** 08067830

1) Section: 24200 (c)

2) Section: 23396

3) Section: 23300, 23355

4) Section: 24200 (a&b)

5) Section: CC 51, 51.5, 51.6

**Proceeding Status:** CLOSED  
**Decision:** SUSPEND

**Suspension Days:** 15  
**Stayed Days:**  
**POIC/Fine:**

**Suspension Start Date:** 6/4/2008  
**Suspension End Date:** 6/19/2008

**Reg. Number:** 09072019

1) Section: HS 110545, 110560, 110620

2) Section: 24200(a&b)

3) Section: PC 347b

**Proceeding Status:** CLOSED  
**Decision:** POIC

**Suspension Days:** 5  
**Stayed Days:**  
**POIC/Fine:** 1500

**Suspension Start Date:**  
**Suspension End Date:**

**Hold Information**

... No Active Holds found ...

**Escrow**

... No Escrow found ...

---

The last violation in 2009 is not on the Internet record. ABC Rep. confirmed that there were no violations in 2010.

1/10/2011
THE ONLY PERMIT REQUESTED IN 2010.
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<th>A</th>
<th>Date</th>
<th>Time</th>
<th>Type</th>
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SUBJECT: Interim Support for the Hazardous Materials Response Team

SOURCE: City Manager

COMMENT: As the City Council is aware, the City of Visalia has been working with the County of Tulare and the other seven (7) incorporated cities over the past year to address the need for ongoing funding to sustain a local Hazardous Materials Response Team. The City of Visalia currently provides the Team, and until last year, had borne the full financial expense of operating the program. However, with the City of Visalia considering eliminating the Team without the support of the other local agencies in sharing in the Team’s expense, beginning in 2010 each of the local agencies agreed to share in the expense of the team by a percentage of the County population formula. With an estimated population of 52,056, the city of Porterville constitutes 11.79% of the Tulare County population (441,481), with 11.79% of the annual Team operating expense ($105,000) equating to $12,381 per year. The Council previously approved payment of $6,190 as its share of the Team’s expense for January – June 2010 (also adopting a Resolution of Support), and is now requested to approve the same payment of $6,190 as its share of the Team’s expense for July – December 2010. Similar to the previous expense, it is recommended that payment be made with Risk Management funds, as opposed to General and/or Measure H reserve funds.

Recently, the City of Tulare declined to continue to share in the expense of maintaining the Team ($13,915 based upon population estimate, or $6,957 for the past half-year), which is the only local agency to date to have declined to participate in supporting the Team. It is believed that should it not expect the support of the Visalia Team, the City of Tulare will be seeking to contract with either PARC Environmental of Fresno, or will contact the City of Fresno or City of Bakersfield Fire Departments for hazardous materials response. PARC Environmental will require a contract for services to respond to a hazardous materials incident (potentially less than requested by the City of Visalia), while the City of Bakersfield or Fresno Fire Departments will respond by Agreement, who will invoice the requesting agency for the cost of response, which the requesting agency could then seek reimbursement from the responsible party (if determined).
Several options have been discussed and investigated in support of maintaining the Visalia Team. First, and perhaps most logically, it was proposed to increase the Certified Unified Program Agency (CUPA) fees assessed by the County upon business entities and/or individuals for the keeping and inspection of hazardous materials. However, due do hazardous material response not having been contained in the CUPA program when it was established, CUPA fees cannot be increased to pay for such response, nor can the CUPA be modified to include hazardous material response. Second, and in lieu of a CUPA fee, it has been proposed to assess a County-wide fee upon the same business entities and/or individuals to pay for the Team. However, due to the fee needing to be assessed County-wide, the Board of Supervisors has not been enthusiastic about establishing and assessing a new fee. It has been suggested that, consistent with the California Fire Code, individual agencies could evaluate establishing its own fee within its jurisdiction to pay for its share of maintaining the Team. The City of Porterville Fire Department has reviewed the number of local entities within city limits that meet the hazardous materials response condition, and given eighty-three (83) local entities, each entities annual share to cover the City’s proposed annual contribution to maintain the team would be $150.

RECOMMENDATION: That the City Council consider continuing its interim support for the City of Visalia Hazardous Materials Response Team.

ATTACHMENT:
1. Cost Sharing Report
2. Porterville Entities with Hazardous Materials
<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Population %</th>
<th>Annual Cost Sharing Amount</th>
<th>6 month Cost Sharing Amount</th>
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<tr>
<td>Tulare County</td>
<td>145,123</td>
<td>33%</td>
<td>$34,515</td>
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<tr>
<td>Dinuba</td>
<td>21,237</td>
<td>5%</td>
<td>$5,051</td>
<td>$2,525</td>
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<tr>
<td>Exeter</td>
<td>10,665</td>
<td>2.42%</td>
<td>$2,537</td>
<td>$1,268</td>
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<tr>
<td>Farmersville</td>
<td>10,771</td>
<td>2.44%</td>
<td>$2,562</td>
<td>$1,281</td>
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<td>Lindsay</td>
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<td>$2,779</td>
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<td>11.79%</td>
<td>$12,381</td>
<td>$6,190</td>
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<td>$13,915</td>
<td>$6,957</td>
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<td>28%</td>
<td>$29,413</td>
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<td>Woodlake</td>
<td>7,769</td>
<td>1.76%</td>
<td>$1,848</td>
<td>$924</td>
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</table>

