Call to Order  
Roll Call  

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
291 N. MAIN STREET, PORTERVILLE, CA  
JUNE 7, 2011  

Roll Call: Agency Members  

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

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.  

CITY COUNCIL CLOSED SESSION:  
B. Closed Session Pursuant to:  
6- Government Code Section 54956.95 – Liability Claims: Claimant: Laura Rojas. Agency
claimed against: City of Porterville.
9- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

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

Pledge of Allegiance Led by Mayor Ronald L. Irish
Invocation

PRESENTATIONS
Fire Season Update – Cal Fire

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.

1. City Council Minutes of September 29, 2010 and October 19, 2010

2. Purchase of (4) Toyota Highlander Hybrid Vehicles from City of Lindsay
Re: Considering approval of an expenditure of $30,000 from the general fund to purchase four (4) hybrid vehicles from the City of Lindsay for use by the Porterville Police Department.

3. Award of Contract – Sports Complex and Skate Park Lighting Project
Re: Considering awarding a contract in the amount of $169,777.28 to G & S Electric for the project consisting of the installation of power service cabinet, conduit, four (4) light standards and related appurtenances at the City of Porterville Sports Complex located at 2701 W. Scranton Avenue; and the installation of power sub-panel, conduit, four (4) light standards and related appurtenances at the City of Porterville Skate Park located at 1051 W. Henderson Avenue.

4. Award of Contract – Pearson Drive Bus Turnout
Re: Considering awarding a contract in the amount of $27,294.57 to Halopoff and Sons for the project consisting of the removal of existing concrete improvements and the installation of new concrete improvements allowing for a bus turnout at the bus stop north of Putnam Avenue and the neighboring hospital.

5. **Acceptance of Public Improvements – Fairway Tract Water Distribution System**  
Re: Considering accepting from Halopoff & Sons, Inc. the public improvements of Fairway Tract Water District System for maintenance.

6. **Transfer Contract for On Call Planning and Engineering Consulting Services**  
Re: Considering authorization to prepare a revised agreement which would transfer the contract for on call planning and engineering consulting services from Provost & Prichard Engineering Group to Planning Tree Consulting.

7. **Approval for Community Civic Event – Porterville Chamber of Commerce Sesquicentennial Committee and Fraternal Order of Eagles, #1352 – Porterville’s Pioneer Days Celebration**  
Re: Considering approval of an event to take place on Saturday, June 25, 2011, from 4:00 p.m. to 10:00 p.m. at downtown Main Street.

7a. **Approval for Community Civic Event – Word of Victory Church – Church Community Outreach – June 25, 2011**  
Re: Considering approval of an event to take place on Saturday, June 25, 2011, from 3:00 p.m. to 8:00 p.m. at the parking lot located at 163 W. Orange Street.

8. **Review of Local Emergency Status**  
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.

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

**PUBLIC HEARINGS**

9. **Public Hearing to Adopt Revised Sign Code**  
Re: Considering approval of the draft Ordinance repealing the current Sign Code and adopting a new Sign Code.

**SCHEDULED MATTERS**

10. **Consideration of the City Manager’s Proposed Budget for Fiscal year 2011-2012 and Setting a Public Hearing Date**  
Re: Considering approval of the scheduling of the Public Hearing for the Fiscal Year 2011-2012 Budget on June 21, 2011.

11. **Transactions & Use Tax Oversight Committee (“TUTOC”) Vacancy**  
Re: Consideration of a recent vacancy on, and possible appointment to, the Transactions and Use Tax Oversight Committee.
12. **Consideration of Setting a Public Hearing for Modification or Revocation of Conditional Use Permit 5-2010 (El Rinconcito Cosala)**  
Re: Considering the scheduling of a Public Hearing to consider modifying or revoking CUP 5-2010, which allows for a type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Ave.

Re: Consideration of the proposed amendment to the TCAG JPA, which would allow TCAG restricted interest in real property, which would be limited to the rent, lease, or purchase of property for the singular purpose of providing office space for TCAG staff.

14. **City Council Member Requested Agenda Item – Request for the City Council to Reconsider Authorizing Payment to the Tulare County Registrar of Voters**  
Re: Consideration of a request to reconsider authorizing payment to the Tulare County Registrar of Voters.

**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 June 21, 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 MINUTES
ADJOURNED MEETING
CITY COUNCIL CHAMBERS
291 NORTH MAIN STREET
PORTERVILLE, CA
SEPTEMBER 29, 2010, 6:00 P.M.

Call to Order at 6:03 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton,
Council Member Ward, Mayor Irish

Pledge of Allegiance led by Mayor Ronald L. Irish
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS

• John Coffee, a Porterville resident, lauded the Chamber’s Business Showcase event;
  and commented that individuals were still parking on South Prospect Street near
  Sequoia Middle School despite the posted “No Parking” signs.
• Debbie Salter, a Porterville resident, spoke of the urgent need for a local animal
  shelter and urged the City Council to prioritize the project.
• Dick Eckhoff, 197 N. Main, voiced support for prioritizing the animal shelter; noted
  that the Step-Up Program could not be discussed due to it not being noticed; and
  spoke of the need for measurable and realistic goals relative to Measure H and
  literacy.
• Brock Neeley, Porterville resident, spoke about the Lisa Project, an interactive
  exhibit pertaining to child abuse that would be displayed in Visalia during the month
  of October.
• Barry Caplan, voiced support for the animal control shelter as a priority project;
  spoke in favor of 15% funding to literacy out of Measure H and directing staff and
  the Library Board to begin collecting statistics for the purpose of providing
  measurable improvements.

STUDY SESSION
1. FISCAL YEAR 2010/2011 BUDGET

City Manager Lollis indicated that that the purpose of the study session was to review the
proposed Measure H Budget, the collection of parking fees at the Sports Complex, and budgetary
determinations by the City Council in prior Budget Study Sessions. He advised that the Measure H
Budget would be reviewed first, and introduced Parks and Leisure Services Director Milt Stowe.
Mr. Stowe then introduced Library Supervisor Tony Arrellano, who presented a summary of the draft
Library Business Plan.

Following the presentation, the City Manager spoke of Council direction to the Library Board
and library staff relative to the evaluation of programs and services for effectiveness. Council
Member Ward lauded the efforts made to develop a business plan, and spoke of the expansion of
literacy services by way of neighborhood media centers. He then voiced support for the collection
and monitoring of statistics, which could be considered when measuring the success of services and programs provided.

Council Member Shelton spoke of the difficulty in identifying a quantifiable connection between literacy and crime. He lauded staff for their efforts, and compared the benefits of funding library services and programs with the funding of community sports programs. He voiced support for improvement in the utilization of space, and a reduction in the purchase of books.

Council Member McCracken and Vice Mayor Hamilton expressed concern with the lack of detailed information provided with regard to the spending of funds.

Mayor Irish spoke of the sliding scale that was built into Measure H, and a discussion then ensued with regard to the need for the entire 15% appropriation.

At 7:00 p.m., Vice Mayor Hamilton exited the meeting to attend a previous engagement. At which time the Council took a five minute recess.

The Council reviewed payroll for library personnel and discussed the appropriation necessary to maintain library hours. Mayor Irish noted that personnel costs were fixed, whereas Measure H funds were dependent on sales tax and appropriated on a sliding scale; and advised against the use of Measure H funds for additional personnel. Council Member Ward suggested that the Council have a joint meeting with the Library Board prior to the adoption of the budget. It was requested that staff provide a more detailed breakdown of the Measure H expenditures prior to the meeting.

Council Member Ward inquired about the division of the remainder of Measure H funds between Fire and Police Departments, following which a discussion ensued with regard to the capital development for a fire station. The City Manager explained that fire had been saving their share for the development of a fire station, and the Council explored the division of funds for public safety. The Council requested that staff provide copies of the Measure H ordinance and ballot language for their review.

City Manager Lollis then introduced Battalion Chief of Operations Glenn Irish who gave a presentation on behalf of the Fire Department. The presentation consisted of a brief overview of the Fire Department, a description of current service levels, and a review of the proposed 2010/2011 Measure H Budget. He also spoke about the Fire Department’s current ISO rating of 3, and an upcoming ISO review to take place in 2011.

Following the presentation, the Council requested a copy of the PowerPoint presentation, and indicated that it would like to see the estimated costs to operate a new facility. The Council also discussed the possibility of an increase in the City’s ISO, and requested a comparison on insurance rates relative to ISO ratings.

City Manager Lollis then introduced Parks and Leisure Services Director Milt Stowe, who presented information regarding the collection of parking fees at the Sports Complex. Following discussion regarding the options available, the Council directed staff to bring back a resolution for their consideration of a $1.50 per game parking fee. Staff was also directed to provide numbers for
participants of City sports programs.

City Manager Lollis then presented an update of the General Fund. He spoke of an expected increase in sales tax following the opening of Kohl’s, and notified the Council of conversations with employee groups.

**ORAL COMMUNICATIONS**
- John Coffee, spoke of an article regarding County’s not paying their sales tax.
- Dick Eckhoff, spoke of the efforts of the Transactions and Use Tax Oversight Committee, and stated that Ordinance 1684 did not state how the funds would be shared amongst Police and Fire.

**OTHER MATTERS**
- Council Member Ward, reported on Step Up Program meeting with the County.

The Council directed that an item regarding acceptance of money for the program be brought to the Council for consideration.

- Council Member Shelton inquired whether citizens were allowed to burn tumbleweeds to clean up rails to trails.
- Mayor Irish congratulated the Chamber for a successful Business Showcase.
- City Manager Lollis spoke of Lowe’s community service project at the Zalud House on Saturday, and efforts of citizens to beautify Sierra Vista area.

**ADJOURNMENT**
The Council adjourned at 8:39 p.m. to the meeting of September 30, 2010 at 5:30 p.m.

Luisa Herrera, Deputy City Clerk

SEAL

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

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES

Roll Call: Agency Member McCracken, Vice-Chairman Hamilton, Agency Member Shelton, Agency Member Ward
Absent: 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 – Two Cases.

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(a) – Conference with Legal Counsel – Litigation: Connor and Steen v. City of Porterville et al., Tulare County Superior Court Case No. 10- 239413.
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

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 Vice Mayor Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
National Friends of Libraries Week, October 17 – 23, 2010
Porterville Theater Reunion
Lowes Heroes
Porterville Garden Club

PRESENTATIONS
Outstanding Business – Fashion Network

REPORTS
None provided.

Vice Mayor Hamilton waived the three minute limitation on public commentary.

ORAL COMMUNICATIONS
- Dearl Caulk, 1482 W. Thurman Avenue, voiced concern with drainage issues near his residence, provided the Council with photographs, and requested the Council’s assistance in resolving the problem.
- Brock Neeley, a Porterville resident, requested that more information be provided in Item No. 3 before consideration of approval; and spoke against approving the $250,000 loan as proposed in Item No. 18.
- Gerry Quinn, spoke on behalf of the Boys and Girls Club of Porterville, lauded the program, and invited everyone to the Open House scheduled for Thursday.
- Khris Saleh, a Porterville resident, voiced concern with the proposed loan in Item No 18, and spoke against the City loaning money to businesses.

CONSENT CALENDAR
Item No. 3 was removed from the Agenda by staff. Item Nos. 4, 8, 10, 11 and 11a were removed for further discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 20, 2009

Recommendation: That City Council approve the draft Minutes of October 20, 2009.

Documentation: M.O. 01-101910
Disposition: Approved

2. CLAIM – JARED DAVIS

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 Claimant proper notification.

Documentation: M.O. 02-101910
5. ACCEPTANCE OF PROJECT – BEVERLY STREET WATER PROJECT

Recommendation: That City Council:
1. Accept the project as complete; and
2. Authorize the release of the 10% retention immediately after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-101910
Disposition: Approved

6. ACCEPTANCE OF PROJECT – MAINTENANCE GARAGE NATURAL GAS DETECTION PROJECT

Recommendation: That City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notices of Completion.

Documentation: M.O. 04-101910
Disposition: Approved

7. ACCEPTANCE OF FINAL SUBDIVISION MAP – RANCH VICTORIA, PHASE 2, 3 AND 4 (GARY SMEE)

Recommendation: That City Council:
1. Approve the final map of Ranch Victoria, Phase 2, 3, and 4 Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 05-101910
Disposition: Approved

9. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – FOUR CNG REFUSE TRUCKS

Recommendation: That City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution No. 109-2010
Disposition: Approved

12. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN
Recommendation: That City Council authorize the fourth Annual Food for Fines Campaign to run October 25 through December 20, 2010.

Documentation: M.O. 06-101910
Disposition: Approved

13. AMENDMENTS TO EMPLOYEE PAY & BENEFIT PLAN AND HEALTH PLAN DOCUMENT

Recommendation: That City Council:
1. Approve the draft resolution amending the Employee Pay and Benefit Plan;
2. Approve the proposed amendment to the Health Plan Document; and
3. Authorize the City Manager to execute all necessary documentation to implement the proposed amendments.

Documentation: Resolution No. 110-2010
Disposition: Approved


Recommendation: That City Council approve the Community Civic Event Application and Agreement submitted by the Veterans’ Homecoming Committee, subject to the stated requirements contained in Exhibit “A”.

Documentation: M.O. 07-101910
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council approve Item Nos. 1, 2, 5, 6, 7, 9, 12, 13 and 14.

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

3. APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That City Council:
1. Authorize the purchase of identified special equipment; and
2. Authorize staff to enter negotiations for the purchase of the specialized equipment; and
3. Authorize payment upon satisfactory delivery of the equipment.

City Manager John Lollis pulled the item for future consideration on recommendation of City Attorney Julia Lew.
Disposition: This item was removed from the Agenda.
4. AUTHORIZATION TO ADVERTISE FOR BIDS – S. JAYE STREET & POPLAR DITCH CULVERT CROSSING

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

City Manager John Lollis presented the item and indicated that it had been removed from Consent Calendar at the request of Council Member Ward.

