

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA
MARCH 19, 2013, 5:30 P.M.**

Call to Order
Roll Call

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

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA**

Roll Call: Agency Members/Chairman

ORAL COMMUNICATIONS

This is the opportunity to address the City Council and/or Successor 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.

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting shall adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 200 N. “D” Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Ken Lansford. Under Negotiation: Terms and Price.
 - 2 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
 - 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Hatcher v. City of Porterville et al., Tulare County Superior Court No. 11-244777.

5 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases concerning facts not yet known to potential plaintiffs.

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS

Employee Service Awards

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Local Agency Formation Committee (LAFCO)
2. Tulare County Economic Development Corporation
3. Indian Gaming Local Community Benefit Committee

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
 1. Parks and Leisure Services Commission
 2. Youth Commission
 3. Library and Literacy Commission
 4. Transactions and Use Tax (“Measure H”) Oversight Committee

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. **Minutes of March 5, 2013**
2. **Purchase of Police Ammunition**
Re: Considering approval to purchase ammunition in the amount of \$7,331.74.
3. **This Item Has Been Removed.**

- 4. Authorization to Advertize for Sludge De -Watering and Electric Blower Equipment**
Re: Considering approval of the Project Specifications and Analysis Matrix, and authorization to advertise for “pre-selection” of a sludge de-watering machine and three electric blowers.
- 5. Request to Accept \$69,640.56 in State Grant Funds and Increase Police Sworn Staffing Level to Sixty-Three (63)**
Re: Considering approval of a resolution increasing police sworn staffing levels from 62 to 63 positions, effective July 1, 2013, through June 30, 2016, for the purpose of committing a full-time officer to the “Post Release Community Supervision” program.
- 6. Smart Valley Places – Amendment to Subcontract Agreement with CSU Fresno Foundation**
Re: Considering approval of the Amendment to Subcontract Agreement with CSUFF to include within the scope of services the preparation of a Fair Housing and Equity Assessment.
- 7. Status Report – Developer Impact Fees**
Re: Considering acceptance of a Status Report on Developer Impact Fees for Fiscal Year ended June 30, 2012.
- 8. Approval of Porterville Golf Course Twilight Rate**
Re: Considering approval of proposed twilight nine-hole rates of \$5 for greens and \$9 for carts to begin at 3:00 p.m., Tuesday-Sunday during the months of daylight savings.
- 9. This Item Has Been Removed.**
- 10. This Item Has Been Removed.**
- 11. Approval for Community Civic Event – Porterville Unified School District – The Porterville Rotary Club and Burton School District – Porterville Celebrates Reading – April 13, 2013**
Re: Considering approval of an event to take place on April 13, 2013, at Veteran’s Park, from 10:00 a.m. to 2:00 p.m.
- 12. Approval for Community Civic Event – Porterville Chamber of Commerce – Iris Festival – April 27, 2013**
Re: Considering approval of an event to take place on Saturday, April 27, 2013, from 9:00 a.m. to 5:00 p.m. in Downtown Porterville.
- 13. Approval for Community Civic Event – Porterville Breakfast Rotary Cancer Run – May 4, 2013**
Re: Considering approval of an event to take place on Saturday, May 4, 2013, from 6:00 a.m. to 11:00 a.m. at Tulsa Street and Putnam Avenue.
- 14. This Item Has Been Removed.**

15. Response to Grand Jury Report – “War of the Horses”

Re: Consideration of a draft response to the Grand Jury’s report of findings regarding a charge of neglected horses in an area under Tulare County Animal Control’s jurisdiction and Porterville Animal Control’s subsequent response to the complaint.

16. Review of Local Emergency Status

Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 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

17. Consideration of Modification or Revocation of Conditional Use Permit 8-82 (Resolution 13-2008)

Re: Consideration of deviations from approved plans for the construction of a drive-through restaurant and drive-thru coffee kiosk located 815 E. Putnam Avenue.

SECOND READINGS

18. Ordinance 1796, Approving Zone Change 2012-002-Z

Re: Second reading of Ordinance No. 1796, An Ordinance of the City Council of the City of Porterville Approving Zone Change 2012-002-Z from RM-2 (Medium Density Residential), RM-3(High Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for that 23.4± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street, was given first reading on March 5, 2013.

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 April 2, 2013.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

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

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 5, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA**

Roll Call: Member Ward, Member Shelton, Member Hamilton, Vice Chair McCracken, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2- Government Code Section 54956.95 – Liability Claims: Claimant: Gloria Amaya. Agency claimed against: City of Porterville.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

- B-2: On a motion by Council Member Ward, seconded by Vice Mayor McCracken, the Council rejected the claim filed by Gloria Amaya, referred the matter to the City's

claims adjustor; and directed the City Clerk to give the Claimant proper notice. The motion carried unanimously.

Documentation: M.O. 01-030513

Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Hamilton
Invocation – the Mayor participated.

PRESENTATIONS

Employee of the Month – Cliff Savage
Downtown Library Turns 60

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Council of Cities – February 21, 2013: Vice Mayor McCracken reported on discussion pertaining to Visalia’s Municipal Service Review and future meeting dates.
2. Consolidated Waste Management Authority (CWMA) – February 21, 2013 (*cancelled*): Vice Mayor McCracken reported that the cancellation of the meeting was due to lack of a quorum.
3. Tulare County Economic Development Corporation – February 27, 2013: Mayor Gurrola reported on the review of the SWAT, and of the review of the EDC response regarding Enterprise Zone reform.
4. Indian Gaming Local Community Benefit Committee – February 21, 2013: Council Member Hamilton reported on discussion of nexus questions and grant application packets; and advised of a special meeting on March 12th.
5. Sacramento Trip – February 28, 2013: City Manager Lollis and Mayor Gurrola reported on their attendance at hearings in Sacramento regarding the Governor’s proposed Enterprise Zone reform.

REPORTS

- I. City Commission and Committee Meetings:
 1. Arts Commission – February 20, 2013: Commissioner Reyes provided an update on the commission’s Short-Term Work Plan.
 2. Youth Commission – February 25, 2013: No verbal report.

ORAL COMMUNICATIONS

- Donnette Silva Carter, Porterville Chamber of Commerce, spoke in support of approval of Item No. 18.

CONSENT CALENDAR

Item Nos. 5, 6, 9, 10, and 11 were pulled for further discussion. Council Member Ward indicated that he would be abstaining from Item No. 7 due to a conflict of interest; and Council Member Shelton advised of his own conflicts of interest pertaining to Item Nos. 7 and 13.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1 through 4, 7, 8, 12 and 13. The motion carried unanimously, with the exception of the noted abstentions.

1. MINUTES OF FEBRUARY 19, 2013

Recommendation: That the City Council approve the Minutes of February 19, 2013.

Documentation: M.O. 02-030513

Disposition: Approved.

2. REQUEST FOR APPROVAL TO PURCHASE A STORAGE AREA NETWORK APPLIANCE

Recommendation: That the City Council approve the purchase of one “Dell EqualLogic PS6510X” SAN appliance at a cost of \$31,675.97.

Documentation: M.O. 03-030513

Disposition: Approved.

3. AUTHORIZATION TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS FOR THE DESIGN OF AN INTEGRATED SECURITY SYSTEM

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications for the design of an integrated security system.

Documentation: M.O. 04-030513

Disposition: Approved.

4. AUTHORIZATION TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS FOR TRANSIT PROGRAM UPDATES

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications for transit program updates.

Documentation: M.O. 05-030513

Disposition: Approved.

7. RESCHEDULING THE PUBLIC HEARING ON THE FORMATION OF THE SEWER UTILITY DISTRICT AREA 458

Recommendation: That the City Council reschedule the Public Hearing to April 16, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer

Utility District 458.

AYES: Cameron, McCracken, Gurrola
NOES: None
ABSTAIN: Ward, Shelton
ABSENT: None

Documentation: M.O. 06-030513

Disposition: Approved.

8. SHORT-TERM WORK PLAN FOR THE ARTS COMMISSION AND APPROVAL OF THE PROPOSED MURAL THEME

Recommendation: That the City Council:

1. Approve the proposed Short-Term Work Plan as presented by the Arts Commission;
2. Approve the Mural Theme as recommended by the Arts Commission and Mural Committee; and
3. Authorize Staff to negotiate the terms of a façade easement with the property owner at 134 E. Oak Avenue.

Documentation: M.O. 07-030513

Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE PREGNANCY RESOURCE CENTER – BIKE AND SKATE FOR LIFE – APRIL 6, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Pregnancy Resource Center subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 08-030513

Disposition: Approved.

13. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the Council:

1. Receive the status reports and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 09-030513
Disposition: Approved.

PUBLIC HEARINGS

14. VACATION OF EASEMENTS FOR INGRESS, EGRESS, STORM DRAIN PIPELINE AND STORM WATER RETENTION RELATED TO SIERRA MEADOWS SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

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

The public hearing was opened at 7:03 p.m. Seeing no one, the Mayor closed the public hearing at 7:04 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the Resolution of Vacation for the easements described in the legal description; and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Documentation: Resolution 11-2013
Disposition: Approved.

15. CONSIDERATION OF MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 8-82 (RESOLUTION 13-2008)

Recommendation: That the City Council consider the circumstances of the project and consider one of the above alternatives or provide other direction to staff.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Director Brad Dunlap. During the staff report three options were proposed to the Council. They consisted of the following:

1. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant subject to the original conditions of approval, provided the specific code requirements are met. This would result in an approved revision to the approved site plan, building elevations and floor plans. Due to the time sensitivity of the project, a

draft resolution is included for consideration to impose the original and appropriately amended conditions.

2. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant and impose or remove new conditions of approval, under grounds that one or more of the original conditions of the permit is unworkable and impractical to accomplish the original aims.
3. Consider revocation of Modification No. 1 to CUP 8-82 and not permit occupancy of the drive-through restaurant based on lack of compliance with the approved plans and conditions of approval.

Mr. Dunlap noted that there was a relatively important condition that had been inadvertently omitted from the draft resolution contained within the Council packets. Condition No. 7, which read, "Except otherwise modified herein, conditions of approval contained in City Council Resolution 13-2008 shall apply." Copies of the revised ordinance were distributed to the Council.

Both Vice Mayor McCracken and Council Member Shelton disclosed that they had communicated in general terms with the developer prior to the meeting.

The public hearing was opened at 7:16 p.m.

- Brock Neeley, Porterville, spoke in favor of requiring the developer to meet the original conditions of approval or tear the building down.

The public hearing was closed at 7:17 p.m., and the Council took a five minute recess.

Council Members Shelton and Ward inquired about the inspection process and staff knowledge of the deviations. Public Works Director Rodriguez advised that the building inspector had performed inspections, but did not catch that the constructed building was not reflective of the design plans. Staff then elaborated on the requirements of Planned Development.

The Council discussed the number of deviations, those identified by staff as most significant, and those which have since been addressed by the developer. Vice Mayor McCracken elaborated on the history of the project, and noted that the approved plans were proposed by the developer not the City.

Various members of the Council expressed concern with the severity of the deviations and setting precedent for future development projects. Council Member Hamilton expressed his displeasure with the final product, and spoke in favor of improvements to the building. Mayor Gurrola expressed disappointment with the lack of building features, and noted that there was a business ready to occupy the building.

- Mary McClure, developer, spoke of City fees, delays with the project, and her efforts to appease the buyer. She disclosed that the building had already been sold, and that she had forgotten about the CUP.

Council discussed possible improvements to the building aesthetics, which could make the existing building appear more like the originally proposed design. Vice Mayor McCracken suggested that a façade plan be incorporated into the draft resolution for consideration by the Council at the next meeting.

City Attorney Lew clarified that the public hearing had been opened and closed. She advised that the Council could continue the public hearing or simply continue the deliberation and the actual decision on the resolution.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council continue deliberation of the item to March 19, 2013, to allow the addition of a façade plan to draft resolution containing findings in support of CUP 8-82, Modification No. 2. The motion carried unanimously.

Documentation: M.O. 10-030513
Disposition: Item continued to March 19, 2013.

The Council recessed for ten minutes at 8:19 p.m.

16. PACIFIC RIM COMMERCIAL MIXED USE PROJECT (PRC 2012-002),
GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF
HENDERSON AVENUE AND NEWCOMB STREET

Recommendation: That the Council:

1. Adopt the draft resolution approving the Mitigating Negative Declaration;
2. Adopt the draft resolution approving General Plan Amendment 2012-002;
3. Approve the draft ordinance adopting Zone Change 2012-002 contingent upon approval of General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print;
5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2012-002; and
6. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 2012-002 for the personal storage facility.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Manager Julie Philips. Following the staff report, the Council questioned staff regarding traffic flow on Henderson and Newcomb, crosswalks, market rate, and concerns with regard to nearby residential.

The public hearing was opened at 8:44 p.m.

- Paul Owhadi, applicant, provided background information regarding Pacific Rim; spoke in support of the proposed project; and indicated that he was available for questions.
- Scott Vincent, The Vincent Company, project architect, gave a Powerpoint presentation regarding the design of the mixed-use project, amenities, and mitigation measures used to address potential concerns.

Following the presentation, Mr. Vincent addressed questions from the Council regarding access to the apartment buildings and self-storage facility, emergency vehicle access, and landscaping.

- Pat Gardner, Memory Lane resident, expressed concerns regarding: the 2-story buildings, an increase in Newcomb traffic, the safety of student pedestrians, and excessive lighting and noise.
- Jim Winton, 150 W. Morton, commended staff for their time and patience; and requested a modification to Condition No. 4 of the draft ordinance regarding parking and circulation as it pertained to the development of Phase 2 and/or 3.

The public hearing was closed at 9:22 p.m.

The Mayor and Vice Mayor requested clarification regarding the condition Mr. Winton spoke of. Community Development Director Dunlap indicated that rough grading and all-weather surface for accessibility would be sufficient, and suggested the following revision to Condition No. 4 of the draft ordinance:

As either or both Parcels 2 and/or 3 develop, the Developer shall complete rough grading on both parcels and construct required parking and access for the development phase and an all-weather surface approved by the City Engineer to provide adequate secondary access.

Both Mr. Owhadi and Mr. Winton indicated that the proposed language was agreeable.

Council Member Shelton questioned staff regarding concerns raised by Ms. Gardner.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council adopt the draft resolution approving the Mitigating Negative Declaration; adopt the draft resolution approving General Plan Amendment 2012-002; approve the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET, as amended to revise language of condition no. 4 to read, “*As either or both Parcels 2*

and/or 3 develop, the Developer shall complete rough grading on both parcels and construct required parking and access for the development phase and an all-weather surface approved by the City Engineer to provide adequate secondary access,” waive further reading of the draft ordinance, and order it to print; adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2012-002; and adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 2012-002 for the personal storage facility. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Resolution 12-2013; Resolution 13-2013; Ordinance 1796; Resolution 14-2013; and Resolution 15-2013

Disposition: Approved.

The Council recessed for five minutes at 9:43 p.m.

SECOND READINGS

17. ORDINANCE 1795, INTERFERENCE WITH ADMINISTRATIVE FUNCTIONS OF THE CITY

Recommendation: That the City Council give Second Reading to Ordinance No. 1795, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council give Second Reading to Ordinance No. 1795, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTIONS 2-6.1 AND 2-6.2 TO CHAPTER 2, ARTICLE I OF THE PORTERVILLE MUNICIPAL CODE REGARDING COUNCILMANIC INTERFERENCE WITH ADMINISTRATIVE FUNCTIONS OF THE CITY.

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

The ordinance was read by title only.

Documentation: Ordinance 1795

Disposition: Approved.

SCHEDULED MATTERS

18. CONSIDER ADOPTION OF A RESOLUTION OF SUPPORT FOR THE ENTERPRISE ZONE PROGRAM AND OPPOSITION TO REGULATORY REFORM THAT ADVERSELY EFFECTS THE PROGRAM

Recommendation: That the City Council consider the adoption of a Resolution of Support for the Enterprise Zone Program and opposition to regulatory reform the adversely effects the Program.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council adopt a Resolution of Support for the Enterprise Zone Program and opposition to regulatory reform the adversely effects the Program. The motion carried unanimously.

Documentation: Resolution 16-2013

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

5. AWARD OF CONTRACT – WEST STREET CALEMA REPAIR PROJECT

Recommendation: That the Council:

1. Award the CaleMA Repairs Project to Greg Bartlett Construction in the amount of \$29,997.25;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize staff to appropriate \$17,425.31 from the Miscellaneous Curb and Gutter Project account (89-9104) to fully finance the West Street CaleMA Repair Project; and
4. Authorize a 10% contingency to cover unforeseen construction costs and \$8,000 for construction management, quality control and inspections services.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton spoke in favor of saving money and use of a local contractor.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council award the CaleMA Repairs Project to Greg Bartlett Construction in the amount of \$29,997.25; authorize progress payments up to 95% of the contract amount; authorize staff to appropriate \$17,425.31 from the Miscellaneous Curb and Gutter Project account (89-9104) to fully finance the West Street CaleMA Repair Project; and authorize a 10% contingency to cover unforeseen construction costs and \$8,000 for construction management, quality control and inspections services. The motion carried unanimously.

Documentation: M.O. 11-030513

Disposition: Approved.

6. AWARD OF CONTRACT – VETERAN’S PARK BOOSTER PUMP PROJECT – ADDITIONS OF PUMP #2 & #3

Recommendation: That the Council:

1. Award the Veterans Park Booster Pump Project – Additions of Pump #2 & #3 to Valley Pump & Dairy Systems in the amount of \$115,215.00;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and \$40,000 for construction management, quality control and inspection.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council award the Veterans Park Booster Pump Project – Additions of Pump #2 & #3 to Valley Pump & Dairy Systems in the amount of \$115,215.00; authorize progress payments up to 95% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and \$40,000 for construction management, quality control and inspection.

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

Documentation: M.O. 12-030513

Disposition: Approved.

9. JAYE STREET BRIDGE WIDENING PROJECT – VALLEY ELDERBERRY LONGHORN BEETLE MITIGATION

Recommendation: That the Council:

1. Authorize staff to finalize the purchase agreement based on terms outlined above to provide a mitigation solution for Jaye Street Bridge Widening Project; and
2. Authorize the Community Development Director to sign all documents.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton questioned staff about the amount of space available, and the timeline for delisting.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize staff to finalize the purchase agreement based on terms outlined above to provide a mitigation solution for Jaye Street Bridge Widening Project; and authorize the Community Development Director to sign all documents. The motion carried unanimously.

Documentation: M.O. 13-030513

Disposition: Approved.

10. AUTHORIZATION TO TRAVEL

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton indicated that he had pulled the item to vote in opposition.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: Shelton

ABSTAIN: None

ABSENT: None

Documentation: M.O. 14-030513

Disposition: Approved.

11. CENTRAL VALLEY RACING PROPOSAL

Recommendation: That the City Council:

1. Approve the Motocross Race Proposal for 2013 with Central Valley Racing at the OHV Park; and
2. Approve overnight camping for the event.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the Motocross Race Proposal for 2013 with Central Valley Racing at the OHV Park; and approve overnight camping for the event. The motion carried unanimously.

Documentation: M.O. 15-030513
Disposition: Approved.

The Council adjourned at 10:00 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257

Roll Call: Director Ward, Director Shelton, Director Hamilton, Vice President McCracken,
President Gurrola

WRITTEN COMMUNICATIONS

- City Manager Lollis indicated that a handout was received subsequent to agenda compilation regarding Item PIC-01.

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

PIC-01. CONSIDERATION OF REFINANCING 2005 CERTIFICATES OF PARTICIPATION (COP)

Recommendation: That the City Council, sitting as the Board of Directors for the Porterville Public Improvement Corporation, consider proceeding with the refunding of the 2005 COP through direct lending by Rabobank, and authorize the City Manager to sign the offered Term Sheet.

City Manager Lollis introduced the item and presented the staff report. Ben Levine from Wulff, Hansen, and Co. addressed questions from Board Member Shelton regarding the proposed savings.

BOARD ACTION: MOVED by Vice President McCracken, SECONDED by Director Hamilton that the City Council, sitting as the Board of Directors for the Porterville Public Improvement Corporation, proceed with the refunding of the 2005 COP through direct lending by Rabobank, and authorize the City Manager to sign the offered Term Sheet. The motion carried unanimously.

Documentation: PIC Resolution No. 2013-02
Disposition: Approved.

The Public Improvement Corporation adjourned at 10:19 p.m. to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency. At that time, Council Member Shelton exited the Council Chambers.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257**

Roll Call: Member Ward, Member Hamilton, Vice Chair McCracken, Chair Gurrola
Absent: Member Shelton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

SA-01. AMENDMENT TO THE ADMINISTRATIVE BUDGET AND THE
RECOGNIZED OBLIGATED PAYMENT SCHEDULE

Recommendation: That the Successor Agency receive the report.

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

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member Ward that the Successor Agency receive the report.

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

Documentation: Successor Agency M.O 01-030513

Disposition: Approved.

SA-02. SUPPLEMENTAL PROFESSIONAL LEGAL SERVICES FEE
AGREEMENT

Recommendation: That the City Council:
1. Approve the Fee Agreement for Professional Legal Services; and
2. Authorize the Mayor to sign the Terms of Retention.

That the Successor Agency:
1. Approve the Fee Agreement for Professional Legal Services; and
2. Authorize the Chair to sign the Terms of Retention.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member

Ward that the City Council approve the Fee Agreement for Professional Legal Services; and authorize the Mayor to sign the Terms of Retention.

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

Documentation: M.O. 16-030513
Disposition: Approved.

AGENCY ACTION: MOVED by Vice Chair McCracken, SECONDED by Agency Member Ward that the Successor Agency approve the Fee Agreement for Professional Legal Services; and authorize the Chair to sign the Terms of Retention.

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

Documentation: Successor Agency M.O. 02-030513
Disposition: Approved.