|                | 441,481    | 100%         | $105,000                   | $52,500                     |
Alex's Auto Repair & Smog
Alpine Autohaus
Andy's Shell Rapid Lube
AT&T California (2)
AT&T Mobility
Autozone (2)
Barnes Welding Supply
Beckman-Coulter Inc.
Beebe's Automotive
Booth Ranch
Brake & Wheel Service
C & L Lube Center
CalTrans
Cell Sites (2)
Charter Communications
Chiapa Welding
City of Porterville Corporation Yard
City of Porterville Wastewater Treatment Facility
County of Tulare Road Yard
CVS Pharmacy (3)
Dale's Muffler
Faggart Buick/Pontiac/GMC
Farmers Tractor
Foster Farms
Golden Eagle Olive
Greg's Express Oil Change
Gutting's Foreign Auto
Hobson Automotive
Home Depot
HydroKleen Systems
Jack Griggs (Bulk Plant)
Kragen Auto Parts
Lalanne's Inc.
Larson's Muffler Shop
Lens Electro Tune
Les Pipe & Steel
Melvin's Tire & Auto
Merle Stone Chevrolet
Pacific Pulmonary Services
Parks Texaco (Bulk Plant)
Porterville Chrysler/Jeep/Dodge
Porterville College
Porterville Concrete Pipe
Porterville Developmental Center
Porterville Ford
Porterville Recorder
Porterville Sheltered Workshop
Porterville Unified School District
Pro Document Solutions
Quality Cleaners
Roscoe's Discount Tire
Royalty Carpet Mills
San Antonio Orchard Co.
Southern California Edison (Substation)
Sherwin Williams
Sierra View District Hospital
Silvas Oil Co.
Student Transportation of America
Suburban Propane
T Post Manufacturing
Target
Tony's Radiator Service
TSC Transmission Center
U.S. Forest Service Air Tanker Base
U.S. Forest Service Work Center
Valley Motors
Verizon Wireless (4)
VPPS Porterville Plant & Cardlock
Wallace Towing
Walmart
Walmart Distribution
RESOLUTION NO. 51-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE URGING TULARE COUNTY TO CONTINUE SUPPORT OF THE CITY OF VISALIA'S HAZARDOUS MATERIAL RESPONSE TEAM

WHEREAS, the City of Porterville, along with other local municipalities and the County of Tulare, contract with the City of Visalia for on-call utilization of its Hazardous Material Response Team ("VHMR"); and

WHEREAS, the City of Visalia receives grant funds to supplement the program's funding, however due to budgetary constraints and the excessive costs associated with maintaining federally-mandated training and minimum staffing levels, the City of Visalia is experiencing significant funding deficiencies; and

WHEREAS, in November 2009, the participating agencies subsidized half of the annual operating cost of the VHMR with the understanding that alternative funding would be sought; and

WHEREAS, there is interest in pursuing a funding option through the Certified Unified Program Agency ("CUPA") in which fees could be increased to adequately fund the VHMR's operating costs; and

WHEREAS, it is imperative that the participating agencies continue their support of Visalia's Hazardous Material Response Team in order to cost effectively maintain hazardous material response within Tulare County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Council herein urges the Tulare County Board of Supervisors to continue its participation in and support of Visalia's Hazardous Material Response Team and to actively pursue funding alternatives through the CUPA.

PASSED, APPROVED AND ADOPTED this_______day of May, 2010.

Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By
Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 4th day of May, 2010.

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

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<th>Council:</th>
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<th>Irish</th>
<th>F. Martinez</th>
<th>Ward</th>
<th>Hamilton</th>
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<td>X</td>
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<tr>
<td>NOES:</td>
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<td>ABSTAIN:</td>
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<tr>
<td>ABSENT:</td>
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</tbody>
</table>

JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ROTATING COLLECTION FOR SUMMIT CHARTER ACADEMY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library Board of Trustees at their December 14, 2010 meeting, discussed the opportunity to extend Children's Spanish Materials to the Burton School District Summit Charter Academy.

The arrangement would benefit the educational needs of the dual immersion students grades K – 6. Staff has a preliminary outline of how the arrangement would be implemented:

1. Staff would select a manageable size of fiction and non-fiction materials not to exceed 200 titles.
2. Staff would initiate a records management mechanism to account for the titles that will be temporarily housed at the Summit Charter Academy Library.
3. A rotating collection would be established on a quarterly basis allowing resource sharing in one school year to be 400 titles.
4. All students of the Summit Charter Academy would need to register for a City Library card.
5. Staff will utilize software for offsite records management for the purpose of gathering circulation statistics and accountability of materials by borrowers.
6. The Burton School District would make arrangements for transportation of materials to and from the Porterville City Library.

The Library Board of Trustees took action to pursue the opportunity for implementation of this unique early literacy resource sharing arrangement that supports an academic need for Summit Charter Academy's dual immersion program.

The cost of staff time to prepare records of the materials going out and coming in from offsite location, data entry of library card applications, records management system setup, and other technical equipment setup offsite is estimated to be $805 in the beginning. Thereafter, the annual cost is estimated to be $140.

RECOMMENDATION: That Council direct staff to create a Memorandum of Understanding between the City and Burton School District.

ATTACHMENTS: 1) Memorandum from the Library Board of Trustees
2) Letter from Principal Ruffa, SCA

DIRECTOR  Appropriated/Funded  CITY MANAGER  ITEM NO.: 18
MEMORANDUM

TO: Mayor Irish  
Vice Mayor Hamilton  
Council Member McCracken  
Council Member Ward  
Council Member Shelton

FROM: Ellen Nichols, Chairperson Library Board of Trustees

DATE: January 11, 2011

SUBJECT: Rotating Collection of Children’s Spanish Materials

The Library Board of Trustees at our Tuesday, December 14, 2010 meeting reviewed and took action to support the sharing of City resources of library materials and the staff time to prepare a rotating collection of Children’s Spanish Materials.

The Library Board of Trustees is supportive of staff efforts to enhance community outreach and the arrangement with the Burton School District to extend City material resources to the Summit Charter Academy’s dual immersion program. In addition, the Library Board of Trustees would like to acknowledge that this potential arrangement is on target with the Mission and Vision of the Library.
January 11, 2011

Dear Mayor Irish, Vice Mayor Hamilton, Council Member MCCracken, Council Member Ward, and Council Member Shelton,

I would like to thank you for considering the opportunity for Summit Charter Academy and the Porterville City Library to work together to share resources in order to enhance the offerings of Spanish materials to our Dual Immersion students. We are excited about the possibility of housing some of the city libraries Children’s Spanish Materials here at Summit. This will give our students the advantage of having additional Spanish literature at their disposal.

Thank you,

Cheyenne Ruffa
COUNCIL AGENDA: January 18, 2011

SUBJECT: PTMISEA BOND PROGRAM CERTIFICATION

SOURCE: Administration (Transit)

COMMENT: On January 10, 2011, the City received notification from the representative for the Public Transportation Modernization, Improvements, and Service Enhancement Account (PTMISEA) Bond Program announcing that new regulations will now require all recipients of State bond funds to complete a one-time Certifications and Assurances document prior to receiving an allocation of Fiscal Year 10/11 funds or later. The Certifications and Assurances document contains general conditions of the PTMISEA program, already stated in the guidelines, as well as some additional Cost Principles and Record Retention requirements that are standard for other State funded projects.