Council Member Ward expressed concern with the cost of the project and questioned its urgency. Staff advised that the subject project was a portion of the larger project to extend Jaye Street to Scranton, and that the urgency involved working with the irrigation releases.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken to approve the staff’s recommended plans and project manual and authorize staff to advertise for bids on the project.

M.O. 08-101910

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

Disposition: Approved

8. APPROVAL OF THE PRE-QUALIFICATION PROCEDURE FOR BIDDERS ON CERTAIN PUBLIC WORKS PROJECTS

Recommendation: That City Council:
1. Reaffirm, by Resolution, the adoption of the Pre-Qualification System for both single and annual projects for use in conjunction with construction projects funded by the CIEDB Loan and when otherwise authorized to do so by particular laws or programs;
2. Appoint a three-member “Appeals Panel” consisting of one Council Member plus an alternate, the Public Works Director and the City Engineer plus the Field Services Manager as an alternate; and
3. Approve the documents and procedure for use city staff during the pre-qualification process.

City Manager John Lollis presented the item and requested that the Council first appoint one Council Member plus an alternate to serve on the Appeals Panel before consideration of the item.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council appoint Council Member Shelton to serve as member, and Council Member McCracken to serve as alternate, on the Appeals Panel.

M.O. 09-101910
AYES: Hamilton, Shelton, Ward
NOES: McCracken
ABSTAIN: None
ABSENT: Irish

Resolution 111-2010
MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reaffirm, by resolution, the adoption of the Pre-Qualification System for both single and annual projects for use in conjunction with construction projects funded by the CIEDB Loan and when otherwise-authorized to do so by particular laws or programs; and appoint a three-member “Appeals Panel” consisting of one Council Member plus an alternate, the Public Works Director and the City Engineer plus the Field Services Manager as an alternate; and approve the documents and procedure for use city staff during the pre-qualification process.

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

Disposition: Approved

10. FOOTHILL PARKWAY ALIGNMENT OPTIONS

Recommendation: None. Informational only.

City Manager John Lollis presented the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Shelton.

Council Member Shelton expressed his appreciation for Mr. Winton’s cooperation. A brief discussion ensued as to efforts to date and a potential timeline for completion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council accepts the information provided regarding the Foothill Parkway Alignment Options.

M.O. 10-101910

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

Disposition: Approved

11. GRANT APPLICATION FOR THE U.S. SOCCER FOUNDATION

Recommendation: That City Council:
1. Adopt the draft resolution approving the grant application for the U.S. Soccer Foundation; and
2. Authorize the Director of Parks and Leisure Services to sign the grant application and act as agent for this grant.

City Manager John Lollis presented the item and indicated it had been removed from Consent Calendar at the request of Council Member Shelton.

Council Member Shelton commended Parks and Leisure Services Director Milt Stowe for his efforts. A brief discussion ensued as to Items 11 and 11A, during which time Council Member Ward made a motion that the items be approved concurrently.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton to adopt the draft resolution approving the grant application for the U.S. Soccer Foundation; and authorize the Director of Parks and Leisure Services to sign the grant application and act as agent for this grant.

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

Disposition: Approved

11A. RESOLUTION APPROVING THE APPLICATION FOR CALIFORNIA STATE PARKS LAND AND WATER CONSERVATION FUND

Recommendation: That City Council adopt the resolution approving the application for Land and Water Conservation Fund Grant-In-Aid program, for the Heritage Ballfields.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that City Council adopt the resolution approving the application for Land and Water Conservation fund Grant-In-Aid program, for the Heritage Ballfields.

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

Disposition: Approved

PUBLIC HEARINGS

15. BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING
Recommendation:  That City Council:
1. Conduct the public hearing to receive public comment; and
2. Authorize use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department’s 2010-2011 budget, in the amount of $100,000.

City Manager John Lollis introduced the item, and the Police Chief Chuck McMillan presented the staff report.

The public hearing opened at 7:28 p.m., and closed at 7:29 p.m. when nobody came forward.

COUNCIL ACTION:  MOVED by Council Member Ward, SECONDED by Council Member Shelton to authorize use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and approve an increase to the Police Department’s 2010-2011 budget, in the amount of $100,000.

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

Disposition:  Approved

16.  CONDITIONAL USE PERMIT 4-2010 – PROPOSED OFFICE SPACE AT 122 & 126 N. MAIN STREET

Recommendation:  That City Council adopt the draft resolution approving Conditional Use Permit No. 4-2010, subject to conditions of approval.

City Manager John Lollis presented the item, and City Planner Bill Nebeker presented the staff report, which included three options for Council’s consideration:

Option One:  Approve the Conditional Use Permit and draft resolution for the project site as proposed to ultimately allow for 100% office space use of the ground floor area subject to conditions of approval.

Option Two:  Approve the Conditional Use Permit and draft resolution for the proposed project site not to exceed 50% office space, and maintain 50% of retail at all times subject to conditions of approval.
Option Three: Deny the Conditional Use Permit. Applicant would be required to develop the property with office space up to a maximum of 25% by right as per the PDO.

The public hearing opened at 7:34 p.m.

- Greg Laubacher, came forward on behalf of the Applicant, and spoke in favor of the item. He indicated that the applicant had no options for a second floor office area, and stated that Mr. Basra had worked diligently to improve the area and requested the Council’s support.

- Avtar Singh Basra, 122 and 126 N. Main Street, Applicant, spoke in favor of the item and expressed frustration with purchasing buildings which he is not permitted to utilize to his benefit. He stated that while he understood the desire to promote more retail businesses on Main Street, today’s tough economy made it difficult to maintain a profitable retail business.

- Gary Weaver, 1210 Lotus Way, came forward on behalf of the Applicant, spoke in favor of the item, and advised he was available to answer any questions that the Council might have.

The public hearing closed at 7:42 p.m.

A discussion ensued as to the merits of the City’s current ordinance requiring Main Street businesses in the downtown area to consist of no more than twenty-five percent office space and no less than seventy-five percent retail per space. It was noted that the item before the Council consisted of a single use permit and was not intended to change all of the composition of Main Street.

Council Member Ward moved that the Council approve Option No. 1. Council Member Shelton seconded the motion.

Council Member McCracken moved to amend Council Member Ward’s motion by substituting Option No. 1 with Option No. 2. The motion to amend died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Ward, Seconded by Council Member Shelton to approve the Conditional Use Permit and draft resolution for the project site as proposed to ultimately allow for 100% office space use of the ground floor area subject to conditions of approval.

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

Disposition: Approved

SECOND READINGS
17. ORDINANCE 1767, FORMATION OF AN ARTS COMMISSION
Recommendation: That City Council give Second Reading to Ordinance No. 1767, waive further reading, and adopt said Ordinance.

City Manager John Lollis presented the item and staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council give second reading to Ordinance 1767, waive further reading, and adopt said ordinance, being 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.

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

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS
18. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM – MARK SIDLEY AUTO GROUP, INC.

Recommendation: That City Council:

1. Consider the use of Community Development Block Grant Business Assistance Program funds in the amount of $250,000 to Mark Sidley Auto Group, Inc. under the terms and conditions identified in Items 1 through 4 of the staff report;

2. If approved, direct the amendment of the Program Model for the Business Assistance Program to specifically allow working capital assistance for larger projects on a case by case basis; and

3. Authorize the Mayor to sign all necessary documents to complete the Sidley transaction.

City Manager John Lollis introduced the item, and Development Associate Linda Wammack presented the staff report.

Council Member Shelton advised of a conflict of interest due to his ownership of real property within 500 feet of the subject business, recused himself from the discussion, and exited the Council Chambers.

A discussion ensued as to the expectations of the length of the loan, the impacts to the City should assistance not be granted, and details of flooring costs for auto dealerships purchasing vehicles for sale. At the request of Council, staff elaborated on the Business Assistance Program and indicated
that the funds requested are not General Fund dollars, but rather from a Federal program with specific criteria.

- Khris Saleh, voiced concern with the proposed action.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve the use of Community Development Block Grand Business Assistance Program funds in the amount of $250,000 to Mark Sidley Auto Group, Inc. under the terms and conditions identified in Items 1 through 4 of the staff report, direct the amendment of the Program Model for the Business Assistance Program to specifically allow working capital assistance for larger projects on a case by case basis; and authorize the Mayor to sign all necessary documents to complete the Sidley transaction.

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

Disposition: Approved.

The Council recessed for ten minutes.

19. **DESIGN OVERLAY SITE REVIEW 2-2008, MODIFICATION NO. 2 TO ALLOW FOR A CHANGE IN ARCHITECTURAL FEATURES FOR THE DRIVE THROUGH CAR WASH, ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET**

Recommendation: That City Council adopt the draft resolution approving Design “D” Overlay Site Review 02-2008, Modification No. 2.

City Manager John Lollis presented the item, and the staff report was presented by City Planner Bill Nebeker.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council adopt the draft resolution approving Design “D” Overlay Site Review 02-2008, Modification No. 2.

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

Disposition: Approved.
20. COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF AMENDMENT TO MUNICIPAL CODE IN REFERENCE TO THE LIBRARY BOARD OF TRUSTEES

Recommendation: That City Council consider amending the Municipal Code in reference to the Library Board of Trustees.

City Manager John Lollis presented the item and indicated it had been requested by Council Member Ward. Council Member Ward spoke of his interest in staff preparing a draft ordinance for Council's consideration to amend the Municipal Code to expand the Library Board, and to rename the Board the "Library and Literacy Commission."

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council direct staff to prepare a draft ordinance amending the Porterville Municipal Code to expand the Library Board, and to rename the Board the "Library and Literacy Commission."

M.O. 12-101910

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

Disposition: Approved.

21. COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF AMENDMENT TO MUNICIPAL CODE TO ALLOW THE BURNING OF TUMBLEWEEDS

Recommendation: That City Council consider amending Municipal Code to allow for the burning of tumbleweeds.

City Manager John Lollis presented the item and indicated that the item had been prepared at the request of Council Member Shelton. Council Member Shelton requested that the Council consider amending the City's Municipal Code to allow for the burning of tumbleweeds.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council direct staff to prepare a draft ordinance to amend the City's Municipal Code to allow for the burning of tumbleweeds.

M.O. 13-101910

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

Disposition: Approved.

ORAL COMMUNICATIONS
- Mark Sidley, Mark Sidley Auto Group, thanked the Council for its approval of Item 18.
• Khris Saleh, apologized for inappropriately speaking out during the Council's consideration of Item No. 18, voiced concern with setting precedent with the Council’s action on Item 18 and with changing the rules of the Business Assistance Program.
• Taha Saleh, voiced concern with the vote on Item 16, suggesting it was a slippery slope.
• Barry Caplan, suggested a symbiotic relationship existed between office and retail, and concluded that some office on Main Street would be beneficial.

OTHER MATTERS
• Council Member Ward noted that 1) the week of October 18th was “Don’t Do Drugs Week”; 2) made mention that the Giants won that evening; 3) voiced pleasure that the burning of tumbleweeds was now legal and requested that warming fires also be considered; and 4) spoke of zoning issue.
• Council Member Shelton, advised that a “Step Up” event took place in Terra Bella that evening; and spoke of the upcoming Chamber Mixer.
• Mayor Pro Tem Hamilton, requested that the Foothill Parkway Alignment item be presented to the Council no later than the December 7th Council Meeting.
• City Manager Lollis called upon Interim Director of Community Development Susan Duke, who advised that escrow closed on the construction loan for the Villa Sienna project which would allow for construction to begin soon.
• Council Member Ward requested that staff provide information on the drainage issue raised by Mr. Caulk.

ADJOURNMENT
The Council adjourned at 9:15 p.m. to the meeting of November 2, 2010 at 5:30 p.m.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Ronald L. Irish, Mayor
SUBJECT: PURCHASE OF (4) TOYOTA HIGHLANDER HYBRID VEHICLES FROM CITY OF LINDSAY

SOURCE: POLICE DEPARTMENT

COMMENT: The Lindsay Police Department has recently received a grant to purchase new hybrid vehicles for their fleet. As a result they intend to surplus (4) 2006 Toyota Highlander hybrids. These are unmarked police vehicles equipped with emergency radios and lighting. The low Kelley Blue Book value of these vehicles is approximately $13,000 each.

The Porterville Police Department is in need of unmarked vehicles for use in the Juvenile Diversion/Crime Prevention programs as well as by command staff who have agreed to give up their monthly vehicle allowance (approximately $15,000 annually). The City of Lindsay has agreed to sell the (4) hybrid vehicles to the Porterville Police Department for a package deal of $30,000.

In addition to the savings from the vehicle allowance currently afforded to command staff, the purchase of these (4) vehicles would also allow the Porterville Police Department an opportunity to evaluate the usefulness and performance of a hybrid vehicle in a law enforcement setting. This will also provide a vehicle to those working within the Juvenile Diversion/Crime Prevention programs and allow them to perform home visits and follow ups without placing them in a marked police vehicle.

RECOMMENDATION: That the City Council approve the expenditure of $30,000 from the general fund to purchase (4) hybrid vehicles from the City of Lindsay.

Item No. 2

DD  Approp./Funded  MM  CM
SUBJECT: AWARD OF CONTRACT – SPORTS COMPLEX AND SKATE PARK LIGHTING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 24, 2011 staff received two (2) bids for the Sports Complex and Skate Park Lighting Project. Regrettably, one of the bids was deemed non-responsive to the City's specifications. All prime contractors and subcontractors are required to be properly licensed. The low bidder listed an unlicensed owner/operator on the subcontractor form and thus is deemed non-responsive.