The Council/Successor Agency adjourned at 10:28 p.m. to a meeting of the Porterville City Council. Council Member Shelton returned to the dais.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Ward expressed an interest in utilizing ponding basins as micro pocket parks; and lauded library staff for their presence at kindergarten registration.
- Council Member Shelton: reported his attendance at the annual Cadet Corps competition; the Bill Horst talk at the library; the Art Walk; the Chamber Mixer at Sierra Hills; Dr. Seuss Day reading event; and spoke of the upcoming Crime Prevention Dinner; the Board of Supervisor's meeting, a StepUp meeting, and OHV park races.
- Mayor Gurrola commended library staff for their Dr. Seuss Day activities, and spoke of her attendance at the Art Walk.
- City Manager Lollis advised that Cody Clem and Brent McGowan were to be honored at the Crime Prevention Dinner; and spoke of Senate Bill 7.

ADJOURNMENT

The Council adjourned at 10:28 p.m. to the meeting of March 19, 2013.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor

SUBJECT: PURCHASE OF POLICE AMMUNITION

SOURCE: Police Department

COMMENT: When inventory of ammunition reaches a predetermined level, the Police Department makes a large purchase of ammunition. Staff has found that purchasing large quantities ensures an adequate supply on hand and saves time over frequently ordering smaller amounts. Ammunition is primarily used for training purposes. The last large purchase of ammunition was in June 2011, and staff anticipates that the following order would last an equivalent period of time. Currently, the inventory levels of ammunition have fallen to the level which requires another purchase.

The Police Department ordinarily purchases ammunition through the CMAS State Contracts. This year, the State Contract vendor (Adamson Police Products) can supply the majority of the ammunition, but, due to a shortage of ammunition, has advised that we will need to obtain the .223 caliber ammunition from a second vendor. Staff is currently soliciting quotes from vendors who can supply the needed ammunition.

Adamson Police Products (CMAS) can supply us with the following ammunition: 26,000 rounds of .40 caliber ammunition, 6,000 rounds of 9mm ammunition, and 500 rounds of .38 caliber ammunition. The total cost would be \$7,331.74. Adamson Police Products anticipates the delivery of this ammunition to take approximately 120 days.

Funds for this purchase were approved in the 2012/2013 budget and are currently available in the Police Department budget.

RECOMMENDATION: That the City Council approve the Police Department's purchase of the required ammunition in the amount of \$7,331.74.

D.D. 

Appropriated/Funded MLB

C.M. 

Item No. 2

THIS ITEM HAS BEEN REMOVED.

SUBJECT: AUTHORIZATION TO ADVERTISE FOR SLUDGE DE-WATERING AND ELECTRIC BLOWER EQUIPMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 4, 2011, Council awarded a design contract to AECOM to prepare plans and specifications for the purchase and installation of a sludge de-watering machine and for the removal and replacement of three gas driven air blowers with electric blowers. AECOM has prepared specifications and an analysis matrix for the sludge de-watering machine and for electric blower equipment. These documents are reserved in the La Barca Room for Council's review. Staff requests that City Council approve the specifications and analysis matrix and that the City Council authorize staff to advertise for the "pre-selection" of these two pieces of equipment.

Pre-selecting the equipment will allow the design consultant (AECOM) to focus on one manufacturer for each of the two pieces of equipment and will allow the engineer to complete equipment installation (construction) documents sooner than later. The process moving forward will follow these general guidelines:

1. Advertise for the pre-selection of sludge de-watering equipment and for the pre-selection of electric blower equipment.
2. Equipment Manufacturers review project specifications, complete Analysis Matrix and submit their proposal.
3. Matrices are reviewed and analyzed by AECOM. AECOM provides recommendation to City on pre-selection of a sludge de-watering machine and electric blower equipment.
4. Staff prepares a Council item requesting authorization to present a "Notice of Pre-Selection" to the successful equipment manufacturers of the sludge de-watering machine and three electric blowers. The pre-selection notice will inform the manufacturers that the purchase of the equipment shall be at the price quoted in their proposal and shall be assigned to a General Contractor to be selected at a later date.

RECOMMENDATION: That the City Council:

1. Approve the Project Specifications and Analysis Matrix for the Sludge De-Watering Machine and the Electric Blowers; and
2. Authorize Staff to advertise for "pre-selection" of a sludge de-watering machine and for the "pre-selection" of three electric blowers.

SUBJECT: REQUEST TO ACCEPT \$69,640.56 IN STATE GRANT FUNDS AND INCREASE POLICE SWORN STAFFING LEVEL TO SIXTY-THREE (63)

SOURCE: Police Department

COMMENT: In 2011, Governor Edmund G. Brown Jr. signed Assembly Bill 109, the Public Safety Realignment Act. Assembly Bill 109 and Assembly Bill 117 (collectively referred to as AB109) transfer the responsibility of supervising certain low-risk offenders and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. This legislation was in response to both the ongoing state budget crisis and for reducing the number of inmates in the state's 33 prisons as ordered by the U.S. Supreme Court.

Some significant changes in law with regard to AB109 include:

- Non-serious, non-violent, non-sex offenses (non-non-non) are no longer punishable by a state prison term. Instead, these felony charges are to be punished by county jail sentences.
- Certain offenders released from state prison are no longer released on state parole, but instead are released on "Post Release Community Supervision" or PRCS. These offenders are supervised by the Probation Department.
- Most offenders on state parole and all offenders on PRCS will now serve time in the county jail for violations instead of state prison.

On October 1, 2011, the Public Safety Realignment Act became operational for all county criminal justice agencies. The legislation initially provided nine months of funding from the state to the counties to implement the new realignment law and was funded through a state special fund sales tax and vehicle license fees. A formula for funding allotments was established and in Fiscal Year 2011-2012, counties received funding for implementation.

California's state budget for Fiscal Year 2012-2013, passed by the Legislature and signed by the Governor, provides for a second state-wide yearly allocation for counties to continue implementation of the Realignment Act. In addition, an allocation in the amount of \$24 million in grant funds was made for front-line law enforcement with funding provided by the state through the Board of State and Community Corrections (BSCC). These grant funds are to be provided to county police chiefs to address public safety in their communities.

Each county chief's association was asked to identify one city to act as the fiduciary agent of these funds, with that role simply being that the city that will receive the grant funds and then distribute them as appropriate. The Tulare County Chief's Association identified the City of Visalia as that recipient and, upon receipt of the grant funds, they will disburse the funds to each city in Tulare County, based on population. The City of Porterville's share of these grant funds is \$69,640.56. These funds are legislatively identified for a period of three (3) years. In the upcoming 2013-2014 budget, the initial funding level for year two

D.D. ay

Appropriated/Funded RP

C.M. f

Item No. 5

of this allocation has already been set at \$27.5 million. There is no method to determine at this time whether this funding will continue beyond the three-year period, or at what level, but it is the intent of each police chief's association to actively seek the ongoing funding of this program, including increases in the funding in future years.

There are no specific requirements for use of these funds, and these funds may be used to backfill or offset the costs of current positions. The expectation for these funds is that they are used to address the stated issue and coordination with county probation is encouraged. It is believed that adherence to this will further enhance the probability that these funds will continue to be allocated.

In accordance with the intent of these funds, the Porterville Police Department has already implemented their coordination with the county probation department. The Tulare County Probation Department has provided a probation officer to oversee the caseload of PRCS individuals within the city of Porterville. The police department has assigned an officer to work with the probation officer and, together, their responsibility is to track those persons released pursuant to AB109 and who pose the greatest risk to our community due to them being the most serious, violent, and habitually non-compliant. This is a full-time position for the police officer. In the first week of implementation of this program, six individuals were arrested with three of those being PRCS identified persons.

Due to the importance of this coordination, it is the intent of the police department to commit a full-time officer to this program and would like to continue this commitment indefinitely. Similar to the school resource officers, assigning this officer to the program results in the loss of a patrol position within the department. The police department absorbed the past increases in school resource officer positions by eliminating the ability to fill certain shift assignments within the patrol division. However, with the grant funding provided, the police department has the opportunity to increase their sworn staffing level from the current number of 62 to 63.

The cost of an entry level officer for the police department is \$65,026.08. This cost is for salary and benefits only and do not account for initial equipment and uniform expenses. The police department is requesting that the Council authorize an increase in the sworn staffing level from 62 to 63, effective July 1, 2013. This would be considered a backfill, and the grant funds would be utilized for the personnel costs of the officer assigned to the program for the three-year term of the current grant. As stated before, it is not known if these funds will be available after the identified three-year period, however, it is the department's belief that it will continue. If grant funds continue, the Police Department will request that Council continue to allocate this added sworn position. The police department is hopeful that the increase in the staffing level will be maintained in the future since the presence of these offenders will not disappear from our community if the funding does not continue and the department will need to continue with the program for the safety of our community.

RECOMMENDATION: That the City Council:

- 1) Accept \$69,640.56 in State Grant Funds; and
- 2) Approve Resolution to increase staffing for the Police Department by one (1) sworn position, from 62 to 63 positions, effective July 1, 2013, through June 30, 2016.

Attachment: Resolution

RESOLUTION NO. _____-2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE TO APPROVE THE ALLOCATION OF
ONE LIMITED TERM POLICE OFFICER POSITION
FOR THE PORTERVILLE POLICE DEPARTMENT

WHEREAS, the Porterville Police Department has received a funding grant from the California Board of State and Community Corrections for a three-year period to offset the effects of AB 109, the Public Safety Realignment Act; and

WHEREAS, the Porterville Police Department has been awarded funding that will support the addition of one Limited Term Police Officer, increasing the police sworn staffing level from 62 to 63 for the three-year term of this grant, beginning July 1, 2013; and

WHEREAS, in order to be eligible to recruit and hire for this position, it must be approved by the Porterville City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the addition of one Limited Term Police Officer at Salary Range 177 (\$3832 - \$4676). The position shall be designated Police Officer Series for purposes of overtime and representation.

PASSED, APPROVED, AND ADOPTED this 19th day of March, 2013.

Virginia R. Gurrola, Mayor

Attest:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: MARCH 19, 2013

CONSENT CALENDAR

SUBJECT: SMART VALLEY PLACES – AMENDMENT TO SUBCONTRACT AGREEMENT WITH CSU FRESNO FOUNDATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In October 2010, the City of Porterville, as a member of the Smart Valley Places Consortium, was awarded up to \$200,000 of funding to assist with a variety of planning projects, including an Economic Development Strategic Plan, high density housing up-zone project, and updates to existing design standards. Of these three projects, staff has completed the Economic Development Strategic Plan and the high density housing up-zone project. Most recently, in June 2012, the Council authorized reallocation of grant funds to the industrial land annexation project from the design standards effort originally planned.

The California State University, Fresno Foundation (CSUFF) is the fiscal agent for the Consortium. On June 21, 2011, the City entered into an agreement with the Foundation for professional and technical services associated with the grant. On January 15, 2013, the City Council approved an amendment to this contract which was minor in nature, modifying participation in quarterly meetings and Smart Valley Places events that are encouraged of the subcontractor (CSUFF) by the United States Department of Housing and Urban Development (HUD) at no additional cost to the City.

After the Council approved the amendment in January, the Consortium was notified of new requirements from HUD. Specifically, these additional requirements result in the preparation of a Fair Housing and Equity Assessment (FHEA) by the Consortium, through involvement of the participating cities. Since the City is an entitlement City and receives a funding apportionment annually from HUD, we are required to prepare a FHEA. In short, a FHEA is an analysis of housing available to minority residents and the existence of barriers and disparities in access to housing based on groups of people. It also provides a detailed review of existing and planned housing within a community and how the groups' needs are met. This requirement, although late in the game, would satisfy a HUD requirement, and when prepared as a consortium would result in only minor additional work on the part of City staff. Therefore, the amendment could be viewed as opportunistic.

RECOMMENDATION: That the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12

DD  Appropriated/Funded me CM J

Item No. 60

(Amendment #1) between California State University,
Fresno Foundation and City of Porterville.

ATTACHMENTS:

1. Draft Amendment to Subcontract Agreement
2. Resolution 93-2012, approving participation in the
Smart Valley Places Consortium Compact

**AMENDMENT TO SUBCONTRACT AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION
AND
CITY OF PORTERVILLE**

Subcontract Agreement Number: SC360080-11-12 Amendment #1
Period of Subcontract Agreement: 02/01/11 through 12/31/13
Amount of Subcontract Agreement: \$200,000.00

Primary Award Number: CARIP0004-10
Primary Agency: United States Department of Housing and Urban Development
CFDA Number: 14.703
CFDA Program Title: Sustainable Communities Regional Planning Grant Program

For good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree that the Subcontract for Professional Services dated **February 1, 2011** entered into by California State University, Fresno Foundation (the "**Foundation**") and City of Porterville ("**Subcontractor**") (incorporated herein by this reference) has been amended as follows:

Article I A., Article III B., Article IV A., and Attachment A have been revised and replaced with the following:

**ARTICLE I
SCOPE OF SERVICES**

- A. The **Subcontractor** agrees to contribute to the overall goals and objectives of the **Funding Contract** by providing professional and/or technical services to the **Foundation** and by participating in the remaining quarterly Compact Executive Committee meetings and Smart Valley Places events through the duration of the grant, in accordance with and pursuant to the details of this Subcontract Agreement ("**Agreement**"), and specifically Attachment A – Scope of Work, which is attached hereto and incorporated herein by this reference ("**Work**"). Additionally, and included in the **Work**, the subcontractor agrees to participate in the planning and coordination activities of the Regional Analysis of Impediments or in a Fair Equity Assessment (FHEA) as organized by the consultant (Allsion Writing Services). Progress Reports on the completion of **Work** shall be submitted on a quarterly basis due by the 10th of the month following and summarized in an oral report at the next scheduled quarterly Compact Executive Committee meetings.

**ARTICLE III
TIME, SCHEDULES, AND DELAYS**

- B. The period of this Contract shall be from February 1, 2011 through December 31, 2013. The period may be extended, at the Foundation's option, by notice in writing to the Subcontractor and execution of a written amendment.

**ARTICLE IV
CHARGES, INVOICING, AND PAYMENT**

- A. The total to be paid by the **Foundation** to the **Subcontractor** shall not exceed **\$200,000.00** for the period indicated above, and shall only be paid out of, and will be subject to availability of funding provided by the Funding Contract. Notwithstanding anything to the contrary seemingly contained in this Agreement, the **Foundation** shall in no case be liable to make payment out of its own funds to the **Subcontractor** for any portion of the amount referenced above in this Article IV (A) if funding is ceased or otherwise not provided to the **Foundation** through the Funding Contract. The **Subcontractor** will submit, in arrears, an itemized invoice (**Attachment D**) along with supporting documentation, to the **Foundation** on a monthly basis by the 10th of the month following for services rendered in accordance with specified line items in Attachment B, Itemized Budgets. The final invoice (**Attachment D**) shall be received no later than **01/31/14**. Invoices shall reference the Subcontract Agreement and Purchase Order Numbers and shall include the following certification signed by the designated fiscal contact:

I hereby certify that this claim for reimbursement of expenditures is true and correct to the best of my knowledge; that all expenditures claimed have been made in accordance with the terms and for the purpose set forth in our contract; and that these expenditures in the amount of \$ _____ have not been and will not be reimbursed from any other source.

All other terms and conditions regarding the SubContract for Professional Services remain the same.

This Agreement, including all amendments hereto executed by the parties, represents the entire agreement between the parties, supersedes all prior agreements and understandings, and may be changed only by a further written amendment executed by both parties.

FOUNDATION

California State University, Fresno Foundation
4910 N. Chestnut Avenue M/S OF123
Fresno, CA 93726
(559) 278-0840
(559) 278-0992 FAX

CONTRACTOR

City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
(559) 781-6437 FAX

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, as follows:

Approved for the California State University,
Fresno Foundation

Approved for City of Porterville

by _____

by _____

Deborah S. Adishian-Astone
Executive Director

Virginia R. Gurrola
Mayor

Date _____

Date _____

and

by _____

Keith Kompsi
Director, Foundation Financial Services

Date _____

ATTACHMENT A Scope of Work

City/Organization Name:	CITY OF PORTERVILLE (Compact City)			
Applicable Activity:	Economic Development Strategic Plan - This plan refines and implements the City's strategy for economic development as set forth in the General Plan 2030. The strategic plan is needed to accommodate job growth that keeps pace with population growth that is expected to double in the coming years.			
Livability Principle(s) Addressed:	Enhance economic competitiveness	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods
Long Term Outcome Desired:	Increase the economic competitiveness of the Porterville community by attracting companies that pay a living wage, promote the downtown and limit sales tax leakage.			
Specific Steps to be Taken:	6 months	9 months	12 months	24 months
Prepare Scope of Work	X			
RFP authorized by City Council	X			
Consultant selected	X			
Contract work performed	X			
-Review of past ED Strategy	X			
-Planning Sessions	X			
-Competitive Assessment	X			
-Create Action Plan	X			
Draft Plan completed		X		
Staff Review of draft plan		X		
Modifications by consultant			X	
Public review meeting			X	
City Council Approval			X	
Anticipated Progress:	6 months	9 months	12 months	24 months
Consultant selected	X			
Contract work underway	X			
Draft Plan available for review		X		
Community outreach		X		
City Council Adoption			X	
Implementation:				X
Measure of Progress:	6 months	9 months	12 months	24 months
City Council authorization to proceed	X			
Consultant selected	X			
Draft Plan completed		X		
Staff-Public Review Meeting(s)		X	X	
City Council Adoption			X	
Implementation:				X
Evaluation Strategies:	6 months	9 months	12 months	24 months
Updates at weekly staff meetings	X	X	X	X

Quarterly Progress Reports due the 10th of the month following end of quarter.

City/Organization Name	CITY OF PORTERVILLE (Compd City)					
Applicable Activity	High Density Housing Upzone Program - A local rezoning program to upzone land for higher density residential development and/or affordable housing to implement the vision and principles of the 2030 General Plan. This is also a targeted program contained in the 2010 Housing Element. The goal is to rezone 36 parcels representing 168 acres.					
Viability Principle(s) Addressed	Promote equitable, affordable housing.	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods		
Long-Term Outcome Desired	Promote the development of higher density housing and/or affordable housing in the community by removing the constraint of rezoning.					
Specific Steps to be Taken	6 months	9 months	12 months	24 months	30 months	36 months
Prepare scope of work & timeline	X					
Identify potential properties to be rezoned	X					
Evaluate each property	X					
Select properties	X					
Obtain consent from property owners	X					
Submit for PRC (city staff) review	X					
Determine appropriate environmental		X				
Prepare public notice		X				
Hold public informational meeting(s)			X			
City Council Review			X	X		
Approval and submission to HCD				X		
Anticipated Progress	6 months	9 months	12 months	24 months	30 months	36 months
Understand scope of work	X					
Properties identified, evaluated & identified	X					
Conditions of approval determined	X					
Environmental determined		X				
Public meetings scheduled		X				
City Council action			X	X		
Submit to HCD				X		
Measure of Progress	6 months	9 months	12 months	24 months	30 months	36 months
Identify 168 acres to be rezoned	X					
PRC application review (by staff)	X					
Environmental determined		X				
Prepare mailing labels for notification		X		X		
City Council Hearing			X	X		
HCD Certification				X		
Evaluation Strategies	6 months	9 months	12 months	24 months	30 months	36 months
Status reports to City Council		X	X	X		

Quarterly Progress Reports due the 10th of the month following end of quarter.

City/Organization Name:	CITY OF PORTERVILLE (Compact City)					
Applicable Activity	Industrial Annexation - Preparation of studies and agreements to provide for the annexation of approximately 500 acres of land for future industrial development.					
Livability Principle(s) Addressed	Enhance economic competitive-ness	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods		
Long Term Outcome Desired	Increases the City's competitiveness by providing for land for future industrial expansion within the City's proposed "Jobs Center" as contained in the City's General Plan and recently adopted Economic Development Strategy.					
Specific Steps to be Taken	6 months	9 months	12 months	24 months	30 months	36 months
City Council Approval of Revised Grant Program				x		
City Council Authorization of RFP				x		
Public Meeting				x		
City Council Public Hearing					x	
LAFCO Public Hearing					x	
Anticipated Progress	6 months	9 months	12 months	24 months	30 months	36 months
Properties identified, evaluated, and analyzed				x		
Consultant Selected				x		
Prepare Environmental Document				x		
BOE Submittal (by LAFCO)						x
Measure of Progress	6 months	9 months	12 months	24 months	30 months	36 months
Annexation Boundary Proposal				x		
Prepare RFP for Environmental				x		
Environmental Document Draft Review					x	
Prepare LAFCO Application					x	
LAFCO Submittal					x	
Annexation Complete						x
Evaluation Strategies	6 months	9 months	12 months	24 months	30 months	36 months
Updates at weekly staff meetings				x	x	x

Quarterly Progress Reports due the 10th of the month following end of quarter.
Proposed new program

City/Organization Name:	CITY OF PORTERVILLE (Compact City)			
Applicable Activity	Design Standards and Specifications - To implement the vision and principles contained in the City's 2030 General Plan the City must update existing design standards and develop new standards to implement hillside development preservation and General Plan related concepts such as developing neighborhood centers. These standards include various types of infrastructure including a variety of streets, bicycle lanes and pathways, landscape and irrigation systems, drainage and other infrastructure.			
Livability Principle(s) Addressed	More Transportation Choices	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods
Long Term Outcome Desired	Implement goals of sustainability in General Plan by providing standard specifications for all city infrastructure.			
Specific Steps to be Taken	6 months	9 months	12 months	24 months
Develop a workplan & make assignments	X			
Tier 1 - update existing standards		X		
Tier 2 - develop new hillside dev. standards			X	
Tier 3 - develop new GP related standards				
City staff review of standards				
Peer review & consultant review				
Community input				
City Council Adoption				
Anticipated Progress	6 months	9 months	12 months	24 months
Existing Standards	X	X		
New Hillside Development Standards			X	
New Neighborhood Centers Standards				
New GP Related Standards				
Review				
Adoption				
Measure of Progress	6 months	9 months	12 months	24 months
Update existing standards - 90% complete		X		
Develop draft hillside standards - 90%			X	
Develop draft GP related standards - 90%				
Peer, consultant & public review				
Adoption of Standards by City Council				
Evaluation Strategies	6 months	9 months	12 months	24 months
Monthly Progress Updates	X	X	X	

Quarterly Progress Reports due the 10th of the month following end of quarter.