Transit has utilized these funds in the past for the completion of the Bus Maintenance Facility Project, which was the companion project to the CNG Fueling Station, and also towards the purchase of one CNG transit bus. Currently, we have a pending application for the purchase of one additional trolley for special events and transit-related appurtenances such as bus sleeves to be attached to all bus stops indicating specific route information.

Additionally, a Board (City Council) Resolution needs to accompany the Certifications and Assurances document prior to February 15, 2011.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute the Certifications and Assurances document on behalf of the City of Porterville; and
2. Further authorize the Mayor to execute the Resolution to be submitted with the Certifications and Assurances document to the requesting agency.

ATTACHMENTS:

1. Certifications and Assurances; and
2. Resolution approving the Certifications and Assurances.

DD [Signature] Appropriated/Funded [Signature] CM [Signature]

Item No. 15
Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program

Certifications and Assurances

Project Sponsor: CITY OF PORTERVILLE
Effective Date of this Document: January 18, 2011

The California Department of Transportation (Department) has adopted the following certifications and assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) bond program. As a condition of the receipt of PTMISEA bond funds, project sponsors must comply with these terms and conditions.

A. General

(1) The project sponsor agrees to abide by the current PTMISEA Guidelines.

(2) The project sponsor must submit to the Department a PTMISEA Program Expenditure Plan, listing all projects to be funded for the life of the bond, including the amount for each project and the year in which the funds will be requested.

(3) The project sponsor must submit to the Department a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

(1) The project sponsor certifies that required environmental documentation is complete before requesting an allocation of PTMISEA funds. The project sponsor assures that projects approved for PTMISEA funding comply with Public Resources Code § 21100 and § 21150.

(2) The project sponsor certifies that PTMISEA funds will be used only for the transit capital project and that the project will be completed and remains in operation for its useful life.

(3) The project sponsor certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
(4) The project sponsor certifies that they will notify the Department of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.

(5) The project sponsor must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.

(6) Any interest the project sponsor earns on PTMISEA funds must be used only on approved PTMISEA projects.

(7) The project sponsor must notify the Department of any changes to the approved project with a Corrective Action Plan (CAP).

(8) Under extraordinary circumstances, a project sponsor may terminate a project prior to completion. In the event the Project Sponsor terminates a project prior to completion, the Project Sponsor must (1) contact the Department in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

(9) Funds must be encumbered and liquidated within the time allowed in the applicable budget act.

C. Reporting

(1) Per Government Code § 8879.55, the project sponsor must submit the following PTMISEA reports:

   a. Semi-Annual Progress Reports by February 15th and August 15th each year.

   b. A Final Report within six months of project completion.

   c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of PTMISEA bond funds. A copy of the audit report must be submitted to the Department within six months of the close of the year (December 31) each year in which PTMISEA funds have been received or expended.

D. Cost Principles

(2) The project sponsor agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and (b) those parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PTMISEA funds as a contractor or sub-contractor shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

(3) Any project cost for which the project sponsor has received payment that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by the project sponsor to the State of California (State). Should the project sponsor fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the project sponsor from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

(1) The project sponsor agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the project sponsor, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the project sponsor, its contractors and subcontractors connected with PTMISEA funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the project sponsor, its contractors, and subcontractors upon request of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Project Sponsor pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the project sponsor’s external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.

(2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with
the performance of the project sponsor’s contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the project sponsor shall furnish copies thereof if requested.

(3) The project sponsor, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

(1) A project sponsor may lend its unused funds from one year to another project sponsor for an eligible project, for maximum fund use each fiscal year (July 1 – June 30). The project sponsor shall collect no interest on this loan.

(2) Once funds have been appropriated in the budget act, a project sponsor may begin a project with its own funds before receiving an allocation of bond funds, but does so at its own risk.

(3) The Department may perform an audit and/or request detailed project information of the project sponsor’s PTMISEA funded projects at the Department’s discretion at any time prior to the completion of the PTMISEA program.

I certify all of these conditions will be met.

CITY OF PORTERVILLE

By: ____________________________

Ronald L. Irish, Mayor
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES
FOR THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT,
AND SERVICE ENHANCEMENT ACCOUNT BOND PROGRAM

WHEREAS: The City of Porterville is an eligible project sponsor and may receive state funding from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) now or sometime in the future for transit projects; and

WHEREAS: The statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS: Senate Bill 88 (2007) named the Department of Transportation (Department) as the administrative agency for the PTMISEA; and

WHEREAS: The Department has developed guidelines for the purpose of administering and distributing PTMISEA funds to eligible project sponsors (local agencies); and

WHEREAS: The City of Porterville wishes to delegate authorization to execute these documents and any amendments thereto to the Mayor of the City of Porterville;

NOW, THEREFORE, BE IT RESOLVED: By the City Council of the City of Porterville that the fund recipient agrees to comply with all conditions and requirements set forth in the Certifications and Assurances document and applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

NOW, THEREFORE, BE IT FURTHER RESOLVED: By the City Council of the City of Porterville that the Mayor be authorized to execute all required documents of the PTMISEA program and any Amendments thereto with the California Department of Transportation.

____________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ________________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA – JANUARY 18, 2011

SUBJECT: COUNCIL DIRECTION REGARDING INITIAL COMPOSITION OF ARTS COMMISSION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On October 19, 2010, the City Council adopted Ordinance 1767 which established an Arts Commission to be comprised of up to 11 members. The Ordinance provides that no less than three and no more than seven of the members shall be directly appointed by the City Council and the remaining four members shall be recommended for appointment by the Commissioners through subcommittees, representing four areas of the arts: 1) theatrical/performing; 2) visual/graphic; 3) music; and 4) youth. The Council will have the authority in making the final appointments.

Staff proposes that the Council consider the initial appointment of three members, which would provide for an initial full Commission of seven seats. Should the Council subsequently wish to increase that amount up to 11 total seats, it may do so at any time. Upon direction from the Council with regard to the initial number of seats, staff is prepared to issue a press release regarding the formation, composition and duties of the Arts Commission and solicit applications from individuals interested in serving thereon. Applications would be presented to the Council for consideration at the City Council Meeting of February 15th.

RECOMMENDATION: That the City Council direct staff to issue a press release regarding the Arts Commission, and solicit applications to fill three initial seats.