The Sports Complex portion of the project includes installation of power service cabinet, conduit, four (4) light standards and related appurtenances at the City of Porterville Sports Complex located at 2701 W. Scranton Avenue. The Skate Park portion of the project includes installation of power sub-panel, conduit, four (4) light standards and related appurtenances at the City of Porterville Skate Park located at 1501 W. Henderson Avenue.

The engineer's estimate for the project is $122,420 and is based on several conversations with contractors and suppliers. The lowest responsive bid for the project is 38.7% above the Engineer's estimate. An additional $16,977.73 is required for construction contingency (10%), and $8,488.86 is required for construction management, quality control and inspection (5%). The total estimated cost for the project is $195,243.87.

Council raised several questions regarding the number of lights required for the Skate Park, that perhaps two (2) lights would be sufficient in lieu of the four (4) lights identified in the construction plans. A technical review of the lighting patterns concluded the need for four (4) lights to fully illuminate the Skate Park, more specifically, to properly light the depressed bowl area. See attached illumination design summary.

The Central Valley Risk Management Authority strongly recommends that the City pursue fully illuminating the skate park per plans and specifications (4 lights) in accordance with technical and industry standards.

Staff feels that potential savings may be realized at the Skate Park with regard to materials, installation and construction sequencing. If changes are deemed appropriate, a formal change order will be initiated to document the savings.

Funds for these projects were made available from the CEQA mitigation measures for the Porterville Courthouse defined in the 2010/2011 Annual Budget.

Dir Appropriated/Funded mb CM Item No. 3
The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lane Electric, Inc.</td>
<td>$159,916.00 *</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>G &amp; S Electric</td>
<td>$169,777.28</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
</tbody>
</table>

* Non-responsive.

Staff has found the second lowest bid acceptable. However, the bid is over 10% of the engineer’s estimate. Council’s policy has been not to award contracts that exceed the engineer’s estimate by more than 10%. It should be noted that this project is time sensitive as it relates to the goals and expectations of the Council and summer youth football league. In light of these goals and expectations, staff recommends that Council deviate from this policy and award the project to G & S Electric of Porterville.

RECOMMENDATION: That City Council:

1. Award the Sports Complex and Skate Park Lighting Project to G & S Electric in the amount of $169,777.28;

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

3. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection; and

4. Authorize the Public Works Director, with assistance from the City Engineer, to evaluate potential savings for the Skate Park lighting system, and initiate a formal change order if said changes satisfy all aspects of the City’s technical requirements.

ATTACHMENTS: Locator Maps
Illumination Design Summary
EQUIPMENT LIST FOR AREAS SHOWN

<table>
<thead>
<tr>
<th>Pole Type</th>
<th>Location</th>
<th>QTY</th>
<th>Size</th>
<th>Grade</th>
<th>Elevation</th>
<th>Mounting Height</th>
<th>Lamp Type</th>
<th>Qty Pole</th>
<th>Qty others</th>
<th>Other SSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SK1, SK2</td>
<td>50'</td>
<td>4</td>
<td>50'</td>
<td>50'</td>
<td>1000W MZ</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SK3, SK4</td>
<td></td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12</td>
<td>12</td>
<td>0</td>
</tr>
</tbody>
</table>

GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Skate Park
Porterville Skate Park
Porterville, CA

Skate Park
- Size: 205' x 78'
- Grid Spacing = 20.0' x 20.0'
- Values given at 3.0' above grade

- Luminaires Type: Green Generation
- Rated Lamp Life: 12,000 hours
- Avg Lumens/Lamp: 88,000

CONSTANT ILLUMINATION
HORIZONTAL FOOTCANDLES

- Entire Grid
  - No. of Target Points: 40
  - Average: 10.4
  - Minimum: 10
  - Maximum: 15
  - Avg/Min: 1.59
  - UG (Adjacent Pts): 1.70
  - CV: 0.18
  - Average Lamp Tilt Factor: 1.000
  - Number of Luminaires: 12
  - Avg KW over 12,000: 13.44
  - Max KW: 15.6

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/- 10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Eric Svenby
File #: 146783R1
Date: 11-Feb-11
Not to be reproduced in whole or part without the written consent of Musco Lighting, 01081, 2011 Musco Lighting
SUBJECT: AWARD OF CONTRACT – PEARSON DRIVE BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 11, 2011 staff received three (3) bids for the Pearson Drive Bus Turnout. The proposed project will improve transit accessibility along a portion of Route 1. This bus stop is north of Putnam Avenue and the neighboring hospital. The bus turnout project includes removal of existing concrete improvements and installation of new concrete improvements allowing for a bus to completely pull out of the travel way to access the bus stop location. Concrete pads with bus shelters, provided by the City and installed by the contractor, will be adjacent to the back of new sidewalk. All improvements will be constructed within public right of way recently donated by Sierra View District Hospital.

The Engineer’s estimate of probable cost for the project is $32,524. The low bid is 16% below the Engineer’s estimate. An additional $2,729.46 is required for construction contingency (10%). It is estimated that an additional $4,094.19 is required for staff time, testing and construction management (15%) for a total project cost of $34,118.22. Funding for this project is from a Federal Transit Authority grant and Local Transportation Funds, and was approved in the 2010/2011 Annual Budget for bus turnouts.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons</td>
<td>$27,294.57</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. Dawson-Mauldin Const.</td>
<td>$32,073.00</td>
</tr>
<tr>
<td>Huntington Beach, CA</td>
<td></td>
</tr>
<tr>
<td>3. Steelex Industrial</td>
<td>$37,637.60</td>
</tr>
<tr>
<td>Strathmore, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Pearson Drive Bus Turnout project to Halopoff and Sons in the amount of $27,294.57;

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

3. Authorize a 10% contingency to cover unforeseen construction costs and 15% for staff time, testing and construction engineering.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PUBLIC IMPROVEMENTS – FAIRWAY TRACT WATER DISTRIBUTION SYSTEM

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc. has constructed the public improvements for owner, Fairway Tract Water Company, and has requested that the public improvements constructed for this water distribution system be accepted by the City for maintenance. All required improvements, including water mains, services and fire hydrants have been completed, inspected by City staff and found to be acceptable.

RECOMMENDATION: That the City Council:

1. Accept the public improvements of Fairway Tract Water Distribution System for maintenance.

ATTACHMENT: Locator Map
SUBJECT: TRANSFER CONTRACT FOR ON-CALL PLANNING AND ENGINEERING CONSULTING SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On August 19, 2008, the City executed an On-call Planning and Engineering Consulting Services Agreement with Provost & Pritchard Engineering Group. On December 16, 2010, the City executed Amendment No. 1 to the Agreement which extended the contract through July 1, 2012. The proposal from Provost & Pritchard identified Julie Phillips, AICP as the Project Manager for the contract with the City of Porterville. Section 7 of the Agreement - Assignment of Contract states:

“The principals involved and identified in the proposal are integral to the performance of the scope of services and shall not change or be replaced without first obtaining prior written approval from the City of a replacement(s) in the completion of the work effort.”

Ms. Phillips has since left Provost & Pritchard and begun her own firm - Planning Tree Consulting. Staff has also received correspondence from Ms. Phillips requesting the contract between the City of Porterville and Provost & Pritchard be transferred to Planning Tree Consulting.

Provost & Pritchard and Ms. Phillips have discussed transferring the contract and are in complete agreement, and will work with Ms. Phillips to supply sub-consultant and/or engineering services when needed by the City.

The table below shows the comparison of fees between the current contract with Provost & Pritchard and that proposed by Planning Tree Consulting:

<table>
<thead>
<tr>
<th></th>
<th>Provost &amp; Pritchard</th>
<th>Planning Tree Consultant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate(^1)</td>
<td>$160.00</td>
<td>$90.00</td>
</tr>
<tr>
<td>Sub-Consultant Markup</td>
<td>Cost + 15%</td>
<td>Cost + 5%(^2)</td>
</tr>
<tr>
<td>Mileage</td>
<td>IRS Standard + 15%</td>
<td>IRS Standard</td>
</tr>
</tbody>
</table>

\(^1\)The hourly rate listed is for the contract/Project Manager, Provost and Pritchard’s and sub-consultant fee schedules will also apply as they currently do. It should be noted that the Project Manager is anticipated to
do the majority of the work under the contract. Provost and Pritchard would continue to provide engineering services.

There is no additional charge for partnering with another consulting firm under the proposed revised contract. Therefore, Planning Tree Consulting will not charge the 5% markup should the project require only a sub-consultant.

Ms. Phillips has extensive experience in the planning field and has proven to be a great asset to the Community Development and Public Works Departments. At this time, staff is seeking authorization to transfer the City’s contract for on-call planning and engineering services to Planning Tree Consulting for the remainder of the contract which is through July 1, 2012. By doing this, the City would not only benefit by keeping continuity but will also benefit financially.

RECOMMENDATION: That the City Council:

1) Authorize staff to prepare a revised agreement with Planning Tree Consulting transferring the agreement from Provost & Pritchard; and
2) Authorize the Mayor to sign all necessary documents.

ATTACHMENTS:

1) Letter from Planning Tree Consulting
2) Julie Phillips, AICP Resume
3) Planning Tree Consulting Prospectus
4) Planning Tree Consulting 2011 Fee Schedule
May 11, 2011

Bradley D. Dunlap, AICP
291 N Main St
Porterville, CA 93257

Dear Brad,

As you know, I recently left Provost & Pritchard Consulting to begin my own consulting firm, Planning Tree Consulting. I have enjoyed working with the City of Porterville for over seven years- first as a consultant at Quad Knopf, then as an employee of the City, and most recently providing consultant services through my previous employer Provost & Pritchard. The City of Porterville is more than a valued client; Porterville is a second home to me, and a community that I have been a part of for the majority of my career.

The existing contract that the City holds with Provost & Pritchard stipulates me specifically as a project manager, and with this letter I would like to offer my continued services to the City as needed through my new firm. I have met with Provost & Pritchard management to confirm that in the event engineering services or other professional services are desired by the City, we could work together under a consultant agreement to meet the City’s need.

I believe my experience working in Porterville could be a continued value to the City in the event we are able to shift the contract to Planning Tree. Please let me know if you have any questions or need additional information. Thank you for your consideration.

Respectfully,

Julie Phillips, AICP
Planning Tree, LLC

ATTACHMENT
ITEM NO. 1
Julie Phillips, AICP

Julie Phillips has over a decade of experience in the planning field. She is an excellent communicator and an experienced project manager, working effectively to move projects forward while involving large groups of diverse interests. Ms. Phillips has prepared and processed many documents of varying complexity including ordinance preparation, permit processing, and environmental documents compliant with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). As a lifelong resident of the South Valley, she is familiar with the natural resources specific to this area, and as a planner with experience at the state and local agency levels, she is aware of the many laws and regulations that govern those resources.

Education
B.A. Technical Geography, California State University, Fresno

Certification
American Institute of Certified Planners (AICP)

Areas of Expertise
CEQA/NEPA Compliance; Public/Agency consensus; Environmental Law; Land Use Planning

Affiliations
American Planning Association (APA), Section Membership & Programs Director; Association of Environmental Professionals (AEP)

Relevant Experience
On-call Planning Services, City of Porterville, California. Project Manager/Lead Planner- Tasks included in this contract included the review of documents and submittals from applicants, other agencies, and consultants, and providing comments from Staff’s perspective. Responsibilities included preparation of ordinances, reports, and environmental documents as an extension of city staff. Project challenges include coordination with multiple department agents and applicants.

Boundary Reorganization, North Kern South Tulare Hospital District, Delano, California. Project Manager/Lead Planner- The District’s growth goals prompted completion of a series of efforts, including a Sphere of Influence Amendment, Municipal Service Review, and CEQA compliance, and a series of public information meetings. Responsibilities included preparation of Municipal Service Review and Sphere of Influence amendment in order to accommodate annexation of land into the district, consistent with long term goals of the District; facilitation of public meetings; and interaction with staff and council members from various cities proposed in the annexation.
Introduction

Planning Tree consulting offers quality municipal, environmental, and entitlements planning staff for cities, counties, and special districts throughout the San Joaquin Valley. With over a decade of experience, the professional staff understands the importance of well-prepared plans, and knows that even the best plans are only as good as the team implementing them. The flexibility offered by hiring a consultant to supplement your planning staff means you can have experienced planners at your fingertips- to process entitlements, to prepare environmental documents, or just to answer a quick question. We’re here when you need us—whatever you need.

Company Overview

Planning Tree consulting is the realization of a long term goal for Julie Phillips, the former manager and founder of the planning division of a locally owned engineering company. Ms. Phillips has years of employee management experience and fundamental leadership qualities that have contributed to her individual successes and the success of her clients. The mission of Planning Tree consulting is to provide flexible staffing solutions for municipal planning departments to help them best serve the public good. This commitment is rooted in Ms. Phillips' years of public service, where resources can often be scarce, and high quality external assistance can be challenging to find. Realizing the limited resources of most public entities in our current economy, Planning Tree consultants has established a competitive fee schedule.

Services Provided

Land use planning and environmental planning are defined processes involving members of the public and government to guide growth and development. The practice of planning involves consideration of land use, transportation, water availability, sociology, and economic development - and how each of these elements affects the others. Professional planners must understand the technical details and the relevant law governing a project, and be able to translate that information into terms the general public can grasp. On a given day, a professional planner working with a municipality may write a report discussing environmental impacts of a proposed development, drive through the community enforcing the zoning code with citations, work with State agencies to discuss new legislation, or present a development application at a public hearing. Every day is different, and every community has different needs.

The service that Planning Tree consulting provides is a level of expertise and experience that can be drawn from as needed. Maintaining full-time, permanent staff can be expensive, and some smaller communities don’t have enough need to justify maintaining experienced staff. Planning Tree consulting provides an alternative solution for municipalities and special districts.
Planning Tree, LLC

2011 Fee Schedule

Hourly Rate: $90
Sub-consultant Markup: 5%
Mileage: IRS Standard

Partnering under contract is free of charge.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL
COMMITTEE AND FRATERNAL ORDER OF EAGLES, #1351
PORTERVILLE’S PIONEER DAYS CELEBRATION

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351 is requesting approval to hold a community event, Pioneer Days Celebration, at Centennial Plaza on Saturday, June 25, 2011, from 4:00 p.m. to 10:00 p.m. This event is a kick off to several other events in celebration of Porterville’s Sesquicentennial and will include live music, information, craft and food booths, a beer garden, hay-wagon rides, and demonstrations. Street closures requested are noted below. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

STREET CLOSURES:

Main Street, from Thurman Avenue to Cleveland Avenue;
Division Street, from Thurman Avenue to Cleveland Avenue;
Cleveland Avenue, from Second Street to Division Street;
Thurman Avenue, from Second Street to Division Street.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit ‘A.’

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit ‘A,’ Outside Amplifier Permit, Map, Certificates of Liability Insurance and Exhibit ‘B.’
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer: Yes E-mail address: No Website: city of porterville "events"
Application date: 5/15/2011 Event date: June 25, 2011
Name of Event: Porterville's Pioneer Days Celebration

Sponsoring organization: Fraternal Order of Eagles #1351
Address: 92 E. Henderson Porterville CA 93257
Phone # 559-784-6123
Authorized representative: Wayne Johnson
Phone # 788-4780 or 784-1676
Address: 408 Ruma Rancho Porterville CA 93257
Co-Chair Monte Reyes Phone # 559-310-7270

Event chairperson: John McWilliams
Phone # 559-920-2464

Location of event (location map must be attached):

Type of event: Community Celebration, live music, information booth, hay wagon rides, food sales, vendors, beer garden, demonstrations

Non-profit status determination: Tax ID # 39-0920-675 501(c)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 6 intersections Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other: Providing 2 Porta Potties, hand washing station. Security provided by Tule River Tribe

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

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

Appr. Deny

Pub. Works Dir
Comm. Dev. Dir.
Field Svcs. Mgr.
Fire Chief
Parks Dir.
Police Chief
Admin. Svcs. Dir.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
- A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

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

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

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Fraternal Order of Eagles 1351
Wayne Johnson

(Name of Organization) (Signature) (Date)
CITY OF PORTERVILLE

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

Name of event: Porterville's Pioneer Days Celebration
Sponsoring organization: Fraternal Order of Eagles #1351
Location: Centennial Plaza Park 296 N. Main St Event date: June 25, 2011 Event time: 4-10 pm

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sesquicentennial Committee</td>
<td></td>
<td></td>
<td>Memorabilia Sales</td>
</tr>
<tr>
<td>Fraternal Order of Eagles</td>
<td>97 E Henderson</td>
<td></td>
<td>Beer Garden</td>
</tr>
<tr>
<td>E. Campas Vitus Chapter 1855</td>
<td>2036 S. Locust St</td>
<td>Visalia, CA 93277</td>
<td></td>
</tr>
<tr>
<td>Jackass Mail Run</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tule River Tribe Security</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final list provided two weeks before event

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville's Pioneer Days Celebration
Sponsoring organization: Fraternal Order of Eagles #1351

Event date: June 25th Hours: 4-10 p.m.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thurman</td>
<td>Second St.</td>
<td>Division</td>
<td>Vendors, Hay/Wagon Rides</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Second St.</td>
<td>Division</td>
<td>Vendors, Hay/Wagon Rides</td>
</tr>
<tr>
<td>Division</td>
<td>Cleveland</td>
<td>Thurman</td>
<td>Fire Fighter exhibition, Rides</td>
</tr>
<tr>
<td>Main</td>
<td>Thurman</td>
<td>Cleveland</td>
<td>Vendors, Hay/Wagon Rides</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>No sidewalks closed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only street parking should be affected (within perimeter)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**REQUIREMENTS FOR COMMUNITY CIVIC EVENT**  
**PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL**  
**FRATERNAL ORDER OF EAGLES, #1351**  

**PORTERVILLE’S PIONEER DAYS CELEBRATION**  
**JUNE 25, 2011**

<table>
<thead>
<tr>
<th>Position</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor</td>
<td>S. Hartman</td>
</tr>
<tr>
<td></td>
<td>Business License requires full vendor list prior to event.</td>
</tr>
<tr>
<td>Public Works Director</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td></td>
<td>No comments.</td>
</tr>
<tr>
<td>Community Development Director</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>Field Services Manager</td>
<td>B. Styles</td>
</tr>
<tr>
<td>Chief of Fire Operations</td>
<td>M. G. Garcia</td>
</tr>
<tr>
<td></td>
<td>Keep area in front of the fire station clear and unobstructed.</td>
</tr>
<tr>
<td>Parks and Leisure Services</td>
<td>M. Stowe</td>
</tr>
<tr>
<td></td>
<td>Please keep the public out of the planters.</td>
</tr>
<tr>
<td>Police Captain</td>
<td>M. Rodriguez</td>
</tr>
<tr>
<td></td>
<td>Please see attached Exhibit ‘B.’</td>
</tr>
<tr>
<td>Administrative Services Manager</td>
<td>P. Hildreth</td>
</tr>
<tr>
<td></td>
<td>See attached Exhibit ‘A’, page 2</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce Sesquicentennial Committee Fraternal Order of Eagles, #1351
Event: Porterville's Pioneer Days Celebration
Event Chairman: John McWilliams
Location: Centennial Plaza
Date of Event: June 25, 2011
Time of Event: 4:00 p.m. to 10:00 pm

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permitee’s operation and sponsorship of the aforementioned Community Civic Event.

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: Monte Reyes 44 S. Park Porterville, CA 93257

2 Address where amplification equipment is to be used: Centennial Park 291 N. Main St. Porterville, CA 93257

3 Names and addresses of all persons who will use or operate the amplification equipment: Monte Reyes 44 S. Park St. Porterville, CA 93257

4 Type of event for which amplification equipment will be used: Porterville's Pioneer Days Celebration, Music

5 Dates and hours of operation of amplification equipment: June 25th 2011 3pm sound check

6 A general description of the sound amplifying equipment to be used: Two powered speakers (150 watts each)

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section.

(Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

Silver Rodriguez CAPTAIN
City of Porterville, Chief of Police Designee

Date

May 17, 2011
# Certificate of Liability Insurance

**Producer:**
Stratus Insurance Services, Inc.
947 South 500 East
American Fork, UT 84003
www.TheEventHelper.com

**Insured:**
Porterville Chamber of Commerce
Sesquicentennial Committee
93 N Main Street
Porterville, CA 93257

**Insurers Affording Coverage:**
Insurer A: Colony Insurance Company

**Coverages:**

<table>
<thead>
<tr>
<th>INSN</th>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Effective Date (MM/DD/YYYY)</th>
<th>Policy Expiration Date (MM/DD/YYYY)</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>AY</td>
<td>Commercial General Liability</td>
<td>OS800000A-2-500418</td>
<td>10/01/2010</td>
<td>10/01/2012</td>
<td>EACH OCCURRENCE: $1,000,000, MED EXP (Any one person): $5,000, PERSONAL &amp; ADV INJURY: $1,000,000, GENERAL AGGREGATE: $2,000,000, PRODUCTS - COM/OP AGG: $2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>See specific dates of coverage below.</td>
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<td></td>
</tr>
</tbody>
</table>

- **Automobile Liability**
  - ANY AUTO
  - ALL OWNED AUTOS
  - SCHEDULED AUTOS
  - HIRED AUTOS
  - NON-OWNED AUTOS

- **Garage Liability**
  - ANY AUTO

- **Excess/Umbrella Liability**
  - OCCUR
  - CLAIMS MADE
  - DEDUCTIBLE
  - RETENTION

- **Workers Compensation and Employers' Liability**
  - ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED?
    - If yes, describe under SPECIAL PROVISIONS below

- **Other**
  - Host Liquor Liability | OS800000A-2-500418 | 10/01/2010 | 10/01/2012 | Included in occurrence limit above

**Description of Operations / Locations / Vehicles / Exclusions Added by Endorsement / Special Provisions**
Certificate holder listed below is named as additional insured per attached CG 20 28 07 04 for the following dates: 08/25/11, 08/05/11, 10/22/11, 11/05/11.

RE: Wagon & Hay Rides per scheduled event dates above.

**Certificate Holder:**
City of Porterville
Redevelopment Agency
291 N Main Street
Porterville, CA 93257

**Cancellation:**
Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative:
Bret Christopherson
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville</td>
</tr>
<tr>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>291 N Main Street</td>
</tr>
<tr>
<td>Porterville, CA 93257</td>
</tr>
</tbody>
</table>

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
# CERTIFICATE OF LIABILITY INSURANCE

**DATE (MM/DD/YYYY):** 04/26/2011

**PRODUCER:**
Armstrong Fairway Insurance Center 17072 Silica Dr #103 Victorville, CA 92395 License #: OC46082

**INSURED:**
Fraternal Order Of Eagles Portervi#1351 PO Box 989 Porterville, CA 93257

**CERTIFICATE NUMBER:** 00013482-23288

**REVISION NUMBER:** 2

**COVERAGES**

<table>
<thead>
<tr>
<th>INSURER A:</th>
<th>Mercury Insurance</th>
</tr>
</thead>
</table>

**POLICY PRODUCER:**
Cindy Lane
PHONE: (760)245-2561  FAX: (760)245-2537  E-MAIL: cindy@armstrong-fairway.com  NAIC #

**GENERAL LIABILITY**

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>ADDED SOURCES</th>
<th>POLICY NUMBER</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>X COMMERCIAL GENERAL LIABILITY</td>
<td>Y N</td>
<td>CCP0023804</td>
<td>1/20/2010 - 12/10/2011</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>EACH OCCURRENCE</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO TINTED PROPERTY (per occurrence)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MED EXP (any one person)</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADJ INJURY</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMB/OP AGG</td>
</tr>
</tbody>
</table>

**ADDITIONAL LIMITS**

<table>
<thead>
<tr>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**EXCESS LIABILITY**

<table>
<thead>
<tr>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach an ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER**
City of Porterville Porterville Fair PO Box 369 Porterville, CA 93258

**CANCELLATION**
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**
Cindy Lane (CIL)

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Printed by CIL on April 26, 2011 at 01:21 PM
<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Fraternal Order Of Eagles Porterville#1351</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICY NUMBER</td>
<td>CCP0023504</td>
</tr>
<tr>
<td>CARRIER</td>
<td>Mercury Insurance</td>
</tr>
<tr>
<td>NAIC CODE</td>
<td></td>
</tr>
<tr>
<td>EFFECTIVE DATE</td>
<td>12/01/2010</td>
</tr>
</tbody>
</table>

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

**FORM NUMBER:** 25 **FORM TITLE:** Certificate of Liability Insurance

Certificate holder is listed as additional insured as per the attached declaration page from company.
CITY OF PORTERVILLE
Community Civic Event Application

Porterville Pioneer Days Celebration – June 25, 2011

Proposed Conditions/Requirements for Pioneer Days Event

➢ All street closures in the city require City Council approval.

➢ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

➢ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ Amplified music shall not continue after 10:00 p.m.

Silver Rodriguez, Captain
Police Department- Services Division

EXHIBIT 'B'
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
WORD OF VICTORY CHURCH – CHURCH COMMUNITY
OUTREACH - JUNE 25, 2011

SOURCE: Finance Department

COMMENT: The Word of Victory Church is requesting approval to hold their annual
Church Community Outreach event. This event, with carnival games
and live music, will be held in the church parking lot and in front of the
church on ‘E’ Street, Saturday, June 25, 2011, from 3:00 p.m. to 8:00
p.m. They have requested closure of ‘E’ Street from Orange Street to
the end of their church building. This application is submitted in
accordance with the Community Civic Events Ordinance No. 1326, as
amended.

The application has been routed according to the ordinance
regulations and reviewed by all the departments involved. All
requirements are listed on the attached copy of the Application,
Agreement and Exhibit ‘A.’

RECOMMENDATION: That the Council approve the Community Civic Event
Application and Agreement from the Word of Victory
Church, subject to the Restrictions and Requirements
contained in the Application, Agreement, Exhibit ‘A’ of the
Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement,
Exhibit ‘A,’ Map, Outside Amplifier Permit and Certificate
of Liability Insurance.
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 5-11-11 Event date: 6-25-11
Word of victory Event time: 3PM - 8PM
Name of Event: Church Community Outreach

Sponsoring organization: Palabra De Victoria Phone # 782-1573
Address: 163 W. Orange ST.
Authorized representative: Angel Secura Phone # 782-1573
Address: 1184 W. Brown Ave Tulare, CA 93274
Event chairperson: Phone #

Location of event (location map must be attached):

Type of event: Community Outreach (Church)

Non-profit status determination: Non-Profit Church

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 12 Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other:

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

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

Appr. Deny
Pub. Works Dir.
Comm. Dev. Dir.
Field Svcs. Mgr.
Fire Chief
Parks Dir.
Police Chief
Admin. Svcs. Dir.

Approved

5/2011
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

P A L A B R A  O R  V I C T O R I A
(Name of Organization)

J o e  D .  Q u e z
(Signature)

5-11-11
(Date)
CITY OF PORTERVILLE

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

Name of event: **Church Community Outreach**

Sponsoring organization: **Palabra De Victoria Church**

Location: **163 W. Orange St.** Event date: **6-26-11** Event time: **3PM - 8PM**

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

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<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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</thead>
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<tr>
<td></td>
<td></td>
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<td><strong>NONE</strong></td>
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</tbody>
</table>

**Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Community Outreach "Seed of Victory Church"

Sponsoring organization: Alabama De Victoria Church

Event date: 6-25-11 Hours: 3 PM - 8 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;E 1ST&quot;</td>
<td>Church Building</td>
<td>End of church Building</td>
<td>Carnival Type: Games for children that require no mech equipment (Ev Ball Toss/Ring Toss) Ball, No Hides @ Carnival</td>
</tr>
<tr>
<td>ORANGE</td>
<td>ORANGE</td>
<td></td>
<td>No drinking machines, Live Christian Band, No DJ, No Vendors, No other participants</td>
</tr>
</tbody>
</table>

Parking lots and spaces

Location

Activity: Except for Church Members Band + Persons of Community

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WORD OF VICTORY CHURCH

CHURCH COMMUNITY OUTREACH

JUNE 25, 2011

Business License Supervisor:
S. Hartman

Business License has no requirements.

Public Works Director:
B. Rodriguez

Public Works requires a detour map.

Community Development Director:
B. Dunlap

Carnival to include non-mechanized ride
and games only. Certificate of Insurance
shall include the Redevelopment Agency
as additional insured.

Field Services Manager:
B. Styles

Barricades can be picked up and returned
to 555 N. Prospect.

Fire Chief:
M.G. Garcia

Emergency vehicles must have no
problems navigating past the carnival.

Parks and Leisure Services Director:
M. Stowe

Police Captain:
S. Rodriguez

Conditions and Requirements:
The effective use of cones and/or
barricades to properly warn motorists
of the street closure and keep them out.
There shall be no consumption of alcohol in
the street or at event.
At the conclusion of the event, the
barricades or cones shall be promptly
removed from roadway and the roadway
shall be cleaned of any debris or hazards
that could negatively affect traffic.

Administrative Services Manager:
P. Hildreth

Please see Exhibit 'A,' page 2.

EXHIBIT 'A,' Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Word of Victory Church
Event: Church Community Outreach
Event Chairman: Angel Segura
Location: Word of Victory Church parking lot/front of church
Date of Event: June 25, 2011
Time of Event: 3:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Word of Victory Church provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $500,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, City of Porterville Redevelopment Agency and its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

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

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

West to Jaye  

Orange  

East to Main

From here to end of church building  

Church

Frick building G.
This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: Jose A. Scurge  
   184 W. Brown Ave Porterville Ca 93257

2 Address where amplification equipment is to be used: 163 W. Orange St. Portville, Ca

3 Names and addresses of all persons who will use or operate the amplification equipment: Casandra Eddy, Angel

4 Type of event for which amplification equipment will be used: Church Community Outreach

5 Dates and hours of operation of amplification equipment: Saturday June 25, 2011  3PM - 8PM

6 A general description of the sound amplifying equipment to be used: Guitar, PA System, Speakers

Key board, Drums, Bass

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 8311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibits for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGEE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCAATION OF THE PERMIT.

Signature of Captain

City of Porterville, Chief of Police Designee

Date
**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
Church & Casualty Insurance Agency Inc
3440 Irvine Ave Suite 150
Newport Beach CA 92660

**INSURED**
PALABRA DE VICTORIA CHURCH
163 W ORANGE AVE
PORTERVILLE CA 93257-4650

**CONTACT PERSON**
Rachel Stewart

**INSURER(S) AFFORDING COVERAGE**
Church Mutual Insurance Co
18757

**DATE (MM/DD/YYYY)**
5/19/2011

### COVERAGES

<table>
<thead>
<tr>
<th>CLM Agg Limit Applies Per:</th>
<th>Policy:</th>
<th>LOC</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>0255275-02-248364</td>
<td>8/3/2020</td>
</tr>
<tr>
<td>Exposure</td>
<td>8/3/2013</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage Type</th>
<th>Policy Number</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial General Liability</td>
<td>0255275-02-248364</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Each Occurrence</td>
<td></td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Damage to Rented Premises</td>
<td></td>
<td>$300,000</td>
</tr>
<tr>
<td>Med Exp (Any one person)</td>
<td></td>
<td>$15,000</td>
</tr>
<tr>
<td>Personal &amp; Adv Injury</td>
<td></td>
<td>$1,000,000</td>
</tr>
<tr>
<td>General Aggregate</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Products - Comp Agg</td>
<td></td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

Evidence of insurance for a street closure (community outreach) at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA on June 25, 2011. Certificate holder is named additional insured by only with respect to the activities of the Named Insured on the above described premises. All activities/operations not specifically run/or conducted by the Named Insured are excluded. Refer to attached A2014 REVISED 05/23/2011.

**CANCELLATION**

City of Porterville & The City of Porterville Redevelopment Agency
291 N Main Street
Porterville, CA 93257

Authorized Representative
J Taheri Kenari/JANIC

© 1988-2008 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION
FOR SPECIFIC ACTIVITY

This endorsement modifies insurance provided under the General Liability Coverage Part.

The following is added to the General Liability Additional Provisions Form.

Additional Insured Person(s) or Organization(s):
Name: City of Porterville
& The City of Porterville Redevelopment Agency

Address: 291 N Main Street

Porterville CA 93257
City State Zip

Activity: for a street closure (community outreach) at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA

Date(s): June 25, 2011

A. ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION FOR SPECIFIC ACTIVITY

1. Paragraph C, Who is An Insured, is amended to include the person(s) or organization(s) shown above, but only with respect to "bodily injury," "property damage," "personal injury," and "advertising injury" liability, and only with respect to operations of the Named Insured that are directly related to the activity shown above during the dates shown above.
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 at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on May 17, 2011, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. A total of $361,750 in damage repair projects (please see attachment) were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, subject to final FEMA administrative review and approval. All repair projects are to be completed by no later than July 2012.

RECOMMENDATION: That the 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.

ATTACHMENT: CEMA/FEMA List of Projects

Item No. 8
## List of Projects

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>LOCATION</th>
<th>DESCRIPTION OF DAMAGE AND SCOPE OF WORK</th>
<th>COST ESTIMATE</th>
<th>CATEGORY</th>
<th>WAS WORK COMPLETED BY FEDERAL FUNDS (FOA NO)?</th>
<th>WAS WORK COMPLETED BY NON-FEDERAL FUNDS (FOA NO)?</th>
<th>WAS THERE DAMAGE DUE TO ENVIRONMENTAL ISSUES OR HISTORIC ISSUES?</th>
<th>WAS THERE INSURANCE COVERAGE FOR DAMAGE?</th>
<th>WAS THE FACILITY DAMAGED WHEN THE FACILITY WAS OCCUPIED BY A FEDERAL AGENCY OR BY A POLICE, MUNICIPAL, OR JUDICIAL ORIGIN?</th>
<th>CHECK IF AMENDED ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>El Granito North of Grand Avenue</td>
<td>Damaged asphalt concrete, &quot;X&quot; gutter and curb &amp; gutter.</td>
<td>$60,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Henderson - Newcomb to Mathew street,</td>
<td>Remove &amp; replace 11,000 SF damaged asphalt concrete.</td>
<td>$160,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Hillcrest - Morton Ave. north to Terminus street.</td>
<td>Grade damaged street shoulders, place engineered fill, compact and</td>
<td>$45,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
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<tr>
<td>4</td>
<td>Intersection at East Grand st. &amp; Henrahan st.</td>
<td>Remove &amp; replace 10,000 SF of damaged asphalt concrete.</td>
<td>$63,750.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>OHV</td>
<td>Bulldozer and tiller damaged.</td>
<td>$2,500.00</td>
<td>E</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Murry-Park @ Henrahan &amp; Putnam Ave.</td>
<td>Driveway and Parking-lot damage.</td>
<td>$45,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Intersection at West Rd &amp; Teapot Dome Ave.</td>
<td>Asphalt concrete shoulder on both sides of the road.</td>
<td>$17,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
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<tr>
<td>8</td>
<td>Plano st. between Putnam Ave. &amp; Thurman Ave.</td>
<td>Damaged drop inlet, asphalt concrete adjacent to drop inlet &amp; repair/replacement</td>
<td>$15,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
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<tr>
<td>9</td>
<td>West Rd. at Scranton Ave.</td>
<td>Damaged asphalt concrete shoulder along west side of the street.</td>
<td>$24,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
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</tr>
<tr>
<td>10</td>
<td>Hawaii &amp; Grand Ave.</td>
<td>Remove and replace damaged &quot;V&quot; gutter, spandrel &amp; minor asphalt</td>
<td>$5,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
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<td></td>
</tr>
<tr>
<td>11</td>
<td>Hillcrest Ave. north of Morton Ave.</td>
<td>Pipeline dredging to remove mud &amp; other debris</td>
<td>$12,000.00</td>
<td>A</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
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</tr>
<tr>
<td>12</td>
<td>West Rd. at Scranton Ave.</td>
<td>Flood waters pumped-out.</td>
<td>$1,500.00</td>
<td>B</td>
<td>FA</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

*CATEGORY: A) Debris Clearance; B) Protective Measures; C) Road System; D) Water Control Facility; E) Buildings and Equipment; F) Public Utility System; G) Other. (Note: If a single site has more than one category, indicate the category that represents the majority of damage.)*

(DES 85, Rev. 1/02)
CITY COUNCIL AGENDA: JUNE 7, 2011

SUBJECT: PUBLIC HEARING TO ADOPT REVISED SIGN CODE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On May 4, 2010, the City Council adopted a new Development Code. At the time of adoption, staff was directed to follow up with a review by the City Council of any issues or concerns that came up during the initial period of implementation. In review of the code, staff determined that the sign code was in need of immediate revisions, due to a significant, unintended overall reduction in signage allowances. The sign code has been revised accordingly to allow more signage than currently allowed, but roughly the same as the prior code.

New methods for determining sign allowances have been added to make it easier and more standardized on any given parcel. Provisions have also been added to allow more flexibility in permitting center identification signs, which should reduce the clutter of additional freestanding pole signs for individual businesses. The revision also allows more flexibility for individual businesses to determine the type of signage they prefer to advertise. These revisions have been reviewed by the Development Code Update Committee, with agreement on most of the changes.

The City Attorney has reviewed the Code and made changes to it to be content-neutral for noncommercial signs and viewpoint neutral for commercial signs, a provision that the former Code did not contain. The attached matrix presents a summary of some of the more major changes to the Code, compared to the old, existing and proposed Codes.

It is recommended that the Sign Code, which consists of Chapter 305 of the Development Ordinance, be amended in its entirety, repealing and replacing the current Chapter, in advance of other changes that are being made to the remainder of the Development Code.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive input regarding adoption of the revised Sign Code; and

2. Adopt the attached Ordinance repealing the current Sign Code and adopting the new Sign Code, give first reading and order the Ordinance to print.

ATTACHMENTS: 1. Comparison Matrix
                2. Draft Ordinance

[Signatures]

Item No. 9
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Message Neutrality</td>
<td>None stated</td>
<td>Obscure reference to message neutrality</td>
<td>Signs to be regulated in a constitutional manner – content neutral for noncommercial signs and viewpoint neutral for commercial signs</td>
<td>305.02 pg 216</td>
</tr>
<tr>
<td>Internally illuminated can or cabinet signs</td>
<td>Allowed</td>
<td>Prohibited</td>
<td>Allowed except in some downtown districts</td>
<td>305.07 (i) pg 224</td>
</tr>
<tr>
<td>Method for determining total sign allowance</td>
<td>15% of business face (height times linear footage of building)</td>
<td>0.5 to 1.0 SF per linear foot of building frontage with maximum sign allowances per business</td>
<td>1.0 to 3.0 SF per linear foot of building frontage with no maximums except on some individual sign types</td>
<td>Table 305.09 pg 226</td>
</tr>
<tr>
<td>Number of allowed wall signs per business face</td>
<td>2 to 4 (depending on zone district)</td>
<td>1</td>
<td>4</td>
<td>305.10 (d) pg 229</td>
</tr>
<tr>
<td>Maximum size of any wall sign</td>
<td>60 SF in PO &amp; C-1 zones; no max in other C and Ind zones</td>
<td>100 SF</td>
<td>300 SF</td>
<td>305.10 (d) pg 229</td>
</tr>
<tr>
<td>Window signs</td>
<td>Coverage of up to 50% of windows allowed as exempt signage</td>
<td>Coverage of up to 50% of windows allowed as part of permitted signage</td>
<td>Coverage of up to 50% of windows allowed as exempt signage</td>
<td>305.10 (e) pg 230</td>
</tr>
<tr>
<td>Pole Signs</td>
<td>One 20’ tall sign allowed in PO &amp; C-1 zones per street frontage; 30’ tall sign in other C and Ind zones</td>
<td>One 20’ to 30’ tall sign, 60 SF in size allowed per site in C and Ind zones if site is located within 500’ of a freeway</td>
<td>One 20’ to 35’ tall sign (depending on distance to freeway), no max size, per site in C, Ind and Public zones</td>
<td>305.10 (g) pg 230</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Monument Signs</td>
<td>Same as pole signs above except must maintain building setbacks</td>
<td>One 6.5’ tall sign allowed per street frontage, 24 to 60 SF in size</td>
<td>One 7’ to 12’ tall sign, depending on zone district, allowed per street frontage, 32 to 60 SF in size</td>
<td>305.10 (f) pg 230</td>
</tr>
<tr>
<td>Center Identification Signs</td>
<td>Sign area = 40 to 100 SF in PO &amp; C-1 zones, 12’ tall, or 30 SF per 100 SF per street frontage up to 320 SF max in C and Ind zones, 35’ tall; one sign per street frontage allowed in centers with 5 or more businesses</td>
<td>Sign area = 1 SF per linear footage of lot frontage up to 200 SF max; no height limitation listed; allowed in sites of 2 acres or larger.</td>
<td>Sign area = 1 SF per linear footage of lot frontage up to 200 SF max; allowed within sites with 3 or more businesses; 20’ tall in CMX, CN &amp; PO zones, 35’ tall in other C and Ind Zones</td>
<td>305.10 (h) pg 231</td>
</tr>
<tr>
<td>Temporary (Promotional) Signs</td>
<td>Generally 2 temporary signs allowed per business every 3 months with a temporary sign permit. Banners not to exceed 40 SF in size. 100’ separation of temp permits required.</td>
<td>Temporary signs allowed for up to 90 days in any calendar year. Code does not specify amount or size of allowed signs.</td>
<td>Same as prior code.</td>
<td>305.11 Pg 232</td>
</tr>
<tr>
<td>Master Sign Program</td>
<td>Only allowed through a CUP or PD</td>
<td>Required for centers with 3 or more tenants or 1-2 tenants with 5 or more signs</td>
<td>Allowed for centers with 3 or more tenants.</td>
<td>305.13 Pg 236</td>
</tr>
</tbody>
</table>

Attachment 1
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE REPEALING AND REPLACING SUBCHAPTER 305 OF
CHAPTER 21 OF THE MUNICIPAL CODE REGARDING SIGNS

WHEREAS: On May 4, 2010 the City Council of the City of Porterville adopted a Comprehensive Development Code that replaced Chapter 21 “Subdivisions” and Appendix A “Zoning”;

WHEREAS: Staff has determined that changes to the current Sign Code are necessary and appropriate to increase the amount of signage allowable on individual commercial properties, and such amendments may assist in creating a positive impact on the economic viability of the City as a whole;

WHEREAS: The amendments to the Sign Code have been reviewed by a subcommittee of the original General Plan and Comprehensive Development Code committees and found to be appropriate for the community;

WHEREAS: The amended Sign Code has been reviewed by the City Attorney and found to be in conformance with Federal, State and local laws;

WHEREAS: It has been determined that the Sign Code should be amended in its entirety in advance of other changes that are being made to the remainder of the Development Code;

WHEREAS: A public hearing was held before the City Council on June 7, 2011, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City;

WHEREAS: It has been determined that no further environmental review pursuant to the California Environmental Quality Act (CEQA) is necessary, because this project is an implementation measure of the adopted General Plan. An addendum was prepared to the Porterville General Plan Final Environmental Impact Report when the Comprehensive Development Code was adopted in May 2010, and it was determined that the project does not contain changes and/or additional details that warrant a Subsequent or Supplemental EIR as described in Section 15162 and 15163 of the California Environmental Quality Act Guidelines.

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

1. That the City Council of the City of Porterville does hereby repeal Subchapter 305 of Chapter 21 of the Porterville Municipal Code [SIGNS] and replace it with a new Subchapter 305 [SIGNS], attached hereto as Exhibit A, and fully incorporated herein by reference.

ATTACHMENT
ITEM NO. 2
2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this _____ day of ________, 2011.

____________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ___________________
Patrice Hildreth, Chief Deputy City Clerk
Chapter 300  Signs (Chapter 305)

Sections:

305.01  Purpose
305.02  Policies
305.03  Applicability
305.04  Design Principles
305.05  Exempt Signs
305.06  Prohibited Signs
305.07  General Standards
305.08  Sign Standards for Residential Districts
305.09  Sign Standards for Non-Residential Districts
305.10  Standards for Specific Types of Signs
305.11  Temporary Signs
305.12  Permits Required; Review Process
305.13  Master Sign Program
305.14  Nonconforming Signs
305.15  Abatement and Removal of Illegal Signs

305.01  Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city’s people and economy. Specifically, these regulations are intended to:

(a)  Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

(b)  Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists’ attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;

(c)  Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the City;

(d)  Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
(e) Otherwise protect the public health, safety, morale, and promote the public welfare.

305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

(a) Permit Requirement. Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.

(b) Message Neutrality. It is the City’s policy to regulate signs in a constitutional manner, that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

(c) Regulatory Interpretations. All regulatory interpretations of this Chapter are to be exercised in light of the City’s message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a “structure” as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.

(d) Substitution of Messages. Subject to the property owner’s consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.

(e) Rules for Non-communicative Aspects of Signs. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

(f) Situs of Non-commercial Message Signs. The onsite/offsite distinction applies only to commercial messages on signs.

(g) Property Owner’s Consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, “owner” means the holder of the legal title to the property
and all parties and persons holding a present right to possession, control or use of the property.

(h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

(i) **Sign Programs.** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to and be deemed a part of any sign program after the date on which this provision is initially adopted.

(j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

### 305.03 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

### 305.04 Design Principles

(a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building’s architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over “natural” boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.

(b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.

(c) **Legibility.** The proportion of the elements of the sign’s message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or
graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

**FIGURE 305.04(C): LEGIBILITY**

This: 

![Turner Locksmith](image)

Not This: 

![SECURITY IS OUR MOTTO! TURNER 371-1701](image)

This: 

![FORGET ME NOT GIFT SHOP](image)

Not This: 

![Forget Me Not Gift Shop](image)

(d) **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.

(e) **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.

**305.05 Exempt Signs**

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

(a) **Civic Signs.** Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.

(b) **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
(c) **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

(d) **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

**FIGURE 305.05(D): EQUIPMENT SIGNS**

(e) **Flags.** Flags with the display of only noncommercial speech.

(f) **Identification Signs.** Signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

(g) **Information Signs.** Displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.

(h) **Name Plates.** Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

(i) **Official Government Signs, Plaques, and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

(j) **Parking and Directional Signs.** On-site parking and directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and
not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City.

(k) **Real Estate Offered for Sale, Rent or Lease (Off-site Directional).** Not more than one (1) off-site sign with a maximum size of twenty (20) square feet and a maximum height of eight (8) feet, Permission from the property owners of the site where the sign is placed is required. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental, or lease.

(l) **Real Estate Offered for Sale, Rent or Lease (On-site).** Not more than one (1) on-site real estate sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, shall be allowed per street frontage of a parcel. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental or lease.

(m) **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.

(n) **Sponsorship Signs.** One (1) sponsorship sign per business noting a business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.

(o) **Warning Signs.** Non-commercial warning signs or no trespassing signs on private property posted no closer than twenty-five (25) feet apart nor exceeding two (2) square feet in area per sign.

### 305.06 Prohibited Signs

The following types of signs and devices are specifically prohibited:

(a) **Animated, Flashing or Moving Signs.** Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.
(b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.

(c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).

(d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.

(e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (a).

(f) **Obcenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.

(g) **Obstructions to Exits.** Signs erected, constructed or maintained which obstruct any fire fighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.

(h) **Obstructions to Driver Visibility.** Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.

(i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.

(j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.

(k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).

(l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.
(m) **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(n) **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising of a commercial product or service, with the exception of vehicle identification signs.

### 305.07 General Standards

This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

(a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.

(b) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.
(1) **Double-Faced Signs.** For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

(2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces, shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.

(3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

**FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS**

Sign Area = Sum of Two Adjacent Sides

(c) **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.

(d) **Building Frontage.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage, of the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.
(e) **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.

(f) **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

(g) **Construction and Maintenance.**

(1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.

(2) All signs, together with all supporting structures, shall be maintained in the following manner:

a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.

b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.

c. Failed, damaged, or blinking illumination shall be promptly replaced.

d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.

e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.

(h) **Encroachment into Public Street or Sidewalk.** Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.

(i) **Illumination.** Channel letters, internally illuminated signs and neon signs are allowed with the exception that internally illuminated signs are prohibited in some downtown districts. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 307, Performance Standards.

(j) **Materials.** Paper, cardboard and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days.
305.08  Sign Standards for Residential Districts

(a) Religious facilities, multifamily residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.

(b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

305.09  Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.
<table>
<thead>
<tr>
<th>Zoning Districts (Frontage)</th>
<th>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</th>
<th>Permitted Sign Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR-N, D-MX</td>
<td>1</td>
<td>Awning and canopy</td>
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<tr>
<td></td>
<td></td>
<td>Marquee</td>
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<td></td>
<td></td>
<td>Projecting</td>
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<td>Wall (internally illuminated signs prohibited)</td>
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<td></td>
<td></td>
<td>Window</td>
</tr>
<tr>
<td>D-PO</td>
<td>1</td>
<td>Awning and canopy</td>
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<tr>
<td></td>
<td></td>
<td>Projecting</td>
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<td></td>
<td></td>
<td>Monument</td>
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<td></td>
<td></td>
<td>Window</td>
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<tr>
<td>D-PS</td>
<td>1</td>
<td>Awning and canopy</td>
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<td>Marquee</td>
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<td>Window</td>
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<tr>
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Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Zoning Districts (Frontage)</th>
<th>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</th>
<th>Permitted Sign Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMX, CN, PO</td>
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<td>Awning and canopy</td>
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<td>Marquee</td>
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<td>Window</td>
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<td>Monument</td>
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<td>Wall</td>
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<td>Window</td>
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<tr>
<td>IP, IG, IA</td>
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<td>Awning and canopy</td>
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<td>Window</td>
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<tr>
<td>REC, PK, PS</td>
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<td>Projecting</td>
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<td>Wall</td>
</tr>
</tbody>
</table>

305.10 Standards for Specific Types of Signs

(a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:
Maximum Sign Area Per Awning or Canopy Sign:

a. Downtown, CMX, and CN districts: twenty-four (24) square feet
b. CG, CR, and Employment districts: sixty (60) square feet

Sign Clearance. Minimum of eight (8) feet.

Height Limit. Twenty-five (25) feet.

Number of Signs. Four (4) maximum per building façade, which includes any wall signs.

(b) Marquee Signs. A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:

Maximum Number of Signs: One (1) marquee sign per site.

Maximum Sign Area Per Sign: One and one-half (1.5) square feet per linear foot of building frontage.

Sign Clearance. Minimum of eight (8) feet.

(c) Projecting Signs. Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:

Maximum Number of Signs: One (1) projecting sign per building façade or tenant space frontage.

Maximum Sign Area Per Sign: Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.

Sign Clearance. Minimum of eight (8) feet.
(4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) **Projection.**
   a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.
   b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge.

**FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS**

(d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs.** Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.

(2) **Maximum Sign Area Per Sign:** Three hundred (300) square feet.

(3) **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.
(4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.

(5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.

(6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.

(e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:

(1) **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.

(2) **Height.** Window signs shall not be mounted or placed on windows higher than the second story.

(f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs.** One (1) monument sign per frontage per site.

(2) **Maximum Sign Area Per Sign:**
   a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.
   b. CG, CR, and Employment districts: sixty (60) square feet
   c. PS, REC and PK districts: thirty-two (32) square feet.

(3) **Height.** A maximum of seven (7) feet; twelve (12) feet in the CMX, CN and PO zoning districts.

(4) **Setbacks.** Monument signs shall be set back a minimum of five (5) feet from the property line.

(5) **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.

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(g) **Pole Signs.** Pole signs are allowed subject to the specific zoning district standards and the following standards:
(1) **Maximum Number of Signs**: One (1) pole sign per site.

(2) **Allowable Sign Area Per Sign**. The area of any pole sign shall be included in the maximum allowed sign area per Table 305.09.

(3) **Architectural Treatment**. Pole signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.

(4) **Landscaping**. Pole signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

(5) **Height**. A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over pedestrian walkways.

(6) **Projection**. Pole signs that project beyond the property line.

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**FIGURE 305.10(G): POLE SIGNS**

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(h) **Other Sign Types**.

(1) **Center Identification Signs**. Center identification signs may be erected in the Commercial and Employment districts, subject to the following limitations:
a. **Allowable Areas:** The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.

b. **Area Not Counted.** The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.

c. **Sign Area Allowed.** The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.

d. **Sign Height.** The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.

e. **Sign Base.** The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.

(2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:

a. **Area Not Counted.** The area of the sign shall not count towards the permissible sign area of the individual lot.

b. **Maximum Number of Signs.** One (1) A-frame/sandwich board sign per tenant space.

c. **Maximum Sign Area.** The total sign area shall not exceed a maximum of six (6) square feet per side.

d. **Location.** Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.

e. **Removal.** Such sign is to be removed during non-operational hours.

### 305.11 Temporary Signs

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

(a) **Commercial Banners, Handheld Signs, Portable Signs and Inflatable Signs:** Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events, and promotional events and are subject to the following:

(1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a
geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.

(2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.

(3) No more than one temporary sign permit shall be in effect simultaneously for any business.

(4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. Permits valid in two (2) calendar years shall be counted within the earlier calendar year.

(5) Each business shall be limited to a maximum of one temporary sign permit for the purpose of advertising a “going out of business sale,” or the equivalent in any calendar year.

(6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.

(7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.

(8) A-frame signs are not considered temporary and as such do not apply to this section.

(9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.

(b) Non-commercial Message Signs on Residential Uses. On residential uses, non-illuminated temporary signs displaying non-commercial messages, with the size restrictions as specified in (c) below may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(c) Non-commercial Message Signs on Commercial, Business, Industrial and Manufacturing Uses. On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying non-commercial messages, with the size as specified below, may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary, or run-off election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(1) Permission Required. Such temporary signs may be erected or placed on private property or in the public right of way provided that the permission of
the legal owner, or in the case of public right of way the owner or tenant of
that property immediately adjacent to the public right of way where the sign
is placed, is first obtained. Said signs shall not require a sign permit.

(2) **Prohibited Locations.**

a. Any location that would constitute a hazard to vehicular and
   pedestrian traffic.

b. Attached to any pole or structure supporting a traffic control sign or
device, street tree or fire hydrant.

c. Placement within or on a roadway or on the sidewalk.

d. Within the public right-of-way abutting any public property including
   parklands or within City maintained landscaped parkways within
   public right of way.

(3) **Size Limitations in a Residential Zone District.** The following size
   limitations apply:

a. Four (4) square feet when located on private property with frontage
   on a local street as designated in the General Plan.

b. Eight (8) square feet when located on private property with frontage
   on an Arterial or Collector Street as designated in the General Plan.

(4) **Size Limitations in a Non-Residential Zone District.** The following size
   limitations apply:

a. Sixteen (16) square feet when located on private property.

b. Four (4) square feet when located within the public right of way.

(5) **Violations.** Violation to any of the above regulatory conditions shall be
   deemed a public nuisance and may be summarily abated as such; and each
day that such violation continues shall be regarded as a new and separate
offense.

(d) **Subdivision Signs.** Signs advertising a subdivision being developed in the City are
   subject to the following requirements:

(1) **On-Site Signs.** One (1) sign per street frontage with a maximum of two (2)
temporary real estate subdivision signs may be permitted on the subdivision
site in accordance with the following:

a. **Maximum Sign Area.** The maximum sign area may be no more than
   one hundred (100) square feet (total of all signs).

b. **Height.** A maximum of ten (10) feet

c. **Duration.** Subdivision signs shall be removed twenty-four (24)
   months from the date the permit for same is issued, or when the last
   lot of the subdivision has been sold for the first time.

d. **Letter of Agreement.** A Letter of Agreement from the property
   owners giving the City right of entry to remove signs in the event the
   above stipulations are not complied with shall be submitted to the
Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.

(2) **Off-Site Signs.** Up to three (3) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:

a. *Maximum Sign Area.* The maximum sign area per sign may be no more than thirty-two (32) square feet

b. *Height.* A maximum twelve (12) feet.

c. *Duration.* Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.

d. *Consent of Landowner.* A completed application form, including a notarized affidavit signed by each property owner of each site is required prior to issuance of a sign permit.

### 305.12 Permits Required; Review Process

(a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.

(b) **Applicability.** Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit is issued by the Building Division.

(c) **Applications for Filing, Processing and Review.**

(1) **Applicant.** Sign owners or their designees shall apply for Building Permits for signs that require them.

(2) **Filing and Filing Fee.** Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business.

(3) **Compliance with Standards.**

a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter, and with any standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.
b. The Zoning Administrator’s decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

(d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 610, Appeals.

### 305.13 Master Sign Program

(a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.

(b) **Applicability.** A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:

1. Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or
2. Developments with multiple structures with limited frontage or no frontage on a public street; or
3. Businesses conducted primarily outside of a building; or
4. New multi-family residential developments of one hundred, (100) or more units, or
5. Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.

(c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

(d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with the sections on design principles and general standards, excluding maximum allowable sign area (305.07(a)).

(e) **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.
(f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;
3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and
4. Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.

(g) **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

(h) **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

305.14 **Nonconforming Signs**

(a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

(b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.

(c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one year.

(d) Any nonconforming sign that loses its legal nonconforming status shall be brought into compliance with this chapter or shall be removed by the property owner within ninety (90) days of losing its legal nonconforming status.

305.15 **Abatement and Removal of Illegal Signs**

(a) **Authority to Abate.** The City has the authority to abate illegal and abandoned signs. Abatement of identified illegal or abandoned signs shall commence within eight (8) months of the adoption of this chapter and shall be ongoing thereafter.

(b) **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of
not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.

(c) **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).

(d) **Sign Removal.**

(1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.

(2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.

(3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid, to the owner of the property, and, if known, the owner of the sign.

(4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

(5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

(6) If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.
COUNCIL AGENDA: June 7, 2011

SUBJECT: CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2011-2012 AND SETTING A PUBLIC HEARING DATE

SOURCE: City Manager

COMMENT: Consistent with the calendar approved in the development of the City Budget, the City Manager’s draft budget is presented for the City Council’s consideration. The customary process involves the Council’s consideration of the draft budget through study session and public hearing.

The study session for the 2011-2012 Budget was held on May 24, 2011. Staff recommends the public hearing be set for the next regular council meeting on June 21, 2011.

RECOMMENDATION: That the City Council schedule the Public Hearing on the Fiscal Year 2011-2012 Budget on June 21, 2011.

ATTACHMENTS: Preliminary Budget provided under separate cover.

D.D. Appropriated/Funded MB C.M. Item No. 10
SUBJECT: TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) VACANCY

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On May 18, 2011, Ms. Shirley Hickman tendered her resignation from the Transactions and Use Tax Oversight Committee ("TUTOC") thereby creating a vacancy with a term due to expire in May, 2012.

Pursuant to Resolution No. 24-2006 which sets forth the Committee's guidelines, the Council shall act to replace a Committee vacancy at the next regularly scheduled City Council meeting. For Council's information, two applications remain on file, those of Mr. Case Lok and Ms. Amy Pitigliano. Staff has confirmed Mr. Lok's continued interest in serving; however, staff has not received confirmation from Ms. Pitigliano.

At the Council's direction, staff can provide public notice and solicit applications by way of a Press Release. This would allow additional individuals interested in serving on the Committee the opportunity to submit an application for the Council's consideration at a future meeting date. As a second option the Council can, and has in the past, directly proceed with making an appointment.

RECOMMENDATION: That the City Council provide direction to staff for the purposes of filling the seat vacated by Ms. Shirley Hickman, with a term expiring in May, 2012, on the Transactions and Use Tax Oversight Committee.

ATTACHMENTS: 1) Ms. Hickman's letter of resignation
2) Request for Appointment – Mr. Case Lok

Item No. 11
Members of the City Council
291 N. Main St.
Porterville, CA 93257

Gentlemen:

Please accept my resignation from the Measure H Oversight Committee. Thank you.

Sincerely,

Shirley Skufca Hickman
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 case and kim@sbcglobal.net

City of Porterville resident: ☑ Yes ☐ No
Registered Voter: ☑ Yes ☐ No
Qualifications: [Redacted on file]

☐ Resume attached
☐ Letter of request attached

Submitted By: [Signature] 8/5/10

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: [Signature]
SUBJECT: CONSIDERATION OF SETTING A PUBLIC HEARING FOR MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (EL RINCONCITO COSALA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On November 16, 2010, the City Council adopted Resolution 122-2010 approving a Conditional Use Permit (CUP) to allow for a type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Ave. This item has been scheduled based on incident reports taken by the Police Department on two separate occasions for being open beyond the approved hours of operation and for the sale and serving of alcohol after 2:00 a.m., a violation of the State’s Business and Professions Code.

Resolution #122-2010 (Attachment 1) contains the following conditions of approval that are pertinent to this issue:

“2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday, and Sunday from 10:00 a.m. to 10:00 p.m.”

“4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted building code and all other applicable laws and ordinances.”

“5. 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 Chapter 601.12 of the Porterville Development Ordinance.”

“10. That the sale of alcohol beverages is allowed only in conjunction with the serving of meals.”

On April 16, 2011, the Porterville Police Department (PD) conducted a routine check of the establishment at approximately 2:00 a.m. During the check, officers observed the sale and serving of alcohol to patrons within the establishment. Upon confirming the 2:00 a.m. hour, officers entered the restaurant and observed alcohol being served again. Contact was made with the evening Manager (Mr. Hernandez) and he was informed of violations of the State Business and Professions Code regarding the sale of alcohol after 2:00 a.m.. Based on the police report of the incident, officers instructed the manager to
shut down the establishment and ask the patrons to leave. The onsite manager expressed that he was unaware of the potential violations and that the City of Porterville had issued a Conditional Use Permit (CUP) allowing the business use. The officer expressed that, notwithstanding the conditions of the CUP, the violations that were witnessed were of the Business and Professions Code, which are State requirements. During the course of this situation, Mr. Hernandez made contact with the owner (Ms. Elsa Medina) over the phone and informed her of the situation. In response to the business closing, some patrons became agitated at the fact that they were being asked to stop drinking and leave. One patron became belligerent and was taken into custody and found to have warrants for his arrest. Upon securing and closing the business for the evening, the lead officer made contact with the owner to explain the events that occurred and was assured by Ms. Medina that no further violations would be made by the restaurant operator. A summary of the police incident reports is contained in Attachment 2.

Since the CUP was approved on November 19, 2010, there have been several site visits by the Police Department that have resulted in arrests including outstanding warrants, burglaries to vehicles, suspicious circumstances, and drunkenness in public. Staff spoke with the California Department of Alcoholic Beverage Control (ABC) staff on May 19, 2011, and was informed that the incident reports that are attached to this staff report were received, and that the business will be subject to disciplinary action. ABC met with the business owners on June 1, 2011 to discuss their violations and potential penalties. Staff was unable to provide the outcome of the meeting for this report but will update the Council as the information becomes available.

It is the City’s policy to consider setting a public hearing to consider modification or revocation of a CUP when a business, subject to a CUP, fails to observe the terms or conditions of the permit, or the use has been conducted in violation of the provisions of this ordinance, law or regulation. In the past, the City Council has sanctioned applicants and/or business owners for violation of their CUP conditions of approval. Within the past 8 years, approximately four (4) businesses have been reviewed and three (3) sanctioned.

Consistent with prior violations of approved Conditional Use Permits, staff is bringing this item before the City Council to consider whether or not it wishes to schedule a Public Hearing to consider modifying or revoking CUP 5-2010. Staff is requesting direction from the City Council in considering how to proceed with addressing this issue.

Should the City Council decide to proceed as such, the City of Porterville Development Ordinance provides the following guidance:

- Section 601.07 - Notice of Action and Findings Required; “When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this ordinance, the
responsible body shall issue a notice of action and make findings as required by this ordinance.

- Section 601.12 - Revocation of Approvals – “Any permit granted under this chapter may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith.”

At this time, staff is requesting direction on whether or not to proceed with a public hearing to modify or revoke the existing CUP in order to address the ongoing nuisance concerns.

OPTIONS:  
1. Schedule a Public Hearing to consider modification or revocation of CUP 5-2010. Following the Public Hearing, the City Council would choose whether to impose new conditions of approval, suspend or revoke the CUP.

2. Take no action. The Conditional Use Permit would remain in effect as-is. Direct Staff to continue to monitor Police Department incident reports and bring back future violations to the City Council for consideration.

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

ATTACHMENTS:  
1. Resolution 122-2010
2. Police Department Incident Reports
3. Aerial Photograph
RESOLUTION NO. 122-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT 5-2010 TO ALLOW A TYPE 41, BEER AND WINE ON-SALE LICENSE
IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE
AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of
November 16, 2010, conducted a public hearing to consider Conditional Use Permit 5-2010, to allow a
Type 41 on-sale beer and wine license in conjunction with serving meals at the Rinconcito Cosala
Taqueria Buffet Restaurant located at 887 W. Olive Avenue and a Letter of Public Convenience or
Necessity; and

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

WHEREAS: Census Tract 41.01, in which the subject site is located, is overconcentrated with
on-sale alcohol licenses according to the Department of Alcoholic Beverage Control Board’s method for
determining overconcentration; and

WHEREAS: As a result of the overconcentration of on-sale licenses, the Department of
Alcoholic Beverage Control will only approve the on-sale Type 41 licenses with an approval of a Letter
of Public Convenience or Necessity by the Governing Body; 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,
wellfare, 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.

5. That the proposed project was determined by City Council to be a public
convenience or necessity.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2010 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 or changes in hours which alcoholic beverages may be sold.

2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

3. 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.

4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted building codes and all other applicable laws and ordinances.

5. 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 Chapter 601.12 of the Porterville Development Ordinance.

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

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

8. That the noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

9. That no separate bar area shall be provided for patrons.

10. That the sale of alcoholic beverages is allowed only in conjunction with the serving of meals.

11. That the off-sale of alcoholic beverages is prohibited.
12. That the conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

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

[Signature]
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

[Signature]
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 16th day of November, 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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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
PORTERVILLE POLICE DEPARTMENT

DATE AND TIME OCCURRED 5-14-11/0150
DATE AND TIME REPORTED ✔ SAME

INCIDENT REPORT

LOCATION OF OCCURRENCE 887 W. OLIVE AVENUE, RANCHITO COSALA

CODES: J=Juvenile; RO=Registered Owner; RP=Reporting Person; S=Suspect; V=Victim; W=Witness

Check if: ✔ Same as location of occurrence

Name (Last, First, Middle) HERNANDEZ, ELIZABETH
DOB

Check if: ✔ Same as location of occurrence

Name (Last, First, Middle) ELIZABETH ACOSTA
DOB

Narrative: Include all Property and its Description. 

Vehicle Info: SV=Suspect Vehicle; V=Victim Vehicle; W=Witness Vehicle

License Number
License State
License Year
VIN

Year
Make
Model
Style
Color

Routing

Incept
Patrol
D.A./Court
DUI
Adult Prob
Juvenile Prob
T. & T
Pondo
CVS
Traffic
Other

Citizen's Signature
Date

Officer SKAMEL

Approved CASTELLO

Citizen's Address
Phone No.

City, State and Zip Code

☑ I, the undersigned, hereby arrest the above defendant on the charges indicated and request that a police officer take this defendant into custody. I will appear as directed and sign a complaint against the person I have arrested.

☑ I, the undersigned, hereby certify that to the best of my knowledge the information given in this report is true and accurate.

ATTACHMENT
ITEM NO. 2

CS144

ID 198 Date 5-14-2011
ID 172 Date 5-15-2011
PORTERVILLE POLICE DEPARTMENT
Supplemental Report
Case No. 11-3590

INCIDENT REPORT:

NARRATIVE:
On 5-14-11 at approximately 0150 hours, I responded to 887 W. Olive, Ranchito Cosala, for a bar check.

This business establishment is a restaurant, which serves a buffet for breakfast and lunch. The restaurant also serves from a dinner menu. At approximately 2000 hours on Thursday, Friday and Saturday, the restaurant converts to a nightclub with a band or a DJ and serve bottled beer. The owners, Elizabeth Hernandez and Elizabeth Acosta, have hired a private security guard to monitor the parking lot and the interior for the nightclub.

Upon my arrival, I observed two vehicles pull into the parking lot of the Ranchito Cosala Individuals exited the vehicles and entered the business. At approximately 0200 hours, I asked dispatch to advise the time. Dispatch advised 0201 hours. I entered the business at this time and spoke to both owners. I advised the owners I was conducting a bar check due to my observation of the parking lot. I reminded the owners of the Business and Professions code. Both owners stated they were aware of the code and advised the security guard confiscated all alcoholic beverages at approximately 0155 hours. The owners further advised, the business sells tacos to customers from 0200 hours to 0300 hours and they have a permit from the city allowing the restaurant to stay open.

I walked the interior of the business; I found El Rancho to be in compliance with the Business and Professions Code.

A bar check was conducted at this business due to a previous non-compliant issues and being a new restaurant which sells alcoholic beverages in the City of Porterville. See Porterville case #11-2820

No further information.

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**PORTERVILLE POLICE**
**CONTROLLED DOCUMENT**
**SUPPLEMENTARY INFORMATION FORM IN AGREEMENT WITH PENAL CODE 293 & 964**

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**P.C. 964**
Requires that personal information of victims and witnesses not be included in the Police Report. (i.e.) Address - Phone Numbers - Drivers License Numbers - California Identification Numbers - Social Security Number - Date of Birth - Place of Employment - Employee Identification Number - Mothers Maiden Name - Demand Deposit Account - Savings Account Number - Checking Account Number - Credit Card Number - Any Other Identifying Information.

**P.C. 293**
Any Law Enforcement Agency who receives a report from any person, alleging that person has been the victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to Section 6254 of the Government Code. Specific Crimes included in these sections are Penal Code Sections: 220, 261, 262, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, and 646.9

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**OFFICER NAME:** [Signature]
**OFFICER ID#: 132**
**DATE:** 4/17/11
**REFER TO P.C. 293 & 964**

**APPROVED** [Signature]
On 4/16/11 at approximately 0200 hours, Officer McGowen, Detective Sutherland and I were at the intersection of Cloverleaf Street and Olive Avenue, with a subject detained. While I was at that intersection, I noticed several a large crowd and several vehicles in the parking lot of 887 West Olive Avenue (Ranchito Cosala restaurant).

I drove my marked police unit to that location and parked in front of the establishment. While sitting in my patrol vehicle, I noted that the time on my mobile dispatch terminal (Computer) read 0201 hours. Officer Contreras arrived and parked next to my vehicle. I asked Officer Contreras what time he had on his mobile computer, and he said it also read 0201 hours. I radioed Porterville Police Department Communications and asked them to confirm the time. Porterville Police Department Communications advised it was 0201 hours.

I then noted through the front door of the business that several people were still inside, and I could hear loud music playing inside. I observed a waitress, later identified as ___________ carrying what appeared to be alcoholic beverages in a silver bucket (Corona beer) to people inside the business. I asked Officer Contreras to accompany me inside the business to contact the owner or manager for being in violation of Business and Profession Codes 25631 and 25632, which states that it is a misdemeanor to have or sell alcohol or consume alcohol inside a restaurant or business between 0200 hours and 0600 hours.

Officer Contreras and I entered the business and contacted ___________. We asked who was currently in charge, directed us to a subject later identified as Ricardo Hernandez, at which time I advised Hernandez of the violations and crimes being committed inside the business. I then directed Hernandez to shut down the establishment and ask the patrons to leave. Hernandez proceeded to make get on the telephone and call and unknown subject, who was later determined to be to the owner, Elsa Medina. Hernandez was unsure about the potential violations and advised that the business license he obtained from the City of Porterville said he could operate until 0300 hours. I advised Mr. Hernandez that that could be true, but he was in violation and committing a misdemeanor by allowing open alcoholic beverages and continuing to serve alcoholic beverages in violation of the above Business and Profession Codes.

Hernandez continued to talk on the phone for approximately ten minutes. At approximately 0211 hours, I advised Officer Contreras to accompany me to the east portion of the business to contact the DJ, have him shut down the music and advise the customers to leave the establishment.

As we walked toward the east portion of the business, I noted many open Corona beer bottles and several unopened beers, which were sitting in buckets of ice. I also noted several patrons consuming alcoholic beverages in the business and around where the DJ. I approached the DJ and asked him to turn off the music, which he did as I requested. I then asked the customers to set their alcoholic beverages down and exit the business. Several of the patrons advised that they would leave in a minute.
One such customer was later identified as [redacted] and a group of approximately eight to ten subjects, who continued to drink their alcoholic beverages (Corona beers) and advised them they had to leave, but they continued to drink their alcohol.

Officer Contreras and I then motioned for them to walk toward the entrance, which was located at the southwest portion of the building. They finally set down their alcoholic beverages and started to walk toward the front door, but then stopped. I then motioned to [redacted] to continue to walk toward the front door, at which time he said he would but then turned and walked toward me. I advised [redacted] “You need to leave, or you will be the first subject that goes to jail tonight.” I then approached me with a closed right fist and brought it back toward his side as if he was potentially going to strike me. I grabbed [redacted] by the left arm, at which time he pulled away and stated, “Don't touch me.”

I then began to escort [redacted] toward the front door, at which time he began to pull away. I attempted to place [redacted] in a control hold, at which time he pulled away from me. Officer Contreras and I were able to force him out the front door and toward the patrol car. I advised [redacted] he was under arrest and to place his hands behind his back, which he refused, continuing to flail his arms and pull away from my grasp. Additional officers had arrived and we were able to take [redacted] to the ground and handcuff him. He was then placed into the back of a of a Porterville Police unit.

A crowd had gathered outside the business and was yelling obscenities, coming toward assisting officers and myself. Officer Contreras deployed his K-9 partner for crowd control, keeping the crowd at bay. Officer McGowan, Officer Sokoloff, Detective Sutherland, Officer Franco, Officer Holliman, Officer Contreras, and I were able to clear the parking lot of the remaining customers.

After all of the customers had left the parking lot, I attempted to re-enter the establishment, but found the front door had been locked. I observed Hernandez inside the business. I knocked on the front door of the business requesting they open the door. They hesitated for several minutes and then reluctantly opened the door.

I re-entered the establishment and contacted Hernandez. I advised Hernandez I was taking a criminal complaint for the violation of the Business and Professions Code violations and forwarding the report to the district attorney’s office. I then again explained the violations of the liquor license and the Business and Professions Codes to Hernandez, which he stated he understood.

I took several photographs of the open containers and beer bottles I had seen the patrons drinking inside the establishment. Hernandez's business license, alcohol license, and food license were also photographed. All of the digital photographs are attached to this investigation.

At the police department, [redacted] was checked for any wants and arrest warrants. [redacted] returned with two felony warrants for his arrest for narcotics trafficking. I read [redacted] his rights per Miranda, which he invoked, stating, “I did nothing wrong and I'm not talking to you.” [redacted] was advised of the arrest warrants, at which time he stated, “I don't have any warrants.”
It should be noted that [redacted] had a strong and distinct odor of an alcoholic beverage on his breath, his eyes were extremely bloodshot and watery, and his demeanor was extremely upset and angry.

[Redacted] was subsequently transported to the Tulare County Sheriff's Department Porterville Substation for obstructing or delaying a peace officer in the performance of his duties and the two felony arrest warrants.

At approximately 0253 hours, I contacted the owner, Elsa Medina. I contacted her at telephone number [redacted] I explained to Ms. Medina what had occurred, and she stated she had been called by Hernandez. I explained the misdemeanor violations of the Business and Professions Codes to her, at which time she stated she was under the impression if the business sold alcohol prior to 0200 hours, the patrons were able to continue to drink inside the business. I then thoroughly explained the business and professions codes and the time frames they could sell and drink alcohol inside the business. She stated she understood and was very cooperative. Ms. Medina stated there would be no further incidents of consumption or selling of alcoholic beverages past 0200 hours at the business. I then provided Ms. Medina the case number and advised her a crime report would be forwarded to the Tulare County District Attorney's Office and the State of California Alcohol Beverage Control.
Rinconsito Cosala Restaurant

Conditional Use Permit 5-2010
SUBJECT: REVISION OF TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT (JPA)

SOURCE: City Manager

COMMENT: At its meeting on May 16, 2011, the TCAG Board of Directors voted to submit to each of the member agencies (the County of Tulare and the eight incorporated cities) an Amendment to the existing TCAG JPA, which would allow TCAG restricted interest in real property, which would be limited to the rent, lease, or purchase of property for the singular purpose of providing office space for TCAG staff.

At the recommendation of the TCAG Board, it has been determined that the TCAG staff should relocate their offices from the current location within the County of Tulare Resource Management Agency (RMA) building in Visalia, moving to office space separate and independent from the member agencies. A couple of potential office sites in Visalia are currently being considered, although no selection of a site can be finalized and the required lease executed unless TCAG is provided the necessary and requested property rights. Additionally, County Counsel has previously provided a legal opinion that, with interest in real property, TCAG cannot hold Eminent Domain authority.

When the City Council previously considered and voted against an Amendment involving TCAG property rights earlier in 2010, the purpose of the Amendment was for the purposes of acquiring abandoned railroad right of way, and did not restrict the interest in real property to only office space.

RECOMMENDATION: That the City Council consider the proposed Amendment to the TCAG JPA, and give direction accordingly.

ATTACHMENT: Proposed Amendment to the TCAG Joint Powers Agreement
TCAG Memorandum from Mr. Ted Smalley, dated May 17, 2011
AMENDMENT ONE TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this ____ day of __________, 2011, by
and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES
OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA,
and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter
collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
“Association,” will be a separate entity from the County; and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an
Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth
the powers and duties of the Association; and

WHEREAS, the Joint Powers Agreement may be amended from time to time; and
WHEREAS, the Association desires to amend said Agreement to give the Association the
ability to make real property transactions for purposes of TCAG operations and staff
accommodation, hereby amend said Agreement.

NOW, THEREFORE, BE IT AGREED as follows:

Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (q) to
read as follows:
(q) To acquire, maintain, and dispose of real property or an interest in real property,
extclusively as it pertains to offices for personnel. This power does not include the power of
eminent domain.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: Jean M. Rousseau
County Administrative Officer
Clerk, Board of Supervisors

COUNTY OF TULARE

By ________________________________
    Deputy

By ________________________________
    Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By ________________________________
    City Clerk

By ________________________________
    Mayor

ATTEST:

CITY OF EXETER

By ________________________________
    City Clerk

By ________________________________
    Mayor

ATTEST:

CITY OF FARMERSVILLE

By ________________________________
    City Clerk

By ________________________________
    Mayor

ATTEST:

CITY OF LINDSAY

By ________________________________
    City Clerk

By ________________________________
    Mayor

Page 2 of 3
Joint Powers Agreement – Tulare County Association of Governments
MEMORANDUM

To: TCAG Member Agencies

From: Ted Smalley, Executive Director

Date: May 17, 2011

Subject: TCAG Joint Powers Agreement (JPA) Amendment One

Attached for your consideration is Amendment One to the Tulare County Association of Governments’ (TCAG) Joint Powers Agreement (JPA). The TCAG governing board has directed that TCAG staff move from the current location (Government Plaza in Visalia) to a new facility. Criteria for the facility has been set and approved by the TCAG Board and site negotiations are underway. The sites that are being considered at this time are all non-county buildings.

The current JPA does not allow TCAG to reside in a non-county building. In order to lease office space, a JPA amendment is required. The full language of Amendment One is attached, and the proposed amended language is highlighted below, giving TCAG the very limited ability to:

“[To] acquire, maintain, and dispose of real property or an interest in real property, exclusively as it pertains to offices for personnel. This power does not include the power of eminent domain.”

Each city and the county must pass a resolution approving the JPA Amendment One with no changes in order to authorize its execution. It is respectfully requested that the amendment is considered at your agency’s earliest convenience. The goal set by the Board for action by all agencies is June 15, 2011.

Please contact me with any questions, and thank you for your collaborative effort and support to relocate TCAG.
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Request for the City Council to Reconsider Authorizing Payment to the Tulare County Registrar of Voters

SOURCE: City Manager

COMMENT: City Councilmember Shelton has requested that the City Council reconsider its having authorized at its last meeting the payment to the Tulare County Registrar of Voters for conducting the June 8, 2010 Primary Election.

RECOMMENDATION: Councilman Shelton makes the motion that the City Council reconsider authorizing payment to the Tulare County Registrar of Voters

ATTACHMENT: Invoice from Tulare County Registrar of Voters
TULARE AUDITOR/CONTROLLER
REGISTRAR OF VOTERS
INVOICE

CLIENT: CITY OF PORTERVILLE
PO BOX 432
PORTERVILLE CA 93258

ELECTION: June 8, 2010
Gubernatorial Primary Election
DATE: May 2, 2011

CONTACT: PATRICE HILDRETH CMC, PHONE: 559-782-7466
ADMINISTRATIVE SERVICES MANAGER

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Ballot Printing</td>
<td>8,683.78</td>
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<td>Special Departmental</td>
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<td>Absentee – not SB90 Claim</td>
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<td>Building Rents</td>
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<td>Auto Rental</td>
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<td>Election Services Labor</td>
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Invoice Total: 546,029.28

PLEASE REMIT TO:
Tulare County Registrar of Voters
5951 S. Mooney Blvd.
Visalia, CA 93277

TERMS: Net 30

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<tr>
<th>Election Statistics</th>
<th>Count</th>
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<tr>
<td>Registered Voters</td>
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<td>Ballots Casts</td>
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<td>Percent Turnout</td>
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