This program has been replaced with the Industrial Annexation per request dated June 2012

RESOLUTION NO. 93 -2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING PARTICIPATION WITH THE SAN JOAQUIN VALLEY PARTNER
CITIES IN THE SMART VALLEY PLACES COMPACT**

WHEREAS, the San Joaquin Valley (Valley) is recognized as integral to the continued growth and sustainability of California, and the Valley's cities which will be the focus for successfully accommodating future growth and implementing sustainability face significant and daunting economic, revitalization, affordable housing, social, environmental, public health, natural and fiscal resource, and other challenges; and

WHEREAS, the Valley region has assessed shared challenges and identified shared planning principles for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term success, and

WHEREAS, the Valley's shared planning principles are appropriately represented by the Smart Growth Principles adopted and established as the benchmark for achieving a San Joaquin Valley Blueprint, the six major initiatives of the California Partnership for the San Joaquin Valley Strategic Action Proposal, and the HUD-EPA-DOT Livability Principles, and

WHEREAS, a direct partnership among Valley cities is the best and most effective way to create and coordinate a pool of resources, templates, and best practices, and use the local land use and zoning authority required that will lead to the practical and measurable implementation of shared planning principles for long-term San Joaquin Valley viability, and

WHEREAS, Smart Valley Places is being established as a direct partnership among cities and other local and regional partners with the purpose to locally define and implement a regional plan for sustainable development for the San Joaquin Valley, and

WHEREAS, it is desirable that partner cities of Smart Valley Places enter into a COMPACT and commit to each other to share planning principles and incorporate them into their respective local policies and codes through a process that engages all stakeholders and residents in order to comprise and facilitate the implementation of a comprehensive regional plan for sustainable development, and

WHEREAS, the initial eligible partner cities for voting membership in the Smart Valley Places COMPACT are the 16 federally defined and recognized Urbanized Areas (50,000 population and over) in the eight counties of San Joaquin Valley region, and

WHEREAS, the expansion of voting membership in the Smart Valley Places COMPACT network through the addition of cities and other partners is anticipated as network organization and member performance capabilities increase over time to have the ability to accommodate member expansion, and

**ATTACHMENT
ITEM NO. 2**

WHEREAS, the Smart Valley Places COMPACT provides for governance by an Executive Committee of City Managers appointed and empowered by their respective City Councils to provide policy guidance and administrative oversight for Smart Valley Places network related contracts, agreements, grant applications and awards, resource allocations, evaluation of projects and programs, a multi-city Planners Steering Committee, and any other network business, and

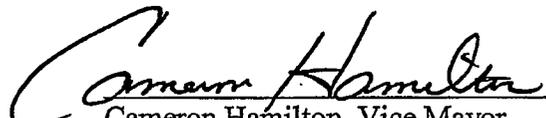
WHEREAS, the California Partnership for the San Joaquin Valley and the CSU Fresno Foundation are designated to act as the initial regional lead and fiscal agents for grant applications from and funding awards to the Smart Valley Places COMPACT cities under terms defined in a contractual agreement approved by the Smart Valley Places COMPACT Executive Committee, and

WHEREAS, the City of Porterville intends to locally incorporate the shared planning principles of the Valley region and to work collaboratively with other Valley cities to locally define and mutually implement a regional plan for sustainable development for the San Joaquin Valley as outlined in the Smart Valley Places COMPACT, and

WHEREAS, a public meeting was held on August 3, 2010 at 7:00 P.M. in the Porterville City Hall located at 291 N. Main Street, Porterville, California, at which time and place participation in the Smart Valley Places COMPACT was considered by the Porterville City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that it hereby agrees and affirms that participation in the Smart Valley Places COMPACT, in conjunction with the other Smart Valley Places COMPACT partner cities referenced herein, is both desirable and necessary to provide for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term sustainability in both Porterville and the greater San Joaquin Valley.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to participate as a voting member of the Smart Valley Places COMPACT Executive Committee and to execute all necessary grant documents, agreements, MOUs and other documentation needed to carry out the business of Smart Valley Places on behalf of the City of Porterville.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By 
Patrice Hildreth, Chief Deputy City Clerk

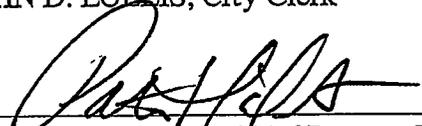
STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

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 3rd day of August, 2010.

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

Council:	McCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


 By: Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: March 19, 2013

SUBJECT: STATUS REPORT - DEVELOPER IMPACT FEES

SOURCE: Finance Department

COMMENT: Pursuant to Government Code Section 66006 (b) (1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared.

The format and content of this analysis have been developed around criteria previously approved by the HBA. As of June 30, 2012, the City is in compliance with the requirements of the Code.

RECOMMENDATION: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2012.

ATTACHMENT: Status Report

D.D. MB Appropriated/Funded MB C.M. J

Item No. 7

CITY OF PORTERVILLE

DEVELOPER IMPACT FEE SUMMARY
2011/12

	BEGINNING BALANCES AS OF JULY 1, 2011	(EXHIBIT NO.1) FEES COLLECTED	INTEREST EARNED	(EXHIBIT NO. 2) ELIGIBLE D.I.F. EXPENDITURES	ENDING BALANCES AS OF JUNE 30, 2012
WATER ACREAGE FEE	\$ (16,223,316)	\$ 33,150	\$ 7,768	\$ (2,571,716)	\$ (18,754,114)
SEWER ACREAGE FEE	\$ (2,555,360)	\$ 16,052	\$ 7,006	\$ (330)	\$ (2,532,632)
STORM DRAIN FEE	\$ 1,969,302	\$ 146,253	\$ 42,400	\$ (48,533)	\$ 2,109,422
TRANSPORTATION IMPACT FEE	\$ 715,942	\$ 109,198	\$ 14,623	\$ (150,000)	\$ 689,763
PARK IMPACT FEE	\$ -	\$ 20,614	\$ 22	\$ (20,636)	\$ -

CITY OF PORTERVILLE
DEVELOPER FEE-FUNDED PROJECTS
2011/12

	<u>Total Expenditure</u>	<u>Allowed D.I.F. Percentage</u>	<u>Eligible D.I.F. Expenditure</u>
<u>Water Projects</u>			
Master plan update	\$ 1,537.61	100%	\$ 1,537.61
Jaye Stree water extension	1,709.60	100%	1,709.60
Well exploration / test holes	3,002.00	100%	3,002.00
Water Well #32	3,180.43	100%	3,180.43
Henderson - SR 65 overpass	96,908.50	0%	0.00
Rehabilitate wells	47,613.81	0%	0.00
Martin Hill booster	1,676,891.14	100%	1,676,891.14
Master plan payback	401.82	100%	401.82
Veterans Park booster pump	164,464.72	100%	164,464.72
Rocky Hill Zone 1	715,410.08	100%	715,410.08
Scenic Heights tank analysis	9,864.67	0%	0.00
Olive - Plano to 2nd pipe	<u>5,118.74</u>	100%	<u>5,118.74</u>
WATER TOTAL	<u>\$ 2,726,103.12</u>		<u>\$ 2,571,716.14</u>
<u>Sewer Projects</u>			
Master plan paybacks	\$ 330.22	100%	\$ 330.22
Annexation sewer projects	487,587.60	0%	0.00
Jaye St - 190 to Gibbons	746.55	0%	0.00
Odor control project	35,562.90	0%	0.00
Blower project	182,983.18	0%	0.00
Digester transfer line project	14,712.48	0%	0.00
Methane line replacement	17,533.10	0%	0.00
Lift station upgrade	1,878.02	0%	0.00
Septic station retrofit	1,559.75	0%	0.00
WWTF discharge report	8,777.85	0%	0.00
Mill to Murry	<u>13,534.12</u>	0%	<u>0.00</u>
SEWER TOTAL	<u>\$ 765,205.77</u>		<u>\$ 330.22</u>
<u>Storm Drain Projects</u>			
Master plan paybacks	\$ 234.72	100%	\$ 234.72
Jaye St project	1,130.41	100%	1,130.41
Flood mangement ordinance update	23,660.07	100%	23,660.07
Montgomery St roundabout	1,363.41	100%	1,363.41
Tomah - Porter / Wisconsin	1,683.50	100%	1,683.50
OHV Park improvements - storm drain	<u>20,461.16</u>	100%	<u>20,461.16</u>
STORM DRAIN TOTAL	<u>\$ 48,533.27</u>		<u>\$ 48,533.27</u>
<u>Transportation Projects</u>			
Debt service - 2005 Infrastructure COP	<u>\$ 150,000.00</u>	100%	<u>\$ 150,000.00</u>
TRANSPORTATION TOTAL	<u>\$ 150,000.00</u>		<u>\$ 150,000.00</u>
<u>Park Projects</u>			
Debt service - sports complex	\$ 12,900.24	100%	\$ 12,900.24
Sports complex parking lease	<u>7,735.30</u>	100%	<u>7,735.30</u>
PARK TOTAL	<u>\$ 20,635.54</u>		<u>\$ 20,635.54</u>

CITY OF PORTERVILLE
 DEVELOPER FEE RATE STRUCTURE
 2011/12

	<u>Hillside</u> <u>Development</u>	<u>Single</u> <u>Family (R-1)</u>	<u>Duplex</u> <u>(R-2)</u>	<u>Multi-Family</u> <u>(R-3 & R-4)</u>	<u>Mobile</u> <u>Homes</u>	<u>Institutional</u>	<u>Commercial /</u> <u>Professional</u>	<u>Industrial</u>
Water Acreage Fee / Acre \$	1,410 \$	2,941 \$	7,363 \$	17,190 \$	- \$	1,919 \$	2,210 \$	16,977
Sewer Acreage Fee / Acre \$	981 \$	1,797 \$	4,175 \$	9,739 \$	- \$	677 \$	2,538 \$	10,835
Storm Drain Fee / Acre \$	- \$	4,845 \$	6,463 \$	9,695 \$	- \$	12,922 \$	12,922 \$	12,922
Transportation Fee / Unit \$	- \$	1,036 \$	701 \$	701 \$	- \$	2,667 \$	5,074 \$	756
Park Impact Fee / Unit \$	- \$	644 \$	500 \$	500 \$	361 \$	- \$	- \$	-

COUNCIL AGENDA: MARCH 19, 2013

SUBJECT: APPROVAL OF PORTERVILLE GOLF COURSE TWILIGHT RATE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Porterville Golf Course Professional, Casey Butler, approached the Parks and Leisure Services Commission March 7, 2013, to propose the implementation of a twilight rate during the months of daylight savings at the Porterville Golf Course. The purpose of the proposal is an attempt to increase play during a period when play is very slow. Twilight rates at golf courses are very common.

Mr. Butler is proposing that the new fee be \$5 per nine holes after 3:00 p.m. He is also proposing that the twilight cart fee be \$9 per nine holes. Current fees are \$12 for nine holes and \$5 for each additional nine. The cart fee is \$11 for nine holes and \$20 for eighteen holes. The golf course is open Tuesday-Sunday.

The Parks and Leisure Services Commission and staff recommend the implementation of the new twilight rates.

RECOMMENDATION: That the City Council approve the proposed nine hole twilight rates of \$5 greens fee and \$9 cart fee beginning at 3:00 p.m. Tuesday-Sunday during the months of daylight savings.

 Director  Appropriated/Funded

 City Manager

ITEM NO.: 

THIS ITEM HAS BEEN REMOVED.

THIS ITEM HAS BEEN REMOVED.

COUNCIL AGENDA: MARCH 19, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT - THE PORTERVILLE ROTARY CLUB AND BURTON SCHOOL DISTRICT - PORTERVILLE CELEBRATES READING - APRIL 13, 2013

SOURCE: Finance Department

COMMENT: Porterville Unified School District, Porterville Rotary Club and Burton School District are requesting approval for their annual literacy fair, Porterville Celebrates Reading, on April 13, 2013, at Veteran's Park, from 10:00 a.m. to 2:00 p.m. This annual event includes free books and small group presentations for children and parents in order to encourage literacy development.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit A.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit A, Map, Outside Amplifier Permit.

D.D. MB Appropriated/Funded MB C.M. J Item No. 11

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A

COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/13/13 Event date: 4/13/13
Event time: 10:00-2:00pm

Name of Event: Porterville Celebrates Reading
AT VETERANS PARK

Sponsoring organization: Rotary/PUSD/BSD PHONE # 793-2400
Address: 600 W. GRAND AVE.

Authorized representative: DR. JOHN SNAVELY PHONE # 793-2400
Address: 600 W. GRAND AVE.

Event chairperson: Catherine May PHONE # 788-9053 cell
Santa Fe Elem. 286 E. ORANGE AVE.

Location of event (location map must be attached): Veteran's Park

Type of event: Literacy Fair for children preschool - elem.
schools and community organizations have booths with literacy activities.

Nonprofit status determination: BL # 00462

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

Barricades (quantity): Street sweeping Yes No X
Police protection Yes No X Refuse pickup Yes No X
Other:

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

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

Table with columns for Approve, Deny, and various staff roles: Bus Lic Spvr, Pub Works Dir, Comm Dev Dir, Field Svcs Mgr, Fire Chief, Parks Dir, Police Chief, Deputy City Mgr.

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.** CM **Authorized Representative Initials**

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

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. CM **Authorized Representative Initials**

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

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.

PUSD / Rotary / BSD	Catherine E. May	2/13/13
(Name of Organization)	(Signature)	(Date)

CITY OF PORTERVILLE

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

Name of event: _____

Sponsoring organization: _____

Event date: _____ Hours: _____

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>		<u>Activity</u>

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

CITY OF PORTERVILLE

PORTERVILLE CELEBRATES READING

APRIL 13, 2013

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Director:

B. Dunlap

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

Approved without comment.

Parks and Leisure Services Director:

D. Moore

No vehicles allowed to park in the park.
Unloading/loading only on path.

Police Captain:

D. Haynes

No conditions on behalf of Police Department

Administrative Services Director:

P. Hildreth

No comments other than usual insurance requirements.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District, Porterville Rotary Club
and Burton School District
Event: Porterville Celebrates Reading
Event Chairman: Catherine May
Location: Veterans Park
Date of Event: April 13, 2013
Time of Event: 10:00 a.m. to 2:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.

N NEWCOMB ST

MONACHE PARKING

W HENDERSON AVE

PARKING LOT

PLAYGROUND

TRAIL

BOOK GIVE AWAY

START HERE

ENTERTAINMENT

30

6A

LEGEND

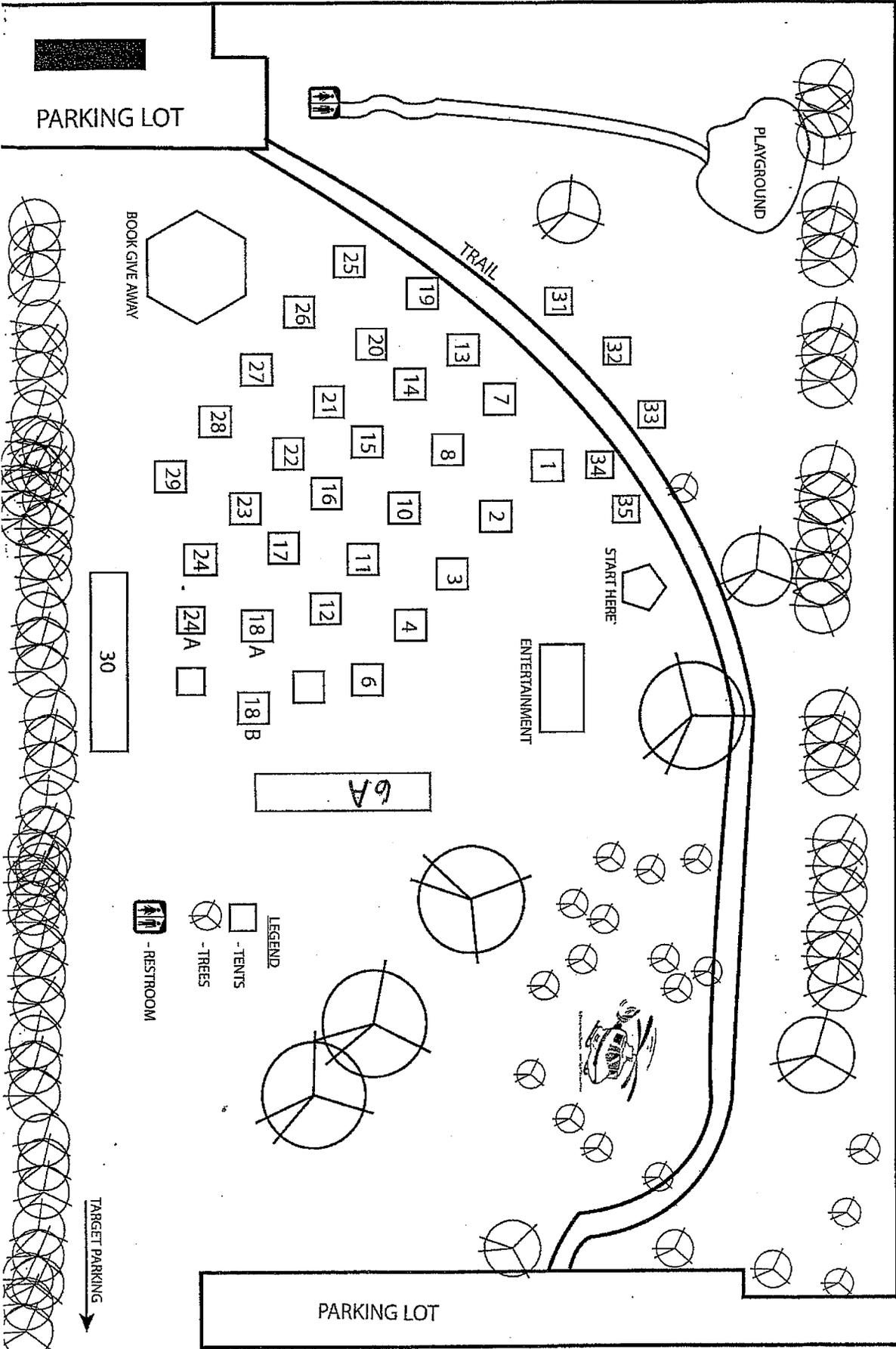
- TENTS

- TREES

- RESTROOM

TARGET PARKING

PARKING LOT



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: Catherine May 770 Phillips Circle,
Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Veteran's Park
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Leila Burns
1151 W. Pioneer, Porterville, CA (Westfield School)
- 4 Type of event for which amplification equipment will be used: Literacy fair
- 5 Dates and hours of operation of amplification equipment: 4/13/13 10:00am-2:00pm
- 6 A general description of the sound amplifying equipment to be used: PA system

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 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.

Catherine E. May
Signature of Applicant

2/13/13
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.

[Signature]
City of Porterville, Chief of Police/Designee

2-27-13
Date

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - IRIS FESTIVAL - APRIL 27, 2013

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 14th Annual Iris Festival on Saturday, April 27, 2013, from 9:00 a.m. to 5:00 p.m. This year's festival will include a Chili Cook-Off, Car Show, Sidewalk Sales and Antique Peddlers Faire, along with the usual entertainment, food and craft booths. The following request for street closures and public property usage are requested from 3:30 a.m. to 7:30 p.m.:

STREETS:

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

SIDEWALKS:

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

PARKING LOT:

Former J.C. Penney parking lot.

PARK:

Centennial Park on Main Street.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event forms.

ATTACHMENT: Community Civic Event Application and Agreement, Vendor List, Request for Street Closure, Exhibit A, Exhibit B, Map, Outside Amplifier Permit.

D.D. MB

Appropriated/Funded MB C.M. J

Item No. 12

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A

COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3/5/13 Feb 27, 2013 Event date: April 27, 2013 Event time: 9a-5p, Closure 3a-8p

Name of Event: Fris Festival 15th Annual

Sponsoring organization: Porterville Chamber PHONE # 784-1502

Address: 93 N Main Street Porterville

Authorized representative: Donnette S Carter PHONE # 784-1502

Address: 93 N Main Street, Porterville

Event chairperson: Stephanie Carter Board Chair PHONE # 784-8324

Location of event (location map must be attached): Downtown Porterville Main Street - Olive to Marton, Division to East Alley

Type of event: Festival - vendors, kids zone, entertainment, chili cook-off, vehicle exhibition, food booths, sidewalk sales, etc

Nonprofit status determination: Solely sales, etc

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

Barricades (quantity): 60 Street sweeping Yes No X

Police protection Yes X No Refuse pickup Yes X No

Other: Special event officer

Parks facility application required: Yes No X Attached

Assembly permit required: Yes No X Attached

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

Approve Deny

Table with 2 columns: Approve/Deny and Staff Name (Bus Lic Spvr, Pub Works Dir, Comm Dev Dir, Field Svcs Mgr, Fire Chief, Parks Dir, Police Chief, Deputy City Mgr)

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.**

[Signature] Authorized Representative Initials

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

[Signature] Authorized Representative Initials

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.

[Signature] Authorized Representative Initials

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

[Signature] Authorized Representative Initials

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.