ATTACHMENT: Ordinance No. 1767
ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING CHAPTER 5A, ARTICLE I, SECTIONS 5A-1 THROUGH 5A-8 TO
THE PORTERVILLE MUNICIPAL CODE REGARDING
THE FORMATION OF AN ARTS COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. Code Amendment. Chapter 5A, Article I, Sections 5A-1 through 5A-8
is hereby added to the Porterville Municipal Code, to read as follows:

CHAPTER 5A
ARTICLE I

Section 5A-1 Established.
An Arts Commission is established in and for the City of Porterville. The Arts
Commission shall serve in an advisory capacity to the City Council.

Section 5A-2 Composition.
The Arts Commission shall consist of up to 11 members. No less than three (3) and no
more than (7) seats shall be considered “open” seats to be appointed by the City Council
at its complete discretion. The appointees for the remaining four (4) seats shall be
recommended by the initially appointed members of the “open” seats, via subcommittees
representing four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music;
and 4) youth, with final approval by the City Council.

Section 5A-3 Compensation.
Members of the Arts Commission shall serve without compensation.

Section 5A-4 Term of Office/Removal.
The term of the “open” seats shall be three (3) years with terms staggered to prevent
concurrent expiration of terms. No member appointed to an “open” seat may serve more
than two (2) consecutive terms.

The term of the seats appointed via subcommittee recommendation shall be one (1) year.
Those appointed via the subcommittees shall have no term limits.

All Commission members shall serve at the pleasure of the City Council and may be
removed by a majority vote of the City Council at any time and for any reason.
Section 5A-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

Section 5A-6 Meetings and Records.

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least one time per year. Members are expected to have 75% attendance based on the Commission’s regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

Section 5A-7 Quorum.

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

Section 5A-8 General Powers and Duties of Commission.

The Arts Commission shall:

A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall
have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this 19th day of October, 2010.

Cameron Hamilton, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1767, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19th day of October, 2010, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective November 18, 2010, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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<th>Martinez</th>
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<tr>
<td>NOES:</td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
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</tr>
<tr>
<td>ABSENT:</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: January 18, 2011

SUBJECT: Review of Local Emergency Status

SOURCE: Administration

COMMENT: In accordance with the City Council’s Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8690 of the California Emergency Services Act, the Council must review the status of its local emergency no more than every 21 calendar days.

During the Council’s last review at its Adjourned Meeting on Wednesday, January 5, 2011, it was verbally reported by staff that both Federal and State representatives personally reviewed earlier that day the public property areas of the community estimated by staff to have sustained the greatest amount of damage, which included Zalud Park, the OHV Park, and Henderson Avenue (west of Newcomb Street). The Federal and State representatives did not conduct a review of private property damage, as the cumulative estimated value of damage has not yet exceeded $1.3 million County-wide, which is required for Federal and/or State review. Given the preliminary Federal and State representative review, it is staff’s understanding that its estimates of public property damage has been accepted, although official communication in this regard has not yet been received.

RECOMMENDATION: None – Information Only

ATTACHMENT: None
PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN UP-GRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE MORTON EXPRESS MARKET LOCATED AT 90 W. MORTON AVENUE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 6-2010 to allow for an up-grade of an off-sale type 20 license to an off-sale type 21 license for the Morton Express Market located at 90 W. Morton Avenue.

BACKGROUND: On November 13, 1972, the Porterville Planning Commission approved Resolution 519 containing findings of support for Conditional Use Permit 8-72 to expand retail sales on the property to include a type 20 beer and wine license. On October 27, 2010, the applicant submitted an application to the Project Review Committee (PRC) to consider a Modification to Conditional Use Permit No. 8-72 to allow for an up-grade in licenses.

The applicant was informed that a Modification to Conditional Use Permit 8-72 would be required based on the provisions of the City’s Development Ordinance. The Department of Alcoholic Beverage Control Board (ABC), has indicated that five (5) off-sale licenses are allowed and eight (8) currently exist in Census Tract 38.02, where the project site is located. If approved, this would be the fourth Type 21 license for this census tract. On December 8, 2010, the applicant submitted the Modification to the CUP Application.

ANALYSIS: Allowing beer, wine and distilled spirits to be sold with other merchandise would be a viable economic asset to the community and will contribute tax revenues to the local economy. It is not anticipated that this use would have a negative impact on the surrounding properties. Conditions of approval are in place to protect the public safety and interest. Due to the proximity of sensitive uses (schools, public buildings etc.) no alcohol advertising shall be displayed on the exterior of the building or that could be visible from the public street.

DD  [Signature] APPROPRIATED/FUNDED [Signature] CM [Signature] ITEM NO. 18
RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 6-2010 subject to conditions of approval.

ATTACHMENTS:

1. 300' Radius/Locator Map
2. Floor Plan
3. Existing licenses in Census Tract 38.02
4. Resolution 519
5. Draft Resolution
Locator / 300' Radius Map

Legend
- Parcels
- Project Site
- Radius
- Property Owners Notified

Attachment 1
<table>
<thead>
<tr>
<th>License Number</th>
<th>Status</th>
<th>License Type</th>
<th>Orig. Iss. Date</th>
<th>Expir Date</th>
<th>Primary Owner and Premises Addr.</th>
<th>Business Name</th>
<th>Mailing Address</th>
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<td>PO BOX 4278 MODESTO, CA 95352-4278</td>
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<td>2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930</td>
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<td>ACTIVE</td>
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<td>9/18/2007</td>
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<td>KAID, MUSSA M 284 W OLIVE AVE PORTERVILLE, CA 93257-3447</td>
<td>BRS FOOD</td>
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http://www.abc.ca.gov/datport/AHCountyRep.asp
| 7) 472959 | ACTIVE | 20 | 12/2/2008 | 11/30/2011 | ALGUMAI, ADEL M 391 W BELLEVUE AVE PORTERVILLE, CA 93257-2174 | FAMILY STORE | 5404 |
| 8) 484390 | ACTIVE | 20 | 12/22/2009 | 11/30/2011 | ELIZONDO, JOSE FRANCISCO JR 244 N D ST PORTERVILLE, CA 93257-3623 | D STREET CHEVRON | 5404 |

--- End of Report ---

For a definition of codes, view our glossary.
Active Alcohol Licenses
City of Porterville

- Type 21 (Off-Sale)
- Type 42 (On-Sale)
- Type 20 (Off-Sale)
- Type 47 (On-Sale)
- Type 40 (On-Sale)
- Type 48 (On-Sale)
- Type 41 (On-Sale)
- Type 50
RESOLUTION NO. 519
CONDITIONAL USE PERMIT NO. 8-72

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF PORTERVILLE CONTAINING FINDINGS
IN SUPPORT OF THE APPROVAL FOR EXPANSION OF
ACCESSORY RTA1I, SALES USE TO INCLUDE CANNED
AND BOTTLED BEER IN CONJUNCTION WITH PRIMARY
AUTOMOBILE SERVICE STATION USE.

WHEREAS: The Porterville Planning Commission at their regularly
scheduled meeting of November 13, 1972, held a public hearing to
consider a conditional use permit application to expand accessory
retail sales to include canned and bottled beer in conjunction with
the primary automobile service station use at the northwest corner
of Morton Avenue and Sunnyside Street, and

WHEREAS: The Planning Commission received testimony from all
interested parties relative to the requested use, and

WHEREAS: The Planning Commission determined that the proposal does
not involve considerations for structural improvements, relocations,
or a building permit, but merely involves expanding an existing
accessory retail sales use, and

WHEREAS: The Planning Commission believes that the existing and pro-
posed uses could be brought into conformance with the existing zoning,
current development standards, and the General Plan, by the imposition
of properly structured conditions of approval.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Com-
mission does hereby approve Conditional Use Permit Application No. 8-72,
subject to the following conditions:

1. That a minimum of four (4) off-street parking spaces be
striped and permanently maintained and that the location of these spaces be approved by the Planning Department prior to commencing the proposed retail sale of canned and bottled beer. (As the location of required parking spaces could encroach into several approach lanes to the service station and create unsafe circulation patterns, it is important that their location be carefully controlled.)

2. That the sale and storage of merchandise, with the exception of petroleum products and automobile accessories, be contained within an enclosed building.

3. That because the proposed use could increase customer patronage at a heavily congested intersection adjoining an arterial street, that all portable panel signs capable of obstructing the view of oncoming traffic, thereby creating site-distance hazards, be prohibited at all locations on the subject property.

4. That any increase in area proposed for identification signs must first be approved by the Planning Commission prior to erection, or alteration.

MOVED by Commissioner Roberts, seconded by Commissioner Rankin, and carried by roll call vote.

DATED: November 13, 1972

ATTEST: 

Charles McLaughlin, Chairman
Porterville Planning Commission
RESOLUTION NO. ___-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 6-2010 TO ALLOW FOR AN UP-GRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE MORTON EXPRESS MARKET LOCATED AT 90 W. MORTON AVENUE

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of November 13, 1972, approved Conditional Use Permit 8-72; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of January 18, 2011, conducted a public hearing to consider Conditional Use Permit 6-2010, to allow for an up-grade of an off-sale type 20 (beer and wine) license to an off-sale type 21 (beer, wine and distilled spirits) license for the Morton Express Market located at 90 W. Morton Avenue; and

WHEREAS: A Modification to Conditional Use Permit 8-72 was required pursuant to the City of Porterville Development Ordinance; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to the requested up-grade; and

WHEREAS: The City Council made the following findings:

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

2. That the location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

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

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 6-2010 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves area expansion.

2. That the applicant shall maintain the security lighting on the exterior of the building to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
3. That at all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted building codes and all other applicable laws and ordinances.

4. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.12 of the Porterville Development Ordinance.

5. The conditional use permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.

6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

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

8. The developer/applicant shall keep the distilled spirits in a secure place with access only available to the employees as shown in Attachment 2.

9. The developer/applicant shall install a six inch wide and six inch high concrete curb along the western and northern edge of the parking facility pavement where the improved area abuts an unimproved area. Where a parking facility abuts an area planned for future phased development a timber barrier or other barrier not less than six inches high may be installed instead of a curb.

10. That no alcoholic beverages advertising shall be displayed on the exterior or within the interior windows of the existing building.

11. That the conditional use permit shall be become null and void if not under taken actively and continuously pursued within two (2) year.

_________________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By

Luisa Herrera, Deputy City Clerk
SUBJECT: Heritage Community Center “Wall of Fame” Nominations

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Traditionally, during this time of the year, the City Council considers nominations for “Wall of Fame” honorees. No nominations were filed with the City Clerk’s Office during calendar year 2010. The nominations procedure specifies that the Wall of Fame is for posthumous honors. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame, and name plate for placement on the wall. Current honorees approved by the City Council that are on display at Heritage Community Center, include Frank “Buck” Shaffer, Carmen Martinez-Eoff, Edward B. “Ted” Cornell, Jim Maples and Roy Rockholt

RECOMMENDATION: Extend the time period for the City Council to submit nominations and reschedule consideration for the first regular meeting of February 2011 if any nominations are received.

ATTACHMENT: 1. Wall of Fame Nomination Forms (2).
2. Policy and procedure for submitting nominations.
HERITAGE COMMUNITY CENTER "WALL OF FAME" PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait and bronze engraved name plate of common and similar style to the “Mayor’s Wall of Honor” within City Hall.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for a period of five (5) years, at which time the portrait will be returned to the sponsoring contact person. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.
HERITAGE COMMUNITY CENTER "WALL OF FAME"
NOMINATION/PLACEMENT REQUEST

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City’s Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: __________________________________________

Description of Nominee’s Community Involvement/Service Activities:
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Sponsor’s Name(s): __________________________________________

Telephone: __________________________

Address: __________________________________________________

City/State/Zip: ____________________________________________

Relationship to Nominee: __________________________________

Nomination Submitted by: ________________________________

_________________________  ____________________________
Mayor/City Council Member Signature                     Date
HERITAGE COMMUNITY CENTER “WALL OF FAME”
Nomination/Placement Request

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City’s Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: ________________________________

Description of Nominee’s Community Involvement/Service Activities:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Sponsor’s Name(s): ________________________________

Telephone: ________________________________

Address: ________________________________

City/State/Zip: ________________________________

Relationship to Nominee: ________________________________

Nomination Submitted by: ________________________________

Mayor/City Council Member Signature ________________________________ Date ________________________________
SUBJECT: CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT “MEASURE H” COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Due to Chairman Dick Eckhoff’s recent business relocation which disqualified him from service on the Committee, and Vice-Chairman Augie Gonzalez’s January 3, 2011 resignation due to a conflict of interest, there are currently two vacancies on the Transactions and Use Tax Oversight Committee. Both vacant seats have terms that expire in May, 2014.