Porterville Chamber of Commerce	<i>[Signature]</i>	2/27/13
(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: Iris Festival

Sponsoring organization: Porterville Chamber of Commerce

Location: Main Street, Olive to Main Event date: 4/27/13 Event time: 9a-5p
Closure is
3a-8p

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.

<u>Vendor name</u>	<u>Address/Telephone</u>	<u>Business License required?</u>	<u>Type of Activity</u>
List provided closer to event date. Business license permits to be completed as per City requirement			Food Booths
			Kids Zone
			Vendors
			Info Booths

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: Iris Festival

Sponsoring organization: Porterville Chamber of Commerce

Event date: April 27, 2013 Hours: Event 9a-5p
Closure 3a-8p

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Main	Olive	Morton	Vendor Booths
Garden	Main	East Alley	Kids Zone
Oak, Mill,	} Division	East Alley	Car Exhibition
Putnam,			Entertainment
Cleveland,			Chili Cook-off
Thurman, ^S			
Harrison			

<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Main	Olive	Morton	Merchant Sidewalk Sales

<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>
All Spaces →	Adjacent to Allen's Boat	Antiques Peddlers Fair
		Garden Shuttle Waiting Area

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE

IRIS FESTIVAL

APRIL 27, 2013

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Director:

B. Dunlap

Field Services Manager:

B. Styles

Barricades may be obtained and returned at
555 N. Prospect St. Refuse services may be arranged by
call 559-782-7513

Fire Chief:

G. Irish

Parks and Leisure Services Director:

D. Moore

Police Captain:

D. Haynes

Please see Exhibit B.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Stephanie Cortez
Location: Main Street
Date of Event: April 27, 2013
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Iris Festival, April 27, 2013

Proposed Conditions/Requirements for Iris Festival – Downtown Porterville

- City Council approval is required for all street closures.
- On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Sergeant Rick Carrillo of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law or request additional assistance).
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- If event organizers anticipate the sales of alcoholic beverages during the event, they must first apply for and be 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.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Captain
Police Department

EXHIBIT B

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: Porterville Chamber
93 N. Main Street
- 2 Address where amplification equipment is to be used: Main Street
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Pete MacCroskey
- 4 Type of event for which amplification equipment will be used: Iris Festival
- 5 Dates and hours of operation of amplification equipment: 4/27/13 9am to 5pm
- 6 A general description of the sound amplifying equipment to be used: Outdoor PA System w/ an Player 300 watts

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]
Signature of Applicant

2/27/13
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.

[Signature]
City of Porterville, Chief of Police/Designee

3-6-13
Date

COUNCIL AGENDA: MARCH 19, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE
BREAKFAST ROTARY CANCER RUN - MAY 4, 2013

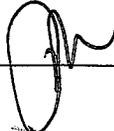
SOURCE: Finance Department

COMMENT: Porterville Breakfast Rotary is requesting approval to hold their annual 5K Cancer Run on Saturday, May 4, 2013, from 6:00 a.m. to 11 a.m. The 5K run will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement, Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application and Agreement, Request for Street Usage, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

D.D.  Appropriated/Funded  C.M.  Item No. 13

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. This application must be submitted **NO LESS THAN 30 DAYS PRIOR** to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

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 and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

_____ Authorized Representative Initials

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

_____ Authorized Representative Initials

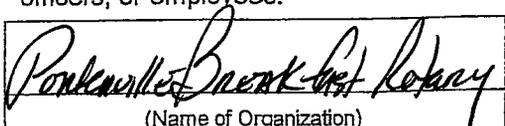
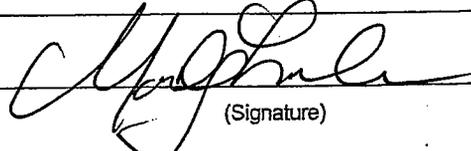
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health 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.

_____ Authorized Representative Initials

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

_____ Authorized Representative Initials

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

 (Name of Organization)	 (Signature)	2-11-2013 (Date)
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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 Breakfast Rotary Cancer Run

Sponsoring organization: Porterville Breakfast Rotary

Event date: May 4, 2013 Hours: 6a.m. - 11a.m.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Putnam Ave.			5K Run/Walk
Olive Ave.			
Crestview Ave.			
Morton Ave.			
Conner St.			
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Putnam Ave.			5K Run/Walk
Olive Ave.			
Crestview Ave.			
Morton Ave.			
Conner St.			
<u>Parking lots and spaces</u>	<u>Location</u>		<u>Activity</u>
Granite Hills High School			Participant Parking

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE BREAKFAST ROTARY

CANCER RUN

MAY 4, 2013

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Director:

B. Dunlap

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

No comments.

Parks and Leisure Services Director:

D. Moore

Police Captain:

D. Haynes

See Conditions/Requirements for
Special Event in Exhibit B.

Administrative Services Director:

P. Hildreth

See attached Exhibit A, page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Breakfast Rotary
Event: 5 K Cancer Run
Event Chairman: Marty Lalanne
Location: Granite Hills High School
Date of Event: May 4, 2013
Time of Event: 6:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Breakfast Rotary provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the 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 than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

PORTERVILLE POLICE DEPARTMENT

Conditions/Requirements for Special Event

Porterville Breakfast Rotary Cancer Run May 4, 2013

- ▶ Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- ▶ Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- ▶ Event staff on the race route should wear highly visible attire.
- ▶ Participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- ▶ Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and/or assistance, with the goal of ensuring a safe event. Please contact Sergeant Rick Carrillo at 782-7408 if you have any questions or require further assistance.

Dan Haynes, Captain
Porterville Police Department



OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

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

1. Name and home address of the applicant:

Marty Lalanne Phone # 781-6617

1345 N. Lotas Way, Porterville, CA 93257

2. Address where amplification equipment is to be used:

Granite Hills High School Phone # 359-9815

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

John Lollis

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

5K Run/Walk

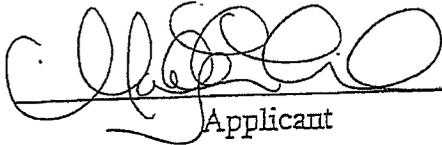
5. Dates and hours of operation of amplification equipment:

May 4, 2013 6am-11am

6. A general description of the sound amplifying equipment to be used:

Announcement of run - 8am-11am

I hereby certify that all statements and answers on this registration form are true and correct.


Applicant

1-17-2013
Date


Chief of Police

2-27-13
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

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

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

California Penal Code Section 415

Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/11/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS 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 LOCKTON COMPANIES, LLC-K CHICAGO 525 W. Monroe, Suite 600 CHICAGO IL 60661 (312) 669-6900	CONTACT NAME: Lockton Companies, LLC
	PHONE (A/C, No. EXT): 1-800-921-3172 FAX (A/C, No.): 1-312-681-6769
	E-MAIL ADDRESS: Rotary@lockton.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: ACE American Insurance Company	NAIC # 22667
INSURER B: ACE Property & Casualty Insurance Co	20699
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
All Active US Rotary Clubs & Districts
Attn: Risk Management Division
1560 Sherman Ave.
Evanston, IL 60201-3698

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	N	PMI G23861355 004	7/1/2012	7/1/2013	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ XXXXXXXX PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGO \$ 4,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	N	PMI G23861355 004	7/1/2012	7/1/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$	N	M00534092 004	7/1/2012	7/1/2013	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	NOT APPLICABLE			WC STATU-TORY LIMITS OTHER EL. EACH ACCIDENT \$ XXXXXXXX EL. DISEASE - EA EMPLOYEE \$ XXXXXXXX EL. DISEASE - POLICY LIMIT \$ XXXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 104, Additional Remarks Schedule, if more space is required)

The Certificate Holder is included as Additional Insured where required by written and signed contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER City of Porterville, its Officers, Employees, Agents and Volunteers c/o City of Porterville, Successor Agency to the Porterville Redevelopment Agency 291 N. Main St., Porterville, CA 93257 RE: Porterville Breakfast Rotary 5K Cancer Run at Granite Hills High School on May 4, 2013	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 
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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

Name Of Additional Insured Person(s) Or Organization(s)
City of Porterville, its Officers, Employees, Agents and Volunteers c/o City of Porterville Successor Agency to the Porterville Redevelopment Agency 291 N. Main St. Porterville, CA 93257 RE: Porterville Breakfast Rotary 5K Cancer Run at Granite Hills High School on May 4, 2013 The additional insured status is only provided if required in a written contract or permit subject to the terms and conditions of the General Liability policy
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.

THIS ITEM HAS BEEN REMOVED.

SUBJECT: RESPONSE TO GRAND JURY REPORT – “WAR OF THE HORSES”

SOURCE: City Manager

COMMENT: Based upon a citizen’s complaint received, the 2012-2013 Grand Jury reviewed a charge of neglected horses in an area under Tulare County Animal Control’s jurisdiction and Porterville Animal Control’s subsequent response to the complaint, and recently issued their report of findings, conclusion, and recommendations (attached). The report was delivered to the City Manager’s Office on January 24, 2013. Pursuant to law (CPC § 933(c)), a written response to the report is required to be filed by the Agency Head by no later than March 25, 2013.

The combined response of the Agency Head, City Council, and the City Manager is attached for consideration and approval.

RECOMMENDATION: That the Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the “War of the Horses”; and
2. Authorize the Agency Head, Mayor, and the City Manager to sign the Response letter.

ATTACHMENTS: 1. Draft Response Letter
2. Grand Jury Report



CM



March 13, 2013

David Serpa, Grand Jury Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Mr. Serpa

The City of Porterville and Porterville Police Department are in receipt of the Grand Jury Report related to your investigation and review of a citizen's complaint regarding concerns of horse neglect in the 700 block of East Worth in Porterville. Our notice from the Tulare County Grand Jury is labeled as **War of the Horses** for your reference.

Response:

In review of the report and its findings, the Police Department, which oversees the function of Animal Control, reviewed all calls for service related to this incident. The circumstances of this incident were unique in that the area which surrounded the fenced area where the horses were kept is *within* the incorporated area of the City of Porterville. The immediate area where the horses were located was determined to be within the jurisdiction of Tulare County. The address given in all complaints received was 720 East Worth, which is a city address. Our Police Department began receiving numerous complaints regarding the condition of the horses during the time of February 13, 2012, to April 10, 2012. The direction given to our personnel was to effect a resolution to the incident; receiving complaints for nearly two months with no closure was unacceptable and having a negative impact on our calls for service.

In every call received by our Police Department, the Tulare County Sheriff's Department was notified of the incident, along with the Tulare County Animal Control. Our personnel documented an incident report 12-3076 on April 10, 2012, and requested the Tulare County Sheriff's Department and Tulare County Animal Control to meet at the East Worth location. It was on this date that the owner of the horses was located and the incident resolved.

It is not, nor has it ever been, the position of the City of Porterville or its Police Department to provide our services outside our jurisdiction, but we do pride ourselves on responding to the needs of our community and providing quality service to our customers.

ATTACHMENT 1

Mr. David Serpa
Page 2
March 13, 2013

We appreciate the service of the Tulare County Grand Jury, and the input and feedback that you provide. Please be assured of our continued cooperation on all matters of mutual interest and concern.

Sincerely,

Chuck McMillan, Chief of Police

John D. Lollis, City Manager

Virginia R. Gurrola, Mayor

Attachment: Map

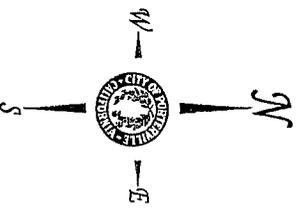
Cc: Honorable Judge Gary Paden
Tulare County Board of Supervisors





Legend

-  County Parcels
-  City Parcels
-  720 East Worth



RECEIVED



JAN 24 2013
CITY OF PORTERVILLE
CITY MANAGER

TULARE COUNTY GRAND JURY
5963 S Mooney Boulevard
Visalia, CA 93277
PHONE: (559) 624-7295
FAX: (559) 733-6078
E-MAIL: gmd_jury@co.tulare.ca.us
WEB: www.co.tulare.ca.us

ATTENTION: Porterville Mayor Virginia Gurrola
AGENCY: Porterville City Council
ADDRESS: 281 N Main, Porterville, CA 93257

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2012-2013 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written is required as follows:

- ❖ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS.
- ❖ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W Burrel Ave
Visalia, CA 93291

Received by: _____ Date: _____

Report Name: WAR OF THE HORSES Response Due by: 05/01/2013

Delivered by: Kat Harris Date and Time: 1/24/13 11:50 AM

Release Date: 01/29/2013

DAVID SERPA, Foreman 2012-2013 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner of how responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations—Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

RECEIVED

JAN 24 2013

CITY OF PORTERVILLE
CITY MANAGER

WAR OF THE HORSES

BACKGROUND

On March 9, 2012, Tulare County Animal Control (TCAC) received a citizen's complaint concerning neglected horses that were located outside the Porterville city limits. The citizen claimed the horses were unusually thin and one horse was injured. On March 12, an Animal Control Officer responded to the location of the horses. His findings, based upon a Henneke Rating Scale (see Attachment), were that the horses were actually a little over weight and they had plenty of water. No food was stored on the property due to thefts.

This initial contact with TCAC was just the beginning of a long process. Concerned citizens called TCAC on a daily basis in addition to the Porterville Police Department (PPD) and Porterville Animal control (PAC). There were calls from as far away as Los Angeles and Sacramento. Each time a call was received, TCAC responded and checked on the welfare of these horses.

In early March 2012, the PPD and PAC dispatched an officer to check on the welfare of the horses. It was determined that the horses were in general good health. All of the responding officers witnessed citizens feeding the horses.

On May 1, 2012, the *Porterville Recorder* wrote an article concerning the neglect of these horses and the apparent lack of care for them.

REASON FOR INVESTIGATION

The 2012-2013 Tulare County Grand Jury received a citizen's complaint concerning the horses mentioned in the background.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses
2. Reviewed relevant documents

FACTS

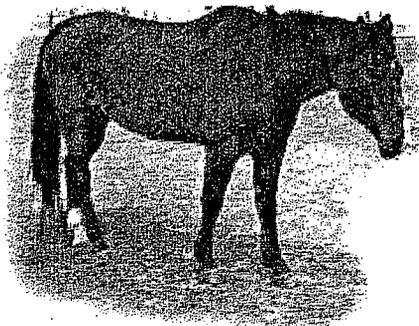
1. There were numerous citizen calls to TCAC, PPD and PAC.
2. TCAC, PPD and PAC all responded to check on the welfare of the horses.

RECOMMENDATIONS

1. Porterville Police and Porterville Animal Control refer all county issues to Tulare County Animal Control or the Sheriff's Department.
2. Without a cooperative agreement with the County of Tulare, the Porterville Police Department and Porterville Animal Control should not respond to animal control issues not in their jurisdiction.

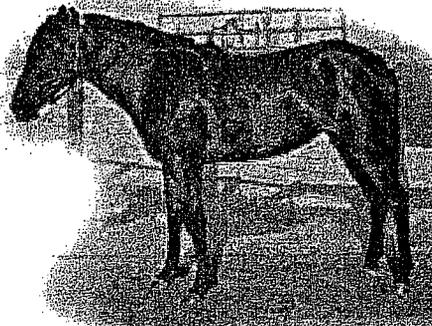
REQUEST FOR RESPONSES

- ❖ Porterville Animal Control
- ❖ Porterville City Council
- ❖ Porterville Police Department



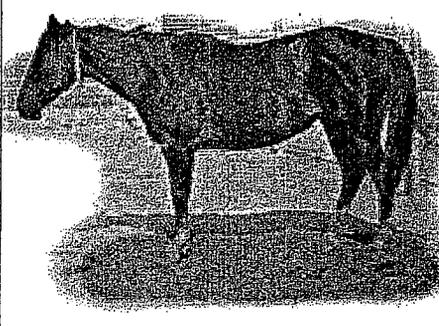
Score: 3 (Thin)

- Fat about halfway up spinous processes; transverse processes cannot be felt.
- Thin fat layer over ribs.
- Spinous processes and ribs are easily discernable.
- Tailhead prominent, but individual vertebrae cannot be visually identified.
- Hook bones appear rounded but not easily discernable.
- Pin bones not distinguishable.
- Withers, shoulders and neck are accentuated.



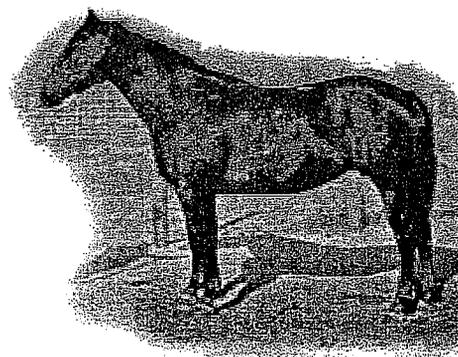
Score: 4 (Moderately thin)

- Ridge along back.
- Faint outline of ribs discernable.
- Tailhead prominence depends on conformation; fat can be felt around it.
- Hook bones not discernable.
- Withers, shoulders and neck are not obviously thin.



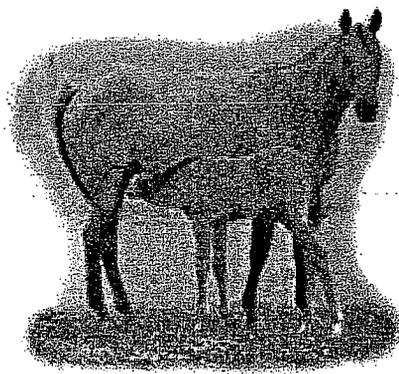
Score: 5 (Moderate)

- Back is level.
- Ribs cannot be visually distinguished but can be easily felt.
- Fat around tailhead beginning to feel spongy.
- Withers appear rounded over spinous processes.
- Shoulders and neck blend smoothly into body.



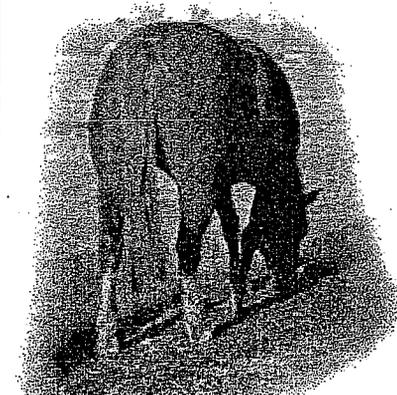
Score: 7 (Fleshy)

- May have crease down back.
- Individual ribs can be felt, with noticeable filling between ribs with fat.
- Fat around tailhead is soft.
- Fat deposited along withers, behind shoulders and along neck.



Score: 8 (Fat)

- Crease down back.
- Difficult to feel ribs.
- Fat around tailhead very soft.
- Area along withers filled with fat.
- Area behind shoulder filled in flush.
- Noticeable thickening of neck.
- Fat deposited along inner buttocks.



Score: 9 (Extremely fat)

- Obvious crease down back.
- Patchy fat appearing over ribs.
- Bulging fat around tailhead, along withers, behind shoulders and along neck.
- Fat along inner buttocks may rub together.
- Flank filled in flush.

BCS

A USEFUL TOOL

Don Henneke's nine-point scale takes the guesswork out of evaluating equine body fat levels.

The body condition score (BCS) system offers an objective method of estimating a horse's body fat levels.

Developed 25 years ago by Don Henneke, PhD, as part of his doctoral research, the BCS scale ranges from 1 (poor) to 9 (obese). Horses are scored based on visual and hands-on appraisal of six body areas where fat tends to accumulate in a predictable pattern (see diagram below).

At right is an illustrated guide to the BCS system. Each score is accompanied by the notable physical attributes described in Henneke's original BCS research. The key terms used include:

- **crease**—a "gutter" over the spine created by fat buildup on either side of the bone.

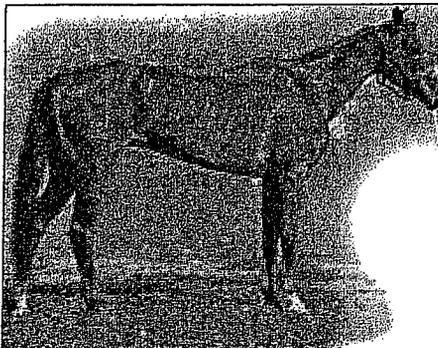
- **hooks**—the pelvic (hip) bones that jut out to the side of a horse's rump.

- **pins**—pelvic bones near the tail that poke out the back of a horse's rump.

- **spinous processes**—bony protrusions at the top of the vertebrae of the torso.

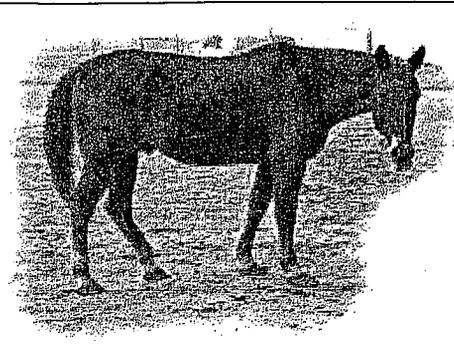
- **tailhead**—the root of the tail where it blends in with the body; highest movable point on the tail.

- **transverse processes**—bony protrusions on each side of the vertebrae.



Score: 1 (Poor)

- Extreme emaciation.
- Spinous processes, ribs, tailhead, and hooks and pins are prominent.
- Bone structure of withers, shoulder and neck is easily noticeable.
- No fatty tissue can be felt.



Score: 2 (Very thin)

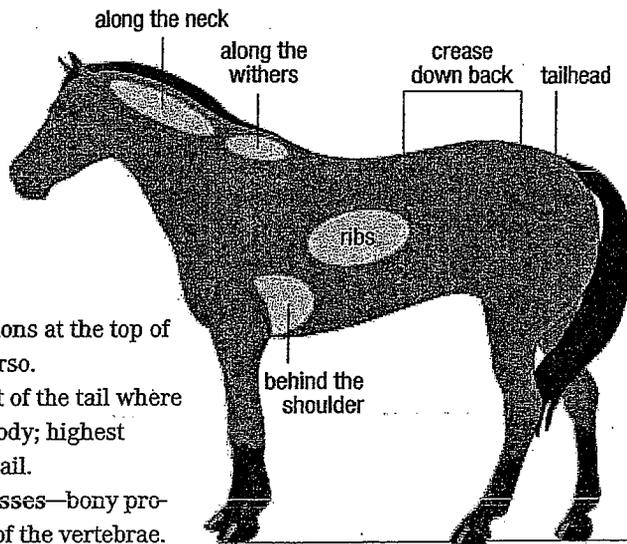
- Emaciated.
- Thin layer of fat over base of spinous processes.
- Transverse processes of lumbar vertebrae feel rounded.
- Spinous processes, ribs, tailhead, and hooks and pins are prominent.
- Withers, shoulders and neck structures are faintly discernable.

GETTING FAT: Horses develop body fat in a predictable pattern, starting behind the shoulder, moving back over the ribs, up over the rump and finally along the back forward to the neck and head. A horse's BCS is based on an appraisal of fat accumulation in these areas.



Score: 6 (Moderate to fleshy)

- May have slight crease down back.
- Fat over ribs feels soft and spongy.
- Fat around tailhead feels soft.
- Fat beginning to be deposited along sides of the withers, behind the shoulders and along the sides of the neck.



PHOTOS COURTESY, DON HENNEKE, PHD; ILLUSTRATION BY CELIA STRAIN

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

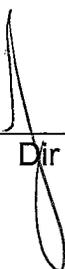
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on March 5, 2013, 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. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.

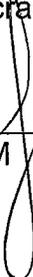
At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

At its meeting on February 19, 2013, the Council authorized staff to begin advertising for bids for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets, with a total estimated probable project cost of \$100,561.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues.


Dir


Approp./
Funded


CM

Item No. 16

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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

CITY COUNCIL AGENDA: MARCH 5, 2013

PUBLIC HEARING

SUBJECT: CONSIDERATION OF MODIFICATION OR REVOCATION OF
CONDITIONAL USE PERMIT 8-82 (RESOLUTION 13-2008)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENTS: On February 19, 2008, the City Council adopted Resolution 13-2008, approving Modification No. 1 to Conditional Use Permit 8-82 General and Specific Plans Phase One to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue. The subject site zoning classification at the time of project approval was PD-R1 (Planned Development - One Family Residential) and approved by resolution to be a five (5) phased residential and commercial development. On March 6, 2008, the developer submitted a set of plans to the Public Works Department to obtain permits for the construction of the drive-through restaurant and drive-through coffee kiosk as per City Council approved exhibits. As soon as all required information was obtained from the developer, the plans were approved by all required departments on November 29, 2010, and the building permits were issued to the developer on July 16, 2012.

On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, City staff observed deviations in the constructed building from the conditions and plans approved by City Council under Conditional Use Permit 8-82 (Resolution 13-2008). In addition to the deviations, some components of the built development are out of compliance with the design standards of the Zoning Ordinance established upon project approval.

Many of the deviations from the approved plans, listed herein as Attachment 5, are not easily correctable, therefore, the matter has been set for City Council consideration on March 5, 2013. On February 22, 2013, a letter was mailed to the developer stating that a public hearing was scheduled for City Council to consider modification or revocation of CUP 8-82 General and Specific Plans Phase One, and due to the deviations (listed herein) the Community Development Department - Planning Division was unable to approve the developer's occupancy permit without City Council's review and determination. Staff has met with the developer and she is working on resolving the defined code deficiencies and inconsistencies with the conditions of approval. However, the full revision of the project to the original design would be difficult, time consuming, and in some instances cost prohibitive.

DD ~~DD~~ APPROPRIATED/FUNDED N/A CM J

**ATTACHMENT
ITEM NO. 1**

It is the City's policy to schedule a public hearing pursuant to Section 3103 (reference is to prior Zoning Ordinance due to permits being issued under prior Code provisions) of the Zoning Ordinance where there is or has been a violation of or failure to observe the terms or conditions of the permit, or that the use has been conducted in violation of the provisions of the ordinance, law, or regulations.

Resolution No. 13-2008 (Attachment 2) contains the following preamble that is pertinent to the issue:

"WHEREAS: The project consists of two drive-through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and"

The constructed development at this time has omitted the 600 square foot coffee kiosk. Additionally, the color and finish of the existing building does not incorporate cream tones to make it compatible to the convenience market (Sunnyside Handy Market) on the adjacent parcel to the west, nor is the architecture consistent with that approved by the City Council. The footprint of the building and the architectural treatment to the building including the building entrance enhancements, brick veneer, awning and landscaping are different from that approved by the City Council.

Resolution No. 13-2008 contains the following finding that is pertinent to the issue:

"7. The project as proposed complies with all design standards of the Zoning Ordinance."

Section 2206 (E) of the Zoning Ordinance states: "Lights: If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare."

Section 2206 (F)(2) of the Zoning Ordinance states; "A minimum of five foot (5') wide screen planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street."

The constructed development is not in compliance with the design standards of the Zoning Ordinance, due to the referenced sections above. The exterior lighting attached to the building is unshielded and faces residential sites to the north, east and south. The required five (5) foot wide screening planting strip is not installed at the northeast corner of the project site as per City Council findings of approval.

The developer is working on complying with the defined code issues and conditions of approval on lighting.

Resolution No. 13-2008 contains the following conditions that are pertinent issues:

“4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director.”

As referenced above, the lighting is not designed to limit glare or spillover onto adjacent parcels. In addition, the lighting did not receive required review by the Police Chief or Community Development Director. The developer is working on complying with the defined code issues and conditions of approval on lighting.

“5. All mechanical and electrical equipment is to be screened and maintained from public view.”

The heating and air conditioning unit installed on the roof is not screened from public view. An architecturally compatible screen would need to be installed to obstruct views of the roof mounted equipment. The developer is working on complying with the defined code issues and conditions of approval on screening of mechanical equipment.

“15. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. A 9500 lumen street light shall be installed at the northeast property corner.”

A street light is required to be installed along Putnam Avenue, which the developer has not indicated a willingness to install.

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

The parking lot layout has been modified from that reviewed by staff and approved by the City Council. For example, a minimum five (5) foot wide landscape planter is required between the easterly row of parking spaces and the street.

“38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.”

Due to the identified changes in the project, the development does not currently comply with the provision of the Municipal Code and Conditions of approval. With the exception of the changes in site layout and the architectural changes, the developer is working on complying with the defined code issues and conditions of approval on lighting (except the required street light) and screening of mechanical equipment.

“39. That the subject site will be developed in accordance with the site plan and elevation plan labeled Exhibit “A”.”

Current constructed development is not in compliance with the above City Council conditions of approval under Resolution 13-2008 as indicated in the above comments.

It is the City’s policy to consider modification or revocation of a Conditional Use Permit on any one or more of the grounds described herein after a public hearing is held and conducted as per Section 3103 of the Zoning Ordinance.

Section 3101 of the Zoning Ordinance states that grounds for such revocation shall be any of the following:

1. That approval was obtained by means of fraud or misrepresentation of a material fact;
2. That the permittee or holder of the variance has failed to undertake the use in question for an unreasonable period of time;
3. That the use in question has ceased to exist or has been suspended for one (1) year or more;
4. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of the Ordinance, law or regulation;
5. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

Section 3102 of the Zoning Ordinance states that grounds for modification shall be any of the following:

1. That the grounds which would otherwise justify a revocation of the permit or variance can be corrected or cured by modification imposing new or additional conditions;

2. That improvement of methods or technological advances permit conducted of the use with adequate safeguards under the proposed modification;
3. That one or more of the original conditions of the permit or variance is unworkable, impractical or otherwise fails to accomplish the original aims.

- OPTIONS:
1. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant subject to the original conditions of approval, provided the specific code requirements are met. This would result in an approved revision to the approved site plan, building elevations and floor plans. Due to the time sensitivity of the project, a draft resolution is included for consideration to impose the original and appropriately amended conditions.
 2. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant and impose or remove new conditions of approval, under grounds that one or more of the original conditions of the permit is unworkable and impractical to accomplish the original aims.
 3. Consider revocation of Modification No. 1 to CUP 8-82 and not permit occupancy of the drive-through restaurant based on lack of compliance with the approved plans and conditions of approval.

RECOMMENDATION: That the City Council consider the circumstances of the project and consider one of the above alternatives or provide other direction to staff.

ATTACHMENTS:

1. Resolution No. 9746 (Approving CUP 8-82)
2. Resolution No. 13-2008 (Modification No.1 to CUP 8-82)
3. Letter to the developer
4. Approved complete set of plans
5. List of deviations
6. Pictures (815 E. Putnam Avenue)
7. Draft resolution for City Council consideration of Modification No. 2 to Cup 8-82

RESOLUTION NO. 9746

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING CONDITIONAL
USE PERMIT NO. 8-82/GENERAL AND SPECIFIC
DEVELOPMENT PLANS

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that Conditional Use Permit No. 8-82/General Development Plans is approved as recommended in Planning Commission Resolution No. 1387, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.
2. That all future on-site development shall conform to the City's Zoning Ordinance.
3. That all future on-site uses shall conform to the City's Fire Department Standards.
4. That the requirements of the City Engineer shall be complied with, to-wit:

1. Sewer service Phases 2, 3, and 4 shall be in accordance with the City Sewer Master Plan.

2. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

5. That the development shall be substantially as shown on the General Development Plans (Exhibit A). Where the zoning ordinance and conditions of a proval differ from the General Development Plans, the ordinance and conditions shall prevail.

6. That the residential development be limited to the General Plan density of 7 units per acre plus the ten percent density bonus allowed by Section 1708.B.1. of the zoning ordinance.

7. That the environmental impacts identified by the Environmental Review Committee be mitigated as follows:

- A. The City has insufficient sewer capacity presently available to serve the area covered by this plan.

This impact may be mitigated as follows:

1. All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.
2. No development beyond Phase I shall be permitted until sewer capacity to serve the project area is assured.

**ATTACHMENT
ITEM NO. 1**

3. The developer is negotiating to use a portion of the excess capacity controlled by the Porter Vista Public Utility District to serve this site.

4. The City is pursuing means of constructing a relief line to serve this area either through its pending redevelopment project or by some other financing method.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

This impact may be mitigated as follows:

1. On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

C. There is a potential flooding hazard due to water coming onto the site from adjacent areas.

This impact may be mitigated as follows:

1. Further studies and designs to mitigate any potential flooding hazard shall be required with any subsequent specific development plans.

D. The impact on various public services shall be further addressed at the time of future Specific Development Plan reviews. This shall include further review of circulation, traffic, fire and police protection and impacts on schools and other governmental services.

8. Prior to any development occurring, an agreement in writing must be made between the City and any other affected entity which will insure that the sewer problem identified is alleviated.

9. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that Conditional Use Permit No. 8-82/Specific Development Plans Phase I is hereby approved as recommended in Planning Commission Resolution No. 1388, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.

2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department Standards.

4. That the requirements of the City Engineer shall be complied with, to-wit:

1. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

2. That the subdivider shall pay all fees involved to have any existing utility poles set back behind the future sidewalk.

3. Additional improvements to be added to the specific plans are as follows:

a. Cross gutter across Leggett to join with newly installed cross gutter.

b. Street paveout along Leggett and Putnam after gutter is constructed.

c. Handicap ramp at corner of Leggett and future street.

5. That the development shall be substantially as shown on the Specific Development Plans (Exhibit B). Where the zoning ordinance and conditions of approval differ from the Specific Development Plans, the ordinance and conditions shall prevail.

6. That the environmental impact pertaining to Phase I identified by the Environmental Review Committee be mitigated as follows:

A. The City has sufficient sewer capacity presently available to serve the area covered by this plan.

1) All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

1) On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

7. That landscaping shall be of the low profile type and shall not be a visual obstruction to vehicular and pedestrian traffic and shall be of the type which shall not cause damage to curbs, gutters and sidewalks.

8. That Specific Plans shall be accompanied by a proposed schedule indicating commencement and completion of construction.

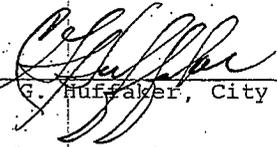
9. Prior to issuance of building permits a proposed schedule of construction shall be submitted to and approved by the City Planner for referral to the City Engineer.

10. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

11. That Development of Phase I cannot be started until specific plans for street, gutter and sidewalk improvements in Phase III are submitted and approved by the Planning Commission.


Mary Dougherty, Mayor

ATTEST:


C. G. Huffaker, City Clerk

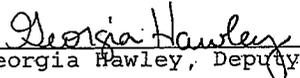
STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 7th day of September, 1982.

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

AYES: COUNCILMEN: Durbin, Tree, Dougherty,
NOES: COUNCILMEN: Ferrell, Moran,
ABSENT: COUNCILMEN: None

C. G. HUFFAKER, City Clerk


Georgia Hawley, Deputy

RESOLUTION NO. 13-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF MODIFICATION NO.1
TO CONDITIONAL USE PERMIT NO. 8-82 / GENERAL AND SPECIFIC
DEVELOPMENT PLANS, PHASE ONE, TO ALLOW CONSTRUCTION OF A DRIVE
THROUGH RESTAURANT AND COFFEE KIOSK LOCATED AT THE SOUTHEAST
CORNER OF PUTNAM AVENUE AND LEGGETT STREET

WHEREAS: The City Council at its regularly scheduled meeting of February 19, 2008, reviewed the modified site plans for a modification to CUP 8-82/ General and Specific Plans Phase One to allow proposed construction of a drive through restaurant and drive through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street. The subject site is located in the PD-R1 (Planned Development-One Family Residential Zone); and

WHEREAS: The project consists of two drive through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines – construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

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

1. The General Plan designates the subject site as Low Density Residential.

The subject site is zoned PD-R1 (Planned Development – One Family Zone) which is supported by the General Plan. The proposed use is allowed pursuant to approval of Conditional Use Permit Specific and General Plan.

2. That a conceptual plan was submitted for Phase Two at the time Phase One was approved.
3. That the site is physically suited for the type of development proposed. The site is level and vacant.

ATTACHMENT
ITEM NO. 2

4. That the design of the project nor the proposed improvements are likely to cause substantial environmental damage. An onsite inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
5. That the proposed location of the proposed and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or , materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

6. That the standards of population density, site area dimensions, site coverage, height of structures, distance between structures, off-street parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 8-82 subject to the following conditions:

1. Reciprocal ingress/egress agreement is required with the adjacent convenience market to the west. A recorded agreement shall be submitted to the City prior to issuance of building permits for the proposed site.
2. The proposed project will be considered as Modification #1 to CUP 8-22, approved by City Council Resolution 9746 for Phase 1 (Specific Plans).
3. The hours of operation are as follows:

Sunday - Saturday
5:30am to 12:00am

4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director
5. All mechanical and electrical equipment is to be screened and maintained from public view.

6. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
7. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
8. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
9. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.
10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
11. The developer/applicant shall remove existing trees at all driveways serving the development for the purpose of provide appropriate visibility for vehicular traffic existing the property.
12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).
13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots shared by the proposed development parcel and the adjacent westerly parcel, if none exists.
14. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
15. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. A 9500 lumen street light shall be installed at the northeast property corner.

16. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.
17. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).
18. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
19. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

Wastewater Discharge Permit Application, Part "A"; and

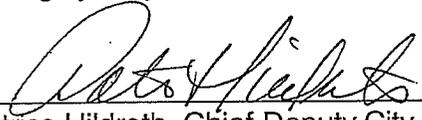
If monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.
20. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/ applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.
21. The developer/applicant shall install a refuse container enclosure according to City standards. **The enclosure location to be approved by City prior to issuance of building permit.** The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
22. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO (1 foot depth). A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request.
23. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615.

24. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
25. A back-flow device is required on the water meter.
26. A grease trap or grease interceptor is required.
27. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
28. Compliance with access laws (both State and Federal) is required.
29. Compliance with all applicable codes is required.
30. Plan check fees are required at the time of building permit submittal.
31. Soil report required.
32. School Development fees and all other City fees are due at the time of building permit issuance.
33. Prior to issuance of the building permit need approval from the Tulare County Health Department.
34. Restrooms and main entrance must comply with ADA access laws.
35. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
36. Grease interceptor required.
37. Signs require separate permit.
38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.
39. That the subject site will be developed in accordance with the site plan and elevation plans labeled Exhibit "A."
40. The conditional use permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

41. The applicant shall submit clearance from the Regional Water Quality Control Board, to the satisfaction of the City Engineer, regarding groundwater and/or soils contamination prior to issuance of building permits for the proposed site.


Cameron Hamilton, Mayor

Attest:
John Longley, City Clerk

By 
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19th day of February, 2008.

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

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, CITY CLERK

By *Luisa Herrera*
 Luisa Herrera, Deputy City Clerk

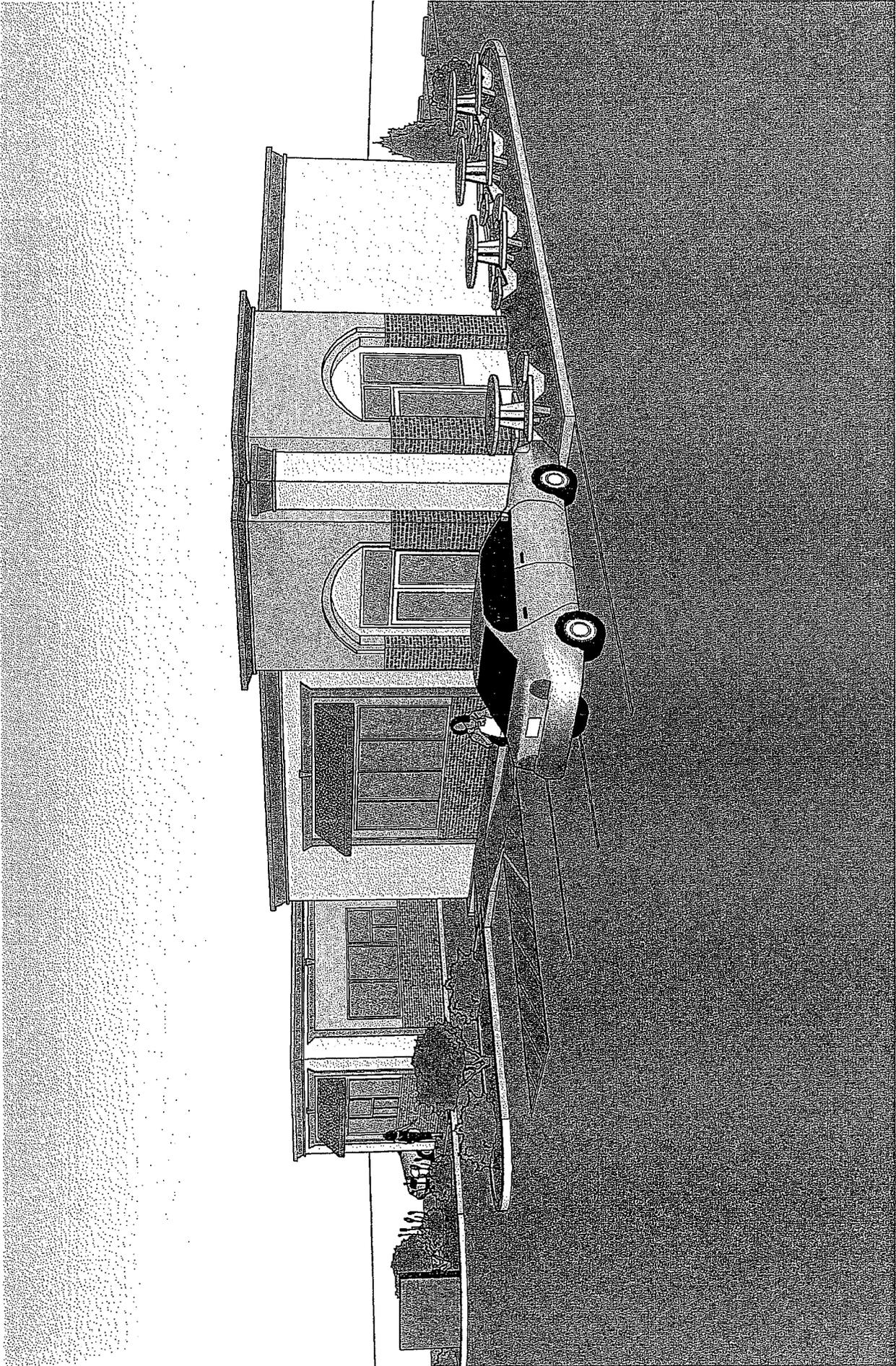
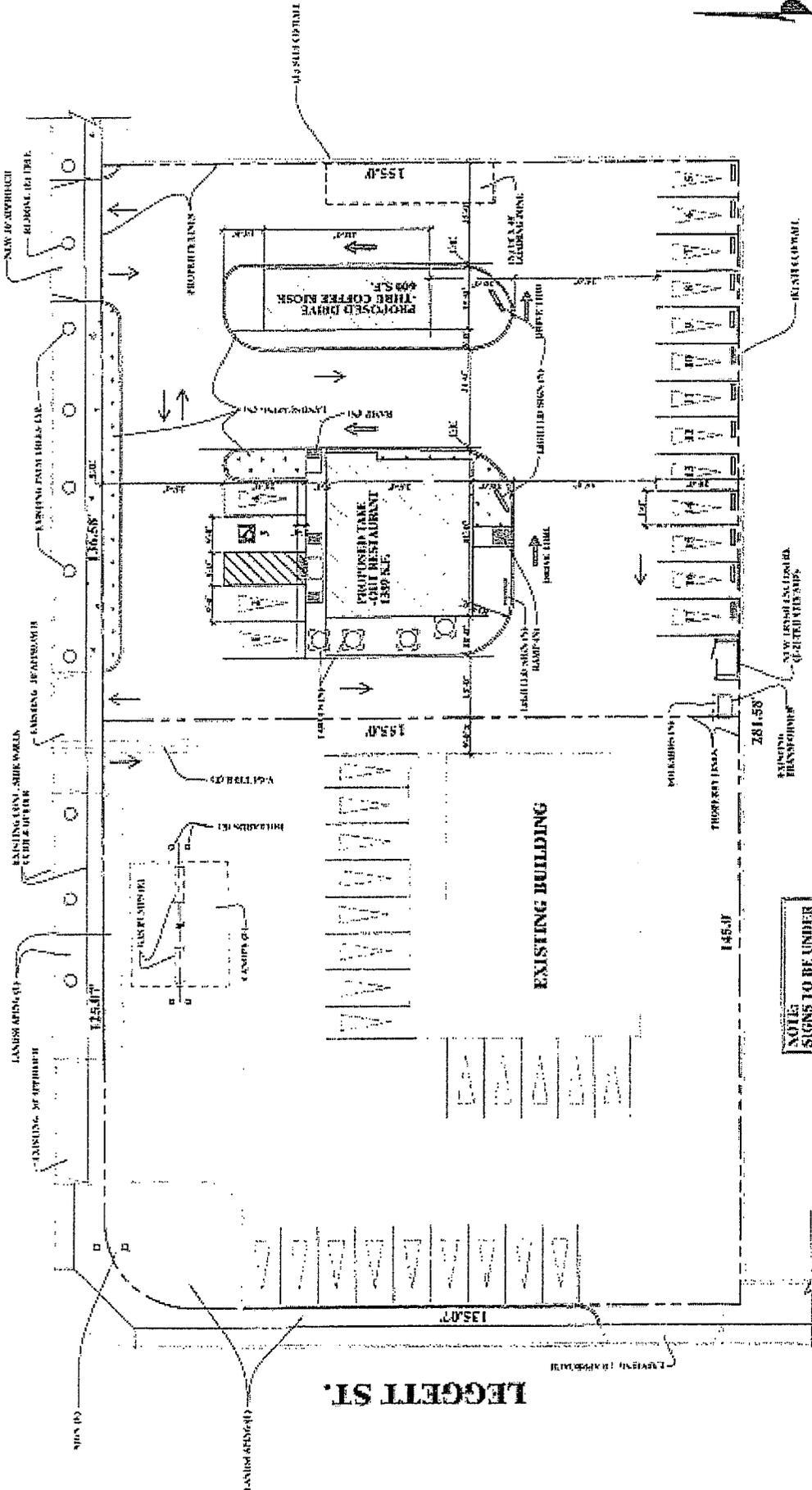


EXHIBIT A



EXHIBIT

PUTNAM AVE.