Pursuant to Council’s direction at its December 7th meeting, staff has published notice and solicited applications from individuals interested in serving on the Committee. As of the time of Agenda compilation and distribution, staff has received one Request for Appointment, as follows:

- Mr. John Simonich

Further, several applications remain on file. For Council’s consideration, Staff has also included the applications from these individuals who have confirmed their continued interest in serving on the Committee. These individuals are:

- Mr. Case Lok
- Mr. Michael MacDonald
- Ms. Amy Pitigliano

All Requests for Appointment received after Agenda distribution will be provided to the Council and made available to the public prior to the City Council Meeting.

RECOMMENDATION: That the City Council appoint two individuals to serve as members on the Transactions and Use Tax Oversight Committee to fill the unexpired terms of Dick Eckhoff and Augie Gonzalez.

ATTACHMENTS: 1. Resignation Letter from Augie Gonzalez
2. Requests for Appointment

Item No. 20
Mr. John Lollis  
City Manager  
Letter Of Resignation  

Mr. Lollis effective this day January 3, 2011 I officially start my assignment with the Porterville Police Department as Animal Control Supervisor.

I'd like to take this opportunity to thank you for my appointment to the Measure H Oversight Committee. Regretfully I submit this letter as my resignation due to conflict of interest with my new position.

Respectfully,  

Agustin "Augie" Gonzalez
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks:

Name: JOHN A SIMONICH
(Please Print)

Appointment to: TUCO
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1986 W. ORANGE
PORTERVILLE

Mailing Address: 1986 W. ORANGE
PORTERVILLE

Name of Business: N/A

☐ Own ☐ Operate

Business Address: N/A

Telephone: Home 559-784-9676
Work
FAX
E-mail Jsimonich@ao1.com

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: While working for the Red Cross, while supervising, I had to maintain workload. To cut down overtime, did audits. I am on the board of directors for Porterville Breakfast Lions. Now that I am retired, I have to learn to budget the income I receive. I ran for City Council this past election. I still feel I can do something for our community by being on this board.

☐ Resume attached
☐ Letter of request attached

Submitted By: [Signature] Dec. 30, 2010

Date

Received by:

Forwarded to: City Clerk ☐ Date: 
City Council ☑ Date: 1/10/11
City Manager ☑ Date: 1/10/11
Applicable Dept. ☐ Date: 

Tentative Council Mtg Date: 1/18/11
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: CASE LOK
(Please Print)

Appointment to: MEASURE H
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1150 GREENFIELD
Porterville CA 93257

Mailing Address:

Name of Business: Retired

☐ Own ☐ Operate

Business Address:

Telephone: Home 784-5365
Work
FAX
E-mail easeandkim@globalnet

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications:

Record on file

[Blank lines]

☐ Resume attached

☐ Letter of request attached

Submitted By: [Signature] 8/5/10

Received by: ________________________________

Forwarded to: City Clerk  ☐ Date: ________________________________

City Council    ☐ Date: ________________________________

City Manager    ☐ Date: ________________________________

Applicable Dept.  ☐ Date: ________________________________

Tentative Council Mtg Date: ________________________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks:

Name: Michael L. MacDonald
(Please Print)

Appointment to: Measure H Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 16634 Wardlaw Dr.
Springville, CA 93265

Mailing Address:

Name of Business: Citizens Business Bank
☐ Own ☒ Operate

Business Address: 334 N. Main St.
Porterville, CA 93257

Telephone: Home 559-539-2901
Work 559-781-2500
FAX 559-781-0652
E-mail: mmacdonald@cbbank.com

City of Porterville resident:
☐ Yes ☒ No

Registered Voter:
☐ Yes ☒ No
Qualifications: I have over forty years of business and financial services industry experience. I served on the "Yes on H" Committee so I am familiar with the intent of the measure. I believe I will bring a business and common sense approach to the committee.

☐ Resume attached
☐ Letter of request attached

Submitted By: ___________________________ April 21, 2010
Date

Received by:

Forwarded to: City Clerk ☐ Date:__________________________

☐ Date:__________________________

City Council

☐ Date:__________________________

City Manager

☐ Date:__________________________

Applicable Dept. ☐ Date:__________________________

Tentative Council Mtg Date:__________________________

Page 2 of 2

P:\public\Admin Services\Appointee_Form.wpd
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name:Amy D. Pitigliano
(Please Print)

Appointment to: Measure H - Citizens' Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 157 S. Chess Terrace St.
Porterville CA 93257

Mailing Address: Same

Name of Business: N/A

☐ Own ☐ Operate

Business Address: N/A

Telephone: Home (661) 900-5838
Work (559) 784-0800
FAX N/A
E-mail screanemimi@yahoo.com

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: Graduated Monache H.S. in 1988, joined the U.S. Navy (1988-1997). Lived & worked on both coasts, until I transferred with my job to Bakersfield (2000-2008). I returned to Porterville 2 years ago, where I live and now work at Beckman Coulter. My son is a senior at PHS; I am a single mom. I enjoy speaking up for things that are important to me, even when others find that difficult. I am a stickler for attention to detail, and doing the right thing. I am looking for ways to expand my community involvement. Thank you for your consideration.

☐ Resume attached
☐ Letter of request attached

Submitted By: ___________________________ 8/13/2010  
Amy Pitigliano

Received by: ____________________________

Forwarded to: City Clerk  □ Date: ____________________________
                City Council  □ Date: ____________________________
                City Manager  □ Date: ____________________________
                Applicable Dept. □ Date: ____________________________

Tentative Council Mtg Date: ____________________________
SUBJECT: CONSIDERATION OF APPOINTMENTS TO THE LIBRARY AND LITERACY COMMISSION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On November 16, 2010, the City Council adopted Ordinance 1768 which renamed the “Library Board of Trustees” the “Library and Literacy Commission,” redefined its duties, and expanded the Commission from five members to seven. Staff has published notice and solicited applications from individuals interested in serving on the newly expanded Commission. As of the time of Agenda compilation and distribution, staff has received Requests for Appointment from the following individuals:

- Ms. Mary S. Leavitt
- Mr. Khris Saleh

Further, one application remains on file, and staff has confirmed his continued interest in serving on the Commission:

- Mr. Shannon Scott Ames

All Requests for Appointment received after Agenda distribution will be provided to the Council and made available to the public prior to the City Council Meeting.

Ordinance 1768 further amended the basis on which the Commissioners’ terms rotate, which is on a 4-3 basis. All current members’ terms expire in either October 2012 or October 2013, with the exception of Commissioner Moreno whose term expires in October 2011. To comply with the required 4-3 rotational basis for appointments, staff recommends that Commissioner Moreno’s term be extended one year to expire October 2012.

RECOMMENDATION: That the City Council:

1. Appoint one individual to serve as a member on the Library and Literacy Commission for a term expiring in October 2012;
2. Appoint one individual to serve as a member on the Library and Literacy Commission for a term expiring in October 2013; and
3. Extend the term of Commission Joe Moreno for one additional year to expire in October 2012.

ATTACHMENTS: 1. Ordinance No. 1768
               2. Requests for Appointment
ORDINANCE NO. 1768

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 14, ARTICLE II, LIBRARY BOARD OF TRUSTEES, OF THE PORTERVILLE MUNICIPAL CODE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

A. That Article II of Chapter 14, Library Board of Trustees, of the Porterville Municipal Code is hereby amended as follows:

CHAPTER 14, ARTICLE II, LIBRARY AND LITERACY COMMISSION.

SECTION 14-3: DUTY TO MANAGE LIBRARY; COMPOSITION; APPOINTMENT:
There is hereby created a Library and Literacy Commission consisting of seven (7) members, who shall be residents of the city of Porterville. The Commission shall serve in an advisory capacity to the City Council. Said Commissioners shall be appointed by the Mayor with the consent of a majority of the City Council.

SECTION 14-4: VACANCIES:
Vacancies on the Library and Literacy Commission shall be filled by appointment for the unexpired term in the same manner as the original appointments are made. All appointments shall be made for a three (3) year period on a rotating 4-3 basis and shall conform to Chapter 11 of the Government Code (Sections 54970 and 54975).

SECTION 14-5: APPOINTMENT OF CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY:
The Library and Literacy Commission shall appoint one of its members Chairperson, one of them Vice Chairperson, and one Secretary.

SECTION 14-6: TERM OF OFFICERS:
The Officers thus appointed shall serve for one year, until their successors in office have been elected and appointment by the Library and Literacy Commission.

SECTION 14-7: MEETINGS:
The Library and Literacy Commission shall prescribe the time and place of its meetings and shall meet not less frequently than once each month; provided, however, that no meetings need be held during the months of June, July and August. All meetings shall conform to Section 54950 et seq., of the State Government Code, also commonly known as "The Brown Act."
SECTION 14-8: SPECIAL MEETINGS; QUORUM; RECORDS:
Special Meetings of the Library and Literacy Commission may be called at any time by
the Chairperson or by four (4) of the Commissioners, by written notice mailed or
personally delivered to each member, and to each local newspaper of general circulation,
radio or television station requesting notice in writing, at least twenty-four (24) hours
before the time specified for the proposed meeting as specified in the California
Government Code Section 54950 et seq.; a majority of the Commission shall constitute a
quorum for the transaction of business and the Commission shall cause a proper record of
all its proceedings to be kept and maintained.

SECTION 14-9: POWERS AND DUTIES GENERALLY:
A. Shall recommend library policy to the City Council for adoption.
B. Shall define the objectives and goals of the Library.
C. Shall advise the City Council and staff on the management and control of the
   library and literacy services.
D. May establish all reasonable rules and regulations necessary for the day-to-day
   operation of the Library.
E. Shall give due attention and study to library and literacy services.
F. Shall interpret and advocate library and literacy services to the community.
G. Shall take initiative to reach out to city entities and other advisory commissions in
   planning for future community library and literacy services and facility needs.
H. Shall serve as the sounding board on which staff may test their plans and ideas.
I. Shall define "literacy" for the purpose of Measure H.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days
   from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 16th day of November, 2010.

Ronal L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1768, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 16th day of November, 2010, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective December 16, 2010, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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<thead>
<tr>
<th>COUNCIL:</th>
<th>McCracken</th>
<th>Hamilton</th>
<th>Irish</th>
<th>Shelton</th>
<th>Ward</th>
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<td>AYES:</td>
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<td>ABSENT:</td>
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</tbody>
</table>

JOHN D. LOLLIS, City Clerk.

By: Patrice Hildreth, Chief Deputy City Clerk
Parks and Leisure Services  
City of Porterville  
291 North Main  
Porterville, CA 93257

January 7, 2011

Re: Library and Literacy Commission

Attached is a completed City of Porterville Request for Appointment form for a position on the Library and Literacy Committee. I have been an active patron of the City’s library for many years, and an advocate for its services. Most recently this advocacy included membership and participation in the Library Facility Planning Committee.

I have read Ordinance No. 1768 amending Chapter 14, Article II the Library Board of Trustees to be the Library and Literacy Commission, I understand and support the duties and responsibilities of the Commission as outlined in the Ordinance.

My resume which is attached to this application outlines my experience, community commitment, and qualifications for this position.

Thank you for your consideration.

Sincerely,

Mary S. Leavitt  
P.O. Box 1742  
Porterville, CA 93258  
559-784-2783  
marysl@ocsnet.net
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Mary S. Leavitt

Appointment to: Library and Literacy Commission

☐ Reappointment; or if NEW, please provide:

Street Address: 457 East Oak Ave.
Porterville, CA 93257

Mailing Address: P.O. Box 1742
Porterville, CA 93258

Name of Business: B.B.D. + W. Enterprises

☐ Own  ☐ Operate

Business Address: Same as above

Telephone: Home 559-784-2783
Work 559-930-0389 (CELL)
FAX 559-781-7331
E-mail MarySL088@comcast.net

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

☑ Yes
☐ No
Qualifications:

SEE ATTACHED RESUME

Resume attached
Letter of request attached

Submitted By: [Signature] January 7, 2011

Received by:

Forwarded to: City Clerk □ Date: 
City Council □ Date: 1/10/11
City Manager □ Date: 1/10/11
Applicable Dept. □ Date: 

Tentative Council Mtg Date: 1/18/11
Mary Symonds Leavitt

Education:
Hinsdale Township High School, Hinsdale, Illinois
Colby College, Waterville, Maine   B.A. Philosophy
Tufts University, Boston School of Occupational Therapy Certificate Program

Professional Experience:
Occupational Therapist, Registered, Licensed (OTR/L)
Program Director, Porterville Developmental Center, Retired

Community Activities
Workforce Investment Board Youth Council – Four Terms, ended 2008
Porterville Chamber of Commerce
   Business Education Committee, Chair, Term ended October, 2008
   Membership VP 2006 –2007
   Board Member – 2005 - 2009
   Volunteer of the Year 2005, Woman of the Year 2010
Leadership Porterville
   Mentor, 2005 –2006 and 2010
   Steering Committee Chair 2006 –2007
   Mentorship Chair 2007 -2008
American Association of University Women
   AAUW-CA District Director – Two Terms, ended June, 2008
   President, Porterville Branch – Three Terms, ended June, 2007
   Treasurer 2007 – 2010
Porterville Adult Day Services (PADS)
   Board Member 2001 – Present
   Board Chair 2007 –2009
Porterville College Cultural and Historical Awareness Program (CHAP)
Library Facilities Planning Committee 12/11/2008 - 01/12/2010

Personal Information
Married to Boyd K. Leavitt
Two sons – Bradley S. Leavitt and Douglas G. Leavitt
Porterville Resident since 1969
Memberships: Inter Se, AAUW, P.E.O., Tulare County Panhellenic Conference, St. John’s Parish, American Contract Bridge League, American Occupational Therapy Association, Porterville Chamber of Commerce

msl/01/07/2011
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: KHRIS SALAH

(Please Print)

Appointment to: LIBRARY AND LITERACY COMMISSION

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1235A N. PROSPECT ST

PORTERVILLE, CA 93257

Mailing Address: Same as above

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 559-310-0173

Work

FAX 559-782-3023

E-mail: khris_salah@gmail.com

City of Porterville resident: ☐ Yes ☐ No

Registered Voter: ☐ Yes ☐ No
Qualifications:

Library Patron - I use the public library extensively along with my two young children.

Board & Commission Experience - I currently serve on the Antioch Little League board as well as the Measure H oversight committee. In addition, I have attended several of the Library Board meetings and would love to be a proactive member of the commission.

☐ Resume attached
☒ Letter of request attached

Submitted By: ___________________________ Date: 12/6/10

Received by: ___________________________

Forwarded to: City Clerk ☐ Date: ___________________________
              City Council ☐ Date: ___________________________
              City Manager ☐ Date: ___________________________
              Applicable Dept. ☐ Date: ___________________________

Tentative Council Mtg Date: ___________________________
Khris Saleh  
1235A N. Prospect Street  
Porterville, Ca 93257  
(559) 310-0173 hm  
(559) 782-3023 fax  

December 16, 2010  

Porterville City Council  
City Hall  
291 N. Main Street  
Porterville, Ca 93257  

Dear Mayor and Respected Council Members,  

I am humbly requesting appointment onto the Library and Literacy Commission.  

I have extensive experience in working on various boards and commissions throughout the Porterville community.  

If appointed, I plan to work in concert with the other Commissioners in advising the Council on the management and control of the Public Library and its resources. I believe I can bring a unique perspective to this new Commission.  

If you have any further questions or comments, please do not hesitate to contact me at your convenience.  

Sincerely,  

[Signature]  

Khris Saleh
Fax

To: City Clerk
From: Khris Saleh
Fax: 559-715-4010
Pages: 3
Phone: 559-782-7464
Date: December 16, 2010
Re: Request for Appointment

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks:

Name: Shannon Scott Amos
(Please Print)

Appointment to: Library Board of Trustees
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 381 Lindele St.
Porterville CA 93257

Mailing Address: (same as above)

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 559-789-5274
Work
FAX
E-mail shannonsamos@hotmail.com

City of Porterville resident:
☑ Yes ☐ No

Registered Voter:
☑ Yes ☐ No
Qualifications: A lifetime love of literature and education.

Please see attached resume.

☑ Resume attached
☐ Letter of request attached

Submitted By: Shannon Amos 5 OCT 10

Date

Received by: [Signature]

Forwarded to: City Clerk ☐ Date: [Signature]
City Council ☐ Date: [Signature]
City Manager ☐ Date: [Signature]
Applicable Dept. ☐ Date: [Signature]

Tentative Council Mtg Date: 10-5-10
Shannon Amos  
381 Lindale St.  
Porterville, CA 93257  
Phone: (559)789-5274  
E-mail: shannonsamos@hotmail.com

Job Objective: OPERATIONS CONTROLLER, 5 years 3 months experience

Experience:

Job Title: Operations Controller  
Employer: Boeing, SHEMYA ISLAND, AK  
Dates: 4/05 to 8/10  
Duties: Verification of authorization documentation and oversight of all site activities. Acted as site manager, facility security officer, quality assurance and scheduler.

Job Title: Satellite Communications Tech  
Employer: ITT Systems, SHEMYA ISLAND, AK  
Dates: 6/04 to 4/05  
Duties: Maintained and operated strategic satellite communications equipment in support of the National Missile Defense Program.

Job Title: Senior Microwave Tech  
Employer: InDyne Inc., VANDENBURG AFB, CA  
Dates: 10/03 to 6/04  
Duties: Operated and maintained various types of microwave communications systems in support of the Western Missile Range.

Job Title: Senior Microwave Tech  
Employer: ITT Systems, VANDENBERG AFB, CA  
Dates: 6/99 to 9/03  
Duties: Operated and maintained various types of microwave communications systems in support of the Western Missile Range.

Job Title: Satellite Communications Tech  
Employer: U.S. Army, VARIOUS  
Dates: 3/95 to 7/98  
Duties: Operated and maintained strategic and tactical satellite communications equipment.

Education: M.S. in Computer Information Systems  
B.A. in Management  
A.A. in General Education
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Establishing Council Ad Hoc Committee to Review Storm Drainage Mitigation Measures

SOURCE: City Manager

COMMENT: Councilmember Shelton has requested, as part of the City Council’s ongoing review of conditions from the recent local emergency declaration, that the Council consider establishing an Ad Hoc Committee to review and evaluate potential measures that could be taken in areas that presented drainage challenges. Councilmember Shelton requests that the Council appoint two (2) Councilmembers to work with staff in developing potential mitigating measures for the Council to consider.

RECOMMENDATION: As directed by Council.

ATTACHMENT: None