N O R T H

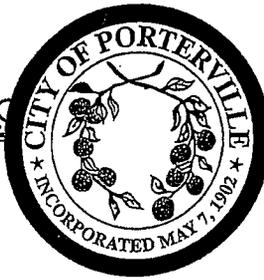
SCALE: 1" = 20'

SITE PLAN

APN: 154-101-47
 IN THE CITY OF PORTERVILLE
 COUNTY OF TULARE, STATE OF CALIFORNIA

NOTES TO BE UNDER SEPARATE PERMIT

EXHIBIT A



Community Development
Department

February 22, 2013

Mary McClure
23149 Josef Court
Porterville, CA 93257

Re: 815 E. Putnam Avenue

Dear Ms. McClure,

Thank you for taking the time to contact staff to express your concerns about the development project located at 815 E. Putnam Avenue. We regret any inconvenience you have experienced in the duration of your construction phase. During the final inspection of the above address, staff members observed deviations in the constructed building from the conditions and plans approved by City Council under Conditional Use Permit 8-82 (Resolution 13-2008) on February 19, 2008. Additionally, some components of the built development are out of compliance with the Zoning Ordinance in effect at the time of the project approval. Due to these deviations, the Planning Division is unable to approve your occupancy permit.

This letter is to inform you that a public hearing is scheduled on Tuesday, March 5, at 6:30 p.m. or as soon thereafter in the Council Chambers at City Hall, 291 N. Main Street in Porterville, in order to consider modification or revocation of Conditional Use Permit 8-82 approving the general and specific plans phase 1 (Resolution 13-2008) that approved the construction of a drive through restaurant and coffee kiosk (please see attachment).

Staff will send you a copy of the staff report which will contain a complete list of items identified for correction prior to the Tuesday, March 5, 2013 public hearing.

The Community Development Department is working hard to resolve the issues mentioned above. If you have any questions, feel free to contact Bradley D. Dunlap, Community Development Director.

Sincerely,

Julie Phillips, AICP
Community Development Manager

NOTICE OF PUBLIC HEARING

Notice is hereby given, that the City Council of the City of Porterville will hold a public hearing on Tuesday, March 5, 2013 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider modification or revocation of Conditional Use Permit 8-82 approving the general and specific plans phase 1 (Resolution 13-2008) that approved the construction of a drive through restaurant and coffee kiosk located at 815 E. Putnam Ave.

Pursuant to Section 15332 Class 32 (In-Fill Development Project), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in these meetings, or to be able to access these agendas and documents in the agenda packets, please contact the Deputy City Clerk at (559) 782 - 7442. Notification 48 hours prior to these meetings will enable the City to make reasonable arrangements to ensure accessibility to these meetings and/or provision of an appropriate alternative format of the agenda and documents in the agenda packets.

DATED: February 23, 2013

John Lollis, City Clerk

NEW RESTAURANT

MARY MCCLURE

PUTNAM AVE. & LEGGETT ST.

PORTERVILLE CA. 93257

** Copy of the Report shall be submitted to the City of
 * Signs under the same process*

Building Dept. City of Porterville	DATE	BY
Fire	1/14/07	OK
Engineering	1/14/07	OK
Planning	1/14/07	OK
Field Services	1/14/07	OK
Parks	1/14/07	OK
Building	1/14/07	OK
Police	1/14/07	OK

SHEET INDEX

- CS COVER SHEET
- A-1 SITE PLAN
- A-2 STANDARD NOTES/LEGENDS
- A-3 FLOOR/FOUNDATION PLAN
- A-4 ELEVATIONS
- A-5 ROOF/MECHANICAL PLAN
- A-6 EQUIPMENT PLAN
- E-1 ELECTRICAL PLAN & NOTES
- H-1 HANDICAP DETAILS
- H-2 HANDICAP DETAILS
- P-1 PLUMBING PLANS & DETAILS
- S-1 SECTIONS AND DETAILS
- S-2 SECTIONS

B
 BUILDING OCCUPANCY
 BUILDING CONSTRUCTION
 BUILDING HEIGHT MAX
 SEISMIC DESIGN CATEGORY
 BUILDING DESIGNED UNDER 2007 C.B.C.

TYPE Y-B^A
 16

D

ATTACHMENT
 ITEM NO. 4

REVISIONS	DATE	BY	DESCRIPTION

HILLMAN BUILDING DESIGNERS
 Professional Member
 American Institute of Building Design
 250 N. MAIN ST., PORTERVILLE, CA. 93257
 TEL. (559) 781-1558 FAX (559) 781-2943

ARCHITECT
HECTOR TELIEZ
 250 N. MAIN ST. PORTERVILLE, CA 93257
 OFF. (559) 781-1558
 FAX (559) 781-2943
 LICENSE C14293



MARY MCCLURE
 PUTNAM AVE & LEGGETT ST.
 PORTERVILLE, CA 93257
 PHONE: _____

COVER SHEET
 DATE: 12-04-07
 SCALE: AS SHOWN
 DRAWING NO.: 2105
 SHEET NO.: _____

CP-03-08-0213

REVISIONS	DATE	BY

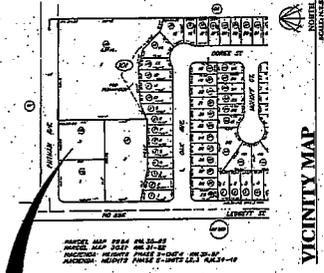
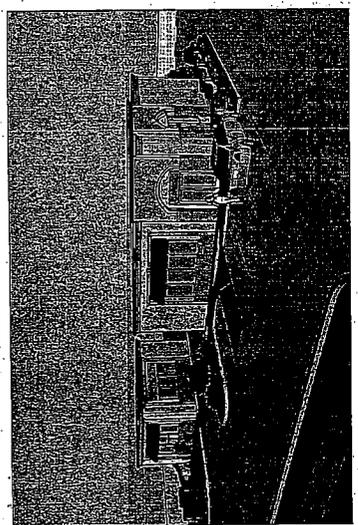
HILLMAN BUILDING DESIGNERS
 Professional Member
 American Institute of Building Design
 250 N. MAIN ST., PORTLAND, OR 97207
 TEL. (503) 741-1538 FAX (503) 741-2343

HECTOR TELFER
 ARCHITECT
 250 N. MAIN ST., PORTLAND, OR 97207
 FAX (503) 741-1538
 LICENSE C16450

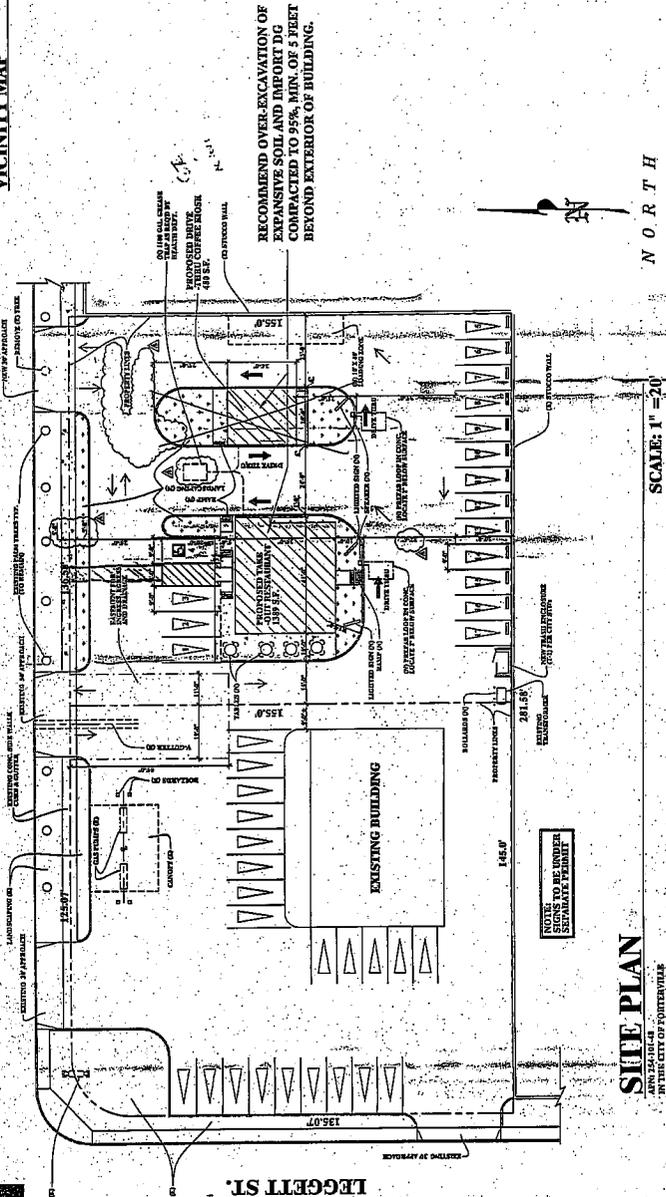


MARY MCCLURE
 PORTLAND DRIVE THRU RESTAURANT FOR
 PUTNAM AVE. & LEGGETT ST.
 PORTLAND, OR 97257
 PHONE: (503) 741-1538

A-1
 DATE: 12-12-77
 DRAWING NO.: 100-06-08
 SHEET NO.: 10330-AMT-01



VICINITY MAP



SITE STATISTICS

ZONE	RESUBDIVISION/REDEVELOPMENT
LOT SQ. FT.	21,770 ±
BLDG SQ. FT. - REST.	1,389
BLDG SQ. FT. - COFFEE	480
TOTAL BLDG. SQ. FT.	1,869
LANDSCAPE SQ. FT.	14,932 ±
9200 STANDARD	16
17' X 20' HANDICAP	1
17 TOTAL	17 TOTAL
TOTAL ALLOWABLE OUTSIDE SEATS	17 X 4 = 68
SEATS PROVIDED	16

NORTH

SCALE: 1" = 20'

SITE PLAN
 AS SHOWN IN THE CITY OF PORTLAND
 COUNTY OF TULARE STATE OF CALIFORNIA

NOTES TO BE UNDER SEPARATE PERMIT

C:\PROGRAMS\landscap\DRIVE THRU\ JOB 27050\10-06-08 10330-AMT-01.PLT

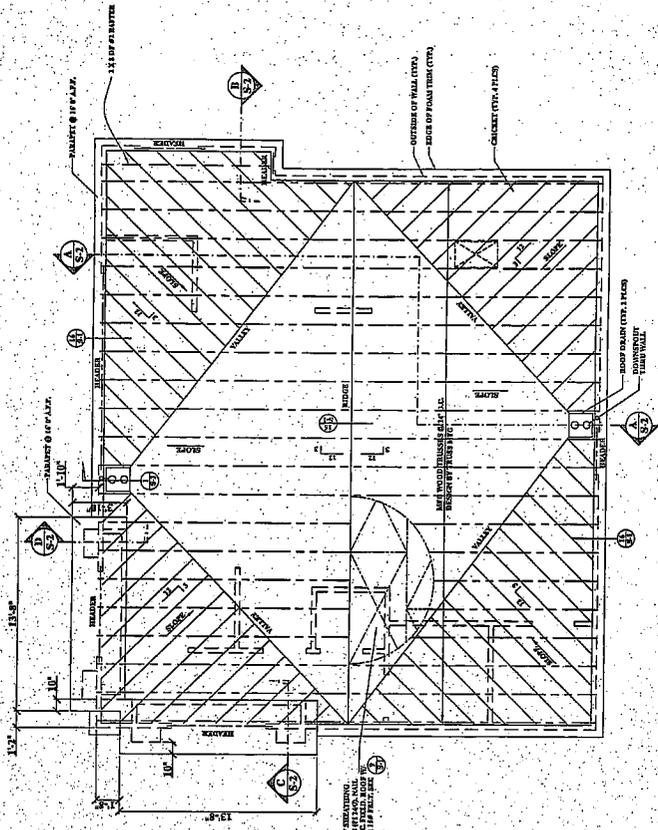
MARY McCURE
 PORTMAN AVE. & LEGGETT ST.
 PORTSMOUTH, CA 93257
 PHONE:



ARCHITECT
 HILLMAN BUILDING DESIGNERS
 250 N. MAIN ST.
 PORTSMOUTH, CA 93257
 OFF. (559) 781-1438
 FAX (559) 781-2343
 LICENSE C16450

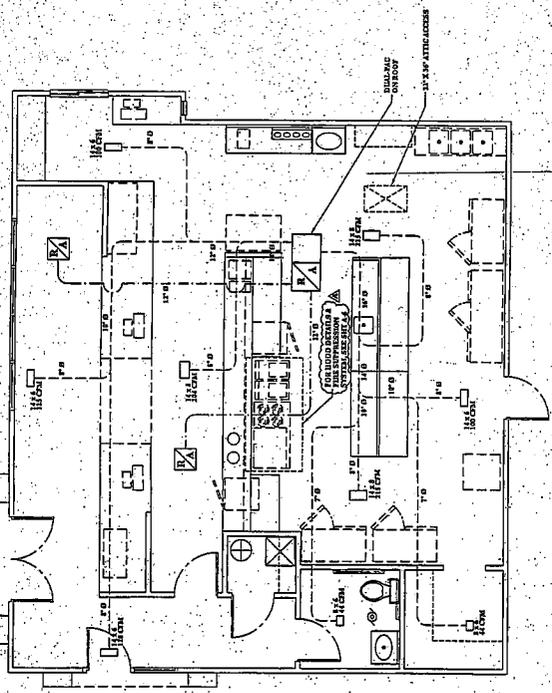
HILLMAN BUILDING DESIGNERS
 Professional Member
 American Institute of Building Design
 250 N. MAIN ST.
 PORTSMOUTH, CA 93257
 TEL. (559) 781-1438 FAX (559) 781-2343

REVISIONS	BY	DATE



NOTES: 1. ALL HEADERS TO BE
 4" X 12" DFM @
 8" O.C. HT. U.O.N.
 2. ALL JOISTS TO BE
 @ 16" O.C. U.O.N.
 U.O.N. = UNLESS
 OTHERWISE NOTED

ROOF PLAN - RESTAURANT
 SCALE: 1/4" = 1'-0"



MECHANICAL PLAN - RESTAURANT
 SCALE: 1/4" = 1'-0"

CFM CALCULATIONS			
ROOM	AREA	CFM	CFM
LOBBY	1 X 11	100	100
KITCHEN	24 X 33	500	500
STORAGE	7 X 7	200	200
TOTAL			800

ALL CHANGES TO PLUMBING ROOF STRUCTURING
 WILL BE MADE AT ALL TIMES AND ALL
 CONNECTIONS MADE OVER THE EXISTING

REVISIONS	BY	DATE
1	AW	
2	AW	
3	AW	
4	AW	
5	AW	
6	AW	
7	AW	
8	AW	
9	AW	
10	AW	

HILLMAN BUILDING DESIGNERS
 Professional Members
 American Institute of Building Design
 250 N. Main St., Portland, OR 97257
 (503) 781-1538 Fax (503) 781-2343



ARCHITECTS
HILTON KRAJCEK
 50 N. Main St.
 Portland, OR 97257
 (503) 781-1538
 License C16430



MARY MCCLURE
 PORTLAND, OR 97257
 PUTNAM AVE. & LEGGETT ST.
 PHONE: (503) 781-1538

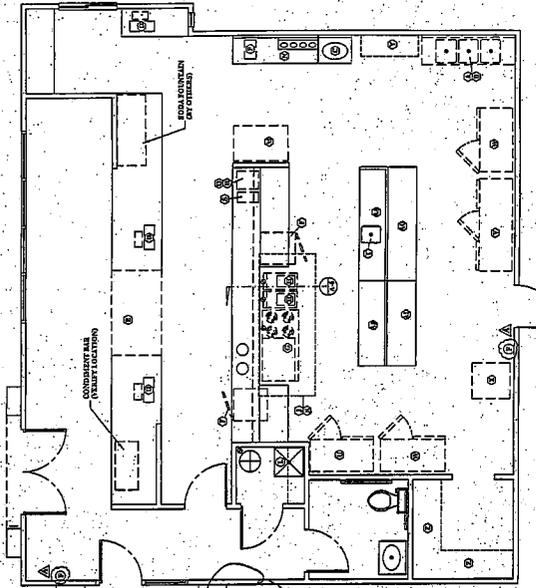
DATE	12-04-97
PROJECT	FLORIST RESTAURANT
SHEET	2100
SCALE	AS SHOWN

A-6

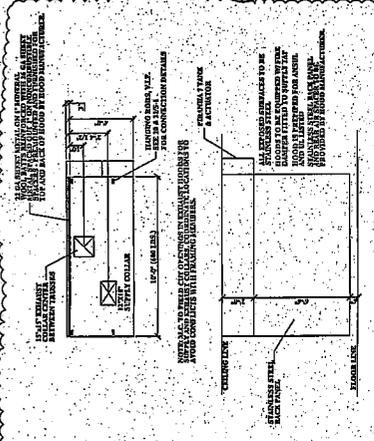
EQUIPMENT SCHEDULE

NO.	TYPE	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	EXHAUST FAN	EXHAUST FAN	1	EA	
2	EXHAUST DUCT	EXHAUST DUCT	1	LF	
3	EXHAUST CAP	EXHAUST CAP	1	EA	
4	EXHAUST FILTER	EXHAUST FILTER	1	EA	
5	EXHAUST REGULATOR	EXHAUST REGULATOR	1	EA	
6	EXHAUST ACTUATOR	EXHAUST ACTUATOR	1	EA	
7	EXHAUST CONTROL	EXHAUST CONTROL	1	EA	
8	EXHAUST SWITCH	EXHAUST SWITCH	1	EA	
9	EXHAUST PIPING	EXHAUST PIPING	1	LF	
10	EXHAUST FITTING	EXHAUST FITTING	1	EA	
11	EXHAUST FLANGE	EXHAUST FLANGE	1	EA	
12	EXHAUST GASKET	EXHAUST GASKET	1	EA	
13	EXHAUST BRACKET	EXHAUST BRACKET	1	EA	
14	EXHAUST HANGAR	EXHAUST HANGAR	1	EA	
15	EXHAUST SUPPORT	EXHAUST SUPPORT	1	EA	
16	EXHAUST INSULATION	EXHAUST INSULATION	1	LF	
17	EXHAUST WRAP	EXHAUST WRAP	1	LF	
18	EXHAUST COATING	EXHAUST COATING	1	LF	
19	EXHAUST PAINT	EXHAUST PAINT	1	LF	
20	EXHAUST CLEANING	EXHAUST CLEANING	1	LF	
21	EXHAUST MAINTENANCE	EXHAUST MAINTENANCE	1	LF	
22	EXHAUST REPAIR	EXHAUST REPAIR	1	LF	
23	EXHAUST REPLACEMENT	EXHAUST REPLACEMENT	1	LF	
24	EXHAUST DISPOSAL	EXHAUST DISPOSAL	1	LF	
25	EXHAUST STORAGE	EXHAUST STORAGE	1	LF	
26	EXHAUST TRANSPORT	EXHAUST TRANSPORT	1	LF	
27	EXHAUST INSTALLATION	EXHAUST INSTALLATION	1	LF	
28	EXHAUST TESTING	EXHAUST TESTING	1	LF	
29	EXHAUST COMMISSIONING	EXHAUST COMMISSIONING	1	LF	
30	EXHAUST OPERATION	EXHAUST OPERATION	1	LF	
31	EXHAUST MAINTENANCE	EXHAUST MAINTENANCE	1	LF	
32	EXHAUST REPAIR	EXHAUST REPAIR	1	LF	
33	EXHAUST REPLACEMENT	EXHAUST REPLACEMENT	1	LF	
34	EXHAUST DISPOSAL	EXHAUST DISPOSAL	1	LF	
35	EXHAUST STORAGE	EXHAUST STORAGE	1	LF	
36	EXHAUST TRANSPORT	EXHAUST TRANSPORT	1	LF	
37	EXHAUST INSTALLATION	EXHAUST INSTALLATION	1	LF	
38	EXHAUST TESTING	EXHAUST TESTING	1	LF	
39	EXHAUST COMMISSIONING	EXHAUST COMMISSIONING	1	LF	
40	EXHAUST OPERATION	EXHAUST OPERATION	1	LF	

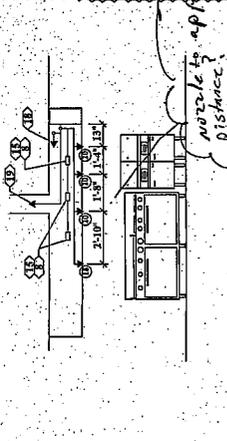
NOTE: ALL EQUIPMENT TO BE "NSP" APPROVED



EQUIPMENT PLAN - RESTAURANT
 SCALE: 1/4" = 1'-0"



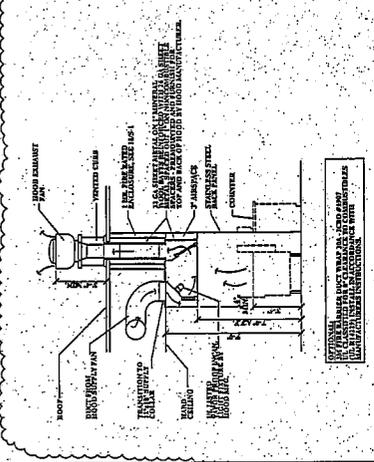
HOOD DETAIL



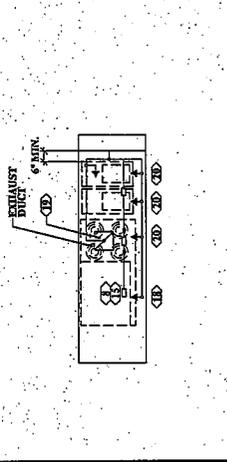
HOOD - FRONT VIEW

HOOD #	MODEL #	FCM	
1	1	1	
LENGTH (O.N.)	48"	HEIGHT (O.N.)	24"
EXHAUST FAN	48"	SUPPLY FAN	18"
EXHAUST DUCT	18"	SUPPLY DUCT	18"
EXHAUST FILTER	18"	SUPPLY FILTER	18"
EXHAUST REGULATOR	18"	SUPPLY REGULATOR	18"
EXHAUST ACTUATOR	18"	SUPPLY ACTUATOR	18"
EXHAUST CONTROL	18"	SUPPLY CONTROL	18"
EXHAUST SWITCH	18"	SUPPLY SWITCH	18"
EXHAUST PIPING	18"	SUPPLY PIPING	18"
EXHAUST FITTING	18"	SUPPLY FITTING	18"
EXHAUST FLANGE	18"	SUPPLY FLANGE	18"
EXHAUST GASKET	18"	SUPPLY GASKET	18"
EXHAUST BRACKET	18"	SUPPLY BRACKET	18"
EXHAUST HANGAR	18"	SUPPLY HANGAR	18"
EXHAUST SUPPORT	18"	SUPPLY SUPPORT	18"
EXHAUST INSULATION	18"	SUPPLY INSULATION	18"
EXHAUST WRAP	18"	SUPPLY WRAP	18"
EXHAUST COATING	18"	SUPPLY COATING	18"
EXHAUST PAINT	18"	SUPPLY PAINT	18"
EXHAUST CLEANING	18"	SUPPLY CLEANING	18"
EXHAUST MAINTENANCE	18"	SUPPLY MAINTENANCE	18"
EXHAUST REPAIR	18"	SUPPLY REPAIR	18"
EXHAUST REPLACEMENT	18"	SUPPLY REPLACEMENT	18"
EXHAUST DISPOSAL	18"	SUPPLY DISPOSAL	18"
EXHAUST STORAGE	18"	SUPPLY STORAGE	18"
EXHAUST TRANSPORT	18"	SUPPLY TRANSPORT	18"
EXHAUST INSTALLATION	18"	SUPPLY INSTALLATION	18"
EXHAUST TESTING	18"	SUPPLY TESTING	18"
EXHAUST COMMISSIONING	18"	SUPPLY COMMISSIONING	18"
EXHAUST OPERATION	18"	SUPPLY OPERATION	18"

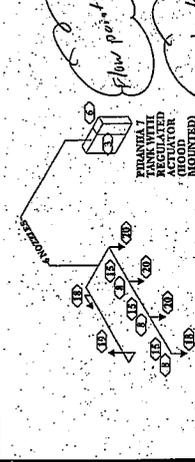
- NOTES:**
1. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 2. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 3. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 4. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 5. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 6. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 7. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 8. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 9. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 10. THE EXHAUST SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



HOOD SECTION



HOOD - PLAN VIEW



ANSUL PIRANHA

- NOTES:**
1. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 2. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 3. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
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 8. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 9. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 10. THE ANSUL PIRANHA SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

PARTS LIST

ITEM NO.	DESCRIPTION	QTY.	UNIT
1	EXHAUST FAN	1	EA
2	EXHAUST DUCT	1	LF
3	EXHAUST CAP	1	EA
4	EXHAUST FILTER	1	EA
5	EXHAUST REGULATOR	1	EA
6	EXHAUST ACTUATOR	1	EA
7	EXHAUST CONTROL	1	EA
8	EXHAUST SWITCH	1	EA
9	EXHAUST PIPING	1	LF
10	EXHAUST FITTING	1	EA
11	EXHAUST FLANGE	1	EA
12	EXHAUST GASKET	1	EA
13	EXHAUST BRACKET	1	EA
14	EXHAUST HANGAR	1	EA
15	EXHAUST SUPPORT	1	EA
16	EXHAUST INSULATION	1	LF
17	EXHAUST WRAP	1	LF
18	EXHAUST COATING	1	LF
19	EXHAUST PAINT	1	LF
20	EXHAUST CLEANING	1	LF
21	EXHAUST MAINTENANCE	1	LF
22	EXHAUST REPAIR	1	LF
23	EXHAUST REPLACEMENT	1	LF
24	EXHAUST DISPOSAL	1	LF
25	EXHAUST STORAGE	1	LF
26	EXHAUST TRANSPORT	1	LF
27	EXHAUST INSTALLATION	1	LF
28	EXHAUST TESTING	1	LF
29	EXHAUST COMMISSIONING	1	LF
30	EXHAUST OPERATION	1	LF

HOOD NOTES & SCHEDULE

Please submit a complete set of H40 suppression system plans.

Make up appliance distance?

R class extinguisher

Make up the most sketch down upon a clipboard to pass, covering with exhaust air to pass, covering

pull station should be less than 48" or less. installed on the wall 48" or less.

flow points
cut sheets

REV	DATE	BY

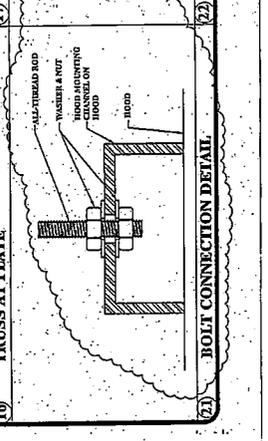
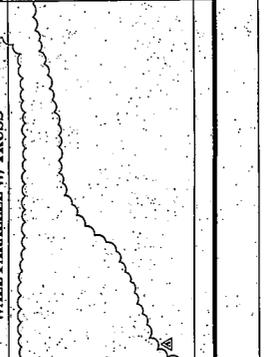
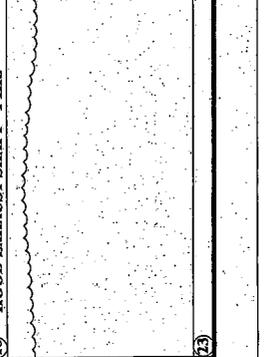
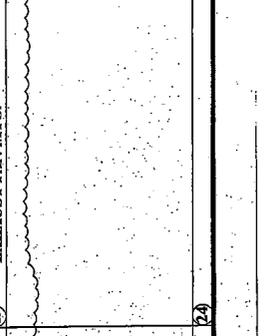
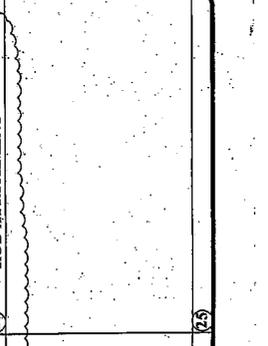
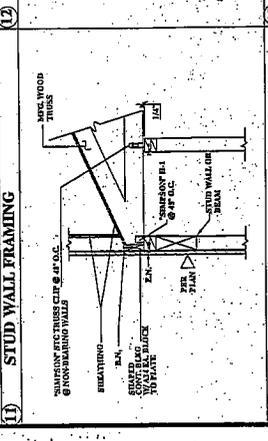
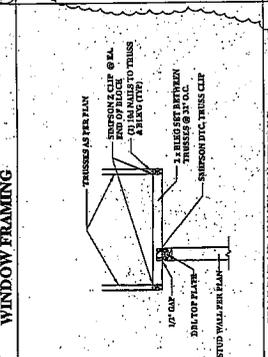
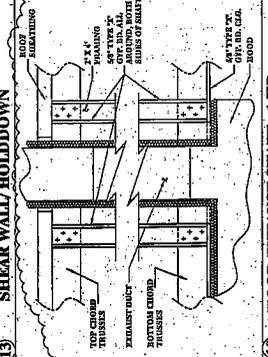
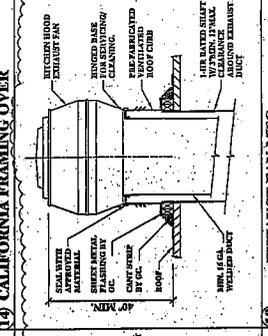
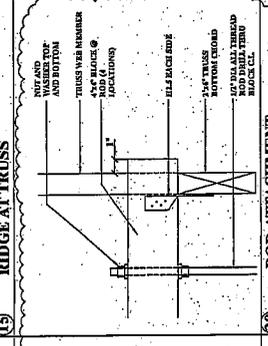
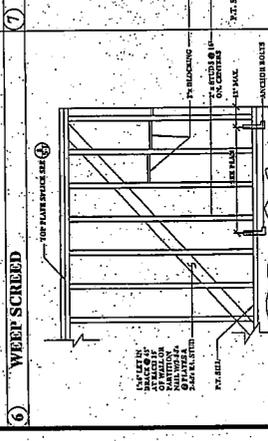
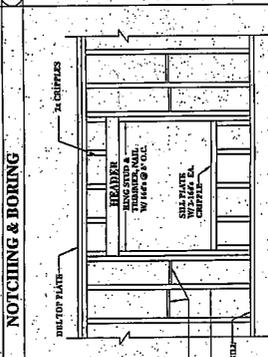
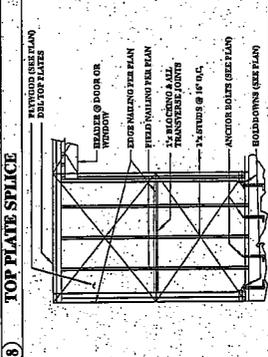
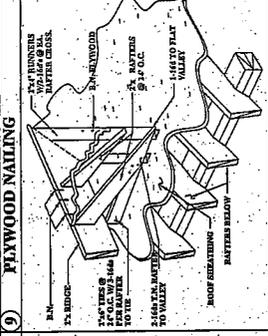
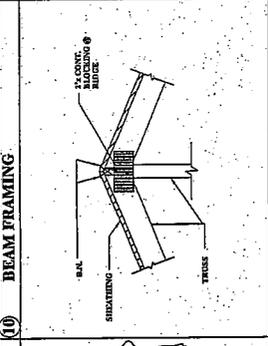
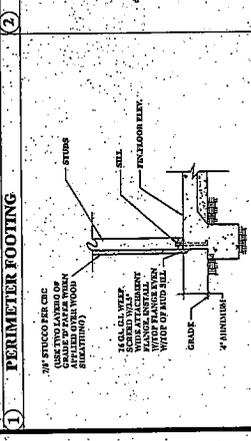
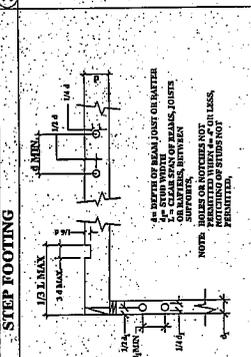
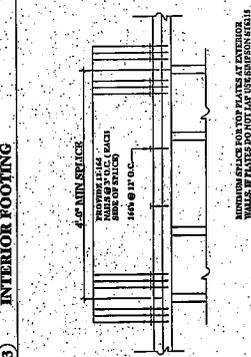
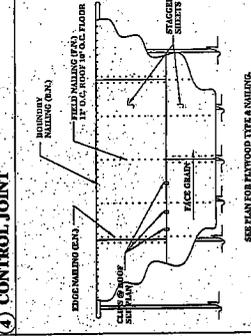
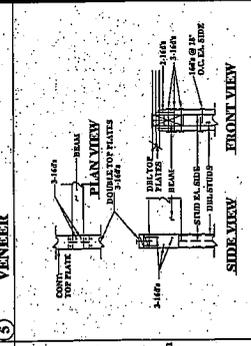
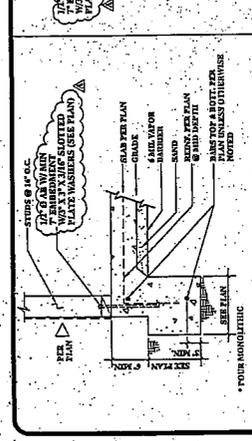
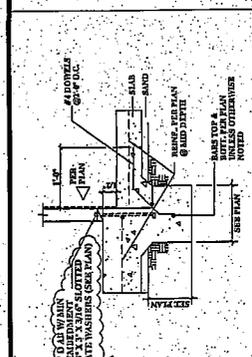
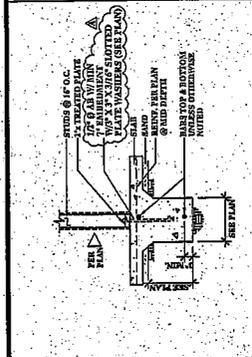
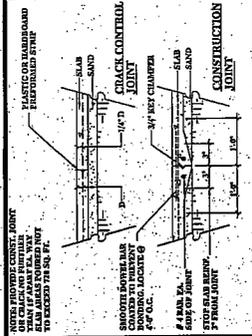
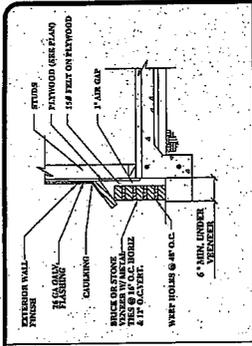
HILLMAN BUILDING DESIGNERS
 Professional Member
 American Institute of Building Design
 250 N. Main St., Porterville, CA 93257
 TEL. (559) 781-1538 FAX (559) 781-2243

RECORDER
 HILLMAN BUILDING DESIGNERS
 250 N. MAIN ST.
 PORTERVILLE, CA 93257
 TEL. (559) 781-1538
 LICENSE C14438



MARY MCCLURE
 REGISTERED PROFESSIONAL ARCHITECT
 PORTERVILLE, CA 93257
 PHONE: (559) 781-1538

DATE	
SCALE	
NO. SHEETS	
TOTAL SHEETS	
DATE	
BY	



21 BOLT CONNECTION DETAIL 22 BOLT CONNECTION DETAIL 23 BOLT CONNECTION DETAIL 24 BOLT CONNECTION DETAIL 25 BOLT CONNECTION DETAIL

List of Deviations

- The exterior lighting attached to the building are facing residential sites to the east and south. (Section 2006 (E) of the Zoning Ordinance)
- The required five foot (5') wide screening planting strip is not installed at the northeast corner of the project site. (Section 2206 (F)(2) of the Zoning Ordinance)
- The Marbelite Pole street light was required but not installed as specified.
- The roof mounted mechanical equipment is not screened from public view as conditioned.
- The awning is not installed. (north elevation)
- The masonry veneer is not installed. (north and west elevation)
- The arch entry ways are not constructed. (north and west elevation)
- The window trims are not per plans.
- Additional windows on the east, north and west elevations have been added.
- The ten foot (10') wide outdoor dining area and tables are not installed.
- The west elevation entry door is not constructed.
- The north elevation entry door has been shifted approximately 10 feet (10') to the east.
- The two foot (2') pop-out drive-thru window is not constructed per plans.
- The three foot (3') wide landscaping strip along the east elevation is not installed.
- The loading zone has been relocated to the southeast corner.
- The landscaped island located adjacent to the ADA parking stall is not constructed.
- The 600 square foot proposed coffee kiosk is not constructed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT NO. 8-82,
MODIFICATION NO. 2, GENERAL AND SPECIFIC DEVELOPMENT PLANS, PHASE
ONE, TO ALLOW OCCUPANCY OF THE CONSTRUCTED DRIVE-THROUGH
RESTAURANT LOCATED AT 815 E. PUTNAM AVENUE

WHEREAS: On February 19, 2008, the City Council adopted Resolution 13-2008 containing findings and conditions in support of Conditional Use Permit 8-82, Modification No. 1, General and Specific Development Plans Phase One, to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue; and

WHEREAS: On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, staff members observed deviations in the constructed building from the conditions approved by City Council under Conditional Use Permit 8-82, Modification No. 1 (Resolution 13-2008) and approved plans included as Exhibit A to the resolution; and

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to review CUP 8-82, Modification No. 2, General and Specific Plans Phase One, to allow occupancy of the constructed drive-through restaurant subject to the conditions of approval; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act guidelines; and

WHEREAS: The City Council has considered the proposed amendments to the conditional use permit and has found that the specific requirements of the Zoning Ordinance and other requirements of the City have been met, and that the revisions to the site layout and building architecture can support the proposed use; and

WHEREAS: The City Council made the following findings with respect to the subject modifications:

1. That Conditional Use Permit 8-82, Modification No. 2 is consistent with the Zoning Ordinance provided the parking lot striping, mechanical equipment screening and lighting are in compliance with City standards and original conditions of approval.
2. That the design and improvements of the proposed modifications were consistent with the General Plan and Zoning Ordinance at the time of project approval.
3. That the site is physically suitable for the type of development constructed.

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be and have been required.

4. That the proposed modifications and improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. That the proposed modifications or improvements will not cause serious public health problems.

The location of the constructed building and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

6. That the standard of population density, site area dimension, site coverage, height of structure, distance between structures, off-site parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the subject site shall comply with all design standards of the Zoning Ordinance which was in effect at the time of project approval, more specifically Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-82, Modification No. 2 to allow occupancy of the constructed drive-through restaurant subject to the following conditions:

1. The hours of operation are to remain as originally approved pursuant to CUP 8-82, Modification No. 1 as follows:

Sunday through Saturday
5:30 am to 12:00 am (midnight)

2. For safety and security, adequate light will be required during the hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director. Exterior lighting mounted on existing building shall install deflectors to prevent direct and annoying glare to the residential uses to the east and south of the project location.
3. Prior to issuance of Certificate of Occupancy, all roof mounted, mechanical and electrical equipment shall be screened and maintained from public view.

4. Prior to issuance of Certificate of Occupancy, an accurate complete set of as-built plans (3 copies) shall be submitted to show all revisions and modifications made to the existing building to the Public Work Department.
5. Prior to issuance of Certificate of Occupancy, the developer shall design and improve the parking lot in conformance with Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.
6. Comply with all local, state and federal laws, rules and regulations.

PASSED, APPROVED AND ADOPTED this _____ day of March, 2013

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 13-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF MODIFICATION NO.1
TO CONDITIONAL USE PERMIT NO. 8-82 / GENERAL AND SPECIFIC
DEVELOPMENT PLANS, PHASE ONE, TO ALLOW CONSTRUCTION OF A DRIVE
THROUGH RESTAURANT AND COFFEE KIOSK LOCATED AT THE SOUTHEAST
CORNER OF PUTNAM AVENUE AND LEGGETT STREET

WHEREAS: The City Council at its regularly scheduled meeting of February 19, 2008, reviewed the modified site plans for a modification to CUP 8-82/ General and Specific Plans Phase One to allow proposed construction of a drive through restaurant and drive through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street. The subject site is located in the PD-R1 (Planned Development-One Family Residential Zone); and

WHEREAS: The project consists of two drive through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines – construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

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

1. The General Plan designates the subject site as Low Density Residential.

The subject site is zoned PD-R1 (Planned Development – One Family Zone) which is supported by the General Plan. The proposed use is allowed pursuant to approval of Conditional Use Permit Specific and General Plan.

2. That a conceptual plan was submitted for Phase Two at the time Phase One was approved.
3. That the site is physically suited for the type of development proposed. The site is level and vacant.

EXHIBIT A

4. That the design of the project nor the proposed improvements are likely to cause substantial environmental damage. An onsite inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
5. That the proposed location of the proposed and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or , materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

6. That the standards of population density, site area dimensions, site coverage, height of structures, distance between structures, off-street parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 8-82 subject to the following conditions:

1. Reciprocal ingress/egress agreement is required with the adjacent convenience market to the west. A recorded agreement shall be submitted to the City prior to issuance of building permits for the proposed site.
2. The proposed project will be considered as Modification #1 to CUP 8-22, approved by City Council Resolution 9746 for Phase 1 (Specific Plans).
3. The hours of operation are as follows:

Sunday - Saturday
5:30am to 12:00am
4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director
5. All mechanical and electrical equipment is to be screened and maintained from public view.

6. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
7. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
8. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
9. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.
10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
11. The developer/applicant shall remove existing trees at all driveways serving the development for the purpose of provide appropriate visibility for vehicular traffic existing the property.
12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).
13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots shared by the proposed development parcel and the adjacent westerly parcel, if none exists.
14. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
15. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. A 9500 lumen street light shall be installed at the northeast property corner.

16. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.
17. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).
18. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
19. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

Wastewater Discharge Permit Application, Part "A"; and

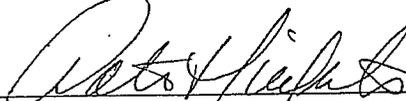
If monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.
20. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/ applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.
21. The developer/applicant shall install a refuse container enclosure according to City standards. **The enclosure location to be approved by City prior to issuance of building permit.** The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
22. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO (1 foot depth). A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request.
23. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615.

24. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
25. A back-flow device is required on the water meter.
26. A grease trap or grease interceptor is required.
27. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
28. Compliance with access laws (both State and Federal) is required.
29. Compliance with all applicable codes is required.
30. Plan check fees are required at the time of building permit submittal.
31. Soil report required.
32. School Development fees and all other City fees are due at the time of building permit issuance.
33. Prior to issuance of the building permit need approval from the Tulare County Health Department.
34. Restrooms and main entrance must comply with ADA access laws.
35. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
36. Grease interceptor required.
37. Signs require separate permit.
38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.
39. That the subject site will be developed in accordance with the site plan and elevation plans labeled Exhibit "A."
40. The conditional use permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

41. The applicant shall submit clearance from the Regional Water Quality Control Board, to the satisfaction of the City Engineer, regarding groundwater and/or soils contamination prior to issuance of building permits for the proposed site.


Cameron Hamilton, Mayor

Attest:
John Longley, City Clerk

By 
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

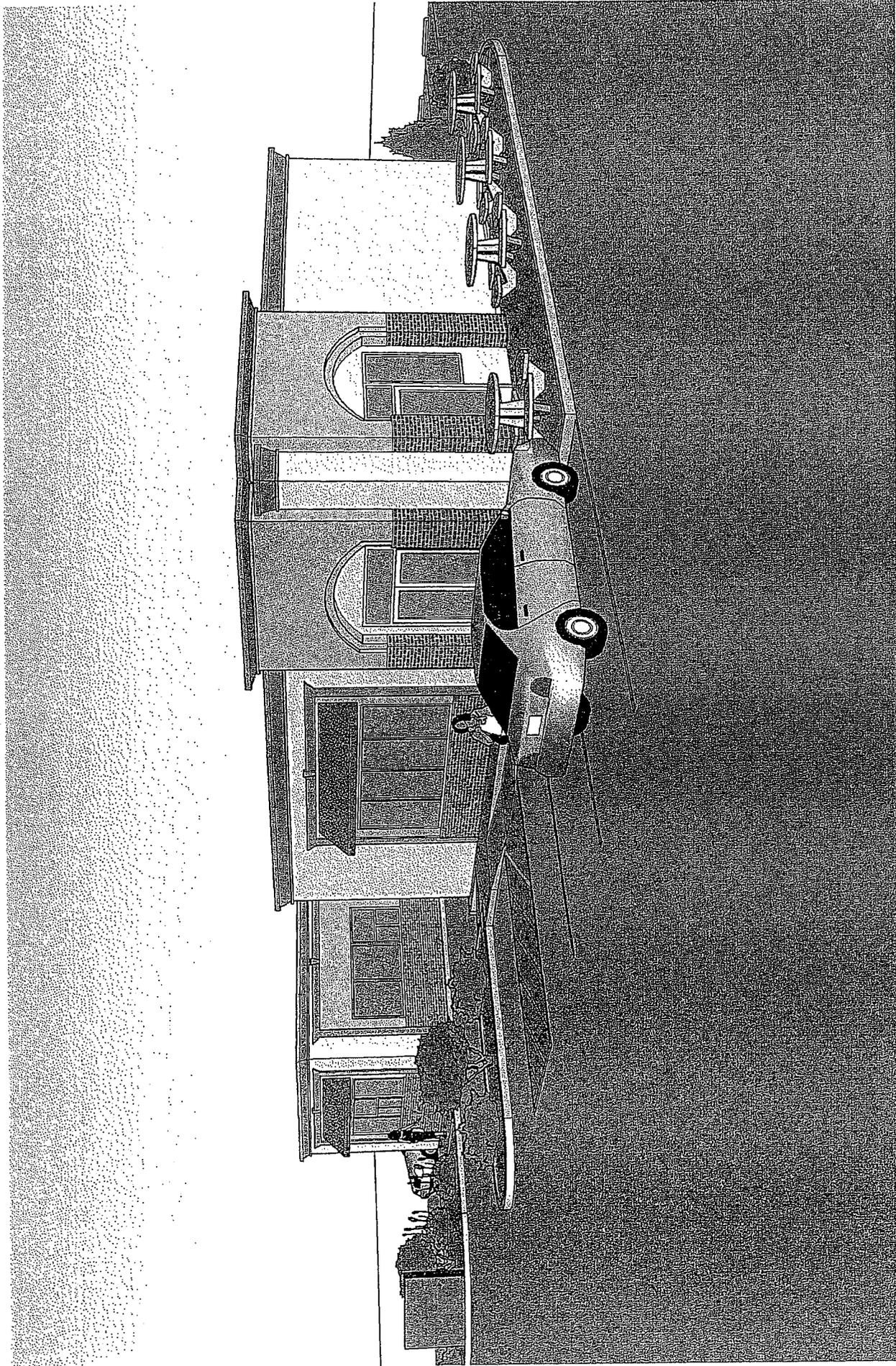
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19th day of February, 2008.

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

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, CITY CLERK

By *Luisa Herrera*
 Luisa Herrera, Deputy City Clerk



EXHIBIT 

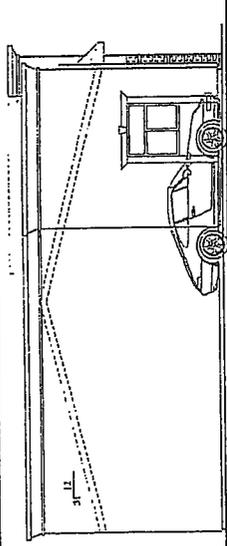
DATE	
BY	
CHECKED	
APPROVED	

HILLMAN BUILDING DESIGNERS
 Professional Members
 American Institute of Building Design
 250 N. Main St., Porterville, CA, 95237
 TEL. (559) 781-1535 FAX (559) 781-2543

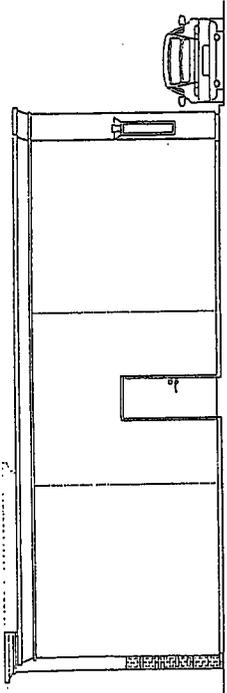


MARY MCCLURE
 PORTLAND, OREGON ARCHITECT
 PORTLAND, OREGON ARCHITECTS FIRM
 PUTNAM AVE. & LEGGETT ST.
 PORTVILLE, CA 95257
 PHONE:

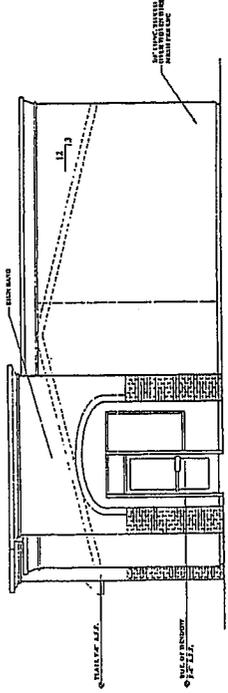
PROJECT NO. 17-04-07
 DATE AS SHOWN
 DRAWN BY
 CHECKED BY
 SCALE 1/8" = 1'-0"
A-4



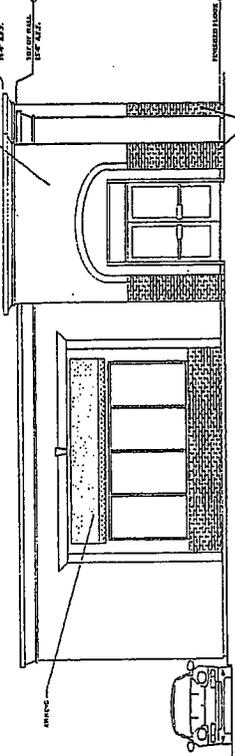
WEST ELEVATION - RESTAURANT
 SCALE 1/8" = 1'-0"



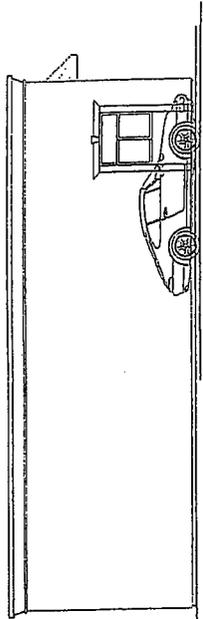
SOUTH ELEVATION - RESTAURANT
 SCALE 1/8" = 1'-0"



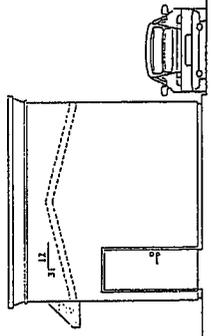
EAST ELEVATION - RESTAURANT
 SCALE 1/8" = 1'-0"



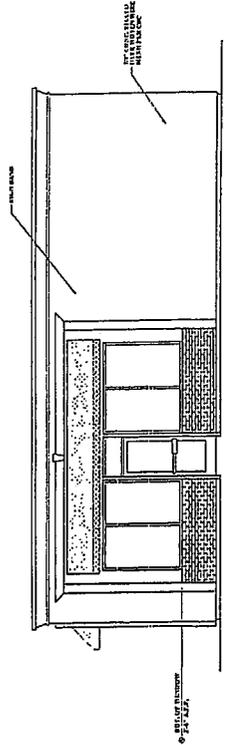
NORTH ELEVATION - RESTAURANT
 SCALE 1/8" = 1'-0"



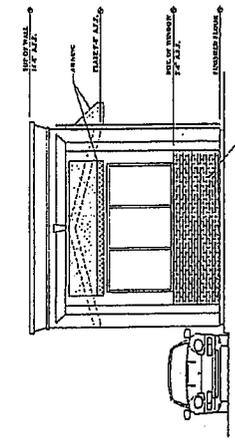
WEST ELEVATION - KIOSK
 SCALE 1/8" = 1'-0"



SOUTH ELEVATION - KIOSK
 SCALE 1/8" = 1'-0"



EAST ELEVATION - KIOSK
 SCALE 1/8" = 1'-0"



NORTH ELEVATION - KIOSK
 SCALE 1/8" = 1'-0"

EXHIBIT A

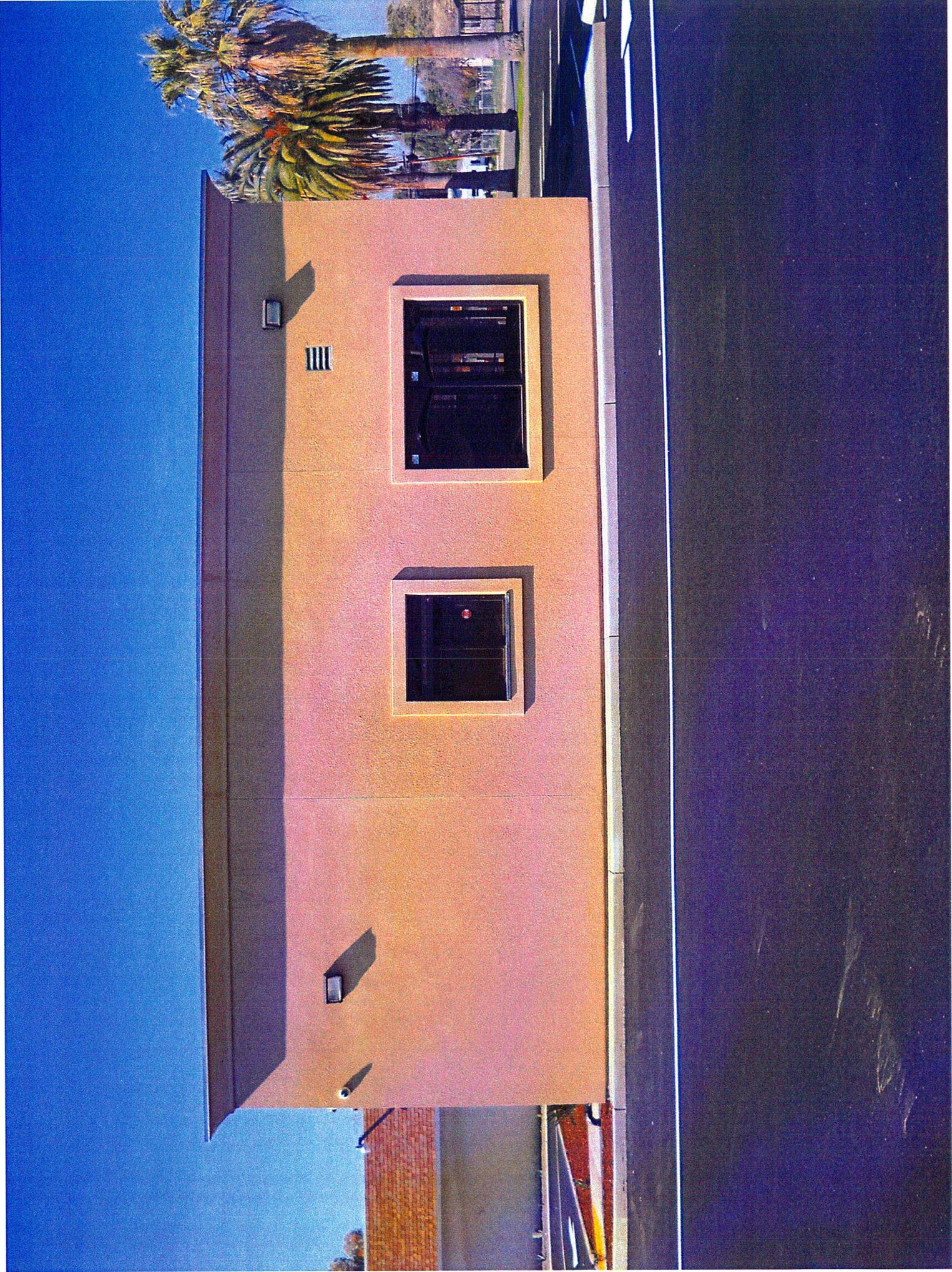
North Elevation



North Elevation

**ATTACHMENT
ITEM NO. 6**

East elevation



East Elevation

South Elevation



South Elevation

Parking lot facing south



Parking Lot facing South

N/E corner



North-east corner

East parking lot



East Parking Lot

Loading Zone



Loading Zone

South



South

Rear parking lot



Rear Parking Lot

Frontage



frontage

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT NO. 8-82,
MODIFICATION NO. 2, GENERAL AND SPECIFIC DEVELOPMENT PLANS, PHASE
ONE, TO ALLOW OCCUPANCY OF THE CONSTRUCTED DRIVE-THROUGH
RESTAURANT LOCATED AT 815 E. PUTNAM AVENUE

WHEREAS: On February 19, 2008, the City Council adopted Resolution 13-2008 containing findings and conditions in support of Conditional Use Permit 8-82, Modification No. 1, General and Specific Development Plans Phase One, to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue; and

WHEREAS: On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, staff members observed deviations in the constructed building from the conditions approved by City Council under Conditional Use Permit 8-82, Modification No. 1 (Resolution 13-2008) and approved plans included as Exhibit A to the resolution; and

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to review CUP 8-82, Modification No. 2, General and Specific Plans Phase One, to allow occupancy of the constructed drive-through restaurant subject to the conditions of approval; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act guidelines; and

WHEREAS: The City Council has considered the proposed amendments to the conditional use permit and has found that the specific requirements of the Zoning Ordinance and other requirements of the City have been met, and that the revisions to the site layout and building architecture can support the proposed use; and

WHEREAS: The City Council made the following findings with respect to the subject modifications:

1. That Conditional Use Permit 8-82, Modification No. 2 is consistent with the Zoning Ordinance provided the parking lot striping, mechanical equipment screening and lighting are in compliance with City standards and original conditions of approval.
2. That the design and improvements of the proposed modifications were consistent with the General Plan and Zoning Ordinance at the time of project approval.
3. That the site is physically suitable for the type of development constructed.

ATTACHMENT
ITEM NO. 7

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be and have been required.

4. That the proposed modifications and improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. That the proposed modifications or improvements will not cause serious public health problems.

The location of the constructed building and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

6. That the standard of population density, site area dimension, site coverage, height of structure, distance between structures, off-site parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the subject site shall comply with all design standards of the Zoning Ordinance which was in effect at the time of project approval, more specifically Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-82, Modification No. 2 to allow occupancy of the constructed drive-through restaurant subject to the following conditions:

1. The hours of operation are to remain as originally approved pursuant to CUP 8-82, Modification No. 1 as follows:

Sunday through Saturday
5:30 am to 12:00 am (midnight)

2. For safety and security, adequate light will be required during the hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director. Exterior lighting mounted on existing building shall install deflectors to prevent direct and annoying glare to the residential uses to the east and south of the project location.
3. Prior to issuance of Certificate of Occupancy, all roof mounted, mechanical and electrical equipment shall be screened and maintained from public view.

4. Prior to issuance of Certificate of Occupancy, an accurate complete set of as-built plans (3 copies) shall be submitted to show all revisions and modifications made to the existing building to the Public Work Department.
5. Prior to issuance of Certificate of Occupancy, the developer shall design and improve the parking lot in conformance with Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.
6. Comply with all local, state and federal laws, rules and regulations.

PASSED, APPROVED AND ADOPTED this _____ day of March, 2013

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – MARCH 19, 2013

SUBJECT: SECOND READING – ORDINANCE 1796, APPROVING ZONE CHANGE
2012-002-Z

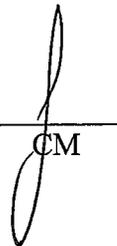
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1796, An Ordinance of the City Council of the City of Porterville Approving Zone Change 2012-002-Z from RM-2 (Medium Density Residential), RM-3(High Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for that 23.4± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street, was given first reading on March 5, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1796, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1796

Item No. 18

 Dir	<i>N/A</i> Approp./ Funded	 CM
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ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 8, 2013 to February 28, 2013; and

WHEREAS: The City Council made the following findings 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.

- a. The project supports and complies with the following General Plan guiding policies:
 - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
 - LU-G-3 Promote sustainability in the design and development of public and private development projects.
 - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.
- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.

- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2012-002-Z, is hereby rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 245-410-032 located on the south side of Henderson Avenue, west of Newcomb Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site described above, more particularly shown on the attached map as Exhibit "A"; and

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage, subject to the following conditions:

1. The project shall comply with all local, State, and federal laws.
2. The project shall comply with all mitigation measures identified in the approved CEQA document.
3. Building Design Criteria: In order to receive building permit approval for the mixed use project, City staff shall find that all of the following criteria have been met:
 - a. Integrated Theme – All buildings within the mixed use development will exhibit an integrated architectural theme that includes consistent materials, colors, and design details as represented on Exhibits "B, C and D"; including a complete master site plan, building elevations, and landscaping.
 - b. The architectural details of building entrances shall be integrated with the overall building design in terms of materials, scale, proportion, and design elements.
 - c. All buildings shall include a complementary level of design detail on all facades.
 - d. Signage shall be in compliance with the Master Sign Program for the entire development, as represented herein on Exhibit "E".
4. The entire commercial mixed use project is considered one project as shown on the proposed Master Development Plan and Tentative Parcel Map (Exhibits "B" and

“F”). Building permits secured separately for phased buildings and buildings with differing uses are considered part of one overall commercial mixed use project.

As either or both Parcels 2 and/or 3 develop, all parking, building pads, drive aisles, enhanced public open spaces, features and amenities shall be constructed with the initial building permit. The remaining building pad areas may develop by separate permits.

5. The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit “B”, (approximately 80 foot width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for ingress/egress, parking, trash and connectivity to both streets shall serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. As shown on Exhibit “B”, the section of the easement running east to west shall be developed in favor of Parcel 4 and the section of the easement running north to south shall be in favor of the adjacent parcel.
6. All improvements shall be in accordance with City standards and should maintain a common theme throughout the entire project. All landscaping shall comply with all City of Porterville landscape and irrigation standards. Plants shall be selected for their ability to prosper in the climate and geography of this region; the Sunset Garden manual is one such approved resource that is frequently used to guide plant selection. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping as approved free of diseased, dead or damaged materials. Plants shall be maintained in a healthy and vigorous growing condition and planting areas shall be maintained in a clean and orderly manner, free of weeds and debris. Other improvements to the Land Area are to include, at a minimum, a seating area with one or more benches and a trash receptacle which are designed for use in the public space. Owner shall submit details regarding the style, color, and materials for approval of the Community Development Director, which approval shall not be unreasonably withheld.
7. Development of the project area shall substantially comply with all plan sheets (Exhibits “B, C, and D”).

PASSED, APPROVED AND ADOPTED this ____ day of March, 2013.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk