CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
AUGUST 17, 2004 6:00 P.M.

Call to Order
Roll Call

CLOSED SESSION - CITY COUNCIL:

A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Pro Tem Ron Irish
Invocation by Associate Pastor Julie Cheney, Porterville Church of the Nazarene

PRESENTATIONS
• City Manager’s Featured Projects

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

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

1. Approval of the City Council Minutes of July 20, 2004 and August 3, 2004

2. Authorize Distribution For a Request for Proposals and Funding for an Island Annexation Consultant
   Re: Authorize seeking consultant proposals and use of said consultant for processing of the Water Discharge Requirement annexation.
3. Authorize On-Call Engineering Services Assistance for Parks and Leisure Services Projects and Activities
   Re: Authorization for on-call engineering assistance with James Winton and Associates, with a not-to-exceed limit of 10,000.00 for current fiscal year.

4. Authorization to Advertise for Bids - Porter Slough Ditch Piping Project
   Re: Approve plans and project manual and advertise for bids for the piping of Porter Slough Ditch south of Henderson, generally between Patsy and Mathew.

5. Authorization to Advertise for Bids- Sludge Drying Bed Expansion Project
   Re: Approve plans and project manual and advertise for bids for expanding sludge drying bed located at the Porterville Airport.

6. Confirmation of Budget and Authorization of Design Services for Centennial Plaza
   Re: Adopt Resolution confirming $200,000 of City funds to project, acknowledging anticipated $47,000 of Rotary fund for project, approving Supplemental professional services by hma landscape architecture, and authorizing City Manager to execute the Professional Services Supplement.

7. Authorization to Negotiate a Contract - Appraisal, Acquisition, and Relocation Services for the Date Avenue Reconstruction Project
   Re: Authorization to negotiate a contract with Paragon Partners Ltd., to negotiate individual services separately if necessary, authorize Mayor to sign all contracts and authorize staff to pay firm upon completion.

8. Phasing of Porterville Heritage Center Project
   Re: Approval of Phase 1 being the parking lots and related landscaping, and Phase 2 being the building and remaining landscaping.

9. Selection of City Voting Delegate to League of California Cities Meeting
   Re: Selection of Council Member Kelly West as voting delegate to represent the City on September 19, 2004, and authorization of City Manager to attest to same.

10. Corrective Grant Deed - Robert L. and Diane C. Fields
    Re: Accept and authorize City Clerk to record Deed to correct incomplete legal description.

11. Corrective Grant Deed - Mike Diaz Sr. and Raquel D. Williams
    Re: Accept and authorize City Clerk to record Deed to correct error in legal description.


13. Intent to Abandon an Alley Bounded by Locust Avenue, Plano Street, Date Avenue and Howard St. - Set for Public Hearing (Felix & Comision Honorifica Mexicana Americana, Inc.)
    Re: Request to abandon alley, and set September 21, 2004 for public hearing.
14. Request to Apply for Federal Local Law Enforcement Block Grant (LLEBG) Funds
Re: Authorize filing application, authorize Mayor to sign all necessary documents, confirm appointment of Advisory Board, and set September 7, 2004 for public hearing.

15. Orange Avenue Reconstruction Project Status Report
Re: Construction start date moved from August 9, 2004 to September 13, 2004 per the request of P.U.S.D. to accommodate traffic flow for commencement of school year.

16. Approval for Community Civic Event Downtown Porterville Association Main Street Car Show-October 23, 2004
Re: Approval for car show on Main Street on Saturday, October 23, 2004, from 5:00 a.m. to 6:00 p.m.

17. Award of Contract - Tule River Park, Phase II
Re: Bid opening for this project to be held Monday, August 16, 2004. Staff report will be completed at that time and posted to website.

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

PUBLIC HEARINGS
18. Zoning Ordinance Amendment 1-2003 - Call Centers
Re: Adopt Amendment to define “Call Centers”, identify appropriate locations, and set parking requirements for same.

19. Conditional Use Permit 8-2004 and Design Overlay Site Review (Don Forrester)
Re: Approval for proposed 6,000 sq. ft. office building at southeast corner of Morton Avenue and Porter Road.

20. Beverly Glenn Tentative Subdivision Map (Mohammad Davarifar)
Re: Approval of tentative subdivision map for division of approx. 4.68 acre parcel zoned City R-1(One-Family Zone) into 19 single family residential lots located north of River Avenue between Lotas and Beverly Streets.

21. North Gate Estates Phases 2 & 3 Tentative Subdivision Map (James Keighley/Robert Schoettler)
Re: Approval of tentative subdivision map to divide vacant approx. 13.05 acre parcel into 53 single family residential lots generally located on the northeast corner of Grand and Leggett Street.

22. Consideration to Remain in Phase II of the Water Conservation Plan and Continuation of Public Hearing
Re: Accepting public testimony on remaining in Phase II of the Water Conservation Plan.

SCHEDULED MATTERS
23. Water System Improvement Financing
Re: Request to initiate communications for a loan application to finance series of water system improvement projects focusing on Eastside water development, storage and total systems capacity, to proceed with loan application if deemed favorable, or in the alternative, to authorize
negotiations for issuance of Certificates, authorize preparation of all necessary documents, and consider appointment of independent financial advisor.

24. Regulation of Pocket Bikes
   Re: Request to allow regulation of pocket bikes through the police department by public education and enforcement efforts, rather than through enaction of a City Ordinance.

25. Discussion of Draft Proposal Prepared by City Staff of Joint Powers Agreement with the County of Tulare
   Re: Formal presentation to the Council of draft proposal in preparation of the meeting with the County scheduled for August 18, 2004.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of September 7, 2004

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 Deputy City Clerk at (559) 782-7442. 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.
CITY MANAGER’S FEATURED PROJECTS FOR AUGUST, 2004

1. Hiring of Deputy City Clerk, Patrice Hildreth

2. Award of Contract for Nelson Building Demolition

3. Award of Contract Williford Street Project
CITY COUNCIL MEETING
PORTERVILLE, CALIFORNIA
JULY 20, 2004 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

CLOSED SESSION - CITY COUNCIL/REDEVELOPMENT AGENCY:

CITY COUNCIL:
A. CLOSED SESSION PURSUANT TO:
   1 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY
      NEGOTIATORS/PROPERTY: A PORTION OF APN 302-390-04 - 4.5 ACRES AT THE
      SOUTHWEST CORNER OF HOPE ROAD AND NEWCOMB STREET. AGENCY
      NEGOTIATOR: BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE
      AND DAYCO CONTRUCTION, INC. UNDER NEGOTIATION: TERMS AND PRICE.
   2 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY
      NEGOTIATORS/PROPERTY: APN 252-200-039 & 252-200-053. AGENCY
      NEGOTIATOR: DARREL PYLE. NEGOTIATING PARTIES: CITY OF PORTERVILLE
      AND SMITH ENTERPRISES. UNDER NEGOTIATION: TERMS AND PRICE.
   3 – GOVERNMENT CODE § 54957 – PUBLIC EMPLOYEE PERFORMANCE
      EVALUATION – IN PROGRESS REVIEW – TITLE: CITY MANAGER.

REDEVELOPMENT:
A. CLOSED SESSION PURSUANT TO:
   4 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY
      NEGOTIATORS/PROPERTY: CASAS BUENA VISTA SUBDIVISION ON DATE AVE.
      WEST OF PLANT ST. (62 LOTS). AGENCY NEGOTIATOR: BRAD DUNLAP.
      NEGOTIATING PARTIES: CITY OF PORTERVILLE AND CASAS BUENA VISTA
      HOUSING GROUP, LLC. UNDER NEGOTIATION: TERMS.
   5 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY
      NEGOTIATORS/PROPERTY: APN 252-183-007. AGENCY NEGOTIATOR: BRAD
      DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE. UNDER
      NEGOTIATION: TERMS.

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN
CLOSED SESSION

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation by Pastor Warren Taylor, First Congregational Church

PRESENTATIONS
• ELYSE MARCHANT – GIRL’S STATE GOVERNOR
• PRESENTATION ON KING'S/TULARE CONTINUUM OF CARE BY NANETTE
  VILLARREAL, DIRECTOR OF CENTRAL CALIFORNIA FAMILY CRISIS CENTER
• CITY MANAGER’S FEATURED PROJECTS
  1. Municipal Pools Complex Renovation Project – Murry Park
  2. Rails to Trails -F.T.I.P. Adopted
  3. Orange Avenue Reconstruction Contract Award
  4. Completion of the Casas Buena Vista Landscape and Maintenance District #25 Project
  5. Adoption of Budget for FY 2004/2005

ORAL COMMUNICATIONS
• Pete McCracken, 657 Village Green, spoke regarding Item 6, and stated that he does not favor staff’s recommendation due to the 30% premium, fees, and interest. He stated that CIEDB funding is too costly.

CONSENT CALENDAR
  Items 4, 6, 10, 11, and 14 were removed.

  1. THIS ITEM WAS REMOVED.

  2. CLAIM – JEANETTE NODAL

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Documentation: Minute Order No. 01-072004
Disposition: Approved

  3. AUTHORIZATION TO ADVERTISE FOR BIDS – MILO STREET RECONSTRUCTION

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: Minute Order No. 02-072004
Disposition: Approved

  5. ACCEPTANCE OF WASTEWATER TREATMENT FACILITY BORE PROJECT

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

Documentation: Minute Order No. 03-072004
Disposition: Approved
7. UPDATE TO LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

Recommendation: That City Council adopt the resolution amending the City’s Local CEQA Guidelines.

Documentation: Resolution 94-2004
Disposition: Approved

8. AMENDMENT TO EXHIBIT “A” OF CITY AND COUNTY PROPERTY TAX SHARING AGREEMENTS FOR ANNEXATIONS

Recommendation: That City Council:
1. Approve revised Exhibits A for each of the property tax sharing agreements considered at the July 6, 2004, City Council meeting;
2. Adopt a resolution approving the agreement for property tax sharing for contiguous non-island annexations;
3. Adopt a resolution approving the agreement for property tax sharing for island annexations; and
4. Authorize the City Manager to negotiate and approve necessary changes to the exhibits attached to each property tax sharing agreement.

Documentation: Resolution 95-2004; Resolution 96-2004
Disposition: Approved

9. SET THE TIME AND PLACE OF THE PUBLIC HEARING ON THE INTENT TO LEVY THE ANNUAL ASSESSMENT IN THE BUSINESS IMPROVEMENT AREA

Recommendation: That the City council, having approved the 2004/2005 annual report of the Downtown Porterville Association at its July 6, 2004 meeting:
1. Adopt a resolution of intention to levy an annual assessment for the fiscal year 2004/2005; and

Documentation: Resolution 97-2004
Disposition: Approved

12. ENGINEER’S REPORT AND RESOLUTION FOR THE 2004-2005 FISCAL YEAR, CITY OF PORTERVILLE LIGHTING AND LANDSCAPE DISTRICTS AND NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2204-2205

Recommendation: That the City Council approve the resolutions ordering: The Preparation of the Engineer’s Report; The Engineer’s Report; and set the Public Hearing for the proposed assessment for August 3, 2004.

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the City of Porterville Parks & Leisure Services Department, subject to the stated requirements contained in Exhibit “A.”

Documentation: Minute Order No. 04-072004
Disposition: Approved

15. CALTRANS GRANT RESOLUTION MODIFICATION

Recommendation: That the City Council approve the draft resolution.

Documentation: Resolution 102-2004
Disposition: Approved

16. CHANGE IN TRUSTEE FOR DEBT ISSUES

Recommendation: That Council authorize the removal of U.S. Bank as trustee for the City’s debt issuances and install Union Bank of California as trustees for the current and any future issues.

Documentation: Resolution 103-2004
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve Item Numbers 2, 3, 5, 7, 8, 9, 12, 13, 15, and 16. The motion carried unanimously.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – TULE RIVER INDIAN TRIBAL COUNCIL CALIFORNIA INDIAN DAY POWWOW, SEPTEMBER 24-26, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Tule River Tribal Council, subject to the stated requirements contained in Application, Agreement, and Exhibit “A.”

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to accept staff’s recommendation.

M.O. 05-072004

AYES: West, Hamilton, Stadtherr
NOES: None
ABSTAIN: Irish, Martinez
ABSENT: None
4. REJECT BID FOR WELL NO. 28

Recommendation: That City Council:
1. Reject the sole bid for Well No. 28;
2. Authorize the Mayor to execute a Resolution Authorizing the City to Negotiate a Contract in the Open Market; and
3. Authorize staff to negotiate with the sole bidder, Zim Industries, Inc., to bring the contract amount within ten (10) percent of the Engineer’s Estimate of Probable Cost.

Public Works Director, Baldo Rodriguez, presented the staff report.

Council Member West stated that he believes that the bid needs to be rejected in order to get a better offer.

Council Member Hamilton, asked what the volume of this well would be, and at what depth.

Baldo Rodriguez answered that it would be between three hundred and five hundred gallons per minutes, at a six hundred and fifty foot depth. He explained that two of the big issues brought up by the contactor are the location of a nearby hydrant, and the stringent requirements on the quality of the discharge during well development.

Council Member Stadtherr asked if the season might have played a factor in the number of bids received.

Mayor Pro Tem Irish suggested that the stringent requirements may also have discouraged contractors to bid, and stated that if the standards are going to be altered then the bid should be opened up to everyone again.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to accept staff’s recommendation with direction for staff to go to bid again on the project. The motion carried unanimously.

Resolution 92-2004
M.O. 06-072004

Disposition: Approved

6. ACCEPTANCE OF ENTERPRISE FUND INSTALLMENT SALE AGREEMENT FOR CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK (CIEDB) WITH EXECUTION OF VARIOUS RESOLUTIONS AND CERTIFICATIONS.

Recommendation: That the City Council:
1. Authorize the Mayor to execute Exhibit A, a resolution authorizing the City Manager to execute the “Enterprise Fund Installment Sale Agreement” in the amount of $5,356,000;
2. Authorize the named Department Heads or individuals to execute the various exhibits described in this staff report; and
3. Authorize the Public Works Director to deliver by certified mail said “Sale Agreement” to the CIEDB principals for proper counter signatures and full execution.

Mayor Pro Tem Irish stated that the issues brought up by Mr. McCracken need to be addressed.

Public Works Director Baldo Rodriguez summarized calculations that were prepared for the Council. Mr. Rodriguez explained that the city would be saving approximately $58,000 to $59,000 per year by going with the 2.98% (CIEDB), instead of 4.95%, even after the prevailing wage is factored in.

Pete McCracken came forward to inquire as to the $16,000 a year in fees illustrated in the staff report; that is in addition to the 2.98% interest. He also stated that he questioned the Certificate of Participation (C.O.P.) quotes presented in the staff report.

Deputy City Manager Darrel Pyle stated, in response to the issue raised regarding the annual fees of the CIEDB loan, that there are also annual fees that apply in Certificate of Participation loans that do not differ much from those associated with the CIEDG loan.

The City Attorney stated that the issues regarding prevailing wages are cloudy right now, and that the California Supreme Court is reviewing whether or not a charter city can even claim to be exempt from any kind of prevailing wages.

Council Member Stadtherr stated that he has the up most confidence in the financial staff and that there has been much effort and analysis in regards to get to this point.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to accept staff’s recommendation.

M.O. 07-072004

AYES: West, Stadtherr
NOES: Hamilton, Irish, Martinez
ABSTAIN: None
ABSENT: None

Disposition: Denied

The City Manager stated that this item not being approved puts the city in an awkward situation, because there are a series of projects underway that now have no funding.

Mayor Pro Tem Irish suggested that an emergency session be schedule to further discuss possible alternatives.

Council Member Hamilton stated that his “no” vote represented his “no” vote from the get-go, and that he wanted to stay the course that he chose in the first place.
Council Member West stated that it was fine to vote against an item, but that alternatives must be available.

Mayor Martinez asked the City Manager when a meeting could be scheduled.

City Manager John Longley stated that although he would be on vacation next week, Mr. Pyle could meet with Council on Tuesday, the 27th of July, at 6:00 p.m.

10. BUSINESS RECOGNITION PROGRAM

Recommendation: That the City Council authorize staff to proceed with implementation of the business recognition program.

Mayor Pro Tem Irish stated that he felt that there were two issues being lumped together here; the issue of funding for the existing Business Recognition Program and the guidelines for future programs. He stated that he would like to discuss the guidelines for future programs, and asked for clarification of the criteria set forth as a basis for recognition. Mr. Irish also expressed his concern regarding the number of times per year that are being proposed.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to approve staff’s recommendation. The motion carried unanimously.

M.O. 08-072004

Disposition: Approved

11. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – DESIGNATION OF BELLEVUE AVENUE AND COTTAGE STREET AS A STOP INTERSECTION

Recommendation: That City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

Council Member Stadtherr asked what changes led to the need for a four-way stop at this intersection.

Public Works Director, Baldo Rodriguez stated that the skewed alignment causes drivers to question who has the right of way.

Council Member Hamilton stated that this issue was brought to him by a homeowner in the area who was concerned for the safety of a grandchild.

Council Member Stadtherr stated that his only concern was over-regulating, and that drivers should know the rules of the road and be responsible for abiding by them.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to approve staff’s recommendation. The motion carried unanimously.

Resolution 98-2004

Disposition: Approved
PUBLIC HEARINGS

17. MODIFICATION OR REVOCATION OF CONDITIONAL USE PRMIT 6-1982 (COLONIAL MOBILE HOME PARK)

Recommendation: That the City Council modify Conditional Use Permit 6-1982 as proposed.

Community Development Director Brad Dunlap presented the staff report.

The hearing was opened to the public at 8:11 p.m.

Joyce Jerad, 2300 W. Morton, came forward to express her concerns regarding the park’s appearance.

Harold Wilson, 554 N. Grandy Way, stated, on behalf of the residents of Westwood Estates, that they are concerned with the conditions that have been a problem for two years; asked that Council to take action; presented Council with a petition signed by one-hundred and eighty-three homeowner’s in the area, and a letter from Burton School District.

City Attorney Julia Lew read the letter from the Burton School District into the record.

Pete McCracken, 657 Village Green, stated that there were concerns in 1982 about the problems being discussed now, and that conditions of approval were included to address these problems. He recommended that Council only take a direction that is enforceable, and that a code enforcement officer may be a good way to handle these types of violations.

Devin Wilson, 582 N. Christopher, resident of Westwood Estates, came forward to express his concerns regarding the safety of the recent development of the landscape.

Jerry Waller, 2300 W. Morton, Space #154, stated that the lack of landscape maintenance has caused dust and debris to blow into his home and car port, and that that the conditions of the park have cause his home to depreciate in value; stated that he would like the conditional use permit to be revoked.

Lee Balo, 545 Brandy Way, suggested that the City consider deadlines in any conditions set-forth to ensure compliance in a timely manner.

Harold Wilson, 554 Brandy Way, agreed with Mr. Balo in regards to the need for a deadline.

Linda Miyai, came forward to represent the owners of the Colonial Mobile Home Park, she explained to Council the difficulties that she had in maintaining the condition of the landscaping and to apologize to the residents of the park and area homeowners for the long delay. She also informed the Council of the plans for and actions already taken in the recent landscaping efforts to improve conditions.

Dick Eckhoff, 33352 Globe Drive, Springville, came forward to remind Council of a recent decision they made in which they denied a request for a change in guidelines to achieve compliance.
The hearing was closed to the public at 8:40 p.m.

Mayor Pro Tem Irish asked staff to make the distinction between a modification of the conditional use permit, and a revocation of the conditional use permit. He also stated that this is the reason why Councils are concerned with allowing mobile home parks. He also suggested the possibility of the City negotiating a Landscape Maintenance District for this area.

Baldo Rodriguez stated to Council that there are some safety concerns that have developed as a result of the owner’s changes to the landscaping.

Council Member Hamilton stated that the problem is that the property owner is out of compliance, and that he is in favor of revoking the conditional use permit.

Council Member Stadtherr stated that he would feel more comfortable with a modification before a revocation of the permit.

City Attorney Julia Lew suggested to Council to include a time certain, with regard to the modification, and language that if it is not done within the time certain that the permit can be revoked. Another remedy would be to go forward with a nuisance action and get an injunction to require the owner to comply, and if they do not, the City can then step in with a court order and lien the property if necessary. She explained that there are cumulative remedies that are available.

Mayor Pro Tem Irish asked if the City was within their legal rights to revoke the conditional use permit, to which the City Attorney assured him that the City was within the their legal rights.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to approve the revocation of Conditional Use Permit 6-1982 if compliance is not met within 60 days. The motion carried unanimously.

**Disposition:** Approved

The Council took a 10-minute recess at this time.

18. **PROPOSED FEE FOR THE ASSUMPTION OF A LEASE AGREEMENT AT THE PORTERVILLE MUNICIPAL AIRPORT**

Recommendation: That the City Council conduct the public hearing and adopt the proposed fees.

Fire Chief, Frank Guyton, presented the staff report to Council.

The hearing was opened to the public at 9:04 p.m.

Dorothy Broome, 863 S. Crystal, came forward to ask if the fee was a one-time fee.

The hearing was closed to the public at 9:06 p.m.

Council Member Hamilton asked if sub-leasing was allowed, and if this one-time fee would apply in this situation.
Frank Guyton, stated that technically sub-leasing is not allowed, but could be allowed if permitted by Council, and this fee would still apply.

COUNCIL ACTION: MOVED by Council Member Stadther, SECONDED by Council Member West to accept staff's recommendation. The motion carried unanimously.

Resolution 105-2004

Disposition: Approved

19. PUBLIC HEALTH GOAL REPORT

Recommendation: That City Council conduct a public hearing to solicit comments on the Public Health Goal Report.

Public Works Director, Baldo Rodriguez, presented the staff report.

The hearing was opened to the public at 9:11 p.m.

Dorothy Broome, 863 S. Crystal, asked if the problem with well #28 being contaminated was still an issue.

Mr. Rodriguez stated that he believed the well in question was well #12, and that they hope to treat contaminated wells with a Water Treatment Facility.

Pete McCracken, 657 Village Green, expressed his concerns with cloudy water that appears milky during the late hours of the day; he thinks it may be air, because the water will clear over time.

Mr. Rodriguez stated that he would be more than happy to take a look at the water that Mr. McCracken is talking about to research this problem further.

The hearing was closed to the public at 9:17 p.m.

COUNCIL ACTION: No action required.

20. CONSIDERATION TO REMAIN IN THE PHASE II OF THE WATER CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

Recommendation: That City Council:
1. Open the Public Hearing to receive comment; and

Mr. Baldo Rodriguez presented the staff report.

The hearing was opened to the public at 9:19 p.m. and continued to August 3, 2004.

Mayor Pro Tem Irish stated that he hopes the citizens will do their best to conserve water and prevent run-offs, and hold themselves to a higher standard.
Mayor Martinez stated that Mr. Rodriguez and he were invited to speak at another radio station regarding the Water Conservation Plan.

Disposition: No action required.

SECOND READINGS

21. ORDINANCE 1653, ZONE CHANGE 2-2004 (CITY OF PORTERVILLE)

Recommendation: That Council give Second Reading to Ordinance No. 1653, waive further reading and adopt said ordinance.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to accept staff’s recommendation. The motion carried unanimously.

Ordinance 1653

Disposition: Approved

22. ORDINANCE 1656, AMENDING CHAPTER 18, OFFENSES – MISCELLANEOUS

Recommendation: That Council give Second Reading to Ordinance No. 1656 and waiving further reading, and adopt said ordinance.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to accept staff’s recommendation. The motion carried unanimously.

Ordinance 1656

Disposition: Approved

SCHEDULED MATTERS

23. AN ORDINANCE AMENDING THE METHOD OF REGULATING BUSINESSES SELLING ALCOHOL

Recommendation: That the City Council:
1. Approve the proposed Ordinance; and
2. Give first reading to the Ordinance amending Article 21 of the Zoning Ordinance pertaining to the regulation of businesses, which sell alcohol.

Community Development Director, Brad Dunlap, presented the staff report.

Council Member Hamilton asked what was the recommendation given by the pastors on the Ad-Hoc committee that was not included in the ordinance.

Mayor Pro Tem Irish asked if those out of compliance with the ordinance would be grandfathered in; also asked where the 600 feet came from.
Mr. Dunlap stated that these standards are less restrictive in some respects, but if they wanted to make a change it would be evaluated. He stated that the measurements were the topic of many hours of discussion, and that 600 feet was the final decision.

Mayor Pro Tem Irish stated that this will allow the city to be fair and consistent in the future.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.

Ordinance 1657

Disposition: Approved

**24. HIRING OF CONTRACT ENGINEER**

**Recommendation:** That the City Council:
1. Authorize the hiring of a “Contract Engineer” for six (6) months; and
2. Authorize Human Resources to advertise for the services of an Assistant Engineer with a minimum five years experience in municipal engineering or related private engineering experience.

Public Works Director, Baldo Rodriguez, presented the staff report.

Council Member Hamilton asked if there was a specific project that this engineer was needed for.

Mr. Rodriguez stated that there are many time sensitive, grant funded projects that require a knowledge that not all engineers possess. He also clarified that this temporary engineer would be paid with monies allocated for the assistant engineer’s salary.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

M.O. 10-072004

Disposition: Approved

**25. CONSIDERATION OF OPTIONS REGARDING MOSQUITO ABATEMENT IN THE PORTERVILLE AREA**

**Recommendation:** Provide direction to staff about how the Council wishes to proceed.

City Manager, John Longley, presented Council with options for council action.

Mayor Pro Tem Irish stated that he would like to see what the County is doing, because if this is not a countywide effort, then it will not be effective.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to take no action.
AYES: Hamilton, Irish
NOES: West, Stadtherr, Martinez
ABSTAIN: None
ABSENT: None

Disposition: The motion failed.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to consult with the County regarding Mosquito Abatement. The motion carried unanimously.

M.O. 11-072004

Disposition: Approved

26. PRESENTATION OF OPTIONS REGARDING HEALTHCARE COVERAGE

Recommendation: That the City Council:
1) Direct staff to move forward with the implementation of the RMA healthcare program with the October enrollment as the target, including the meet and confer process.
2) Direct staff to discontinue the current self-insured healthcare program once enrollment in the RMA plan is achieved.

COUNCIL ACTION: No action taken. Council directed staff to schedule a Study Session on August 10, 2004 at 6:00 p.m.

27. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

Deputy City Manager, Darrel Pyle, presented the staff report.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.

M.O. 12-072004

Disposition: Approved

28. INTERIM FINANCIAL STATUS REPORT

Recommendation: Accept the interim financial status reports as presented.

Deputy City Manager, Darrel Pyle, presented the staff report.

Council Member Hamilton asked for clarification as to why many of the grant funds have not been drawn on.
Parks & Leisure Director, Jim Perrine, stated that in some cases a match in funds are needed, in others the prioritization of projects may explain why the funds have not been drawn. He then gave Council an update on the status of the grant-funded projects.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

M.O. 13-072004

Disposition: Approved

Adjourn to a Meeting of the Porterville Redevelopment Agency at 10:06 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency: Agency Member West, Agency Member Hamilton, Agency Member Stadtherr, Agency Vice Chair Irish, Agency Chair Martinez.

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. CHANGE IN TRUSTEE FOR DEBT ISSUES

Recommendation: That Council authorize the removal of U.S. Bank as trustee for the Agency’s debt issuances and install Union Bank of California as trustee for the current and any future issues.

Agency Member Hamilton asked how this came to the City’s attention.

Mr. Pyle stated that Union Bank of California contacted the City and asked for the opportunity to discuss this service.

Council Member West asked if there was a cost to change from one trustee to another.

Mr. Pyle stated that there were no costs or penalties involved in the change.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member West to accept staff’s recommendation. The motion carried unanimously.

Resolution 2004-6

Disposition: Approved

Adjourn to a Meeting of the Porterville City Council at 10:10 p.m.
ORAL COMMUNICATIONS

• Dick Eckhoff, spoke re: the intersection at Cottage and Belleview, asked for clarification on this issue; also spoke regarding the revocation of the C.U.P. (Item #17).

OTHER MATTERS

• Council Member Stadther spoke re: photographs given to him by the residents of Colonial Mobil Home Park. The photographs were of the conditions of the property and landscape inside the walls of the park.

• Council Member Hamilton suggested doing something to recognize police officers involved in the shooting; he suggested Council members present something to the officers at the station.

• Mayor Martinez stated that he was to attend an economic conference. He also added that the equivalent of the mayor of the Sister City of La Barca visited Porterville, and he thanked staff for greeting the visitors and showing them around.

• Public Works Director, Baldo Rodriguez, thanked Mr. Glen Hall of the Fire Department, for giving the visitors a tour of the Fire Department.

• Deputy City Manager Darrel Pyle stated that the visitors were impressed with the supplies and resources the city possessed.

CLOSED SESSION
Adjourned back for one item at 10:20 p.m.

ADJOURNMENT
The Council adjourned at 10:40 p.m. to the meeting of August 3, 2004

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

______________________________
Pete Martinez, Mayor
CITY COUNCIL MEETING  
PORTERVILLE, CALIFORNIA  
AUGUST 3, 2004 6:00 P.M.

Call to Order: 6:00 p.m. 
Roll Call: Councilman West, Mayor Pro Tem Irish, Councilman Hamilton, Mayor Martinez 
Absent: Councilman Stadtherr

CLOSED SESSION: 
A. Closed Session Pursuant to: 
   1 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: 
      One Case.

At 6:50 p.m. Council Member Stadtherr came in.

7:00 P.M. RECONVENE OPEN SESSION  
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION  
No Action.

Pledge of Allegiance: 
Mayor Martinez welcomed Troop 132, and asked Mike Taylor of Troop 132 to lead the pledge. 
Invocation by Mayor Martinez

PROCLAMATIONS 
"Porterville Kids Day" - August 7, 2004

PRESENTATIONS 
• Employee of the Month - Tony Espinosa

Mayor Martinez stepped out for a few minutes due to a family emergency. Mayor Pro Tem Irish began Oral Communications.

ORAL COMMUNICATIONS 
• Linda Miyai, representing Colonial Community Homes in Porterville, residence in Orange County, came forward and asked the Council to consider that 65% of the landscaping plants on the list given to her by staff were not compatible to the area. She stated that Mr. Vollmer and Chris Kaylor, her landscape contractors, came to the City to change the layout for her CUP, but they were told that unless she put in a modification, the process could not go forward. Mrs. Miyai stated that she started the process, but she found out that unless she came to this meeting and asked the Council to expedite the modification plan, she could not meet the September 18 deadline.

Mayor Pro Tem Irish told Mrs. Miyai that she should continue to work with staff because this was time sensitive, and should contact staff again tomorrow and work this matter out before coming back to Council.

Mrs. Miyai stated that staff told her that even if she submitted the modification plan and it was passed through on the 18th, it would not allow Council time to act upon it before the September 20
date, so she needed to ask the Council to help the City Planning Department to expedite the modification plan.

Mayor Pro Tem Irish stated that staff had the direction of working with Mrs. Mayai, and she needed to get in intact with staff, who would work this out with Mr. Dunlap or Randy Rouda, who also had their direction. He stated that if she would meet with them tomorrow, they would help her get it worked out.

City Manager Longley stated that Council could give direction, but could not act on this matter this evening as the item had not been advertised. He stated that if Mrs. Mayai checked with staff tomorrow morning, and they would work with her to get through the various steps.

Mayor Pro Tem Irish stated that staff knew to expedite the matter also.

Mayor Martinez re-entered the meeting.

- Pete McCracken, 657 Village Green, came forward and addressed his remarks to Item No. 12. He spoke about repayment on self-funding, keeping fiscal prudence in mind, and the life of the project as relates to the term of the loan.

- Dorothy Broome, 863 Crystal, came forward and addressed landscape maintenance districts.

- Josh Kittrell, 1359 N. Grand, thanked the Council for reinstating the monthly fees at the Golf Course, and for prorating the fees for July. He also thanked the staff for adding sand to the bunkers.

- Tracy Leach, 6731 Park West Circle, Bakersfield, came forward representing the Campaign Against Proposition 68, a November Ballot Initiative. She stated that the proposition would grant 30,000 slot machines, gaming devices to be operated in urban and suburban California. She asked Council to endorse this in terms of a resolution opposing Prop 68. She handed out information packets to the Council.

Council clarified that the League had taken no action on Proposition 68 at that time. City Manager stated that Council could direct staff to place this on the agenda in the future if they wished.

CONSENT CALENDAR
Item 5 was removed for discussion.

1. CITY COUNCIL MINUTES OF JULY 6, 13 and 27, 2004

   Documentation: Minute Order 01-080304
   Disposition: Approved

2. CLAIM - CONSUELO GUZMAN

   Recommendation: That the Council allow said claim in the amount of $1,441.00 and refer the matter to the City's insurance adjustor, and direct the City Clerk to give the claimant proper notification.
3. BUDGET ADJUSTMENTS FOR THE 2004/2005 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize the staff to modify revenue and expenditure estimates as described on the attached schedule.

Documentation: Minute Order 03-080304
Disposition: Approved

4. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: Minute Order 04-080304
Disposition: Approved

6. SCHEDULING A PUBLIC HEARING FOR THE REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Recommendation: That the City Council schedule September 21, 2004, as the date for a Public Hearing to hear testimony regarding the proposed new 11% goal and revised program.

Documentation: Minute Order 05-080304
Disposition: Approved

7. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION NUESTRO PRIDE CAR SHOW, SEPTEMBER 26, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”.

Documentation: Minute Order 06-080304
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve Items 1 through 4, 6 and 7. The motion carried unanimously.

Disposition: Approved

Mayor Martinez stepped out of the meeting.
5. AWARD OF CONTRACT - WILLIFORD DRIVE STREET RECONSTRUCTION AND DRAINAGE PROJECT

Recommendation: That the City Council:
1. Award the Williford Drive Street Reconstruction and Drainage Project to Halopoff and Sons, Inc. for the base bid in the amount of $146,855.45;
   a. Authorize a 10% contingency to cover unforeseen construction costs; and
   b. Authorize progress payments up to 90% of the contract amount.

   OR 2. Award the Williford Drive Street Reconstruction and Drainage Project to Halopoff and Sons, Inc. for the base bid and additive alternate in the amount of $172,079.36;
   a. Authorize the transfer of funds in the amount of $12,000 from the overlay program, which is special gas tax monies; and
   b. Approve a 7.5% contingency to cover unforeseen construction costs; and
   c. Authorize progress payments up to 90% of the contract amount.

Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hamilton asked about the additives of curb and gutter.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to award the Williford Drive Street Reconstruction and Drainage Project to Halopoff and Sons, Inc. for the base bid and additive alternate in the amount of $172,079.36; to authorize the transfer of funds in the amount of $12,000 from the overlay program, which is special gas tax monies; approve a 7.5% contingency to cover unforeseen construction costs; and, authorize progress payments up to 90% of the contract amount.

M.O. 07-080304

AYES: West, Irish, Hamilton, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved

PUBLIC HEARINGS

8. MAINTENANCE OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS, CONFIRMING THE ENGINEER’S REPORT AND ASSESSMENT FOR FISCAL YEAR 2004-2005

Recommendation: That the City Council approve the Resolution Ordering the continued maintenance of Landscape and Lighting Maintenance Districts, and confirming the Engineers’s Report and assessment for Fiscal Year 2004-2005.
The City Manager presented the item and the Parks and Leisure Services Director gave the staff report.

Mayor Pro Tem Irish opened the hearing to the public at 7:35 p.m.

Dorothy Broome, 873 Crystal, came forward and asked about the maintenance districts and whether the landscaping for Colonial Mobile Home Park could be placed in a district. Mrs. Broome was informed that the mobile home park was not part of any landscape district. It was stated that the districts cover areas that were public property right of way and common areas, which were maintained by the City, and for which the affected property owner could be assessed. It was stated that Colonial Mobile Home Park was completely, privately owned.

Mrs. Broome stated that on the east side of Westwood, all the way north of Henderson, and south to Olive Avenue, there is a problem were the landscape was not being maintained outside the wall. And the street medians were only maintained by two people. She stated that she had a problem with a street median.

Mayor Pro Tem Irish asked Mrs. Broome to speak to him during the break.

The hearing was closed to the public at 7:44 p.m.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that Council approve the Resolution Ordering the Continued Maintenance of Landscape and Lighting Maintenance Districts, and confirming the Engineer’s Report and Assessment for Fiscal Year 2004-2005.

Resolution 103-2004

AYES: West, Irish, Hamilton, Stadtherr,
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved

Council took at 10-minute break at 7:43 p.m.


Recommendation: That the City Council:
1. Conduct a public hearing to receive comments on the report of the Advisory Board; and
2. Adopt a resolution confirming the report of the Advisory Board which shall constitute the levy of an assessment for the fiscal year 2004/2005.

City Manager presented the item and the Deputy City Manager presented the staff report.

The Mayor opened the public hearing at 7:55 p.m.
Dick Eckhoff, Chairman Downtown Porterville Association, 180 North Main, came forward and spoke in favor of the Association and the assessments. He spoke about their plans for downtown.

The hearing was closed to the public at 7:57 p.m.

Council Member Hamilton stated that he was disappointed that the people in opposition did not come to the meeting to speak.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to adopt the resolution confirming the report of the Advisory Resolution 104-2004 Board which shall constitute the levy of an assessment for the Fiscal Year 2004/2005. The motion carried unanimously.

**Disposition:** Approved

10. CONSIDERATION TO REMAIN IN PHASE II OF THE WATER CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

**Recommendation:** That City Council:
1. Open the Public Hearing to receive comment; and

The Public Works Director presented the staff report.

Mayor Martinez reopened the public hearing at 8:00 p.m. and closed the hearing at 8:01 p.m. when no one came forward.

Council Member Stadtherr asked that the color of 2002 on the graph be changed because it was barely visible.

Mayor Pro Tem Irish stated that he would like to continue to hold the City at a higher standard for water conservation.

Mayor Martinez continued the public hearing to August 17, 2004.

**Disposition:** Continued

**SECOND READING**

11. SECOND READING - ORDINANCE 1657, AMENDING ORDINANCE 1198 PERTAINING TO THE ESTABLISHMENT OF BUSINESSES SELLING ALCOHOL

**Recommendation:** That Council give Second Reading to Ordinance No. 1657 and waiving further reading, and adopt said ordinance.

The City Manager presented the item.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to waive further reading and adopt the ordinance, being AN

The City Manager read the ordinance by title.

Disposition:  Approved

SCHEDULED MATTERS

12. FUNDING OPTIONS FOR WASTEWATER TREATMENT FACILITY IMPROVEMENTS

Recommendation:  That the City Council:

1. Authorize the Mayor to execute Exhibit “A”, which will allow the City Manager to execute the Enterprise Fund Installment Sale Agreement in the amount of $5,356,000.

2. Authorize the named Department Heads or individuals to execute the various exhibits attached to this item.

3. Authorize the Public Works Director to deliver by certified mail the executed documents for counter signature and final execution.

The City Manager presented the item and the Deputy City Manager presented the staff report. The Deputy City Manager stated that if the portfolio earned more than 3.5%, they would be money ahead to use the CIEDB Loan. He stated that in their communication with outside sources, he obtained a copy of the City of San Luis Obispo Financial Budget and Fiscal Policy document which contained an analysis of when to borrow and when to use reserves. He stated that the document contained a lot of good information, and should the Council wish to have staff prepare such a policy to outline criteria to examine when these decisions are to be made, they would be happy to do so.

Council Member Hamilton asked about the second graph, 1992 to 1993, and how they accomplished a 100% increase in the portfolio.

He stated that according to Susan Slayton, Chief Financial Officer, stated they gained a new portfolio manager at that time. She stated that they also went from investing most of their money in money market funds to investing in securities.

Council Member Hamilton questioned when the citizens would get back the money they had paid into the City’s reserves. The City Manager stated the citizens were already getting returns from projects paid through the Enterprise funds. Mr. Longley stated that General Fund Reserve has been allocated out over a two year period to pay for deficiencies from State actions. He recommended that a presentation be made to Council of an analysis of each fund, its status, and what the prudent level of reserve was for that fund. He stated that there were rules for each of the funds, and they needed to be taken separately. He stated that it was a big issue, and the information should be provided to the Council as part of the financial planning.
Deputy City Manager Pyle stated that as part of policy direction, one of the components that would fit nicely into such a fiscal policy, especially as relates to those enterprise fund activities where ten-year capital project plans were part of their life and they tried to prepare for inevitable events to account for growth in the system and population, and as part of the preparation of such a policy, a decision on what adequate minimum levels of reserves should be, with guidelines for establishing out much of a reserve they should attempt to build to accomplish large components of infrastructure, could be made. He stated that they were looking at $9 million for water improvements to maintain adequate water pressure and reserve balances, and in the event the goal was to build reserves adequate to prevent the need to issue debt, there would be substantially more cash running through the portfolio, as they accumulated massive reserves in some of the enterprise funds. What it would look like on paper while they were achieving those balances, would be a consideration.

Council stated that every new Council would be looking at that balance. Council also spoke about the longevity of the loan versus the longevity of the project.

Mayor Pro Tem Irish thanked Council Member Stadtherr, staff, and really the Council for taking the time to review this matter. He questioned Mr. Pyle on guidelines for the inter-transfer of monies. He stated that he would like to see better guidelines in place. He stated that it needed to be tightened up. He stated that they should address the issue of that when they borrow money from another account, they are not just borrowing it at a fixed rate, so that the taxpayers would be investing back to themselves.

Mayor Pro Tem Irish questioned the amount being borrowed.

Council Member Stadtherr reviewed the spreadsheet he prepared. He stated that they would be better off to use the portfolio to pay down loans the City has borrowed at higher rates.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that Council use the CIEDB funding as recommended. The motion carried unanimously.

Disposition: Approved

The City Manager stated that direction from Council seemed to be that they wanted to look into this more as an agenda item or study session, and asked if they could use as a base for consideration the San Luis Obispo policies.

Council concurred that it should be a study session.

Mr. Pyle asked Council if they would consider using CIEDB loans in the future, which could be done by staff. City Manager Longley stated that he would not recommend using CIEDB, but at Council's direction it would be included as an option for Council consideration. Mr. Longley stated that they would bring back a report recommending proceeding with COPs, with options for financing and time, to look to reserves, COPs, CIEDB, and anything else they can come up with.

Council Member Stadtherr stated that he would like to see a General Ledger cash worksheet showing balances and what was projected out, with prudent reserves. He stated that he would like to see it between now and Thanksgiving.
The City Manager stated that when they did the study session on financial policies that would be one of the exhibits.

13. AIRPORT POLICY ON LEASING INDIVIDUAL PRIVATE HANGARS

Recommendation: That the City Council:
   a. Set as a guiding policy “OWNER OCCUPIED” for the Porterville Municipal Airport, private hangar area.
   b. Authorize staff to acquire the hangars, at fair market value, when deemed appropriate by staff.
   c. Authorize staff to make a “contingent offer to purchase” hangars at the airport, subject to CalTrans approval of the loan agreement and Council approval of the loan document.

The City Manager presented the item and the Fire Chief gave the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to set as a guiding policy “Owner Occupied” for the Porterville Municipal Airport, private hangar area; authorize staff to acquire the hangars, at fair market value, when deemed appropriate by staff; and, authorize staff to make a “contingent offer to purchase” hangars at the airport, subject to CalTrans approval of the loan agreement and Council approval of the loan document. The motion carried unanimously.

Disposition: Approved

Council adjourned to a Meeting of the Porterville Redevelopment Agency at 8:44 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
August 3, 2004

Roll Call: Redevelopment Agency: Agency Member West, Agency Vice Chair Irish, Agency Member Hamilton, Agency Member Stadtherr, Agency Chair Martinez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION NUESTRO PRIDE CAR SHOW, SEPTEMBER 26, 2004

Recommendation: That the Redevelopment Agency approve the use of the parking lot on Second Street, from Garden to Olive, in conjunction with the Community Civic Event
Application and Agreement from Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”.

The Agency Secretary presented the staff report.

**AGENCY ACTION:** MOVED by Agency Member Irish, SECONDED by Agency Member Stadtherr that the Redevelopment Agency approve the use of the parking lot on Second Street, from Garden to Olive, in conjunction with the Community Civic Event Application and Agreement from Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”. The motion carried unanimously.

Disposition: Approved

The Agency adjourned to a Meeting of the Porterville City Council at 8:46 p.m.

**ORAL COMMUNICATION**

None

**OTHER MATTERS/COUNCIL COMMENTS**

- Council Member West thanked the Public Works Director for his professionalism on seeking bids for the Nelson Building demolition project. The City Manager explained where they were with the project and when it might be finished.

- Council Member Hamilton asked about the Indiana Street Project, and the Public Works Director gave him an update.

- Mayor Martinez congratulated Mr. Singh on the expansion of his Subway restaurant, and his appointment to the Board of Directors of the Chamber of Commerce.

- Mayor Martinez asked the City Manager to prepare a certificate of achievement for the Porterville Twirlersettes, as a group, for representing Porterville at the State level.

**ADJOURNMENT**

At 8:51 p.m. to the meeting of August 10, 2004, at 6:00 p.m..

______________________________
Georgia Hawley, Deputy City Clerk

**SEAL**

______________________________
Pedro R. Martinez, Mayor
SUBJECT: AUTHORIZE DISTRIBUTION FOR A REQUEST FOR PROPOSALS AND FUNDING FOR AN ISLAND ANNEXATION CONSULTANT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: In the 2004/05 Fiscal Year budget, the City Council approved moving from fleet vehicles for department directors and established car allowances. This freed up some existing vehicle replacement money no longer necessary for its intended purpose. In the 2004/05 budget document, it was proposed that vehicle replacement funds from the Community Development Department be directed toward the hiring of a consultant to prepare and process island annexation applications. Staff is requesting authorization to solicit proposals from qualified consultants to undertake this effort.

The approved 2004-05 budget document indicated that approximately $30,000 was available for this effort. At the end of fiscal year 2003-04 a total of $28,652.09 was available. Since Community Development no longer has the vehicle, no additional depreciation is being accumulated.

Due to the urgency of the project, Staff is proposing to utilize the successful consultant in the preparation of the Waste Discharge Requirement Annexation. This annexation will bring into the City all the area currently used for disposal of treated effluent.

When necessary, Staff intends on utilizing the existing on-call environmental consultant for the necessary environmental documentation, or the successful consultant hired through this contract.

RECOMMENDATION: That the City Council:

1. Authorize the distribution of the request for proposals for preparing and processing island annexations.

2. Authorize the use of the consultant for processing of the Waste Discharge Requirement annexation.

ATTACHMENT: Draft Request for Proposals
Island Annexation Map

D.D. Appropriated/Funded C.M. ITEM NO. 2
REQUEST FOR PROPOSALS
FOR PREPARATION OF ANNEXATION APPLICATIONS
AND ASSOCIATED ENVIRONMENTAL
DOCUMENTS AS NECESSARY
(#04/05-SR1572)

I. PROJECT SUMMARY

The City of Porterville is seeking proposals for professional planning assistance to prepare all
documents necessary to achieve the annexation of approximately 14 unincorporated islands as
indicated in Exhibit 1 attached hereto. The project will consist of the preparation of the following
information:

a. Preparation of an informal letter to property owners and service providers advising them that
annexation of an island pursuant to AB 1555 is being considered by the City.

b. Conduct a survey of existing land uses and coordinate with the County Fire Department and
City Building and Fire Departments.

c. Attend and participate in workshops regarding the proposed annexation.

d. Prepare map and legal description for each annexation.

e. Prepare the initiating resolution, staff report on annexation, pre-zoning and general plan
amendments if necessary.

f. Prepare environmental documents for each annexation as required pursuant to CEQA, and
if necessary, NEPA.

h. Prepare LAFCo annexation application and plan for services.

II. BACKGROUND/HISTORY

In February 1999, the State Legislature passed AB 1555, which streamlined the process of cities
annexing unincorporated county islands due to costs and challenges of providing governmental
services to these areas. The legislation established a window of opportunity for cities to annex under
these streamlined procedures. The period is between January 1, 2000 and January 1, 2007. As the
sunset date is fast approaching, the City finds itself challenged to make full use of the opportunity
in the remaining time available.
III.  PROJECT GOALS

The following describes the general goals the City of Porterville intends to achieve:

1. Present complete and useful information to the community and City Council regarding the potential consequences of each annexation and the annexation program as a whole.

2. Take full advantage of the limited time available to annex unincorporated islands into the City of Porterville.

3. Minimize transitional concerns by addressing such issues as existing nonconforming uses and substandard developments.

4. Improve the pattern of City jurisdiction to establish more efficient and logical delivery of governmental services.

5. Improve environmental and quality of life issues by exercising jurisdictional authority to extend infrastructure into the underserved island areas as funds become available.

IV.  SCOPE OF SERVICES

The selected Consultant shall conduct all aspects of the preparation of the island annexation document preparation. In addition to the preparation of island annexation packages, the City is including in this contract a City initiated annexation of nine (9) parcels consisting of 704 acres of farm land required in order to comply with the City’s Waste Discharge Requirements of the Regional Water Quality Control Board. This is a high priority and time sensitive annexation. The environmental document for the annexation is already completed and is pending circulation.

A.  Data Collection

• It is the Consultant’s responsibility to obtain all necessary background material and data necessary to complete the annexation packages and documents required from the City will be provided upon submittal of a written list. It is intended that the consultant function as an extension of staff in this effort.

B.  Preparation of a Screencheck Draft Application Package

• The Consultant shall develop a screencheck draft of each annexation package for review by staff prior to preparation of the draft document for Project Review Committee consideration. The screencheck draft submittal shall include two copies for review by planning staff.
C. Preparation of Draft Application Package

- Upon completing revisions from the screencheck draft revisions, the consultant shall prepare a draft application package for consideration by the Project Review Committee. The consultant shall submit a camera ready copy of the text and all graphics, and an electronic copy on compact disc for use by City Staff. The electronic version shall be in Windows NT, Microsoft Word 1997, or newer.

D. Final Draft of the Application Package

- After Project Review Committee consideration, City Staff will make any necessary changes to the document and prepare copies for public hearing. Modifications to graphic exhibits may be required of the consultant.

E. Environmental Assessment

- The areas in question are substantially developed but may require prezoning or other circumstances necessitating environmental review. It is anticipated that in some instances the environmental analysis may need to be prepared by the consultant, otherwise, the environmental analysis will be prepared by City Staff or the City's on-call environmental consultant.

V. SUBMITTAL REQUIREMENTS

The proposal must describe the specific services to be provided, and, at a minimum, respond to the tasks outlined in the City’s scope of services. The proposal and supplemental data pages should be numbered, and a table of contents included. The structure of the proposal should be as concise as possible, and include the outline information listed below:

(1) Description. A description, including background, size and orientation of the firm.

(2) Qualifications. A summary of the qualifications of the firm to perform the services described herein, including but not necessarily limited to:

- the firm’s previous experience in preparing this type of analysis.

- the firm’s previous experience with the City of Porterville and familiarity with the community.

- the firm’s ability to produce the required products in a timely fashion and ability to present such reports to elected officials and the general public.

- a designation of the firm’s personnel who will be assigned to this project, including background information on these individuals outlined in II above. This should include sub-consultants as well.
• indicate any potential conflicts of interest that may exist through property ownership or other circumstances.

(3) **Scope of Work.** The scope of work must outline specific tasks required to complete the project, describing how each task will be accomplished. The consultant is encouraged to express their approach or vision for addressing the various issues and tasks of this effort. List each consultant and/or sub-consultant responsible for each task, and describe work products that will be produced. All proposals should include a detailed time frame and the Consultant’s recommendations for the scheduling of the required work.

(4) **Fee Schedule.** This section should identify the fee schedule for the project. The cost for the proposed services shall be provided in the form of an hourly rate, which should account for all costs (including soft costs such as copying, mileage, phone, CD’s, etc.)

• number of hours for each staff person
• hourly billing rates for each staff person

VI. **ADDITIONAL INFORMATION**

(1) As appropriate, the consultant shall provide exhibit material suitable for display and presentations. All materials, including reproducible originals of all maps and plans, will become property of the City/Agency and will be delivered to the City/Agency upon completion of the contract responsibilities.

(2) The Consultant shall provide on diskette, or other electronic format (Microsoft Word 97 or newer), all studies, surveys, and reports prepared as part of this project. They will become the property of the City.

**INSTRUCTIONS TO APPLICANTS**

1. **FILING DATE:** All proposals must be filed at the Community Development Department of the City of Porterville, on or before 4:00 P.M., September ____ 2004 at the City, on bid form furnished.

2. **PREPARATION OF PROPOSAL:** The City invites proposals on the form attached to be submitted at the time and place stated in the Request for Proposals. The Applicant shall submit four (4) copies of the proposal and any related information in a sealed envelope marked as stated in the Request for Proposals to:

   City of Porterville  
   Community Development Department  
   Attn: Bradley D. Dunlap, AICP  
   291 North Main Street  
   Porterville, California 93257
3. All information on the proposal forms must be appropriately filled in (additional pages and requested materials should be attached as necessary). It is the sole responsibility of the applicant to see that their proposal is submitted in proper time. Any proposal received after the scheduled closing time for receipt of proposals will be returned to the applicant unopened in accordance with Section 53068 of the Government Code.

4. Proposals must be submitted on the forms provided by the City. Failure to do so may disqualify the offer. The applicant should submit any additional pages and requested materials with the forms.

5. **SIGNATURE:** The proposal must be signed in the name of the applicant and must bear the signature in long hand of the person or persons duly authorized to sign the proposal.

6. **REQUESTS FOR INFORMATION:** Any questions relative to the proposal should be directed to Bradley D. Dunlap, Community Development Director, (559) 782-7460.

7. **EVALUATION:** The City will be evaluating the proposals according to the City’s Consultant Selection Rating Form (Attachment 1) and will consider the proposed hourly rate as well. This evaluation includes ranking the capability to perform all or most aspects of the required services, recent experience comparable to the requested services, ability to provide timely and convenient services, qualifications and experience of personnel who will be conducting the work, proximity of applicant’s office to Porterville, degree of interest shown in undertaking the contract, and evidence that applicant is an equal opportunity employer.

8. **DISADVANTAGED BUSINESS ENTERPRISE:** In accordance with City of Porterville policy, disadvantaged business enterprises (DBE), including qualified small minority and woman-owned firms, are encouraged to submit a proposal or otherwise participate in the completion of the work covered by this request. No DBE participation goals have been established for this project.

9. **AWARD OF CONTRACT:** The right is reserved by the City of Porterville to reject any or all proposals, to evaluate proposals submitted and to award the contract according to the proposal which best serves the interest of the City. All proposals will become the property of the City of Porterville.

The City reserves the right, at its discretion, to pursue any or all of the following actions related to this RFP:

a. Issue addenda to RFP;
b. Request additional information and/or clarification of proposal;
c. Negotiate a contract solely on the basis of additional information supplied;
d. Reject, for any reason, any or all proposals, permit the timely correction of errors; waive minor deviations or any informalities not affected by law; and accept or reject all or part of any Proposal as may be best considered to serve the public interest; and/or
e. Issue subsequent RFP's based on refinements of concepts proposed in response to this RFP.

The selected firm will be required to enter into a written contract with the City of Porterville in a form approved by the City Attorney. A sample service agreement is attached (Attachment 2).

10. **PREVAILING LAW**: In the event of any conflicts or ambiguities between these instructions and State or Federal laws, regulations or rules, then the latter shall prevail.

11. **BUSINESS LICENSE**: A City of Porterville Business License will be required of Consultant upon award of contract.

**CONTRACT REQUIREMENTS**

The Consultant should be aware that the following provisions are to be included in the contract award for services provided in accordance with this RFP:

1. This contract may not be assigned or any of its elements subcontracted unless written approval is granted by the City in advance.

2. This contract shall contain suitable provisions for termination by the recipient, including the manner by which termination will be affected and the basis for settlement. In addition, such contract shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the contractor’s control.

3. This contract shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

4. This contract shall include provisions to the effect that the City or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to this specific project for the purpose of making audits, examinations, excerpts and transcriptions.

5. The Consultant hereby agrees to and shall protect, indemnify and hold harmless the City of Porterville, and all officers, agents, representatives and employees thereof from any and all liability, claims or damages of whatsoever kind or character, including attorneys’ fees and costs of all types incurred in defense of any of the said parties from said claims or liability, because of or arising out of, directly, or indirectly, the acts, errors, or omissions of the Consultant, Consultant's independent subcontractors, employees, representatives, agents and invitees.
Said indemnification and hold harmless provisions shall be in full force and effect regardless of whether or not there shall be insurance policies covering and applicable to such damages, claims or liability. This Contract shall be binding upon the Consultant whether or not there are any allegations of fault, negligence or liability of the indemnities hereunder.

6. As a condition precedent and prior to commencement of the work to be performed pursuant to this contract, the Consultant shall furnish the City of Porterville a policy or certificate of COMPREHENSIVE GENERAL liability-bodily injury and property damage insurance in the amount of $1,000,000 combined single limit. Said insurance policy shall name the City of Porterville, its officers, employees and agents as additionally insured and shall protect them from claims for personal injury, death or property damage suffered by third persons or by officers, employees and agents of the Consultant, and arising out of or in connection with the work which is the subject of this Contract. Notwithstanding any consistent statement in the insurance policy or certificate of any subsequent endorsement attached thereto, the City of Porterville shall be insured NAMED AS AN ADDITIONAL INSURED covering the work which is the subject of this contract, whether liability is attributable to the Consultant or to the City of Porterville. Said insurance shall SPECIFY OCCURRENCE BASIS and shall be in effect on the date the work is commenced and shall expire no sooner than THIRTY DAYS AFTER the date on which the work is completed and accepted by the City of Porterville. The cost of providing this insurance requirement shall be borne by the Consultant.

The selected Consultant will be required to carry and provide certificates of compliance for automobile liability insurance and workers’ compensation.

<table>
<thead>
<tr>
<th>Automotive Liability</th>
<th>$1,000,000 per occurrence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workers’ Compensation</td>
<td>Statutory Limits</td>
</tr>
</tbody>
</table>

The Auto Liability Policy is to contain or be endorsed to name the City, its officers, officials, employees and agents as Additional Insured as respects liability arising out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful firm.

The Firm and its employees are independent contractors and not employees of the City. The Consultant shall carry Workers’ Compensation Insurance for all his/her employees and those of his subcontractors engaged in work on the project, in accordance with Workers’ Compensation Laws of the State of California. Workers’ Compensation policy is to be endorsed to include a waiver of subrogation against the City and the Agency, its officers, officials, employees, and agents. Prior to the start of work the Consultant shall provide the City with a valid Workers Compensation Insurance Certificate.
All liability insurance policies shall bear an endorsement or shall have an attached rider whereby it is provided that in the event of expiration or proposed cancellation of such policies for any reason whatsoever, the City of Porterville shall be notified by registered mail, return receipt requested, giving it sufficient time before the date thereof to comply with any applicable law or statute, but in no event less than thirty (30) days before the expiration or cancellation is effective.

7. The contract shall contain a provision requiring compliance with applicable Equal Opportunity Employment laws.
COUNCIL AGENDA: August 17, 2004

SUBJECT: AUTHORIZE ON-CALL ENGINEERING SERVICES ASSISTANCE FOR PARKS AND LEISURE SERVICES PROJECTS AND ACTIVITIES

SOURCE: Parks and Leisure Services Department

COMMENT: The Parks and Leisure Services Department is involved with a number of projects and activities that require specialty engineering services or occasional supplement technical assistance. The Engineering Department has often provided this assistance when available. Currently, the Engineering department is involved with a number of projects and have a staffing shortage. At the same time the Parks and Leisure Services Department is experiencing an increased level of activity and projects in need of technical or engineering support. A task list of the type of service assistance needed by Parks and Leisure Services was prepared by staff. For example, technical assistance is currently needed in the preparation of Lighting and Landscape Maintenance District documents.

Through the assistance of the Public Works Director various engineering firms were contacted to ascertain their interest and fees for the provision of such services. Five firms indicated their interest in providing services and submitted current fee schedules. The firm of James Winton & Associates was ranked by staff as best meeting the needs of the City and their fee schedule is also at or below the rates of the other responding firms. Funding for the services is proposed from the special projects, and for non-project activities there is professional services funding available in the operations budget. A not-to-exceed limit of $10,000 for the services during the current fiscal year has been established.

RECOMMENDATION: Authorize on-call engineering services assistance for Parks and Leisure Services Department projects and activities.

ATTACHMENTS: Letter ‘Statement of Interest’, general task list, and fee schedule of James Winton & Associates
July 20, 2004

James Winton
James Winton & Associates
150 W. Morton Avenue
Porterville, CA 93257

Subject: On-Call Engineering Services for Parks & Leisure Services Department

Dear Jim:

The City of Porterville seeks “Statements of Interest” from qualified Civil Engineering firms to provide various “on-call” engineering services throughout the 2004/2005 fiscal year. Only those firms that have demonstrated an acceptable level of competence on previous City projects have been notified of this opportunity.

The City is well aware of your firm’s technical expertise and ability to complete projects to the City’s satisfaction. For this reason, your signature below, along with an updated hourly fee schedule is all that is required to affirm your interest in this proposal. The fee schedule must include the hourly rates of all company principals, senior staff, secretaries, drafting personnel, two and three man survey crews and any/all staff associates that may work on “on-call” City projects. A copy of the “On-Call Engineering Services General Task List” is included for your review and file.

The service agreement will stipulate a “not to exceed” $10,000 limit and will include language allowing a one year extension to the contract. The hourly fee for all classifications may be adjusted in the second year based upon the Bureau of Labor Standards Consumer Price Index San Francisco Urban Area All Urban Consumers annual percentage change reported in July of each year. Please sign, date and return this letter to Vickie Schulz, Secretary - Public Works Department, by 5:00 p.m., July 23, 2004. An updated fee schedule must be included in your submittal packet.

Sincerely,

[Signature]
Baldomero S. Rodriguez
Public Works Director

[Signature]  
James Winton
James Winton & Associates

Y:\Engineering\Project Files\Baldomero Rodriguez\Misc Project Files\On-Call Engineering Tasks-1.wpd
ON – CALL ENGINEERING SERVICES GENERAL TASK LIST

1. Prepare legal descriptions and plat maps.

2. Prepare project scopes of work, project specifications & construction plans for minor to moderate facility repairs and capital improvement projects.

3. Prepare site and boundary maps utilizing the City’s GPS mapping system.

4. Research and prepare reports/documentation on City parcel boundaries and easement/reservations.

5. Provide full service topography survey and drawing generation (if needed) incorporating City standard symbols, nomenclature, line weight and drawing orientation as directed by the City.

6. Prepare Engineer’s Landscape Maintenance District (LMD) documents using City approved methods and procedures. Example LMD document to be provided to consultant upon execution of contract.

7. Provide project management/supervision and field inspection services on minor to moderate construction projects.

End of On-Call Engineering Services General Task List
# Fee Schedule

The basis of per diem charges for engineering and planning services shall be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Task Description</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Engineer -</td>
<td>Court Appearance, Preparation &amp; Expert Testimony</td>
<td>$150.00/hr.</td>
</tr>
<tr>
<td>Civil Engineer -</td>
<td>Principal in Consultation &amp; Public Agency Appearance</td>
<td>$120.00/hr.</td>
</tr>
<tr>
<td>Civil Engineer -</td>
<td>Staff Supervision, Research, Layout &amp; Design, Report Writing &amp; Conference Time</td>
<td>$100.00/hr.</td>
</tr>
<tr>
<td>Associates Engineer/-Senior Planner</td>
<td>Staff Supervision, Research, Layout &amp; Design, Report Writing &amp; Conference Time</td>
<td>$65.00/hr.</td>
</tr>
<tr>
<td>Licensed Surveyor/-Assistant Engineer</td>
<td>Research, Layout &amp; Design, Report Writing &amp; Conference Time</td>
<td>$60.00/hr.</td>
</tr>
<tr>
<td>CAD Designer</td>
<td></td>
<td>$60.00/hr.</td>
</tr>
<tr>
<td>CAD Operator</td>
<td></td>
<td>$50.00/hr.</td>
</tr>
<tr>
<td>Drafter</td>
<td></td>
<td>$45.00/hr.</td>
</tr>
<tr>
<td>Stenographer</td>
<td></td>
<td>$30.00/hr.</td>
</tr>
<tr>
<td>Receptionist/Clerk-Typist</td>
<td></td>
<td>$25.00/hr.</td>
</tr>
<tr>
<td>Survey Crew:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 man crew</td>
<td></td>
<td>$140.00/hr.</td>
</tr>
<tr>
<td>2 man crew</td>
<td></td>
<td>$110.00/hr.</td>
</tr>
</tbody>
</table>

In addition to the above per diem rates, materials, supplies, laboratory tests and other incidental expenses will be charged at cost plus 15% and mileage will be at a rate of $0.40 per mile.
The following firms were contacted by letter regarding their availability to provide on-call engineering and technical services:

<table>
<thead>
<tr>
<th>FIRM</th>
<th>LOCATION</th>
<th>RESPONDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provost &amp; Pritchard Engineering Group</td>
<td>Visalia</td>
<td>Yes</td>
</tr>
<tr>
<td>Schafer &amp; Associates</td>
<td>Porterville</td>
<td>Yes</td>
</tr>
<tr>
<td>Omni-Means, Ltd.</td>
<td>Visalia</td>
<td>Yes</td>
</tr>
<tr>
<td>Harris &amp; Associates</td>
<td>Fresno</td>
<td>Yes</td>
</tr>
<tr>
<td>James Winton &amp; Associates</td>
<td>Porterville</td>
<td>Yes</td>
</tr>
<tr>
<td>Roberts Engineering</td>
<td>Porterville</td>
<td>No</td>
</tr>
</tbody>
</table>
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - PORTER SLOUGH DITCH PIPING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Porter Slough Ditch Piping Project. This project consists of the piping of the Porter Slough Ditch adjacent to the south side of Henderson Avenue in 36" reinforced concrete pipe. This work was part of the Henderson Avenue Reconstruction Project. Piping the Porter Slough Ditch now will allow for relocation of the high transmission Edison poles, relocation of Mr. Lombardi's irrigation structure, and the future widening of Henderson Avenue.

The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

The funding for this project will come out of the available funding for the Henderson Avenue Reconstruction Project. The total estimate of probable cost for the project is $269,494.50. Funding is provided through Certificates of Participation (C.O.P.). The Engineer's Estimate is attached for reference purposes.

Recommendation: That City Council:

1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Attachment: Engineer's Estimate
Locator Map

APP: Appropriated/Funded
Item No. 4
# BASE BID

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization &amp; Demobilization</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>2.</td>
<td>1</td>
<td>L.S.</td>
<td>Sheeting &amp; Shoring</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>3.</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>4.</td>
<td>1</td>
<td>L.S.</td>
<td>Demolition of Irrigation Structure and appurtenances at Henderson Avenue and Mathew Street including box culvert under Henderson and headwall including all required excavation, compacted backfill and 3&quot; min. cold mix to bring the surface to grade.</td>
<td>$3,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>5.</td>
<td>1</td>
<td>L.S.</td>
<td>Demolition of Irrigation Structure and appurtenances at Henderson Avenue Station 47+29.27 @ 42 ft. rt. including all required excavation and compacted backfill.</td>
<td>$2,500</td>
<td>$2,500</td>
</tr>
<tr>
<td>6.</td>
<td>1</td>
<td>L.S.</td>
<td>Demolition of headwall and removal of 42&quot; C.M.P. at Station 36+52 @ 43 ft. rt. including all required excavation and compacted backfill.</td>
<td>$2,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>7.</td>
<td>1</td>
<td>L.S.</td>
<td>Remove existing concrete improvements and approximately 78 L.F. 48&quot; R.C.P. as necessary for installation of 36&quot; irrigation pipeline including all required excavation, compacted backfill and 3&quot; min. cold mix paving to bring the surface to grade. Salvage 48&quot; R.C.P. to City Yard</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>8.</td>
<td>120</td>
<td>L.F.</td>
<td>Saw Cutting Asphalt Concrete</td>
<td>$2.00</td>
<td>$240</td>
</tr>
<tr>
<td>9.</td>
<td>2150</td>
<td>L.F.</td>
<td>36 Inch reinforced concrete irrigation pipe including trenching, backfill and compaction</td>
<td>$65.00</td>
<td>$139,750</td>
</tr>
<tr>
<td>10.</td>
<td>270</td>
<td>L.F.</td>
<td>12 Inch C900 Class 150 irrigation pipe including trenching backfill and compaction</td>
<td>$50.00</td>
<td>$13,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>----------------------------------------------------------------------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>11</td>
<td>2</td>
<td>EA.</td>
<td>12 Inch C900 Class 150 45 degree bend including trenching backfill and compaction</td>
<td>$380</td>
<td>$760</td>
</tr>
<tr>
<td>12</td>
<td>30</td>
<td>L.F.</td>
<td>3 Inch min. cold mix trench patch over irrigation line crossing Mathew Street</td>
<td>$30</td>
<td>$900.00</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>EA.</td>
<td>City Std. square D-1 storm drain manhole Porter Slough Ditch inlet assembly complete with trash rack per detail D sheet 5 including trenching backfill and compaction at Sta. 47+33.2 @ 41 ft. rt.</td>
<td>$4,500</td>
<td>$4,500</td>
</tr>
<tr>
<td>14</td>
<td>1</td>
<td>EA.</td>
<td>Modified City Std. square D-1 storm drain manhole complete with drainage gates, C-900 pipe connections, ductile iron pipe overflow and all required hardware per detail B sheet 4 including trenching, backfill and compaction at Sta. 26+91.10 @ 59 ft. lt.</td>
<td>$8,200</td>
<td>$8,200</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
<td>EA.</td>
<td>Modified City Std. square D-1 storm drain manhole / bubble up structure complete with grate per detail B sheet 4 including trenching backfill and compaction at Sta. 26+91.10 @ 79 ft. lt.</td>
<td>$3,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>EA.</td>
<td>Install square manhole per City Std. D-1 including trenching, backfill and compaction at Sta. 26+91.10 @ 41 ft. rt.</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>EA.</td>
<td>Install Two (2) 36 Inch stand pipe irrigation structure per detail A sheet 4 including new Edison service pole, connection to existing irrigation pipe, trenching, backfill and compaction at approximate Sta. 24+43 @ 47 ft. lt.</td>
<td>$4,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>18</td>
<td>1</td>
<td>L.S.</td>
<td>Remove existing wood and wire fence as necessary during installation of 12 Inch irrigation line on to Lombardi property. Secure with temporary fencing. Replace fence after construction</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>19</td>
<td>2,343</td>
<td>C.Y.</td>
<td>Compacted Import Fill</td>
<td>$15.00</td>
<td>$35,145</td>
</tr>
</tbody>
</table>

**TOTAL** | $237,495 |
## ADD ALTERNATE A

<table>
<thead>
<tr>
<th></th>
<th>500 C.Y.</th>
<th>Compacted Import Fill for frontage of property on Henderson Avenue approximate Sta. 13+40 to 15+10</th>
<th>15.00</th>
<th>7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$7,500</strong></td>
</tr>
<tr>
<td><strong>BASE BID PLUS ADD ALTERNATE A</strong></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$244,995</strong></td>
</tr>
<tr>
<td><strong>10% ESTIMATE CONTINGENCY</strong></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$24,499.50</strong></td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATE OF PROBABLE COST</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$269,494.50</strong></td>
</tr>
</tbody>
</table>

Date Estimate Certified: **8/12/64**

Project Manager

City Engineer

Public Works Director

City Manager
COUNCIL AGENDA: AUGUST 17, 2004

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - Sludge Drying Bed Expansion Project

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Sludge Drying Bed Expansion Project. This project is required under the City’s Cease and Desist order issued by the Regional Water Quality Control Board.

The Plans and Project Manual are available for review in Public Works Department - Engineering Division.

The estimated probable cost for this project is $741,137. An estimated cost summary is attached for reference. Funding from the Wastewater Treatment Facility Capital Reserve was approved in the 2004/2005 Annual Budget and will be reimbursed through the CIEDB loan.

Recommendation: That City Council:

1. Approve the Plans and Project Manual; and

2. Authorize staff to advertise for bids on the project.

Attachment: Locator Map
Estimated of Probable Cost
ESTIMATE OF PROBABLE COST

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Unit</th>
<th>Item</th>
<th>Unit Price</th>
<th>Extension Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>LS</td>
<td>Clearing and Grubbing</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>20,952</td>
<td>CY</td>
<td>Excavation</td>
<td>$3.00</td>
<td>$62,856.00</td>
</tr>
<tr>
<td>7,414</td>
<td>CY</td>
<td>Compacted Subgrade</td>
<td>$4.00</td>
<td>$29,656.00</td>
</tr>
<tr>
<td>10,528</td>
<td>CY</td>
<td>Compacted Soil Cement Liner</td>
<td>$30.00</td>
<td>$315,840.00</td>
</tr>
<tr>
<td>1</td>
<td>LS</td>
<td>Test Cell w/ Synthetic Liner System Complete</td>
<td>$190,000.00</td>
<td>$190,000.00</td>
</tr>
<tr>
<td>1,141</td>
<td>LF</td>
<td>Chain Link Fencing</td>
<td>$15.00</td>
<td>$17,115.00</td>
</tr>
<tr>
<td>1</td>
<td>EA</td>
<td>22ft Chain Link Double Gate</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>3</td>
<td>EA</td>
<td>Discharge Outlets</td>
<td>$8,000.00</td>
<td>$24,000.00</td>
</tr>
</tbody>
</table>

Baseline Construction Estimate $644,467.00
15% Estimate Contingency $96,670.00
Total Estimate of Probable Cost $741,137.00
SUBJECT: CONFIRMATION OF BUDGET AND AUTHORIZATION OF DESIGN SERVICES FOR CENTENNIAL PLAZA

SOURCE: Parks & Leisure Services Department

COMMENT: On February 17, 2004 a program for the demolition of the Nelson Building and construction of the first phase of Centennial Plaza was presented to the City Council. A preliminary budget estimate (copy attached) was provided as a part of that program discussion. The preliminary estimate indicated staff's best projection of $159,000 as a likely cost to demolish the existing building, including abatement of hazardous materials. Recent bidding of the demolition confirms that estimate and we can now project that a likely cost will be up to $141,000. Staff would like to reallocate the $18,000 savings on the building demolition to enhance the initial phase of the Centennial Plaza project.

The design services for the initial phase of Centennial Plaza were preliminarily estimated at $8,000 and a scope of work and proposed cost of services is now $10,190. Staff request that an amount of $2,000 be provided for construction inspection services which were not included in the preliminary estimate. The pre-demolition hazardous material detection testing survey was preliminarily estimated at $3,000, however, the cost for services came to $7,500. This is an increase of $4,500 over the preliminary estimate.

The initial phase of Centennial Plaza is proposed to be funded by the Rotary organizations and any other interested community group, with the exception of a public address system. An estimate of $5,000 was included in the preliminary budget as the City's cost for a public address system. Staff request that $15,000 be programmed for the public address system, an increase of $10,000 over the preliminary estimate.

The proposed revised budget for the project is attached and includes the funding support already committed by Rotary. The Rotary organizations have pledged funds for the initial phase of the Plaza, and design services are an integral element of this initial phase. A total of $47,000 has been pledged thus far with $7,500 of the pledge already provided to the City.
The design of Centennial Plaza will require some specialty and experienced design services. The firm of *hma landscape architecture* is available to perform the design work as additional services under their current contract with the City for the Rails to Trails and Tule River Parkway designs. As mentioned above, staff has discussed the design needs for Centennial Plaza, and negotiated a professional services supplement in the amount of $10,190.

The services to be provided by *hma* are understood to be on a short timeline with the goal of having the initial phase of Centennial Plaza substantially completed by the end of the 2004 calendar year. Meetings will be held with Rotary and other interested parties to achieve perspective and desires for the Plaza layout and the covered performance stage requirements. A revised master plan will be prepared to illustrate an agreed upon layout with phasing and cost estimates. Electrical system master planning will be incorporated to ensure that the ultimate lighting and power needs of the Plaza are considered in the initial phase work. Design plans and projects manuals for the initial phase of the Plaza development will then be prepared for delivery to the city. To minimize cost, the design services do not anticipate that the designer will be involved with the construction phase of the project. Construction phase involvement is a possible use of the proposed design phase contingency funding.

Staff believe that *hma* is uniquely qualified for this work for three reasons. First, they prepared the original concept master plan for the site over a year ago. Second, they have good experience in park design and in preparing projects to meet the city’s project manual requirements. Third, Wayne Maynard, a principle of *hma*, designed a very similar park for the City of Corcoran.

**RECOMMENDATION:** Adopt the Resolution confirming the project budget and authorizing the City Manager to execute the Professional Services Supplement with *hma landscape architecture* for the Centennial Plaza design work.

**ATTACHMENTS:** Resolution
Proposed Budget Detail
2/17/04 Preliminary Estimate
Professional Services Supplement
RESOLUTION NO.: ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONFIRMING THE NELSON BUILDING DEMOLITION AND CENTENNIAL PLAZA
INITIAL PHASE CONSTRUCTION BUDGET, APPROVING
SUPPLEMENTAL PROFESSIONAL SERVICES TO THE AGREEMENT WITH
HMA LANDSCAPE ARCHITECTURE, AND AUTHORIZING THE CITY MANAGER
TO EXECUTE THE PROFESSIONAL SERVICES SUPPLEMENT FOR
CENTENNIAL PLAZA DESIGN WORK

WHEREAS, the City of Porterville intends to construct Centennial Plaza on a site opposite
City Hall along Main Street; and

WHEREAS, Rotary organizations and potentially other civic services groups wish to
contribute significant funding to enhance the Centennial Plaza, and

WHEREAS, hma landscape architecture is under contract with the City of Porterville to
perform park facility design services and prepare construction documents for the Rails to Trails and
the Tule River Parkway; and

WHEREAS, hma has similar downtown plaza design experience and the ability to
expeditiously assist the City of Porterville in meeting the schedule for the initial phase of
Centennial Plaza.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
PORTERVILLE that:

1. The amount of City funds committed to the project is confirmed as $200,000.
2. The City anticipates $47,000 of Rotary contributions for a total project budget of
$247,000.
3. Supplemental professional services by hma landscape architecture are approved.
4. The City Manager is authorized to execute the Professional Services Supplement for
Centennial Plaza.

APPROVED AND ADOPTED this 17th day of August, 2004.

____________________________
Pedro R. Martinez, Mayor

ATTEST:

____________________________
Georgia Hawley, Deputy City Clerk
<table>
<thead>
<tr>
<th>Activity</th>
<th>2/17/04 Estimate</th>
<th>8/17/04 Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building demolition contract</td>
<td>$159,000</td>
<td>$128,000</td>
</tr>
<tr>
<td>demolition contract contingency</td>
<td>–</td>
<td>13,000</td>
</tr>
<tr>
<td>estimate confirmation</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>material testing surveys</td>
<td>3,000</td>
<td>7,500</td>
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<tr>
<td>Plaza design services</td>
<td>8,000</td>
<td>10,200</td>
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<tr>
<td>construction inspection</td>
<td>–</td>
<td>2,000</td>
</tr>
<tr>
<td>Irrigation &amp; turf construction</td>
<td>16,000</td>
<td>16,000</td>
</tr>
<tr>
<td>Performance stage</td>
<td>28,000</td>
<td>28,000</td>
</tr>
<tr>
<td>Public Address/Sound System</td>
<td>5,000</td>
<td>15,000*</td>
</tr>
</tbody>
</table>

Estimated Project Total     $224,000          $224,700
Less Rotary commitments     (47,000)         (47,000)
City Funding Estimate       $177,000         $177,700
unallocated project funding reserve 22,300

July 2004 City Funding commitment $200,000
Rotary funding commitments 47,000
Total Project Budget $247,000

*will review conduits along Main Street to determine extent of project
# Preliminary Estimate

## Nelson Building Demolition, Centennial Plaza Initial Construction, and Trailhead Park Tree Installation

**February 17, 2004**

<table>
<thead>
<tr>
<th>Total</th>
<th>City Funds</th>
<th>Community Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building demolition &amp; site clearing</td>
<td>$135,000</td>
<td>130,000</td>
</tr>
<tr>
<td>Demolition contract</td>
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<td>5,000</td>
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<td>Estimate confirmation</td>
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<tr>
<td>Hazardous material abatement</td>
<td>32,000</td>
<td>29,000</td>
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<tr>
<td>Abatement contract</td>
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<td>3,000</td>
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<tr>
<td>Material testing surveys</td>
<td></td>
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<tr>
<td>‘Centennial Plaza’ design services</td>
<td>8,000</td>
<td>1,000 Breakfast Rotary Club</td>
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<tr>
<td></td>
<td></td>
<td>2,000 Noon Rotary Club</td>
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<tr>
<td>‘Centennial Plaza’ irrigation &amp; turf</td>
<td>16,000</td>
<td>16,000 Noon Rotary Club</td>
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<tr>
<td>Covered performance stage</td>
<td>28,000¹</td>
<td>14,000 Breakfast Rotary Club</td>
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<td></td>
<td></td>
<td>14,000 Noon Rotary Club</td>
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<tr>
<td>Public address system</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Initial phase</td>
<td></td>
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<tr>
<td>‘Trailhead Park’ irrigation &amp; trees</td>
<td>34,000</td>
<td>11,000</td>
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<tr>
<td>Design, &amp; irrigation supplies</td>
<td></td>
<td></td>
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</table>

**Total**

<table>
<thead>
<tr>
<th>Total</th>
<th>City Funds</th>
<th>Community Contributions</th>
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</thead>
<tbody>
<tr>
<td>$258,000</td>
<td>$188,000</td>
<td>$70,000</td>
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<tr>
<td>Current budget</td>
<td>(8,000)</td>
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</table>

**Equipment Replacement Fund Loan**

$180,000²

---

¹ If the Rotary Clubs are able to secure additional Rotary organization funding the performance stage could be enhanced in size and quality. Funding from the San Francisco Rotary Club or other Rotary organizations is expected to be contingent on dedicating the performance stage in honor of Homer Wood.

² Loan repayment proposed to commence in FY 05-06. Source of funding would include an estimated $70,000 from land sale of commercial building site plus $110,000 from Park Development Funds repaid over seven years. An Amendment to the Parks and Recreation Element would be processed to accomplish this.
PROFESSIONAL SERVICES SUPPLEMENT
In accordance with Agreement dated: May 7, 2002
Between:

hma landscape architecture
and: the City of Porterville

For Project identified as: Rails to Trails, Tule River Parkway Phase II and Tule River Parkway Phase I.

Authorization is requested to proceed with Additional Services as follows:

- Add scope of services for Centennial Park per attached spreadsheet (Exhibit A).

Compensation:

- Master Plan: $1,805.00
- Construction Documents: $6,734.00
- Electrical Engineer, including mark-up: $1,650.00

Time:

- 60 days to submittal of 100% Construction Documents from receipt of Authorization to Proceed and base materials.

Prompt written notice is required if the services indicated are not needed.

Submitted by: ____________________________
(Signed)

Kay Hutmacher
(Printed name)

Principal
(Title)

July 7, 2004
(Date)

Authorization is Given by: ____________________________
(Signed)

_____________________________
(Printed name)

_____________________________
(Title)

_____________________________
(Date)
<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use ext’g plan, take to meetings for input</td>
<td></td>
</tr>
<tr>
<td>Meetings: prep time</td>
<td></td>
</tr>
<tr>
<td>Travel time</td>
<td></td>
</tr>
<tr>
<td>Time at meeting/presentations</td>
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<tr>
<td>Records, sketches</td>
<td></td>
</tr>
<tr>
<td>Cost each meeting</td>
<td></td>
</tr>
<tr>
<td>2. Revise master plan based on meeting input</td>
<td></td>
</tr>
<tr>
<td>Preliminary hand sketch to verify ideas</td>
<td></td>
</tr>
<tr>
<td>Cadd draft master plan after minor revisions</td>
<td></td>
</tr>
<tr>
<td>Total for plan view master plan with notes</td>
<td></td>
</tr>
<tr>
<td>3. Generate cost estimate with goal of determining phasing, identifying donation items, etc.</td>
<td></td>
</tr>
<tr>
<td>Take offs and material lists</td>
<td></td>
</tr>
<tr>
<td>Cost estimate spreadsheet</td>
<td></td>
</tr>
<tr>
<td>Total, cost estimate and material list</td>
<td></td>
</tr>
<tr>
<td>4. Meet with City to determine scope of CD’s, phasing, etc.</td>
<td></td>
</tr>
<tr>
<td>mileage</td>
<td></td>
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<tr>
<td>Total, Master Plan Phase</td>
<td>$1,805.00</td>
</tr>
</tbody>
</table>

5. Construction Documents
   a. Design Development

   0 Base (assumes City will survey and will provide)                  |
   Cadd file of base, utilities, etc.                                  |
   1 Site Plan - for "basic" design                                    |
   fairly complete - after review, no changes                          |
   2 Landscape and Layout Plan - shelter area only                     |
   3 Grading Plan                                                      |
   (grading concept, rough contour lines - by hand)                    |
   4 Planting Plan                                                     |
   (concept plant, plant list)                                        |
   5 Irrigation Plan                                                   |
   (identify POC, mainline, clock location, type of equip)            |
   6 Furnishings (shelter only)                                        |
   (catalog cuts, initial contacts with vendors)                       |
   7 Details                                                           |
   (set up sheets, identify needed details)                            |
   8 Identify necessary subcontractors - Electrical Eng’r              |
   Civil? Structural Engineer?, establish contact                      |
   9 Specifications                                                    |
   (determine needed sections, set up sheets)                          |
   10 Reviews: in house                                               |
| 11 | Production: plots UPS Total, Design Development Phase |
|---|---|---|
| c. 100% Plans and Project Manual | 1 | No work on site plan (no change after acceptance of DD's) |
| 2 | Hardscape and Layout Plan (shelter only) |
| 3 | Grading Plan |
| 4 | Planting Plan |
| 5 | Irrigation Plan |
| 6 | Shelter |
| 7 | Details |
| 8 | Coordinate with Subs |
| 9 | Project Manual, bid sheet, addlts Tech specs only, boilerplate and duplication BY CITY |
| 10 | Cost Estimate - revise MP estimate, determine alternatives, phases |
| 11 | Reviews: in house By phone with City |
| 12 | Production: 3 sets to deliver to City UPS Total, 100% plans and project manual |
| Total, Construction Drawings | | $ 6,735.00 |
| Total, Master Plan and CD's | | $ 8,540.00 |
| d. Additional Consultants | 1 | Electrical Engineer, incl hma mark-up Electrical site plan, details, material call-outs (except future fixtures) panel design, help with cost estimate. Probably 2 sheets. |
| | | $ 1,650.00 |
| Total, Master Plan, CD's and Electrical Engineer | | $ 10,190.00 |

Exclusions and Limitations:

1. Irrigation will connect to POC established by City.
2. Additional fee for Civil Engineer and for Electrical Engineer to follow.
3. City to supply base information
4. 2 meetings in Porterville are included in Master Plan phase, one at completion of DD's. Extra meetings will have to be billed as an additional service.
5. Design for park will be fluid to completion of Master Plan, but after work begins on DD's, changes which add time to the project will have to be billed as an additional service.
6. Limit of work is the back of sidewalk along Main, Cleveland and Thurman, edge of paving in alley.
7. Parcel for future building will not receive any design treatment except perhaps large scale irrigation to maintain wildflower/grasses.
8. Hardscape and layout plan limited to pavilion area.
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT - APPRAISAL, ACQUISITION, AND RELOCATION SERVICES FOR THE DATE AVENUE RECONSTRUCTION PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On July 16, 2004 staff received five proposals for appraisal, acquisition, and relocation services for the Date Avenue Reconstruction Project. Since this project is within the Redevelopment Area and involves the taking of several houses with relocation of the occupants, it was determined that professional assistance is desired. This contract will be part of the Date Avenue Reconstruction Project budget which is being funded with Local Transportation Funds.

Costs associated with this effort may be much higher than what was originally budgeted. Some of the services, namely appraisal and acquisition, could be performed by existing contractors working with the City. However, the cost may be comparable to the proposals received, and there will be a problem in having the work completed in a timely manner. In light of these considerations, staff would like the authorization to negotiate the individual services separately if necessary for budget purposes.

Staff has reviewed and ranked the proposals. The top rated firm is Paragon Partners Ltd. The complete list of firms submitting proposals and their rankings are as follows:

Rank: Firm:

1. Paragon Partners Ltd. - Sacramento, CA
2. Associated Right of Way Services, Inc - Pleasant Hill, CA
3. Overland Pacific & Cutler Inc. - Long Beach, CA
4. Sanli Pastore & Hill - Los Angeles, CA
5. Mecky Myers and Associates - Redondo Beach, CA

Item No. 7

ACTING CD DIRECTOR
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with Paragon Partners Ltd.;

2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Paragon Partners Ltd.;

3. If necessary for budget considerations, authorize staff to negotiate the individual services separately with the firms in ranking order;

4. Authorize the Mayor to sign all contract documents; and

5. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

ATTACHMENT: Locator Map
SUBJECT: PHASING OF PORTERVILLE HERITAGE CENTER PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As part of the joint project for the Porterville Heritage Center and the Santa Fe Elementary School, the City agreed to construct the school’s parking lot. During the pre-bid construction meeting for the Center, contractors were made aware that both the Center’s parking lot and the school’s parking lot were to be complete and available for use at the beginning of the academic year. Due to a number of circumstances, including the receipt of the Section 108 contract, the setback in beginning the project due to the elderberry beetle mitigation, the holdup of relocating a power pole, and unforeseen site preparation at the Wallace Street entrance, the completion of the parking lots was delayed beyond the beginning of the academic year.

In order for the parking lots to be utilized prior to the completion and acceptance of the entire project, these items must be considered as a “Phase” of the project. Staff is proposing that the parking lots and related landscaping be Phase 1 of the project. The community center building and remaining landscaping will be Phase 2 of the project. The phases are outlined on the site map included as Attachment 1.

Zumwalt Construction, contractor for the project, has separated the cost of Phase 1 and Phase 2 in the original bid and has submitted a change of $336,443.00 for Phase 1 of the project. There is no increase in cost to the project created by phasing of the project.

RECOMMENDATION: That City Council:

1. Approve the Porterville Heritage Center project to be completed in two (2) phases; Phase 1 being the parking lots and Phase 2 being the building and landscaping.

ATTACHMENTS: 1) Site Map
2) Locator Map

DD_____ Appropriated/Funded_____ CM_____ Item No. 8
COUNCIL AGENDA: AUGUST 17, 2004

SUBJECT: SELECTION OF CITY VOTING DELEGATE TO LEAGUE OF CALIFORNIA CITIES MEETING

SOURCE: City Manager

COMMENT: The League of California Cities bylaws state that any City official of a member city may be designated as the City’s voting delegate, or alternate delegate, to any League meeting with the approval of the City Council.

The League of California Cities will be having their Annual Business Meeting on September 19, 2004, and it is important that the City of Porterville have a voting representative present at the meeting to take action on conference resolutions.

It has been the practice in the past to designate the Mayor and Mayor Pro Tem to represent the City at League Meetings as delegate and alternate, respectively. This practice has worked well; however, the Mayor and Mayor Pro Tem are not available to attend the League Conference, and having representation is important and in the best interest of the City. Council Member Kelly West is the only member of the Council that will be attending the meeting with the City Manager.

RECOMMENDATION: That Council select Council Member Kelly West as the voting delegate to represent the City at the League of California Cities’ Meeting, September 19, 2004, and authorize City Manager to attest to same.

Attachment: Letter from the League dated June 30, 2004
“Voting Delegate Form”

Item No. 9
June 30, 2004

To: The Honorable Mayor and City Council

From: Ron Loveridge, League President, Mayor, Riverside

Re: Designation of Voting Delegate for 2004 League Annual Conference

The League's 2004 Annual Conference is scheduled for Friday, September 17 through Sunday, September 19 in Long Beach. One very important aspect of the annual conference is the annual business meeting where the membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in our efforts to improve the quality, responsiveness and vitality of local government in California. It is important that all cities be represented at the Annual Business Meeting on Sunday, September 19, at 10:15 a.m. at the Long Beach Convention Center.

To expedite the conduct of business at this important policy-making meeting, each city council should designate a voting representative and an alternate who will be registered at the conference and present at the Annual Business Meeting. A voting card will be given to the city official that is designated and indicated on the enclosed "Voting Delegate Form."

Please complete and return the enclosed form to the League's Sacramento office at the earliest possible time (not later than Friday, August 20, 2004), so that proper records may be established for the conference.

The city's designated voting delegate may pick up the city's voting card at the Voting Card desk located in the League registration area. The Desk will be open on September 17, 18, and 19. Voting cards should be picked up before the Annual Business Meeting on September 19.

The voting procedures to be followed at this conference are printed on the reverse side of this memo.

Your help in returning the attached "Voting Delegate Form" as soon as possible is appreciated. If you have any questions, please call Lorraine Okabe at (916) 658-8236.
2004 ANNUAL CONFERENCE
VOTING DELEGATE FORM

CITY: PORTERVILLE

1. VOTING DELEGATE:

   KELLY WEST
   (Name)
   COUNCIL MEMBER
   (Title)

2. VOTING ALTERNATE:

   NONE
   (Name)
   (Title)

ATTEST: __________________________

   (Name)  John Longley
   City Manager
   (Title)

PLEASE COMPLETE AND RETURN TO:

League of California Cities
Attn: Lorraine Okabe
1400 K Street
Sacramento, CA 95814

Fax: (916) 658-8240

Deadline: Friday, August 20, 2004
COUNCIL AGENDA: August 17, 2004

SUBJECT: CORRECTIVE GRANT DEED - ROBERT L. AND DIANE C. FIELDS

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 17, 2000, City Council authorized the recordation of a Grant Deed for the purchase of a parcel of land from Robert L. and Diane C. Fields. The property acquisition was a part of the Granite Hills Street Circulation Project.

The property acquisition divided a large parcel of land located in the southwest corner of the old Morton Avenue alignment and Crestview Drive. Document No.2000-0083040 was recorded on December 19, 2000, in the County Recorder's Office for the purpose of documenting the property transaction. Staff recently discovered that the second sheet of the legal description (Exhibit "A") was missing from this recorded document. The Fields have executed a Corrective Grant Deed that includes the second sheet of the legal description for the purpose of clarifying the true intentions of the property transaction.

RECOMMENDATION: That City Council accept the Corrective Grant Deed and authorize the City Clerk to record said document with the County Recorder's Office.

ATTACHMENT: Acquisition Map
Corrective Grant Deed

MKR Y:\Engineering\Council Items\Corrective Grant Deed Fields.wpd
CORRECTIVE GRANT DEED

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>F11</td>
<td>30</td>
<td>21</td>
<td>28</td>
<td>Morton Avenue</td>
</tr>
</tbody>
</table>

Robert L. Fields and Diane C. Fields, as Trustees of the "Robert L. Fields and Diane C. Fields Revocable Trust," under declaration of Trust dated January 22, 1992, GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property in the City of Porterville, County of Tulare, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR REFERENCE AS A CORRECTION TO A DEED RECORDED DECEMBER 19, 2000, AS DOCUMENT NO. 2000-0083040, OF OFFICIAL RECORDS OF SAID COUNTY.
Dated this 21st day of June, 2004

Robert L. Fields, Trustee

Diane C. Fields, Trustee

STATE OF CALIFORNIA

COUNTY OF

On this the 21st day of June 2004, before me, VICKIE SCHULZ, Notary Public, personally appeared ROBERT L. FIELDS.

Name(s) of Signer(s)

☑ personally known to me
☑ proved to me on the basis of satisfactory evidence

☑ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

VICKIE SCHULZ
Commission # 1431940
Notary Public - California
Tulare County

(Notary Public's signature in and for said County and State)
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Tulare ss.

On 6-22-04 before me,

personally appeared

VICKIE SCHULZ Notary Public

Name and Title of Officer (e.g., "Name of Notary Public")

Name(s) of Signer(s)

☑ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Corrective Grant Deed

Document Date: 6-22-04 Number of Pages: 4

Signer(s) Other Than Named Above: Robert L. Edwards

Capacity(ies) Claimed by Signer

Signer's Name:

☐ Individual
☐ Corporate Officer — Title(s): 
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: 

Signer Is Representing:

RIGHT THUMPRINT OF SIGNER

Top of thumb here
EXHIBIT “A”

Fields

That portion of Parcel 2 of Parcel Map No. 49, in the City of Porterville, County of Tulare, State of California, per map recorded in Book 1, page 49, of Parcel Maps, Tulare County Records, described as follows:

Beginning at the Northwest corner of said Parcel 2;

Thence, North 89°28'41" East, 5.26 feet along the North line of said Parcel 2;

Thence, South 45°56'55" East, 74.52 feet;

Thence, Southeasterly along a tangent 350.00 foot radius curve, concave to the Northeast, through a central angle of 19°23'43", an arc distance of 118.48 feet;

Thence, South 65°20'38" East, 50.02 feet to the Southwest corner of Parcel 1 of said Parcel Map No. 49;

Thence, continuing South 65°20'38" East, 84.77 feet;

Thence, Southeasterly along a tangent 450.00 foot radius curve, concave to the Northeast, through a central angle of 26°46'35", an arc distance of 210.30 feet;

Thence, North 87°52'47" East, 97.96 feet;

Thence, North 43°53'53" East, 30.63 feet;

Thence, North 0°00'00" East, 101.88 feet;

Thence, Northerly along a tangent 200.00 foot radius curve, concave to the West, through a central angle of 11°54'04", an arc distance of 41.54 feet to a point of reverse curve;

Thence, Northerly along a 670.0 foot radius curve, concave to the East, through a central angle of 4°29'39", an arc distance of 52.55 feet to a point in the North line of said Parcel 2;

Thence, North 89°28'41" East, 15.03 feet to the Northeast corner of said Parcel 2;

Thence, South 0°15'59" East, 617.65 feet to the Southeast corner of said Parcel 2;

Thence, South 89°22'51" West, 15.00 feet along the South line of said Parcel 2;

Thence, North 0°15'59" West, 44.38 feet;
Fields continued

Thence, Northerly along a tangent 100.00 foot radius curve, concave to the East, through a central angle of 13°13'00", an arc distance of 23.07 feet to a point of reverse curve;

Thence, Northerly along a 250.00 foot radius curve, concave to the West, through a central angle of 17°00'14", an arc distance of 74.19 feet;

Thence, North 04°03'12" West, 131.58 feet;

Thence, North 47°09'10" West, 25.75 feet;

Thence, South 86°11'15" West, 80.41 feet;

Thence, Westerly along a tangent 500 foot radius curve, concave to the North, through a central angle of 26°56'45", an arc distance of 235.15 feet to a point of compound curve;

Thence, Northwesterly along a 1,251.00 foot radius curve, concave to the Northeast, through a central angle of 13°51'25", an arc distance of 302.55 feet to a point in the West line of said Parcel 1;

Thence, North 0°17'42" West, 137.65 feet to the point of beginning.
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A CORRECTIVE GRANT DEED IN FEE FOR STREET AND UNDERGROUND
UTILITIES FROM ROBERT L. FIELDS AND DIANE C. FIELDS

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Corrective Grant Deed from Robert L. Fields and Diane C. Fields, as Trustees of the "Robert L. Fields and Diane C. Fields Revocable Trust," under declaration of Trust dated January 22, 1992, for real property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit "A" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville hereby authorizes the recording of said deed in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

ATTEST:

Pedro R. Martinez, Mayor

John Longley, City Clerk

By: Georgia Hawley, Deputy City Clerk
EXHIBIT “A”

Fields

That portion of Parcel 2 of Parcel Map No. 49, in the City of Porterville, County of Tulare, State of California, per map recorded in Book 1, page 49, of Parcel Maps, Tulare County Records, described as follows:

Beginning at the Northwest corner of said Parcel 2;

Thence, North 89°28'41" East, 5.26 feet along the North line of said Parcel 2;

Thence, South 45°56'55" East, 74.52 feet;

Thence, Southeasterly along a tangent 350.00 foot radius curve, concave to the Northeast, through a central angle of 19°23'43", an arc distance of 118.48 feet;

Thence, South 65°20'38" East, 50.02 feet to the Southwest corner of Parcel 1 of said Parcel Map No. 49;

Thence, continuing South 65°20'38" East, 84.77 feet;

Thence, Southeasterly along a tangent 450.00 foot radius curve, concave to the Northeast, through a central angle of 26°46'35", an arc distance of 210.30 feet;

Thence, North 87°52'47" East, 97.96 feet;

Thence, North 43°53'53" East, 30.63 feet;

Thence, North 0°00'00" East, 101.88 feet;

Thence, Northerly along a tangent 200.00 foot radius curve, concave to the West, through a central angle of 11°54'04", an arc distance of 41.54 feet to a point of reverse curve;

Thence, Northerly along a 670.0 foot radius curve, concave to the East, through a central angle of 4°29'39", an arc distance of 52.55 feet to a point in the North line of said Parcel 2;

Thence, North 89°28'41" East, 15.03 feet to the Northeast corner of said Parcel 2;

Thence, South 0°15'59" East, 617.65 feet to the Southeast corner of said Parcel 2;

Thence, South 89°22'51" West, 15.00 feet along the South line of said Parcel 2;

Thence, North 0°15'59" West, 44.38 feet;
Fields continued

Thence, Northerly along a tangent 100.00 foot radius curve, concave to the East, through a central angle of 13°13'00", an arc distance of 23.07 feet to a point of reverse curve;

Thence, Northerly along a 250.00 foot radius curve, concave to the West, through a central angle of 17°00'14", an arc distance of 74.19 feet;

Thence, North 04°03'12" West, 131.58 feet;

Thence, North 47°09'10" West, 25.75 feet;

Thence, South 86°11'15" West, 80.41 feet;

Thence, Westerly along a tangent 500 foot radius curve, concave to the North, through a central angle of 26°56'45", an arc distance of 235.15 feet to a point of compound curve;

Thence, Northwesterly along a 1,251.00 foot radius curve, concave to the Northeast, through a central angle of 13°51'25", an arc distance of 302.55 feet to a point in the West line of said Parcel 1;

Thence, North 0°17'42" West, 137.65 feet to the point of beginning.
COUNCIL AGENDA: August 17, 2004

SUBJECT: CORRECTIVE GRANT DEED - MIKE DIAZ SR. AND RAQUEL D. WILLIAMS

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 2, 2002, City Council authorized the recordation of a Grant Deed for the purchase of a small parcel of land from Mike Diaz Sr. and Raquel D. Williams. The property acquisition was a part of the Orange Avenue Street Reconstruction Project.

The property acquisition was for the purpose of constructing a disabled ramp at the northwest corner of Orange Avenue and Locust Avenue. Document No.2002-0067763 was recorded on September 6, 2002, in the County Recorder’s Office for the purpose of documenting the property transaction. The County Assessor’s Office recently discovered an error in the legal description (Exhibit “A”). Mr. Diaz and Mrs. Williams have executed a Corrective Grant Deed with a new legal description for the purpose of clarifying the true intentions of the property transaction.

RECOMMENDATION: That City Council accept the Corrective Grant Deed and authorize the City Clerk to record said document with the County Recorder’s Office.

ATTACHMENT: Acquisition Map
Corrective Grant Deed

MKR Y:\Engineering\Council Items\Corrective Grant Deed Diaz.wpd

Dir ___ Appropriated/Funded ___ CM ___ Item No. ___
CORRECTIVE GRANT DEED

MIKE DIAZ, SR., AN UNMARRIED MAN, AS TO AN UNDIVIDED ONE-HALF INTEREST AND RAQUEL D. WILLIAMS, A MARRIED WOMAN, AS TO AN UNDIVIDED ONE-HALF INTEREST, AS TENANTS IN COMMON

GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property in the City of Porterville, County of Tulare, State of California, described as:

EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR REFERENCE AS A CORRECTION TO A DEED RECORDED SEPTEMBER 6, 2002, AS DOCUMENT NO. 2002-0067763, OF OFFICIAL RECORDS OF SAID COUNTY.
Dated this 26th day of May, 2004

Mike Diaz, Sr.

Raquel D. Williams

STATE OF CALIFORNIA

COUNTY OF

On this 26th day of May 2004, before me, Vickie Schulz, Notary Public, personally appeared Mike Diaz, Sr. and Raquel D. Williams, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Vickie Schulz

(Notary Public's signature in and for said County and State)
EXHIBIT "A"

That portion of Lot 10 in Block 3 of Cornell Addition, in the City of Porterville, County of Tulare, State of California, according to the map thereof recorded in Book 8, page 40 of Maps, Tulare County Records, lying west of the road commonly known as "Road K", more particularly described as follows:

BEGINNING AT the intersection of the southwesterly line of the road commonly known as "Road K" and the south line of said Lot 10;

THENCE, Northwesterly along the southwesterly right of way line of the road commonly known as "Road K", 13.46 feet;

THENCE, Southwesterly to a point on the on the south line of said Lot 10, said point being 13.68 feet West of the Point of Beginning;

THENCE, Easterly along the south line of said Lot 10, 13.68 feet to the POINT OF BEGINNING.

CONTAINING 60.03 square feet, more or less.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 5/26/64
Exhibit "B"

Orange Avenue

APN 261-163-001

Proposed Acquisition

Locust Ave.

Detail

16.03 S.F.
13.64'

Attachment 1
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A CORRECTIVE GRANT DEED IN FEE FOR STREET AND UNDERGROUND
UTILITIES FROM MIKE DIAZ, SR. AND RAQUEL D. WILLIAMS.

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville
hereby accepts a Corrective Grant Deed from Mike Diaz, Sr. and Raquel D. Williams, for real
property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit "A" and Exhibit "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville hereby
authorizes the recording of said deed in the office of the Tulare County Recorder. The foregoing
has been accepted by the City Council for the City of Porterville.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

That portion of Lot 10 in Block 3 of Cornell Addition, in the City of Porterville, County of Tulare, State of California, according to the map thereof recorded in Book 8, page 40 of Maps, Tulare County Records, lying west of the road commonly known as "Road K", more particularly described as follows:

**BEGINNING AT** the intersection of the southwesterly line of the road commonly known as "Road K" and the south line of said Lot 10;

**THENCE**, Northwesterly along the southwesterly right of way line of the road commonly known as "Road K", 13.46 feet;

**THENCE**, Southwesterly to a point on the on the south line of said Lot 10, said point being 13.68 feet West of the Point of Beginning;

**THENCE**, Easterly along the south line of said Lot 10, 13.68 feet to the **POINT OF BEGINNING**.

**CONTAINING** 60.03 square feet, more or less.

**END OF DESCRIPTION**

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 5/26/04
SUBJECT: INTENT TO VACATE PUBLIC VEHICULAR ACCESS, STORM WATER RUNOFF AND TEMPORARY STORM WATER STORAGE RELATED TO MEADOW BREEZE, PHASE ONE (NICHOLSON & SMEE, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate vehicular access, storm water runoff and temporary storm water storage all of which are described in Document No. 2000-0037339, recorded June 14, 2000, in the Office of the Tulare County Recorder. These easements were necessary for the orderly development of Castle Woods, Phase Two Subdivision, which is north of and adjacent to Meadow Breeze, Phase One Subdivision. These easements are no longer needed due to the construction of the public improvements for Meadow Breeze, Phase One Subdivision, currently under construction. The City has authority to vacate these easements under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Abandonment of these easements do not affect other agencies or other utility companies. The need for additional public utility easements will be addressed during the processing of the Final Map for Meadow Breeze, Phase One Subdivision.

RECOMMENDATION: That City Council:

1. Pass a Resolution of Intent to Vacate Parcel B and Parcel C of Exhibit "A" of the Grant of Easement conveyed to the City of Porterville recorded June 14, 2000, as Document No. 2000-0037339 of Tulare County Official Records; and

2. Set the Council meeting of September 7, 2004, as the time and place for a public hearing.

ATTACHMENT: Resolution
Document No. 2000-0037339 w/ Locator Map
RESOLUTION NO. _______—2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC EASEMENTS DEDICATED AS A
PART OF CASTLE WOODS, PHASE TWO SUBDIVISION

SECTION 1: The Council of the City of Porterville, California, pursuant to Division 9,
Part 3, Section 8320, of Streets and Highways Code of the State of California, does hereby
resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and close to
public use that certain public vehicular access, storm water runoff and temporary storm water
storage easements located in the City of Porterville, County of Tulare, State of California, and
known generally as easements necessary for the orderly development Castle Woods, Phase Two
Subdivision generally located along Salisbury Street between Median Circle Drive and Pioneer
Avenue.

SECTION 2: A map or plan of said public easements intended to be vacated, abandoned
and closed to public use is on file in the office of the City Clerk of the City of Porterville,
reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation of
easements and rights of way for structures enumerated, if any, in Section 8340 of the California
Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 7th day of September, 2004, at
7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City
Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place
for hearing any objections to the vacation, abandonment and closing to public use of said
easements way.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Georgia Hawley, Deputy
Grant of Easement

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX IS $________

[] unincorporated area  [ ] City of

[ ] Parcel No.

[ ] computed on full value of interest or property conveyed, or
[ ] computed on full value less value of items or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WALL FAMILY PROPERTIES, a California General Partnership

hereby GRANTS to CITY OF PORTERVILLE, a Municipal Corporation

the following described real property in the City of Porterville

County of Tulare, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.

WALL FAMILY PROPERTIES, A
CALIFORNIA GENERAL PARTNERSHIP

Dated: May 25, 2000

STATE OF CALIFORNIA
COUNTY OF Tulare ) SS.

on May 25, 2000 before me,

DAWN McMasters
a Notary Public in and for said County and State, personally appeared
Jeffrey L. Wall, Esq. David Wall

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

WITNESS my hand and official seal.

Signature DAWN A. McMasters

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.
EXHIBIT "A"

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32", an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04", an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51", an arc distance of 70.85 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
RESOLUTION NO. 57-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED OF EASEMENT FROM WALL FAMILY PROPERTIES

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed of easement from Wall Family Properties, a California General Partnership, in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit “A” Attached Hereto and Made a Part Thereof.

BE IT FURTHER RESOLVED that said deed be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

Virginia R. Gurrola, 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 6th day of June, 2000.

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

AYES: COUNCILMEN: Irish, Wilson, Leavitt
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Woods, Gurrola
ABSTAIN: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
EXHIBIT “A”

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32", an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04", an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51", an arc distance of 70.85 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
SUBJECT: INTENT TO ABANDON AN ALLEY BOUNDED BY LOCUST AVENUE, PLANO STREET, DATE AVENUE AND HOWARD STREET - SET FOR PUBLIC HEARING (Felix & Comision Honorifica Mexicana Americana, Inc.)

SOURCE: PUBLIC WORKS DEPARTMENT - Engineering & Building Division

COMMENT: The City has received a request to vacate an unimproved alley bounded by Locust Avenue, Plano Street, Date Avenue and Howard Street. The alley was dedicated for public highways as a part of the Cornell Addition, recorded July 11, 1908. The City has authority to vacate the alley under Section 8320 & Section 8331, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Comision Honorifica Mexicana American, Inc. (Roberto DelaRosa, President) represents a majority proprietary interest to the property fronting the east half and all of the west half of the proposed abandonment and is a requesting party. Martin Arechiga Felix represents proprietary interest to a very small segment along the east half of the proposed alley abandonment and is also a requesting party. Staff believes that there are no problems with any other reversionary rights. The abandonment is necessary for the proposed orderly development of the property.

All fees have been paid, and after Council takes action, the utility companies will be notified of the intent to vacate the unimproved alley. An easement will be retained for utilities, if any, that may exist within the unimproved alley.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to abandon an alley bounded by Locust Avenue, Plano Street, Date Avenue and Howard Street; and

2. Set the Council meeting of September 21, 2004, as the time and place for the Public Hearing.

ATTACHMENT: Resolution Locator Map

Item No. 13
RESOLUTION NO. __________-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
AN UNIMPROVED ALLEY BOUNDED BY LOCUST AVENUE, PLANO STREET, DATE
AVENUE AND HOWARD STREET

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and
close to public use that certain public right of way located in the City of Porterville,
County of Tulare, State of California, and known generally as an unimproved alley
bounded by Locust Avenue, Plano Street, Date Avenue and Howard Street.

SECTION 2: A map or plan of said public rights of way intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated in Section 8330 of the
California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of
way to public use, reserves and excepts from the vacation the permanent easement
and right at any time, or from time to time to construct, maintain, operate, replace,
remove and renew sanitary sewers, water lines, and storm drains and appurtenant
structures in, upon, over, and across said street or part thereof proposed to be vacated
and pursuant to any existing franchises or renewals thereof, or otherwise, to construct,
maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables,
wires, poles and other convenient structures, equipment and fixtures for the operation
of gas pipe lines, telegraph and telephone lines, railroad lines, and from the
transportation or distribution of electric energy, petroleum and its products, ammonia,
water and incidental purposes, including the access and the right to keep the property
free from flammable materials and wood growth, and otherwise protect the same from all hazards in, upon and over the street or part thereof herein proposed to be vacated.

SECTION 5: Notice is further given that on Tuesday, the 21\textsuperscript{th} day of September, 2004, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers at City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

\underline{Pedro R. Martinez, Mayor}

ATTEST:

John Longley, City Clerk

\underline{By: Georgia Hawley, Deputy}
SUBJECT: REQUEST TO APPLY FOR FEDERAL LOCAL LAW ENFORCEMENT BLOCK (LLEBG) GRANT FUNDS

SOURCE: Police Department

COMMENT: The Police Department has received notification that our jurisdiction is eligible to apply to the Bureau of Justice Assistance for a grant award of $13,833. The grant requires the City to provide matching funds in the amount of $1,537.

The Federal Block Grants Program is intended to provide local jurisdictions with opportunities to reduce crime and improve public safety. Police agencies have discretion to use the grant funds for a wide array of activities, from increasing personnel and equipment resources for law enforcement, to developing and supporting programs to enhance effective criminal justice processes.

Upon full awarding of the grant, the LLEBG requires the City to establish an Advisory Board to consider use of funds and make non-binding recommendations on the use of Block Grant funds. In 2003 the Council approved the following members of the advisory committee:

Eric Kroutil, Police Lieutenant, Chairperson
Anne Konda, Chair, Chamber of Commerce Crime Prevention Committee
Robert Dempse, Tulare County District Attorney's Office
Fernando Carrerra, Assistant Principal, Monache High School
Karen Pintek, Tulare County Superior Court, Porterville Division

Upon confirmation of the Advisory Board, a meeting will be scheduled. The Advisory Board’s recommendation will be presented at the required public hearing. This hearing will tentatively be scheduled for the September 7, 2004, City Council meeting. The Department will use funds from its budget for the matching fund obligation.

RECOMMENDATION: That City Council:
1) Authorize the filing of the grant application;
2) Authorize the Mayor to sign all necessary documents pertaining to the grant;
3) Confirm the appointment of the Advisory Board as recommended above; and
SUBJECT: ORANGE AVENUE RECONSTRUCTION PROJECT
STATUS REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 6, 2004, Council awarded the Orange Avenue Reconstruction
Project to Halopoff & Sons, Inc. in the amount of $1,595,282.28. This
project consists of the removal of existing concrete improvements, street
reconstruction, installation of concrete improvements, signalization,
landscaping, irrigation, and related work.

Construction was set to begin on August 9, 2004, and continue through
the end of the calendar year. There were several coordination
meetings with Porterville Unified School District (P.U.S.D.) regarding
access to Santa Fe School during construction. Once the construction
date was communicated to P.U.S.D., there were immediate concerns
on their part about beginning a construction project in conjunction with
the opening of a new school. P.U.S.D. requested the City contact the
contractor and request a construction start date after Labor Day. The
request was made in order to educate their staff, students, and parents
on the proper routes to access the school. Staff followed through on
this request, and the contractor, Halopoff & Sons, Inc., agreed to a
September 13, 2004, construction start date.

The delay in beginning construction will move the completion date from
the end of the calendar year to the end of January, barring any delays
associated with construction and weather.

ATTACHMENT: Locator Map
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT  
DOWNTOWN PORTERVILLE ASSOCIATION  
MAIN STREET CAR SHOW - OCTOBER 23, 2004

SOURCE: Administrative Services Department, Finance Division

COMMENT: Downtown Porterville Association is requesting approval to hold a car show on Main Street on Saturday, October 23, 2004, from 5:00 a.m. to 6:00 p.m. The following is the list of requested street and parking lot closures:

STREETS:
Main Street from Olive Avenue to Thurman 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; and
Putnam Avenue from Division Street to the alley east of Main Street.

PARKING LOT:
J.C. Penney/Allen's Boot and Saddle

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A," and a map indicating the desired closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in Application, Agreement and Exhibit "A."

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit "A," vendor list, closure requests and map

DD ______ Appropriated/Funded ______ CM ______ Item No. ______
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: **Main Streat Car Show**

Sponsoring organization: **DPA**

Event date: **10-23-04**  Hours: **5 Am to 6 pm**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<td>Main St</td>
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<td>Olive</td>
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<td>Garden</td>
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<td>Putnam</td>
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<td>Cleveland Alley</td>
<td>Car Show</td>
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<td>Sidewalks</td>
<td>From</td>
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<td>Activity</td>
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<tr>
<td>Parking lots and spaces</td>
<td>From</td>
<td>Location</td>
<td>Activity</td>
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<td></td>
<td>Between Main and Division</td>
<td>Old Penney's Pig Lot</td>
<td>Car Show</td>
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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: **Main Street Car Show**

Sponsoring organization: **DPA**

Location: **Main Street**  Event date: **10-23-09**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
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<th>Type of Activity</th>
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CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

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

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind of 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 the 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.

[Signatures and Date]
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: 7-26-04  Event date: 7-23-2004

Name of Event: Main Street Car Show

Sponsoring organization: Downtown Porterville Assoc (Inc)
Address: 100 N Main St, Ste A

Authorized representative: Michelle Hooper
Address: SA

Event chairperson: Pam Hughes

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

Type of event/method of operation: Car Show

Nonprofit status determination: Yes

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

Barricades (quantity): 40  Street sweeping  Yes  No
Police protection  Yes  No  Refuse pickup  Yes  No
Other: 

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

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

Approve  Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Risk Manager
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Downtown Porterville Association
Event: Main Street Car Show
Event Chairman: Pam Hughes (559) 784-6451
Location: Car show:
          Main Street, Cleveland Avenue to Olive
          Selected side streets
Date of Event: October 23, 2004
Time of Event: 5:00 a.m. to 6:00 p.m.

RISK MANAGEMENT: Conditions of Approval

1. That the Downtown Porterville Association 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 that A:VII, and the insurance company must be an "admitted" insurer in the State of California.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
DOWNTOWN PORTERVILLE ASSOCIATION
MAIN STREET CAR SHOW
OCTOBER 23, 2004

Business License Supervisor:
   K. Maxwell


Public Works Director:
   B. Rodriguez

Applicant to pick-up/return barricades at Corp. Yard.

Community Development Director:
   B. Dunlap

Obtain City Council authorization to use City right-of-way.

Field Services Manager:
   B. Styles

Obtain and return barricades at 555 N. Prospect.

Fire Chief:
   F. Guyton

Do not block hydrants or center 20' of roadway.

Parks and Leisure Services Director:
   M. Stowe, Acting

Please try to keep out of the planters.

Police Chief:
   S. Rodriguez

Council approval required for street closure; use adequate barricades; pre-post “No Parking” signs - 24 hrs.; obtain amplifier permit as necessary.

Risk Manager:
   D. Pyle

See Page 2
**SUBJECT:** AWARD OF CONTRACT - TULE RIVER PARKWAY, PHASE II  

**SOURCE:** Public Works Department - Engineering Division  

**COMMENT:** On August 16, 2004, staff received five (5) bids for the construction of the Tule River Parkway, Phase II Project along the south bank of the Tule River between Jaye Street and Main Street. Initially, Staff provided a $226,000 estimate of probable cost for the “base” project. This estimate was included in the authorization to advertise for bids. Staff estimated this figure based on constructing 3,800 lineal feet of asphalt parkway. The project actually consists of 2,800 lineal feet of asphalt parkway. The estimated probable cost for the base project, as adjusted, is $215,000. The estimated probable cost including the “add alternate” is $223,000.

Halopoff & Sons, a local firm, submitted the low “base bid” at $187,000 that is 15% below the engineer’s estimate. The base and add Alternate bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Bid</th>
<th>Base plus Alternate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$186,988.05</td>
<td>$194,143.05</td>
</tr>
<tr>
<td>2. American Paving Co. Fresno, CA</td>
<td>$199,203.50</td>
<td>$206,309.80</td>
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<tr>
<td>3. Lee’s Paving Visalia, CA</td>
<td>$216,169.50</td>
<td>$222,476.50</td>
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<tr>
<td>4. Dawson-Mauldin Const Huntington Beach, CA</td>
<td>$218,382.00</td>
<td>$226,332.00</td>
</tr>
<tr>
<td>5. Hobbs Construction Fresno, CA</td>
<td>$223,999.00</td>
<td>$230,350.00</td>
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Funding from the General Fund for this project was approved at the April 6 and June 15, 2004 Council meetings. The City will use Environmental Enhancement & Mitigation (EEM) Grant funds to reimburse the General Fund. However, the specific amount of monies available to the City through the EEM grant is unclear. The grant application, completed about 3 years ago, listed approximately $2 million dollars worth of projects used by the State to rate and qualify the City for the EEM grant.
The qualifying projects constructed to date constitute the basis for a maximum 12% ($220,000) reimbursement by the State. Staff requests postponing the Award of Contract until the September 7, 2004 Council Meeting to review the qualifying projects, their associated costs and their period of construction. The final recommendation will be considered during the September 7, 2004 Council Meeting.

RECOMMENDATION: That the City Council postpone the award of contract for the Tule River Parkway, Phase II Project until September 7, 2004, to allow staff to determine the amount of grant funds available to the City for construction of the project.

ATTACHMENT: Locator Map
PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT 1-2003

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On April 15, 2003, the City Council directed staff to prepare a General Zoning Ordinance Amendment which would specifically identify “Call Centers” as an allowed use in specified zones. The amended Zoning Ordinance would provide the Staff with clearer direction in responding to potential new businesses that are seeking a location to establish a Call Center. Specifically, Staff was requested to recommend a formal determination of those land use zones which would best facilitate the development of a Call Center.

Article 33, Section 3302, Definitions and Construction, currently does not provide a definition of a Call Center. In such circumstances, City Staff determines the “closest fit”. The proposed amendment provides a definition for Call Centers which will aid in implementation of the code as follows:

“Call Center”

Building or portion of a building whose primary function is telecommunications including, but not limited to; direct sales, customer support, order processing, customer service, surveys, research, credit management, help desk, reservations, billing and accounting, sales and telemarketing. These services are either provided internally by the company for its own use or provided externally by an outsourcing agency which provide these services for several companies. Telecommunications operations which are clearly accessory to another use on the same site, shall not be considered to be “Call Centers.”

As proposed, call centers would be allowed with a Conditional Use Permit in the Professional Office (PO), Central Commercial (C-2), Heavy Commercial (C-3), and Light Manufacturing (M-1) zone.

As parking demands for Call Centers vary widely by size and design, staff recommends that parking requirements be determined on a case by case basis. Article 22, Section 2202 (Off Street Parking) will be amended to show parking spaces required for call centers as “to be determined by City Council.”

RECOMMENDATION: Adopt the Zoning Ordinance Amendment No. 01-2003

ATTACHMENT: Draft Ordinance

D.D. _____ Appropriated/Funded _____ C.M. _____ ITEM NO. 18
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE AMENDING THE ZONING ORDINANCE
TO DEFINE “CALL CENTERS”
AND IDENTIFY APPROPRIATE LOCATIONS AND
TO SET PARKING REQUIREMENTS

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of August 17, 2004, conducted a public hearing to consider General Amendment of the Zoning Ordinance 1-2003, amending Article 33, Section 3302 of the Porterville Zoning Ordinance pertaining to Definitions and Construction to add the term “Call Center“ and amending Sections 601, 801, and 1101 to add “Call Centers” as an allowed use in specific zones with a Conditional Use Permit, and amending Article 22 to set parking standards for Call Centers.

WHEREAS, the General Amendment of the Zoning Ordinance will amend the Definitions Section with the addition of the term of Call Centers to provide a consistent terminology of the type of business activity, and will identify specific zones in which Call Centers should be located, establish the means of approving Call Centers, and set appropriate development standards.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Porterville does hereby amend Article 33, Section 3302 and Article 6, 8, 11 and 22 Sections 601, 801, 1101 and 2205 as follows:

SECTION 1: Article 33 is hereby amended as follows:

Section 3302: Definitions and Construction

A. The following definitions shall be used to clarify terms and words used within the context of this Ordinance:

(17) Call Center

Building or portion of a building whose primary function is telecommunications including, but not limited to; direct sales, customer support, order processing, customer service, surveys, research, credit management, help desk, reservations, billing and accounting, sales and telemarketing. These services are either provided internally by the company for its own use or provided externally by an outsourcing agency which provide these services for several companies. Telecommunications operations which are clearly accessory to another use on the same site, shall not be considered to be “Call Centers.”

Numbers (17) through (94) are hereby renumbered (18) through (95).
SECTION 2: Article 6 is hereby amended as follows:

Section 601: Uses

A. In a P-0 Zone, the following uses only are permitted:

   (4) Call Centers, subject to obtaining approval of a Conditional Use Permit.

Numbers (4) through (8) are hereby renumbered as (5) through (9).

SECTION 3: Article 8 is hereby amended as follows:

Section 801: Uses

A. In a C-2 Zone the following uses only are permitted. Any such use involving an off-sale license for alcoholic beverages shall be subject to the provisions of Section 2100 C and D of this Ordinance.

   (10) Call Centers, subject to obtaining approval of a Conditional Use Permit.

Numbers (10) through (43) are hereby renumbered as (11) through (44).

SECTION 4: Article 11 is hereby amended as follows:

Section 1101: Uses - M-1 Zone

In an M-1 Zone, the following uses only are permitted:

   (11) Call Centers, subject to obtaining approval of a Conditional Use Permit.

Numbers (11) through (41) are hereby renumbered as (12) through (42).

SECTION 5: ARTICLE 22 is hereby amended as follows:

Section 2202: Number of spaces required

A. The number of off-street parking spaces required for different uses shall be not less than as follows:

   (22) Call Centers. To be determined by City Council.
SECTION 6: This ordinance shall be in full force and effect thirty days from and after its publication and passage.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
  Georgia Hawley, Deputy
PUBLIC HEARING

TITLE:  CONDITIONAL USE PERMIT 8-2004 AND “D” OVERLAY SITE REVIEW 2-2004 (Don Forrester)

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT:  The applicant is requesting approval of a Conditional Use Permit and a “D” Overlay Site Review to allow the development of a 6,000 ± square foot professional office building to be located on the southeast corner of Morton Avenue and Porter Road. The subject site is within the C-3(D) (Heavy Commercial - Design Review Overlay) Zone.

Section 901 A-1 of the Zoning Ordinance states the following:

“Any use permitted in the C-2 (Central Commercial) Zone may be permitted within the C-3 (Heavy Commercial) Zone except that office, business, or professional greater than 5,000 square feet in size per lot or integrated commercial development shall be subject to approval of a Conditional Use Permit”.

The proposed building will be located immediately on the southeast corner of Morton Avenue and Porter Road. The proposed parking area will be located to the south and east of the proposed building. The building is square shaped. A trellis covered paseo with a stamped concrete design will divide the northeast portion of the building (3,000± square feet) with the southwest portion of the building (3,000± square feet). The result is an interior triangle shape for both portions of the building. At the center of the separation of the paseo, a courtyard will be constructed. The entrance to the northeast portion of the building will be from the courtyard, via the paseo. The northeast portion of the building (proposed real estate office) will consist of eleven (11) enclosed offices, an open office area, conference room and reception desk.

The southwest portion of the building will be utilized for future tenant space. Construction in this area would require a building permit for the interior remodel and does not require the project to be resubmitted to City Council.

The developer/applicant is requesting a waiver of the requirement to install a loading zone pursuant to Section 2400 of the Zoning Ordinance.
ENIRONMENTAL: The project as proposed is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-fill Development Projects). 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.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of approval for Conditional Use Permit 8-2004.

2. Adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2004.

ATTACHMENTS:

1. Complete Staff Report.
PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 8-2004 AND DESIGN OVERLAY SITE REVIEW 2-2004

APPLICANT: Don Forrester
101 W. Morton Avenue
Porterville, CA 93257

REPRESENTATIVE: Mr. Chris Sanders
P.O. Box 1991
Porterville, CA 93258

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow the development of a 6,000± square foot professional office building to be located on the southeast corner of Morton Avenue and Porter Road. The subject site is within the C-3(D) (Heavy Commercial - Design Review Overlay) Zone.

Section 901 A-1 of the Zoning Ordinance states the following:

“Any use permitted in the C-2 (Central Commercial) Zone may be permitted within the C-3 (Heavy Commercial) Zone except that office, business, or professional greater than 5,000 square feet in size per lot or integrated commercial development shall be subject to approval of a Conditional Use Permit”.

In conjunction with Conditional Use Permit 8-2004, the applicant is requesting approval of “D” Overlay Site Review 2-2004 to allow the development of a 6,000± square foot professional office building.

PROJECT DETAILS: The proposed building will be located immediately on the southeast corner of Morton Avenue and Porter Road. The parking area is to the south and east of the proposed building. The building is square shaped. A trellis covered paseo with a stamped concrete design will divide the northeast portion of the building (3,000± square feet) with the southwest portion of the building (3,000± square feet). The result is an interior triangle shape for both portions of the building. At the center of the separation of the paseo, a courtyard will be constructed. The entrance to the northeast portion of the building will be from the courtyard. The northeast portion of the building (proposed real estate office) will consist of eleven (11) enclosed offices, an open office area, conference room and reception desk.

The southwest portion of the building will be utilized for future tenant space. Construction in this area would require a building permit for the interior remodel and does not require the project to be resubmitted to City Council.
A driveway approach located on the northeast portion of the site (Morton Avenue) and a driveway approach located on the southwest portion of the site (Porter Road) allows ingress/egress to the parking lot which has twenty-four (24) parking spaces.

The basic color of the building will be earth tone over stucco. The vertical columns on the various portions of the building and under portions of the windows will be constructed of Ledge Stone. The windows will be constructed of a reflective gold solar bronze in color.

The developer/applicant is requesting a waiver of the requirement to install a loading zone pursuant to Section 2400 of the Zoning Ordinance.

GENERAL PLAN AND ZONING: The General Plan designates the site as Heavy Commercial. The site is zoned C-3(D) (Heavy Commercial - Design Review Overlay) Zone.

SURROUNDING ZONING AND LAND USE:

North: City - Morton Avenue and the Paul Bunyan Lodge
South: City - Commercial Mini-Mall
East: City - Motel 6
West: City - Porter Road and State Highway 65

STAFF ANALYSIS:

The proposed design of the site will restrict future uses of the building to non-medical, professional office uses.

Section 2202 A-1 (On site parking) of the Zoning Ordinance states the following:

1. Business and Professional Offices. One (1) for each two hundred (200) square feet of gross floor are for medical-dental offices (healing arts), banks, saving and loans, credit unions, and other similar financial institutions (medical/dental offices shall have a minimum of five (5) spaces). Other business and professional offices shall have one (1) parking space per three hundred (300) square feet of gross floor area with a minimum of three spaces.

17. Retail stores and personal service establishments not otherwise provided herein. One (1) for each two hundred (200) square feet of gross floor area.
As mentioned previously, twenty four (24) parking spaces are proposed. A real estate office is intended to occupy 3,000± square feet of the 6,000± square foot building. Based on the ratio for parking for the intended use, one (1) parking space for every 300 square feet (ten parking spaces) will be required. The remaining fourteen (14) parking spaces be allocated to the unoccupied 3,000± square feet of the office building.

Use of either half of the building for medical or dental offices or banking would require a minimum of fifteen (15) parking spaces. The use of the building for retail commercial uses would also require a 400 square foot loading zone which has not been provided.

The Porterville Redevelopment Agency Strategic Plan encourages the expansion of professional office uses in the downtown commercial area. Since the adoption of the Strategic Plan, several downtown office developments have been built. The Downtown Porterville Association has been given the opportunity to review the project and has not objected to the proposal. The area surrounding the subject site has not developed with a unified architectural theme. The building as proposed appears to be an attractive addition to the streetscape.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would not allow the applicants to construct the professional office at its proposed 6,000± square feet.

2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the professional office at its proposed 6,000± square feet once “D” Overlay Site Review 2-2004 is approved.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. 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.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: February 18, 2004

DATE ACCEPTED AS COMPLETE: June 18, 2004

ATTACHMENTS:

1. Land Use/Zoning/General Plan Map
2. Application for Conditional Use Permit 8-2004
3. Notice of Exemption
4. Draft Resolution containing findings and conditions in support of Conditional Use Permit 8-2004
5. Draft Resolution containing findings and conditions in support of “D” Overlay Site Review 2-2004 (Site plan, interior layout and elevations - Exhibit “A”)
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) Mr. Don Forrester is/are the owner(s) or tenant(s) of property situated at 530 QP. Morton & Porter between Morton Avenue and Clay Avenue Street/Avenue and

Street/Avenue. Exact legal description of said property being (Use separate sheet if necessary)

__________________________________________________________________________________________

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by Don Forrester

Date acquired 1970

(B) If applicant is the lessee, give date property was leased:


(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or, with the property).
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH C.O.P. ZONING REQ. AND IS OF SIMILAR NATURE TO ADJACENT DEVELOPMENT.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

(a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

(20)

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

(20)

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

(20)

(d) Maximum height of buildings or structures.

20' - 11"

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
) ss.)
COUNTY OF TULARE )

I (WE), __________________________________________________________ being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at __________________________ this _____ day of ____________, 19________________

Telephone No. __________________________

____________________________
Signature

____________________________
Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ______________________________

Date Received _____________________________
1. The Conditional Use Application form must be filled out with full answers to every statement and question. The application must be signed by owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be a clear tracing to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved with the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or if vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner's name on Property Owners' List (as explained below).

3. The Property Owners' List should be typewritten or legibly printed on a form to be obtained from the City (or directly on sheets of mailing labels), and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid Map (Names of owners must be secured from County Assessor's Office at County Courthouse or from any title company). (One copy).

4. The Plot Plan, if applicable, must be a clear and accurate tracing of suitable size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel lines clearly shown. Drawings of proposed buildings on a scale large enough to illustrate the subjects under discussion are suggested as exhibits with this application. Photographs of structures are also helpful (8 copies initially with additional copies to be submitted prior to public hearing).

When above requirements are met, file Application, Plot Plan, if applicable, and Property Owners' List with the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions and demands answered, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Don Forrester
101 W. Morton Avenue
Porterville, CA 93257

Conditional Use Permit 8-2004 and “D” Overlay Site Review 2-2004

Project Title
Southeast corner of Morton Avenue and Porter Road.

Project Location (Specific)
City of Porterville
Project Location (City)
Tulare
Project Location (County)

A Conditional Use Permit to allow for the construction of a 6,000+ square foot office building.

Description of Nature, Purpose, and Beneficiaries of Project
City of Porterville
Name of Public Agency Approving Project
Don Forrester, 101 W. Morton Avenue, Porterville, Ca. 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a))
Emergency Project (Section 15071 (b) and (c))
X Categorical Exemption. State type and section number: 15332 Class 32

In-fill Development Projects.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:
1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the projected? Yes:______ No:______

Date Received for filing: __________
Signature
Community Development Director
Title

ATTACHMENT
ITEM NO. 3
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 8-2004 TO ALLOW THE CONSTRUCTION OF A 6,000± SQUARE FOOT PROFESSIONAL OFFICE BUILDING TO BE LOCATED ON THE SOUTHEAST CORNER OF MORTON AVENUE AND PORTER ROAD IN THE C-3 (D) (HEAVY COMMERCIAL - "D" OVERLAY SITE REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 17, 2004, conducted a public hearing to consider Conditional Use Permit 8-2004, being a request to allow the construction of a 6,000± square foot professional office building to be located on the southeast corner of Morton Avenue and Porter Road in the C-3 (D) (Heavy Commercial "D" Overlay Site Review) Zone; and

WHEREAS: Section 901 A-1 of the Zoning Ordinance states the following:

"Any use permitted in the C-2 (Central Commercial) Zone may be permitted within the C-3 (Heavy Commercial) Zone except that office, business, or professional greater than 5,000 square feet in size per lot or integrated commercial development shall be subject to approval of a Conditional Use Permit"; and

WHEREAS: In conjunction with Conditional Use Permit 8-2004, the applicant is requesting approval of "D" Overlay Site Review 2-2004 to allow the development of a 6,000± square foot professional office building.

WHEREAS: Section 2202 A-1 (On site parking) of the Zoning Ordinance states the following:

1. Business and Professional Offices. One (1) for each two hundred (200) square feet of gross floor area for medical-dental offices (healing arts), banks, saving and loans, credit unions, and other similar financial institutions (medical/dental offices shall have a minimum of five (5) spaces). Other business and professional offices shall have one (1) parking space per three hundred (300) square feet of gross floor area with a minimum of three spaces.

WHEREAS: Section 2202 A-17 (On site parking) of the Zoning Ordinance states the following:

17. Retail stores and personal service establishments not otherwise provided herein. One (1) for each two hundred (200) square feet of gross floor area.
WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

2. That the proposed project is consistent with the General Plan.

   The General Plan designates the subject site for Heavy Commercial uses. The existing C-3 (D) zoning and proposed use is consistent with the General Plan.

3. That the design and operation of the proposed project are consistent with the existing Zoning.

   Pursuant to Section 901 A-1 of the Zoning Ordinance, professional office buildings greater that 5000 square feet or integrated commercial development require approval of a conditional use permit. Additionally, the C-3 (D) (Heavy Commercial “D” Overlay Site Review) Zone allows for professional office type uses.

4. The proposed design provides sufficient parking for professional office uses other than medical-dental (healing arts), banks, savings and loans, credit unions and other similar financial institutions. The proposed parking is not sufficient for retail stores and personal service establishments.

5. That the proposed use is not likely to cause substantial environmental damage.

   The subject site is flat. City staff conducted an on-site inspection. The subject site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-2004 subject to the following conditions:

1. The use of the building shall be restricted to professional office uses other than medical-dental offices (healing arts), banks, savings and loans, credit unions and other similar financial institutions.
2. A minimum of one tree for every thirty-five (35) linear feet of street frontage along the northerly and westerly property lines will be required. Automatic irrigation systems for all landscaping will be required. Tree wells within the ten foot wide sidewalk may be used with prior approval of the design and tree selections by the City Engineer and Parks and Leisure Services Director.

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


5. 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.

6. 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.

7. The developer/applicant shall construct and/or repair street (half street if necessary to match existing grades), 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).

8. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

9. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s).

10. 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).

11. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer or pay fee in lieu of. Do not use wood poles without prior written approval of the City Engineer.
12. 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.).

13. 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.

14. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit the following:

   a. 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 monitors facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

15. 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.

16. The developer/applicant shall install a refuse container enclosure according to City standards. 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. Locate the enclosure to an area within the parking lot that will not obstruct the driveway during trash pickup.

17. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

18. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

19. 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.
20. Comply with latest applicable codes.

21. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

22. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

23. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

24. Fire hydrants spacing shall be as follows: In Commercial development, one hydrant shall be installed at every 300 feet intervals.

25. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

26. The construction of the courtyard will comply with the requirements of the 2001 California Building Code.

27. The subject site will be required to develop as shown on the site plan, building layout, elevation plans and landscaping plans as shown on Exhibit "A" attached to the City Council resolution approving "D" Overlay Site Review 2-2004.


______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Deputy
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 2-2004 TO ALLOW THE DEVELOPMENT OF A 6,000± SQUARE FOOT PROFESSIONAL OFFICE TO BE LOCATED ON THE SOUTHEAST CORNER OF MORTON AVENUE AND PORTER ROAD IN THE C-3 (D) (HEAVY COMMERCIAL - DESIGN REVIEW OVERLAY) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 17, 2004, reviewed the site plans for a proposed development of a 6,000± square foot professional office building to be located on the southeast corner of Morton Avenue and Porter Road within the C-3(D) (Heavy Commercial - Design Review Overlay) Zone.

WHEREAS: Section 901 A-1 of the Zoning Ordinance states the following:

"Any use permitted in the C-2 (Central Commercial) Zone may be permitted within the C-3 (Heavy Commercial) Zone except that office, business, or professional greater than 5,000 square feet in size per lot or integrated commercial development shall be subject to approval of a Conditional Use Permit”.

WHEREAS: In conjunction with “D” Overlay Site Review 2-2004, Conditional Use Permit 8-2004 would allow for the development of the 6,000± square foot office building to be located at the southeast corner of Morton Avenue and Porter Road within the C-3(D) (Heavy Commercial - Design Review Overlay) Zone.

WHEREAS: Section 2202 A-1 (On site parking) of the Zoning Ordinance states the following:

1. Business and Professional Offices. One (1) for each two hundred (200) square feet of gross floor area for medical-dental offices (healing arts), banks, saving and loans, credit unions, and other similar financial institutions (medical/dental offices shall have a minimum of five (5) spaces). Other business and professional offices shall have one (1) parking space per three hundred (300) square feet of gross floor area with a minimum of three spaces.
WHEREAS: Section 2202 A-17 (On site parking) of the Zoning Ordinance states the following:

17. Retail stores and personal service establishments not otherwise provided herein. One (1) for each two hundred (200) square feet of gross floor area.

WHEREAS: Pursuant to Article 18 (Supplemental “D” - Design Review Overlay) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the General Plan indicates the site is located within an area designated for Heavy Commercial uses.

2. The proposed design provides sufficient parking for professional office uses other than medical-dental (healing arts), banks, savings and loans, credit unions and other similar financial institutions. The proposed parking is not sufficient for retail stores and personal service establishments.

3. That the proposed professional office is a compatible use in the C-3(D) Zone.

4. That the design and architectural features of the subject project are compatible with that of proximately situated developments. The area surrounding the subject site has not developed with a unified architectural theme. The building as proposed includes appropriate architectural features and will be an attractive addition to the streetscape.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 2-2004 under the Supplemental “D” Overlay Zone regulations subject to the following conditions:

1. The use of the building shall be restricted to professional office uses other than medical-dental offices (healing arts), banks, savings and loans, credit unions and other similar financial institutions.

2. A minimum of one tree for every thirty-five (35) linear feet of street frontage along the northerly and westerly property lines will be required. Automatic irrigation systems for all landscaping will be required. Tree wells within the ten foot wide sidewalk may be used with prior approval of the design and tree selections by the City Engineer and Parks and Leisure Services Director.

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

4. 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
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.

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.

The developer/applicant shall construct and/or repair street (half street if necessary to match existing grades), 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).

The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s).

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).

The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer or pay fee in lieu of. Do not use wood poles without prior written approval of the City Engineer.

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.).

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.
14. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit the following:

a. 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 monitors facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

15. 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.

16. The developer/applicant shall install a refuse container enclosure according to City standards. 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. Locate the enclosure to an area within the parking lot that will not obstruct the driveway during trash pickup.

17. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

18. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

19. 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.

20. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

21. Comply with latest applicable codes.

22. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.
23. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

24. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

25. Fire hydrants spacing shall be as follows: In Commercial development, one hydrant shall be installed at every 300 feet intervals.

26. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

27. The construction of the courtyard will comply with the requirements of the requirements of the 2001 California Building Code.

28. The subject site will be required to develop as shown on the site plan, building layout, elevation plans and landscaping plans as shown on Exhibit "A" attached to the City Council resolution approving "D" Overlay Site Review 2-2004.

29. The developer/applicant shall comply with all provisions of the Porterville Municipal Code.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
    Georgia Hawley, Deputy
PUBLIC HEARING - STAFF REPORT

SUBJECT: BEVERLY GLENN TENTATIVE SUBDIVISION MAP (MOHAMMAD DAVARIFAR)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Beverly Glenn Tentative Subdivision Map to divide a vacant 4.68± acre parcel zoned City R-1 (One-Family Zone) into nineteen (19) single family residential lots to be developed in one (1) phase. The tentative map was previously approved by City Council on August 6, 1991 and expired on August 6, 2001. The subject site is located north of River Avenue between Lotas and Beverly Streets.

On June 23, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period. At the end of that period, the San Joaquin Valley Air Pollution Control District was the only agency that responded. Their comments have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Beverly Glenn Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Beverly Glenn Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM_____ 

ITEM NO. 20
PUBLIC HEARING - STAFF REPORT

TITLE: BEVERLY GLENN TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Mohammad Davarifar
3727 Park Mountain Drive
Bakersfield, CA 93308

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: The subject site is located north of River Avenue between Lotas and Beverly Streets.

SPECIFIC REQUEST: The applicant is requesting approval for Beverly Glenn Tentative Subdivision Map.

PROJECT DETAILS: Beverly Glenn Tentative Subdivision Map proposes to divide (in one phase) a vacant 4.68± acre parcel zoned City R-1 (One-Family Zone) into nineteen (19) single family residential lots.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: City R-1 Developed single family residential subdivision.

South: City PD(R) Developed single family residential subdivision.

East: City PD(R) Developed single family residential subdivision.

West: City PD(R) Developed single family residential subdivision.
SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comment dated June 2, 2004 was mailed to the following public/private agencies for a 20 day review period:

San Joaquin Unified Air Pollution        July 21, 2004
Resources Management Agency- Long Range Planning No response
Resources Management Agency- Engineering/Flood/Traffic Division No response
Tulare County Health and Human Services Agency No response
Department of Fish and Game No response
California Regional Water Quality Control Board No response
Tulare County Association of Government No response
District Archaeologist No response
Charter Communications No response
Southern CA Edison No response
Postmaster No response
Pacific Bell No response
Southern CA Gas No response
Porterville Unified School District No response

The Subdivision Review Committee, on July 28, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the 4.68± acre site with a single family residential subdivision (in one phase) is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.
ENVIRONMENTAL: The Environmental Review Committee, on June 23, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: July 28, 2004

DATE ACCEPTED AS COMPLETE: July 28, 2004

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Beverly Glenn Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Beverly Glenn Tentative Subdivision Map.

ATTACHMENTS:

1. Beverly Glenn Tentative Subdivision Map
2. Negative Declaration
3. Draft Environmental Resolution
4. Draft Resolution of Approval
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

APPLICANTS: Mohammad Davarifar
3727 Park Mountain Drive
Bakersfield, CA 93308

PROJECT TITLE: Beverly Glenn Tentative Subdivision Map

ADDRESS/LOCATION: North of River Avenue between Lotus and Beverly Streets.

PROJECT APPLICANT: Mohammad Davarifar

PROJECT DESCRIPTION: Tentative Subdivision Map to a 4.68 ± acre vacant site zoned R-1 (One-Family Zone) into a 20 lot single family subdivision in one (1) phase.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, ____ were not made a condition of the approval of the project.

On June 23, 2004, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: June 23, 2004

Approved: 

Bradley D. Dunlap, Environmental Review Committee

ATTACHMENT
ITEM NO. 2
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR BEVERLY GLENN TENTATIVE
SUBDIVISION MAP FOR THAT 4.68± ACRE VACANT SITE LOCATED NORTH OF
RIVER AVENUE BETWEEN LOTAS AND BEVERLY STREETS

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting
of August 17, 2004, conducted a public hearing to consider approval of Beverly Glenn Tentative
Subdivision Map, being a division (in one phase) of a 4.68± acre vacant parcel into a 19 lot single
family residential subdivision located north of River Avenue between Lotas and Beverly Streets; and

WHEREAS: On June 23, 2004, the Environmental Review Committee accepted as complete
a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The City Council considered the following findings in its review of the
environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the
California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts;

3. That the City Council is the decision-making body for the project;

4. That the Negative Declaration prepared for this project was made available for public
review and comment. The 20 day review period was from July 2, 2004 to July 21,
2004. At the end of that period, the San Joaquin Valley Air Pollution Control District
was the only agency that responded. Their comments have been incorporated into the
Mitigation Monitoring Program attached to the environmental resolution.

5. That the mitigation measures contained in the Negative Declaration were
incorporated into a Mitigation Monitoring Program attached hereto as Attachment
A and included as condition 36 in the proposed resolution of approval for Beverly
Glenn Tentative Subdivision Map;

6. That review of the environmental circumstances regarding this project indicates that
no adverse impacts would accrue to wildlife resources from implementation of the
project;

City staff conducted an on-site inspection. The subject site is vacant which has been
regularly disced for weed control. No natural habitat was observed. As such, no
endangered, threatened or rare species or habitats exist and no impact will occur;

ATTACHMENT
ITEM NO. 3
7. That the project may proceed subsequent to approval and/or conditional approval of
the State Department of Fish and Game relative to said State Department’s
consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish
and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting
the Negative Declaration reflects the independent judgement of the City of
Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby approve the Negative Declaration for Beverly Glenn Tentative Subdivision Map as
described herein.

____________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
    Georgia Hawley, Deputy
## Attachment A
### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<tbody>
<tr>
<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
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<td><strong>Water</strong></td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td>4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
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<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<tr>
<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
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<td>Air Quality</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
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<td>3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
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<td>4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
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<td>5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>Air Quality 5.a (continued)</td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
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<tr>
<td>Air Quality</td>
<td><strong>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</strong></td>
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<td>5.a (continued)</td>
<td><strong>13. House units should be oriented to maximize passive solar cooling and heating when practicable.</strong></td>
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<td><strong>14. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project.</strong></td>
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<td></td>
<td><strong>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</strong></td>
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<td><strong>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</strong></td>
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<td><strong>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</strong></td>
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<td>Air Quality 5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td>Utilities and Service Systems 12.e</td>
<td>Storm water drainage. The site is within the boundaries of the City's Master Plan for Storm Drainage (2001). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
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<td>Aesthetics 13.c</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
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</table>
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
BEVERLY GLENN TENTATIVE SUBDIVISION MAP
FOR THAT 4.68± ACRE VACANT SITE LOCATED NORTH OF RIVER AVENUE
BETWEEN LOTAS AND BEVERLY STREETS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 17, 2004, conducted a public hearing to consider approval of Beverly Glenn Tentative Subdivision Map, being a division (in one phase) of a 4.68± acre vacant parcel into a 19 lot single family residential subdivision located north of River Avenue between Lotas and Beverly Streets; and

WHEREAS: On June 23, 2004, the Environmental Review Committee accepted as complete a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The Subdivision Review Committee on July 28, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.

   The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.1 d.u./acre.

   The Circulation Element of the General Plan does not designate Lotas Street, Beverly Street and Date Avenue as Collector Streets (60 feet wide). However, dedications and improvements on the aforementioned streets/avenue will allow for fully developed 60 foot wide two lane streets/avenue which are included as conditions of approval.

2. That the site is physically suitable for the type and density of the proposed development.

   The site is generally level. The soil is not highly expansive and therefore will not create any barriers to development.
3. That the Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 36 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

6. That the proposed location of the project 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.

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential subdivisions. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance without exception. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Beverly Glenn Estates Tentative Subdivision Map subject to the following conditions:

1. The developer/applicant shall provide a minimum of one tree for every lot and an additional tree for every corner lot, or payment in lieu.

2. The required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designed, Lots 2, 10 and 19 are reverse corner lots.

3. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.
4. Fire hydrant spacing shall be as follows: In Residential development, one hydrant shall be installed at every 500 feet intervals.

5. All dead-ends access roads in excess of 150 feet must be provided with a approved turn-around complying with City standards.

6. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure.

7. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.


9. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. 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.

10. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

11. The developer/applicant shall provide and show all required utility easements on the Final Map.

12. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

13. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any (4) Temporary on-site drainage reservoir, if any, etc.
14. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);

b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;

c. Soils Report(s) in accordance with Chapter 18 of the California Building Code.

15. 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.

16. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

17. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Wells that will remain in service shall be designated on the Tentative Subdivision Map.

18. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

19. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
20. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

21. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

22. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

23. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

24. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;
e. Lot corners are marked;
f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

25. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

26. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

28. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

29. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

30. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
31. 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 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

32. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

33. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

34. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

35. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

36. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

____________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________  
Georgia Hawley, Deputy
PUBLIC HEARING - STAFF REPORT

SUBJECT: NORTH GATE ESTATES PHASES 2 & 3 TENTATIVE SUBDIVISION MAP (JAMES KEIGHLEY/ROBERT SCHOETTLER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of North Gate Estates Phases 2 & 3 Tentative Subdivision Map to divide a vacant 13.05± acre vacant parcel zoned City R-1 (One-Family Zone) into an 53 lot single family residential subdivision to be developed in two (2) phases. The tentative map was previously approved by the City Council on January 7, 1997 and expired on January 7, 2004. The subject site is located generally on the northeast corner of Grand Avenue and Leggett Street.

In addition, the applicant is requesting City Council’s approval to allow for an excessive lot depth for the property line that separates Parcels 62 and 63. Pursuant to Section 21-7 b of the Subdivision Ordinance, the depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The property line that separates Parcels 62 and 63 has a depth of 252 feet. Due to topography, the irregular shape of the 13.05± acre parcel and layout of the streets and proposed lots, the property line that separates Parcels 62 and 63 can not be avoided.

On July 7, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period. At the end of that period, no agencies responded.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for North Gate Estates Phases 2 & 3 Tentative Subdivision Map; and

2. Adopt the draft resolution approving North Gate Estates Phases 2 & 3 Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 21
CITY COUNCIL AGENDA: AUGUST 17, 2004

PUBLIC HEARING - STAFF REPORT

TITLE: NORTH GATE ESTATES PHASES 2 & 3 TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: James Keighley/Robert Schoettler
7489 North 1st Street, Suite 102
Fresno, CA 93720

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: Generally the northeast corner of Grand Avenue and Leggett Street.

SPECIFIC REQUEST: The applicant is requesting approval of North Gate Estates Phases 2 & 3 Tentative Subdivision Map to divide a vacant 13.05± acre vacant parcel zoned City R-1 (One-Family Zone) into an 53 lot single family residential subdivision to be developed in two (2) phases.

PROJECT DETAILS: The vacant site is similar to a flag shape design. The site extends east 1076.02± feet from the northeast corner of Grand Avenue and Leggett Street up a gently sloping hill. A conceptual grading plan has been prepared for the portion of the site exceeding 7% slopes. Grading is proposed to create a bench along the east side of Maurer Street for a row of house pads. At the termination of this portion of the subdivision, the remaining portion extends south approximately 600± feet. The proposed subdivision will be located to the north and east of the existing developed North Gate Estates Phase One single family residential subdivision.

In addition, the applicant is requesting City Council’s approval to allow for an excessive lot depth for the property line that separates Parcels 62 and 63. Pursuant to Section 21-7 b of the Subdivision Ordinance, the depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The property line that separates Parcels 62 and 63 has a depth of 252 feet.
Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to topography, the irregular shape of the 13.05± acre parcel and layout of the streets and proposed lots, the excessive lot depth for the property line that separates Parcels 62 and 63 can not be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 62 and 63 to have a lot depth of 72 feet more than the allowed maximum of 180 feet. The affected lots are at the terminus of a cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

GENERAL PLAN DESIGNATION: Low Density Residential.
SURROUNDING ZONING LAND USE:

North: County - Pasture and rural residential uses.
South: City - Vacant land and Morton Avenue.
East: City - Hillside and developed single family residential subdivision.
West: City/County - Grand Avenue, Leggett Street, developed single family subdivision and rural residential uses.

SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comment dated June 2, 2004, was mailed to the following public/private agencies for a 20 day review period:

San Joaquin Unified Air Pollution
Resources Management Agency- Long Range Planning
Resources Management Agency- Engineering/Flood/Traffic Division
Tulare County Health and Human Services Agency
Department of Fish and Game
California Regional Water Quality Control Board
Tulare County Association of Government
District Archaeologist
Charter Communications
Southern CA Edison
Postmaster
Pacific Bell
Southern CA Gas
Porterville Unified School District
Alta Vista Elementary School
Pioneer Irrigation District

No response
No response
No response
No response
No response
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The Subdivision Review Committee, on August 4, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the 13.05± acre site with a single family residential subdivision in (two phases) is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.
Due to topography, the irregular shape of the 13.05± acre parcel and layout of the streets and proposed lots, the excessive lot depth for the property line that separates Parcels 62 and 63 can not be avoided. Therefore, the request to modify the requirements and regulations set forth in the Subdivision Ordinance is justified.

Due to the steep slopes on the easterly portion of the subdivision, a conceptual grading plan was required to be submitted. Staff has reviewed the proposal and concurs that it is a reasonable approach. A single bench will be excavated into the hillside for fourteen (14) pads. The rear slope will be approximately 1.5:1. Appropriate conditions of approval are included in the draft resolution to protect the slope from erosion.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The Environmental Review Committee on June 7, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: August 4, 2004

DATE ACCEPTED AS COMPLETE: August 4, 2004

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for North Gate Estates Phases 2 & 3 Tentative Subdivision Map; and

(2) Adopt the draft resolution approving North Gate Estates Phases 2 & 3 Tentative Subdivision Map.
ATTACHMENTS:

1. North Gate Estates Tentative Subdivision Map
2. Negative Declaration
3. Letter requesting an exception to the excessive lot depth
4. Draft Environmental Resolution
5. Draft Resolution of Approval
NEGATIVE DECLARATION

PROJECT TITLE: North Gate Estates Phase 2 & 3 Tentative Subdivision Map

ADDRESS/LOCATION: Generally the northeast corner Grand Avenue and Leggett Street.

PROJECT APPLICANT: James Keighley/Robert Schoettler

PROJECT DESCRIPTION: The Tentative Subdivision Map for North Gate Estates Phase 2 & 3 proposes to divide a 13.05 ± acre vacant parcel zoned City R-1 (One Family Residential) Zone into eighty-two (82) single family residential lots in two (2) phases.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures were not made a condition of the approval of the project.

On July 7, 2004, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: July 7, 2004

Bradley D. Dunlap, Environmental Review Committee

ATTACHMENT NO. 2
July 26, 2004

Bubba Frazier
Planning Division
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: North Gate Estates

Dear Bubba,

The North Gate Estates Tentative Subdivision Map includes one lot line between proposed lots 62 and 63 of 252' in length. The average depth of lot 63 is 178'. The average depth of lot 62 is 173'. As the lot line between the lots is greater than the 180' maximum depth indicated in Section 21-7b of the Subdivision Ordinance, we are requesting an exception to allow the lot line length indicated on the Tentative Map.

In the event you have any questions or require additional information related to the exception request, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

cc: Robert Schoettler

JSW/bg
Encls.
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR NORTH GATE ESTATES PHASES
2 & 3 TENTATIVE SUBDIVISION MAP FOR THAT 13.05± ACRE VACANT SITE
GENERALLY LOCATED ON THE NORTHEAST CORNER OF
GRAND AVENUE AND LEGGETT STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of August 17, 2004, conducted a public hearing to consider approval of North Gate Estates Phases
2 & 3, being a division (in two phases) of a 13.05± acre vacant parcel into a 53 lot single family
residential subdivision; and

WHEREAS: On July 7, 2004, the Environmental Review Committee accepted as complete
a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The City Council considered the following findings in its review of the
environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the
California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts;

3. That the City Council is the decision-making body for the project;

4. That the Negative Declaration prepared for this project was made available for public
review and comment. The 20 day review period was from July 9, 2004 to July 28,
2004;

5. That the mitigation measures contained in the Negative Declaration were
incorporated into a Mitigation Monitoring Program attached hereto as Attachment
A and included as condition 35 in the proposed resolution of approval for North Gate
Estates Phases 2 & 3 Tentative Subdivision Map;

6. That review of the environmental circumstances regarding this project indicates that
no adverse impacts would accrue to wildlife resources from implementation of the
project;

City staff conducted an on-site inspection. The subject site is vacant which has been
regularly disced for weed control. No natural habitat was observed. As such, no
endangered, threatened or rare species or habitats exist and no impact will occur;
7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. seq. of the Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for North Gate Estates Phases 2 & 3 Tentative Subdivision Map as described herein.

________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Deputy
## Attachment A
### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<tbody>
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<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td><strong>Water</strong></td>
<td>Mitigation measures include the enforcement of a site development plan or the development related conditions of approval requiring erosion control plans and the conservation of vegetation, with soil disturbance to be limited to dry seasons. Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td><strong>Air Quality</strong></td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>5. a (continued)</td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site’s soil surface crust through repeated soakings.</td>
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| Air Quality               | 2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.  
3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.  
4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.  
5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues. |            |                   |
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<td>Air Quality</td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
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| Air Quality 5.a (continued) | 12. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.  
13. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.  
14. House units should be oriented to maximize passive solar cooling and heating when practicable.  
15. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:  
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.  
   b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre. |            |                  |
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
<td></td>
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<tr>
<td>5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
<td></td>
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</tr>
<tr>
<td>Utilities and Service</td>
<td>The site is within the boundaries of the City's Master Plan for Storm Drainage (2001).</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
</tr>
<tr>
<td>Systems</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td></td>
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<tr>
<td>12.e Storm water drainage.</td>
<td>The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<tr>
<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>
RESOLUTION NO.________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
NORTH GATE ESTATES PHASES 2 & 3 TENTATIVE SUBDIVISION MAP FOR THAT
13.05± ACRE VACANT SITE GENERALLY LOCATED ON THE NORTHEAST CORNER
OF GRAND AVENUE AND LEGGETT STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of August 17, 2004, conducted a public hearing to consider approval of North Gate Estates Phases
2 & 3, being a division (in two phases) of a 13.05± acre vacant parcel into a 53 lot single family
residential subdivision for that site generally located on the northeast corner of Grand Avenue and
Leggett Street; and

WHEREAS: On July 7, 2004, the Environmental Review Committee accepted as complete
a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The Subdivision Review Committee on August 4, 2004, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the
proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
   General Plan.

   The Land Use Element of the General Plan designates the site for Low Density
   Residential development (2-7 d.u./acre). The proposed subdivision will be developed
to a density of 4.06 d.u./acre.

   Both Grand Avenue and Leggett Street are designated collector streets. Traffic
   generated within this subdivision can exit onto the intersection of Grand Avenue and
   Leggett Street, or onto Leggett Street by two (2) other internal streets. Grand Avenue
   leading west of the subdivision intersects with Plano Street (a four (4) lane divided
   arterial street). Traffic generated from the site can also use Leggett Street extending
   south of the subject site to the intersection of Morton Avenue (a two (2) lane arterial
   street).
2. That the site is physically suitable for the type and density of the proposed development.

The subject site is located on a gently sloping hill extending east and west which has natural drainage to the west. The proposed parcel layout includes approximately 15 parcels with a grade change of approximately 10 feet across a lot depth of 120 to 130 feet. Such slopes will require substantial grading to create individual house pads. A conceptual grading plan has been submitted for lot 63-76 which proposes grading to create a bench for all houses along the east side of Maurer Street. This will require moderate cuts at the front property line and substantial excavation along the rear of each lot. This will create a slope up to 10 feet in height at a maximum grade of 1-1/2:1. Steeper slopes provide less absorption and create additional storm run-off. Appropriate conditions of approval will be applied to the project to ensure suitable development.

3. That the Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 35 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

6. That the proposed location of the project 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.

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential subdivisions to the west and south of the subject site. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

8. The property line that separates Parcels 62 and 63 does not conform to the maximum lot depth of 180 feet pursuant to Section 21-7b of the Subdivision Ordinance.

9. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to topography, the irregular shape of the 13.05± acre parcel and layout of the streets and proposed lots, the excessive lot depth for the property line that separates Parcels 62 and 63 can not be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 62 and 63 to have a lot depth of 72 feet more than the allowed maximum of 180 feet.

The affected lots are at the terminus of a cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.
e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve North Gate Estates Phases 2 & 3 Tentative Subdivision Map subject to the following conditions:

1. Prior to recording the final map, the developer/applicant shall place on deposit an in lieu tree planting fee sufficient to provide a minimum of one tree for every lot and an additional tree for every corner lot. Upon verification that the developer/applicant has planted the tree(s), the deposit will be refunded. If planting is not carried out by the developer/applicant, the City of Porterville will plant the tree(s) and the deposit will be retained.


3. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. 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.

4. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). The developer/applicant shall dedicate or provide an irrevocable offer of dedication for the necessary Leggett Street right of way, north of Grand Avenue.

5. The developer/applicant shall provide and show all required utility easements on the Final Map.

6. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
7. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any (4) Temporary on-site drainage reservoir, if any, etc.

8. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133).
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.
   c. Reports in accordance with Chapter 18 of the California Building Code.

9. 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.

10. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

11. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.
12. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use.

13. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

14. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

15. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

16. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

17. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

18. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing.

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.).
c. Street base rock for accessibility by the public safety officials and building inspectors.

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report.

e. Lot corners are marked.

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

19. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

20. The developer/applicant shall expand and improve the existing master plan Drainage Reservoir No. 14 to City standards. The price paid for land and construction, to expand, must have prior City approval in order to qualify for reimbursement. In the event the developer/applicant is unable to obtain said land, after being shown proof of a satisfactory effort by the developer/applicant, the City Council may invoke its power of eminent domain to acquire said land.

21. The developer/applicant shall have a hydrology study done of the properties up slope from the subject property. Said study shall define the runoff from the 10-year and 100-year storms. Developer/applicant shall construct the drainage facilities and provide the easements necessary to convey runoff safely to the City drainage system.

22. Prior to excavation and grading of the subject site, the developer/applicant shall cure any leaks in the irrigation line along the east side of the property line of the subdivision and shall construct retaining walls, drainage swales, etc., to ensure that storm water drainage from off-site, uphill parcels is diverted so that it does not sheet flow over the excavated slope. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence. The method of curing leaks shall be coordinated with Pioneer Water Company.

23. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare
a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

24. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

25. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

26. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

27. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

28. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

29. 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 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

30. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

31. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the
32. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

33. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

34. The developer/applicant shall stub sewer and water lines to the east boundary of the subdivision along a 20 foot easement necessary to serve the two adjacent properties. The City will pay the full cost of said water and sewer stub out as “oversizing.”

35. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________

Georgia Hawley, Deputy
PUBLIC HEARING
(CONTINUED)

SUBJECT: CONSIDERATION TO REMAIN IN PHASE II OF THE WATER
CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

SOURCE: Public Works Department - Field Services Division

COMMENT: At the April 6, 2004 City Council meeting, City Council adopted the Water
Conservation Plan and approved moving into Phase II. At the June 1,
July 6, July 20, and August 3, 2004, City Council meetings, staff reported
on the continuing water conservation efforts conducted by City staff. In
addition, a media campaign continues with newspaper and radio
messages and web site information.

Summer temperatures were mild for the months of June, July, and
August. This mild weather has reduced the stress on the water system.

Phase III of the Water Conservation Plan applies during periods when
there is a severe water supply shortage. At that time, the utility billing
system will begin to notify customers of restrictions on water use. A 20%
rate increase on all residential and landscape accounts will go into effect.
All City parks, median islands and public facility landscapes will continue
to be watered during the late nights or early morning hours to confine
impact on the water system to off-peak usage hours. Watering of City
parks and median islands may be suspended and evaluated each day.

Projections for the next month indicate an adequate supply to meet the
fire safety demands on the system. Some isolated low pressure events
are occurring during the peak usage periods of 5 am to 10 am and 5 pm
to 10 pm, most notably between 8-9 pm. Residents are strongly
encouraged to avoid water uses during these periods.

The water system status is marginally improved from last year.
Production capabilities have improved slightly. One well was successfully
rehabilitated and returned to active status. Construction of the new Well
No. 27 is nearing completion and may be in operation later this summer.
It is staff’s recommendation that we remain in Phase II of the Water Conservation Plan.

RECOMMENDATION: That City Council:

1. Open the Public Hearing to receive comment; and

2. Remain in Phase II Water Conservation and continue current water conservation efforts.

ATTACHMENT: Phase II Requirements from the Water Conservation Plan
Phase III Requirements from the Water Conservation Plan
Monthly Production Graph
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue “Waste of Water” notices to consumers identified as misusing water.
ACTIONS BY THE GENERAL PUBLIC:

I. Conservation Efforts:

The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. Restaurants:

Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. Lawn and Landscaping Watering:

All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. Vehicle Washing and Sidewalk Hosing:

A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

B. Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

ACTIONS BY THE GENERAL PUBLIC:

A. Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

B. Sidewalk and driveway washing will be prohibited.
SUBJECT: WATER SYSTEM IMPROVEMENT FINANCING

SOURCE: Public Works

COMMENT: On March 2, 2004, staff reviewed with the Council a series of projects focusing on Eastside water development, storage, and total systems capacity. These projects include the development of a 3 million gallon reservoir tank on Martin Hill, 2 two-hundred-thousand gallon reservoir tanks on Rocky Hill, the development of a surface water treatment facility, well head treatment facilities, and all the infrastructure necessary to tie these projects into the water system.

The total cost of these improvements is estimated at $8,422,000, if prevailing wage is not required. To finance these projects using Certificates of Participation (COPs), the total borrowing would be approximately $9 million. This would cover the cost of issuance, bond insurance, underwriter’s discount, and the required reserve fund. The interest rate in today’s environment would be approximately 4.95%. The estimated debt service payment on those COPs would be $582,000, plus $750.00 per year in Trust Agent expenses. These proceeds could be available in as soon as forty-five days from the date Council directs staff to move in this direction.

An alternative to the issuance of COPs would to apply for a loan from the California Infrastructure and Economic Development Bank (CIEDB). This process does not ensure funding, as projects are reviewed competitively by CIEDB staff, and funding is limited. Prevailing wage would be required on approximately $2,248,500 of the project, adding approximately $550,000 in costs to the project. These costs would be partially offset by reduced costs of issuance, which would be limited to an application fee of less than $500.00, and a loan origination fees of approximately $50,000.00. The interest rate on that loan in today’s environment would be approximately 3%. The anticipated annual debt service on this loan would be approximately $460,000, plus $18,000 per year in administrative costs. If the loan application were approved upon competitive review, the proceeds would be anticipated within 180 days. Regardless of the funding mechanism, a rate increase for water sales of between 12% to 18% would be required for the debt service.
The difference in the debt service over the 30 year loan period would equate to approximately $3 million in interest, with CIEDB being less expensive.

For additional consideration is the proposal provided by Mr. John Fitzgerald, who has provided underwriting services for the City of Porterville on the bulk of the City’s outstanding issuances.

Also for Council consideration is a proposal from Government Financial Strategies, a firm that provides financial advisory services to local government. Should Council wish to consider additional diligence in assuring the debt issuance is done in the most cost efficient manner, a financial advisor may be hired independently of the underwriter to act as an independent advisor to the Council. This financial advisor could also be utilized to negotiate the underwriter’s contract to ensure costs are held to current market rates.

Based on the nature of the projects, and level of certainty available under each financing scenario, staff recommends that communication be initiated with the CIEDB to gain an initial estimate of the probability of receiving a favorable staff recommendation to the CIEDB Board on an application for a loan. Should those communications not show promise, staff recommends that a COP issuance be prepared.

RECOMMENDATION: That the City Council:

(1) Direct staff to initiate communication with the CIEDB, and move forward with a loan for the project should it be viewed as favorable.

(2) In the event that the CIEDB loan is not deemed favorable, authorize staff to negotiate with John Fitzgerald and Associates for underwriting services in the issuance of Certificates of Participation totaling $9 million for water system improvements, and direct staff and Mr. Fitzgerald to move forward with the process, and

(3) Authorize the preparation of all documents necessary to provide for the issuance.

(4) Consider the appointment of an independent financial advisor to ensure the issuance of Certificates of Participation is done in the most efficient manner possible.

ATTACHMENTS: Proposal from John Fitzgerald and Associates Proposal from Government Financial Strategies
Date: July 23, 2004
To: Darryl Pyle
Fax: 661-362-4008
From: John Fitzgerald
Subject: Water Project Financing Proposal

Hello Darryl:

We are pleased to submit this proposal to finance your planned water project. We specialize in water project financing for cities throughout California and I have personally handled over 85 such financings totaling about $1 billion. Just recently we completed a similar financing for the City of Tracy who experienced the same problems trying to go through a state agency. Finally in frustration they turned to us to “get it financed” on a timely basis.

You asked that we keep the principal amount of the financing, Certificates of Participation (COP), to $9,000,000. The average life of the water improvements exceeds 30 years, so we have used a 30 year bond issue in this proposal. Most water project financings are for at least 30 years. This produces the lowest monthly cost for the rate payers. A shorter financing has lower interest rates but the monthly cost is higher.

Even though interest rates are beginning to rise, tax exempt rates are still at a 40 year low so it is a good time to finance. We would structure your issue as a 30 year fixed rate COP issue with level annual debt service (principal and interest) payments so the users of the water improvements today and in the future would be paying the same each year. The issue would be insured so as to receive a AAA rating, the highest, and a surety bond for the debt service reserve fund so that more proceeds dollars go into the project. Since the money for the water improvements will not be spent immediately, much of the costs of issuance of the COP issue will be offset by interest earned on the idle funds before they are spent on the project.

Proceeds from the financing should be available in about 30 days per the following schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 3</td>
<td>Council authorizes staff to proceed with the water project financing</td>
</tr>
<tr>
<td>August 17</td>
<td>Council approves the financing legal documents, authorizes distribution of the Preliminary Official Statement (POS) and authorizes the city manager to sign the purchase agreement.</td>
</tr>
<tr>
<td>August 24</td>
<td>Sale of the COP issue and signing of the purchase agreement</td>
</tr>
<tr>
<td>September 8</td>
<td>Pre-closing of the COP issue</td>
</tr>
<tr>
<td>September 9</td>
<td>Closing and proceeds received by the City</td>
</tr>
</tbody>
</table>
The average annual interest rate on the 30 year COP issue is about 4.95% in today’s market. The annual debt service would average $582,000 per year.

From the $9,000,000 Water COP issue, the estimated uses of funds would be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Project Funds</td>
<td>$8,489,000</td>
</tr>
<tr>
<td>Bond Insurance Premium</td>
<td>218,000</td>
</tr>
<tr>
<td>Underwriter Discount</td>
<td>180,000</td>
</tr>
<tr>
<td>Costs of Issuance</td>
<td>90,000</td>
</tr>
<tr>
<td>Reserve Fund (Surety Bond)</td>
<td>23,000</td>
</tr>
<tr>
<td>COP Principal Amount</td>
<td>$9,000,000</td>
</tr>
</tbody>
</table>

The estimated costs of issuance are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Counsel</td>
<td>$45,000</td>
</tr>
<tr>
<td>Disclosure Counsel</td>
<td>20,000</td>
</tr>
<tr>
<td>COP Rating</td>
<td>10,000</td>
</tr>
<tr>
<td>POS and OS Printing</td>
<td>10,000</td>
</tr>
<tr>
<td>Trustee</td>
<td>5,000</td>
</tr>
<tr>
<td>Total Costs</td>
<td>$90,000</td>
</tr>
</tbody>
</table>

The financing team would be comprised of Brian Quint of Quint & Thimmig as Bond and Disclosure Counsel, Standard & Poor’s as the rating agency, John C. Fitzgerald & Associates, a division of Wulff, Hansen & Co. as underwriter and U. S. Bank Trust as Trustee. I will personally manage the COP issue and the underwriting of it.

We look forward to working with you and the City on this project. We can begin immediately. Our objectives will be to maximize the COP proceeds going to the project, minimize annual debt service payments and have COP proceeds in the City’s hands on a timely basis.
MEMORANDUM

DATE: July 21, 2004
TO: Darrell Pyle
FROM: Cathy Dominico
RE: Scope of Work for COP issuance

Darrell,

As you requested, I have prepared this memorandum to give you a description of our firm, the services we could provide the City of Porterville, and our fee structure for acting as an independent financial advisor to oversee the City's 2004 Certificates of Participation.

About Government Financial Strategies

As you know, Government Financial Strategies is a public finance consulting firm, providing expertise in facilities and financial planning, computer modeling, technical writing, financial transactions, and public communication to public agencies throughout California. Government Financial Strategies has provided financial and facilities planning expertise to over 200 school districts, both large and small, and in both metropolitan and rural areas. We have served clients as far north as Humboldt County to as far south as San Diego County. Over the past sixteen years we have completed 535 financings totaling over $4 billion. Our firm has been involved in some of the most innovative and effective local financing strategies in California. This includes everything from the issuance of millions of dollars of publicly offered bonds, to small private placements for projects as diverse as classrooms to basic infrastructure and even employee housing. As an independent financial advisor, Government Financial Strategies’ main objective would be to serve the interests of the City and reduce the costs of issuance as much as possible.

Anticipated Services

For the specific needs of the City of Porterville our plan is to proceed as follows:

- Gather the necessary information.
- Review the proposal provided from the underwriter.
- Evaluate the underwriter’s proposal based on current market conditions.
- Negotiate underwriting fees.

1228 N Street, Suite 13, Sacramento, CA 95814-5609
Telephone (916) 444-5100 Fax (916) 444-5109
Fee Structure

Government Financial Strategies operates on an hourly billing basis at the rate of $140, plus out of pocket expenses and $70 per hour for travel time. This type of fee arrangement allows a consistent working relationship to develop and encourages staff members to take full advantage of our services. It is our philosophy to become "temporary staff" of the District. Therefore, all of our clients feel comfortable calling on us on an as needed basis and can depend on us on short time schedules.

Conclusion

Darrel, as an independent financial advisor, we would work on behalf of the City of Porterville to ensure that the City's interests are best being served by reducing costs as much as possible while still paying heed to the wishes of the City Council. As you know, from the beginning, our commitment to our clients has been "100 percent satisfaction guaranteed, 100 percent of the time." I look forward to the opportunity to bring this level of commitment to the City of Porterville. Please let me know if you have any questions and how you would like to proceed.

CD/jl
SUBJECT: REGULATION OF POCKET BIKES

SOURCE: Police Department

COMMENT: At the direction of the Council on July 6, 2004, City Attorney Julia Lew posted an inquiry with the California League of Cities regarding regulation of pocket bikes (see attached memorandum). Additional direction was given to Chief Rodriguez requesting further review of procedures regarding pocket bike enforcement and education by law enforcement agencies within the State.

The current “industry standard” within the region in the State is for law enforcement agencies to train their officers based on the attached training bulletin forwarded statewide by the California Highway Patrol. The Porterville Police Department has adopted this training bulletin and uses it as a guideline for enforcement and education. Based on the guidelines set forth in this training bulletin, our officers are directed to enforce all California Vehicle Code sections that apply to pocket bikes and, when possible, contact the parents of juvenile offenders to educate them on the legal restrictions and dangers of operating these “vehicles” on public streets and sidewalks.

The attached educational flyer entitled “Pocket Bikes” is available at the Police Station and from officers on patrol. It clearly defines a pocket bike, compares it to other “vehicles,” the legality of operating the various vehicles, the appropriate vehicle codes that apply, and the potential risks to the operator of the pocket bikes.

RECOMMENDATION: That City Council, based on the findings of City Attorney Julia Lew, the current industry standard within the State, the availability of the educational flyer, and the training provided to our officers, not enact a City Ordinance requiring disclosure to customers, and allow the Police Department’s educational and enforcement efforts to control this issue.

ATTACHMENTS: 1) Memorandum from Julia Lew, City Attorney;
2) California Highway Patrol training bulletin;
3) Flyer entitled “Pocket Bikes.”

D.D. Appropriated/Funded C.M. Item No. 24
TO: Porterville City Council  
Porterville Police Department

cc: John Longley

FROM: Julia Lew

DATE: August 10, 2004

SUBJ: Information Received from Cities Concerning Pocket Bikes

Pursuant to direction given by the Council at the July 6, 2004, City Council Meeting, I posted an inquiry with the California League of Cities City Attorneys’ electronic list service concerning regulation of these vehicles. I received only a few responses, but was able to collect some useful information.

Fresno responded that it was “beginning to address the issue” (but did not go into any detail about how it proposes to regulate these vehicles). A Los Angeles area City Attorney mentioned that the L.A. Times had done an article on the subject in June (article and letters to the editor are attached). I believe this is about the same time that articles appeared in the local area papers (Visalia, Porterville, etc.) The City of Milpitas (quoted in the other news articles) has apparently undertaken a public relations campaign with regard to the illegality and the hazards of these vehicles. Attached are some articles and brochures related pocket bikes and motorized scooters developed by the Milpitas Police Department. Additionally, as the Porterville Department is already aware, the California Highway Patrol has also developed a “Q and A” sheet concerning these vehicles, as well as a Bulletin addressing the proper Vehicle Code sections to use when citing violations. The CHP information is also attached for your reference. It does not appear that any of the cities that responded are attempting to regulate disclosure of the legal limitations of these vehicles.

Based on the information received, a public relations campaign similar to what Milpitas has achieved could be a very useful tool. The CHP has also attempted to provide information that will make it easier for police departments to properly cite violators -- in my opinion there will always be those that will purchase and use these bikes with full knowledge that the bikes are not “street legal.”

If you have any questions, please feel free to contact me.
Small-Scale Motorcycles Worry Safety Officials:[HOME EDITION]


Full Text (1097 words)

Copyright (c) 2004 Los Angeles Times)

They are known to police officers as lawnmowers on two wheels, pocket bikes and minimotos.

They are so small they can be carried under one arm, so fast they can reach 70 mph and so cheap they can sell for $200 at a flea market.

Not to be mistaken for a child's toy, these miniature motorcycles are proliferating so quickly in the state that the California Highway Patrol has branded them a traffic hazard and begun an enforcement campaign against them.

Popular with both adults and children, pocket bikes -- as they are commonly known in the industry -- stand only 16 to 20 inches tall. Typically, they are powered by a two-stroke lawnmower-type engine, have a pull-cord starter and weigh 35 to 60 pounds. Some are battery-operated.

To ride, the driver must be contorted in a squatting position only inches above the pavement, eyes level with the bumper of oncoming cars.

Police say the noisy little gasoline-powered vehicles -- scale models of popular racing motorcycles and street choppers -- rip through residential neighborhoods, endanger pedestrians on sidewalks, dart in and out of traffic, and are difficult for motorists to see.

"In the last six months, we've seen an explosion of these things," said Officer Jay Johnson of the Milpitas Police Department in the San Francisco Bay Area. He has written newspaper columns about the craze.

The California Highway Patrol classifies them as motorcycles under the Vehicle Code, and they are subject to ordinary rules of the road. But unlike full-size motorcycles, the mini-cycles usually are sold without required safety features, including brake lights, red rear reflectors, mirrors, turn signals, a horn and approved tires. They cannot be registered and licensed.

Because the craze is relatively new, the CHP has no estimate of the numbers in California or how many accidents have involved the little machines, most of which are made in China.

But CHP officials believe that unless public education and special enforcement campaigns are imposed, the proliferation of the two-wheelers may bloom into a statewide threat to public safety.

"There are more and more complaints about them from all over the state," said CHP Capt. Chris Jenkins, whose agency issued a special alert to all local law enforcement departments. "Riders of all ages drive them. We're not talking just children."

"You'd be crazy to drive in the streets of Los Angeles on something that can barely be seen," said Lt. Steve Allen, a Los Angeles Police Department watch commander in the Foothill Division.

The CHP alert cited "concerns" over the use of pocket bikes on public roadways and urged departments to crack down: "Individuals operating these vehicles on a highway should be cited for violation" of safety equipment laws and a dozen other specific offenses.

Pocket bikes are popular among competitive racers in Europe, but were never intended for use on public roadways, Jenkins said. Certain high-quality racing models can hit speeds of 70 mph and cost several thousand dollars.
In California, pocket bikes are sold legally but are to be used on private property only. Some dealers advertise pocket bikes as "motorized scooters," which can be driven on the streets under limited circumstances.

Cheap knockoffs of European racing models are sold online and from such places as neighborhood moped and scooter shops, swap meets and street corners, Jenkins said. In advertisements, retail prices tend to hover between $300 and $400. Some cycles can putt along at only a few miles an hour, but others can zoom to speeds of 30 mph or more.

One Internet sales pitch claimed that "kids as young as 4 years old have successfully learned to ride the less powerful models," and other ads aggressively market the motorized bikes to the 4- to 8-year-old crowd and to enthusiasts seeking "an extreme feel of the road."

Some advertisements contain safety alerts and warn that the vehicles may not be driven legally on public highways -- but others do not.

"The rugged little pocket rockets are small enough to carry under one arm and fit in a car trunk, and can be raced in parking lot competitions," one Internet ad boasted. It claimed that the little bikes "can often go faster in mph than they weigh in lbs." and are "ultra-legal fast and competition tough."

But the LAPD's Allen and Johnson, the Milpitas police officer, reported that often consumers are not told by dealers that most pocket bikes are illegal on the street. Allen said parents angrily protest tickets issued to their children for riding on the street, only to learn too late that the bikes violate traffic laws.

Drivers can be fined $96 per violation from a list of more than a dozen possible offenses. They may also face costly impoundment fees if police seize their machines. In Milpitas, said Johnson, a mini-cycle owner recently was handed an impound bill for $1,200.

Johnson said he often spots pocket bikers driving against traffic, either on the streets or sidewalks.

"A few weeks back, a kid in full race leather was heading down the sidewalk in the wrong direction. By the time I got turned around, he was gone," Johnson said.

In the San Fernando Valley recently, Allen said, "We arrested a guy on a pocket bike for 'driving under the influence.'"

He said officers in the Valley see increasing numbers of pocket bikes, many of them sold "like hotcakes" from a resident's house. Allen said mini motorcycles are not a problem now, but officers believe they soon will become troublesome.

Bobby de la Rosa, owner of So-Cal-Scooters.com, a home-based online business in San Bernardino, said he recently added pocket bikes to his line of motorized scooters because their popularity had "taken off like a rocket.... The style of these little bikes appeals to young kids."

His website urges parents to exercise responsibility in purchasing a pocket bike and to first check local and state laws to determine whether they are legal. "I don't tell them [that]. It's the owner's responsibility to find out what the law is," de la Rosa said.

De la Rosa said he was unaware of the new enforcement campaign against violators. He agreed that safety did not seem to be a major issue now, but warned, "Eventually, it will have its moment. You're going to get wild kids out there."

[Illustration]
Caption: PHOTO: IS THIS THE RIGHT FIT? Barry Carter tries a pocket bike on for size in this photo from 1999. Pocket bikes can reach speeds of 70 mph, and some sell for as little as $200.; PHOTOGRAPHER: Los Angeles Times
A Blockful of Nuisance From Tiny Motorbikes:[HOME EDITION]


Full Text (207 words)

Copyright (c) 2004 Los Angeles Times

I want to thank you for "Small-Scale Motorcycles Worry Safety Officials," your informative June 14 article on pocket bikes. This past Sunday, four or five adults on pocket-sized motorcycles raced around our block for over an hour. The sound, something like a Suzuki high on helium, caused me to close the windows on a beautiful day. These terrorists on wheels not only ruined my afternoon, but I couldn't help but wonder what would happen if one crashed into a full-sized SUV.

Now that I know they were breaking the law, I'll not hesitate to file a complaint with local police, which is more responsible than what I wanted to do: Hit the riders with water balloons.

Kathy Miller

Placentia

*

I found your article about small-scale motorcycles intriguing. It failed to note, however, the proliferation of the smaller type, two-wheeled motorized scooters. This version has wheels only about three inches in diameter, and the rider stands up on it. It is unstable and dangerous to ride on uneven surfaces. Besides being noisy, they are ridden on sidewalks and streets by youngsters without helmets, licenses, insurance, registration and judgment. What parent would allow a child to be placed in this type of danger?

Steve Bensussen

Sherman Oaks

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Section: California Metro; Part B; Editorial Pages Desk

ISSN/ISBN: 04583035

Text Word Count 207
Put mini-motorcycles in your pocket and go home

Illegal to ride them on streets

By Officer Jay Johnson

Thursday, May 27, 2004

We have seen an increase in the number of mini-motorcycles, or "pocket bikes" on the roads in Milpitas. With the increased number of bikes, you can guess we have also seen an increase in the number of calls on those bikes.

These mini-motorcycles have roots in Europe as entry-level racers to the full size GP motorcycle racing. They range in size from 1 feet 4 inches tall to 2 feet 2 inches and are priced from $300 to more than $3,000 for a race ready bike. As one owner's manual I saw clearly states, they are "intended for use on closed tracks." The problem we are facing now is the marketing of these bikes to the masses as "scooters."

Scooters are defined in section 407.5 of the California Vehicle Code. They are built with floorboards and are designed to be stood on. They may also have a post seat that allows the driver to sit. The section also says, "For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter."

As I have outlined in past articles, scooters have their own set of regulations that govern their use on the roadway. Those regulations can be found in section 21235 of the California Vehicle Code. The legislative intent of allowing scooters on the roadway is to provide low-emission transportation.

"Pocket bikes" are actually "motor-driven cycles" as defined in section 405 of the California Vehicle Code. A motor-driven cycle is a motorcycle with an engine displacement of less than 150 cubic centimeters.

Now, we need to take a look at how a motorcycle is defined. Basically, section 400 of the California Vehicle Code defines it as "any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds." You sit on the seat and use foot pegs on a motorcycle, unlike standing on floorboards on a scooter.

Since "pocket bikes" are considered motor-driven cycles in the vehicle code, they must be registered and insured to be used on the street. The driver must have an endorsement for a motor-driven cycle on his license and wear a DOT motorcycle helmet. However, "pocket bikes" do not meet federal safety standards and do not have proper vehicle identification numbers. Because they do not conform to these standards, they cannot ever be licensed and must be used only on private property or closed courses. They can never be used on the street or sidewalk.

Drive a "pocket bike" on the road and you will be stopped and may be cited for several violations, including an unsafe vehicle (24002 California Vehicle Code). The officer may also tow the bike under section 22651(O) California Vehicle Code, as an unregistered vehicle, or 22651(P) vehicle code, if you are not properly licensed.

I want to thank Sgt. Adam Roha at the California Highway Patrol Academy for his help with the information for this article. Also, www.pocketbike.com, has a good overview on "pocket bikes" and the sport.

In I want to let you know it is time again the National Highway Traffic Safety Administration's Operation Mobilization campaign for child seat and child seatbelt violations. The campaign will run from May 24 through June 6. Officer Dennis Kraft is available to answer questions on the proper installation and use of car seats.

* * *

Readers are encouraged to telephone in questions to Milpitas police Officer Jay Johnson at 586-2400 or fax them to 586-2488. Readers may also e-mail them to jjohnson@ci.milpitas.ca.gov.
We have seen an increase in the number of mini-motorcycles, or "pocket bikes" on the roads in Milpitas. With the increased number of bikes, you can guess we have also seen an increase in the number of calls on those bikes.

These mini-motorcycles have roots in Europe as entry-level racers to the full size GP motorcycle racing. They range in size from 1'4" to 2'2" and are priced from $300 to over $3000 for a race ready bike. As one owners manual I saw clearly states, they are "intended for use on closed tracks." The problem we are facing now is the marketing of pocket bikes to the masses as "scooters".

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Since pocket bikes are considered motor-driven cycles in the Vehicle Code, they must be registered and insured to be used on the street. The driver must have an endorsement for a motor-driven cycle on their license and wear a DOT motorcycle helmet. However, pocket bikes do not meet Federal safety standards and do not have proper vehicle identification numbers. Because they do not conform to these standards, they cannot ever be licensed and must be used only on private property or closed courses. They can never be used on the street or sidewalk.

Drive a pocket bike on the road and you will be stopped and may be cited for several violations, including an unsafe vehicle (24002 CVC). The officer may also tow the bike under section 22651(O) CVC, as an unregistered vehicle, or 22561(P) VC, if you are not properly licensed.

I want to thank Sergeant Adam Rohe at the California Highway Patrol Academy for his help with the information for this article. Also, www.pocketbike.com has a good overview on pocket bikes and the sport.

I want to let you know it is time again the National Highway Traffic Safety Administration's Operation Mobilization campaign for child seat and child seatbelt violations. The campaign will run from May 24 through June 6. Officer Dennis Kraft is available to answer questions on the proper installation and use of car seats.
Operation Identification

To protect your property from theft and to help ensure its return if recovered, it is important to engrave a driver's license number into your pocket bike for identification. Pocket bikes do not have VIN numbers for DMV or Police Officers to reference. Engravers are available to borrow from the Milpitas P.D. Community Relations Unit. Please fill out this form and keep it in a safe place to be used if your pocket bike is stolen.

Make: __________________________
Model: _________________________
Year: __________________________
Color: __________________________
Number Engraved: ________________
Location Engraved on: ____________

The Milpitas Police Department is committed to the protection of lives and property by working with our community and providing professional and responsive police services.

POCKET BIKES

Don’t get taken for a ride........

MILPITAS POLICE

1275 N. Milpitas Blvd.
Milpitas, CA 95035
408-586-2400
TDD 408-586-2484
www.ci.milpitas.co.gov

Milpitas Police Department
What is a Pocket Bike?

*These mini-motorcycles have roots in Europe as entry-level to the full size GP motorcycle racers. They range in size from 1'4" to 2'2" and are priced from $300 to over $3000 for a race ready bike. Owners manuals clearly state that they are intended for use on closed tracks. Unfortunately, these bikes are being mass marketed as “scooters.”

*Pocket Bikes are actually “motor-driven cycles” as defined in section 405 of the California Vehicle Code. A motor-driven cycle is a motorcycle with an engine displacement of less than 150 cubic centimeters.

*Since pocket bikes are considered motor-driven cycles in the Vehicle Code, they must be registered and insured to be used on the street. The driver must have an endorsement for a motor-driven cycle on their license and wear a DOT motorcycle helmet. However, pocket bikes do not meet Federal safety standards and do not have proper vehicle identification numbers. Because they do not conform to these standards, they cannot ever be licensed and must be used only on private property or closed courses. They can never be used on the street or sidewalk.

*Regardless of what the dealer tells you, they are not scooters.

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Comparison

<table>
<thead>
<tr>
<th>Required</th>
<th>Motor-Driven Cycles</th>
<th>Pocket bike</th>
<th>Scooter</th>
<th>Moped/ Motorized Bicycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helmet Required</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Street legal</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sidewalk legal</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Age Requirement</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Driver's License Required</td>
<td>M1</td>
<td>None</td>
<td>M2</td>
<td></td>
</tr>
<tr>
<td>Insurance Required</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Night Lighting Equipment</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Registration</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

* Drive a pocket bike on the road and you will be stopped and may be cited for several violations, including an unsafe vehicle (24004 CVC). The officer may also tow the bike under section 22651 (O) CVC, as an unregistered vehicle, and 22651 (P) CVC, if you are not properly licensed. If you

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The Laws!

400 CVC Motorcycle Definition
A “motorcycle” is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 lbs.

405 CVC Motor-Driven Cycle
A “motor-driven cycle” is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle as defined in Section 406 CVC.

406 (A) CVC Motorized Bicycle
A “motorized bicycle” or “moped” is any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

407.5 CVC Motorized Scooter
A “motorized scooter” is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion.

12804.9 CVC M1/M2 Endorsement Required
An endorsement is required with a valid Class A, B, or C license. A motorcycle or motorized bicycle will be toured for 22651 (g) CVC if the driver does not have the proper endorsement. A motorized scooter will be toured for 14602.6 CVC (for 30 days) if the driver does not have a valid license or endorsement or the license is suspended.

27803 CVC DOT approved helmet for motorcycles and motor-driven cycles.
21235(C) CVC Bicycle helmet for Scooters and Mopeds.

4000(A) CVC Vehicle Registration
Motor-driven cycles must be registered and display a plate per 5260 (B) CVC. Mopeds/motorized bicycles must display a special license plate per 5030 CVC.

16028(a) CVC Insurance Requirement
Insurance is required for motorcycles and motor-driven cycles. It is not required for scooters, mopeds, and motorized bicycles.

24004 CVC Unsafe Vehicle
are unlicensed, your pocket bike may be impounded for up to 30 days. The fees for that impound can be $1300 or more.
OPERATION IDENTIFICATION

To protect your property from theft and to help ensure its return if recovered, it is important to record the following information. Be sure to engrave a driver's license number into your scooter for additional identification and for ownership verification by police officers through DMV computers at any time. Engravers are available to borrow from the Milpitas P.D. Community Relations Unit. Please fill out this form and keep it in a safe place to be used if your scooter is stolen.

Make: ____________________________
Model: __________________________
Year: ____________________________
Color: ____________________________
Serial Number: ______________________

Engine Number (if applicable): ____________________________

Driver's License Number (or parent's) and locations engraved on scooter: ____________________________

The Milpitas Police Department is committed to the protection of lives and property by working with our community and providing professional and responsive police service.

Milpitas Police Department
1275 North Milpitas Boulevard
Milpitas, California 95035
Phone: 408-586-2400
Motorized Scooter Defined:
The California Vehicle Code defines a motorized scooter as any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. A device meeting this definition that is powered by a source other than electrical power (e.g., a gasoline-powered, two-stroke engine) is also a motorized scooter (407.5 CVC).

Getting Started:
A person operating a motorized scooter is not required to be licensed but must be at least 16 years of age. The operator is not subject to the provisions of the vehicle code relating to financial responsibility, registration, and license plate requirements. Every person operating a motorized scooter upon a highway has all the rights and is subject to all applicable rules of the road to ensure the safety of the operator and others.

WEAR YOUR HELMET

Requirements:
- Motorized scooter operators of any age must wear a properly fitted and fastened protective helmet. 21235(c)evc
- Scooters must be equipped with a brake that will allow the operator to make a braked wheel skid on dry, level, clean pavement. 21235(a)evc
- Authorized lighting and reflectors are required if riding during darkness. 21223evc
- Operators must ride scooters within marked bicycle lanes. 21225evc. If no marked bicycle lanes are available, riders must ride adjacent to the right hand curb or roadway edge. (Scooters may be operated adjacent to either curb or roadway edge on a one-way street.) 21228(a)evc
- To make a turn across traffic lanes, motorized scooter operators are required to pull to the curb, dismount, and complete the turn by walking the scooter across the street. 21228(a)(2)evc
- A motorized scooter rider must keep at least one hand upon the handlebar at all times. 21235(b)evc. The handlebar must be positioned at or below the rider's shoulder level. 21235(b)evc

Prohibited:
- If the posted speed limit upon a roadway is greater than 25 MPH, a rider is prohibited from riding outside of a marked bicycle lane. 21235(b)evc. If the posted speed limit is greater than 25 MPH and no bicycle lanes are available, riding a motorized scooter is prohibited. 21235(b)evc
- No person shall ride a motorized scooter at greater than 15 MPH. 22411evc
- Minors under the age of 16 years are prohibited from operating a motorized scooter. 21235(d)evc
- Minors between 16 and 18 years are prohibited from riding a motorized scooter without a helmet. 21235(e)evc
- No person shall operate a motorized scooter with additional passengers. 21235(h)evc
- No person shall operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property. 21235(g)evc
- Laying a motorized scooter upon its side upon a sidewalk, or blocking an adequate path for pedestrians upon a sidewalk is prohibited. 21235(f)evc
- No person may ride without authorized lighting and reflectors during darkness. 21223evc
- No person may ride a scooter while under the influence of drugs and/or alcohol. 21221evc
- No motorized scooter or rider shall pull any other vehicle or be pulled by any other vehicle by any means upon the roadway. 21235(j)evc
- Motorized scooters are prohibited on toll bridges and toll roads. 23300evc

SPEED LIMIT
15 MPH
MINIMUM AGE
16 YEARS
In response to concerns relating to the increased operation of mini-motorcycles (pocket bikes) on C streets and highways, the California Highway Patrol (CHP) provides the following guidelines with th enhance public safety on all roadways and to obtain compliance with the California Vehicle Code (V (www.leginfo.ca.gov/calaw.html).

These mini-motorcycles or "pocket bikes" are not manufactured with a conforming 17-digit vehicle i number (VIN), indicating the manufacturers intended they be operated on private property (with own and not for use on a highway.

Since they are not manufactured with a 17-digit VIN, they cannot get registered as a legal motor ve off-highway vehicle, which makes them illegal for use on the highways or as an off-highway ve

Definition of Highway

- "Highway" as defined in Section 360 VC "is a way or place of whatever nature, publicly mai open to the use of the public for purposes of vehicular travel. Highway includes street."

Gasoline-Powered Mini-Motorcycles

A gasoline-powered mini-motorcycle is a "motor-driven cycle" pursuant to Section 405 VC. As such, all vehicle equipment, registration, driver license (M1 endorsement), and helmet requirements stat

Electric-Powered Mini-Motorcycles

An electric-powered mini-motorcycle is a "motorized bicycle" pursuant to Section 406(a) VC. As suc all vehicle equipment, driver license (M2 endorsement), and helmet requirements stated in the VC.

**Frequently Asked Questions**

**What if my pocket bike's engine is less than 50cc's? I've heard that they are not required to be regis street legal.**

This is incorrect information. There is nothing in the vehicle code that allows a motor-driven cycle to the highway that is less than 50cc's. Any motor-driven cycle less than 150cc's is required to be regi equipment standards of a motorcycle, and the operator must have an M1 driver license.

**What will happen if I'm stopped by the CHP while riding my pocket bike on the streets?**

If a person is stopped by a CHP officer while operating a minimotorcycle (pocket bike) on a highwa may be cited for no driver's license or lack of proper motorcycle endorsement, unsafe vehicle, or hel the bike may be impounded which would require tow and storage fees be paid by the violator.

**My pocket bike was advertised as a toy, so wouldn't that make them legal to ride?**

No. These vehicles can travel at high speeds (20 to 50 mph) and **ARE NOT TOYS.** They are motor-

**I thought my pocket bike was a motorized scooter.**
No. Pocket bikes meet the definition of motor-driven cycles and within the definition of "motorized 407.5 VC, it states that "... for the purposes of this section, ... a motor-driven cycle, as defined in ... is not a motorized scooter."

Where can I legally ride my pocket bike?

The pocket bikes were manufactured for paved closed circuit racing courses. They may only be used on property with the owner's permission.

Can my 10-year old child ride a motorized scooter?

The operator of a motorized scooter must be at least 16 years of age even if the motorized scooter is electric energy.
BRIEFING

Highway Patrol
INFORMATION BULLETIN for Allied Agencies

June 1, 2004

BULLETIN NUMBER 160

MINI-MOTORCYCLES (POCKET BIKES)

In response to concerns relating to the increased operation of mini-motorcycles (pocket bikes) on California's streets and highways, the California Highway Patrol (CHP) provides the following enforcement guidelines with the intent to enhance public safety on all roadways and to obtain compliance with the California Vehicle Code (VC) through concerted enforcement efforts.

Mini-motorcycles are not manufactured with a conforming 17-digit vehicle identification number (VIN), indicating the manufacturers intended they be operated on private property and not for use on a highway.

A gasoline-powered mini-motorcycle is a motor-driven cycle pursuant to Section 405 VC. As such, it is subject to all vehicle equipment, registration, driver license (M1 endorsement), and helmet requirements stated in the VC.

An electric-powered mini-motorcycle is a motorized bicycle pursuant to Section 406 VC. As such, it is subject to all vehicle equipment, driver license (M2 endorsement), and helmet requirements stated in the VC.

Individuals operating these vehicles on a highway should be cited for violation of 24002(b) VC (vehicle not equipped as required by the VC). The following is a partial list of equipment requirements that could be referenced to substantiate the violation of Section 24002(b) VC. Refer to the VC for details or exemptions.

- Section 24600 VC – Taillamp required during darkness.
- Section 24253 VC – Battery required.
- Section 24603 VC – Stoplamp required at all times.
- **Section 24607 VC** - Red rear reflectors required.
- **Section 24951(b)(4) VC** - Lamp-type turn signal system required (if capable of more than 30 mph).
- **Section 25650.5 VC** - Lighted headlamp required when engine is running.
- **Section 26103 VC** - DOT headlamp required.
- **Section 26400 VC** - Headlamp height - between 22 and 54 inches.
- **Section 26311 VC** - Brakes on both wheels.
- **Section 26709 VC** - Mirror required.
- **Section 27000 VC** - Horn required.
- **Section 27150 VC** - Muffler preventing excessive or unusual noise.
- **Section 27155 VC** - Fuel Tank Cap.
- **Section 27465(b)(1) VC** - Tire tread depth; minimum of 1/32 inch on any two adjacent grooves.
- **Section 27501(b) DOT** - DOT tires required.

See Motorcycle, Motor-Driven Cycle, and Motorized Bicycle Requirements (CHP 888) for specific equipment requirements.

In addition, operators should be cited for a violation of Section 12500(b) VC if they are unlicensed or licensed, but without the appropriate M1 or M2 endorsement. As appropriate, the vehicle may be stored pursuant to Section 22651(p) VC.

This does not preclude enforcement of other violations. Because the mini-motorcycles are motor vehicles, operators are subject to all rules of the road contained in Division 11 of the VC.

Questions concerning this information bulletin may be directed to Sergeant Doug Milligan or Ms. Sue Barsanti of Research and Planning Section at (916) 657-7237.

OFFICE OF THE COMMISSIONER

OPI: 051
DISTRIBUTION: S(Allied Agency Information Bulletin)
May 20, 2004

TO: All Personnel
FROM: Corporal Michael Olivieri, Jr.
SUBJECT: Motor-Driven Cycles “Pocket Bikes”

The Traffic Bureau has received many inquiries from the public and department personnel regarding Motor-Driven Cycles, also known as “mini-motorcycles” or “Pocket Bikes”. There has been much confusion circulating as to the operational requirements, what laws apply, and how issues relating to theft, storage, and traffic collisions should be handled. This bulletin was written to specifically address the “Pocket Bike” type of motor-driven cycle and is intended to provide clarification for department personnel and to assist in dealing with inquiries from the public.

Definition:
A “motor-driven cycle” is any motorcycle with a motor that displaces less than 150 cubic centimeters (405 VC). A motor-driven cycle does not include a motorized bicycle, as defined in section 406 VC and does not include a motorized scooter as defined in section 407.6 VC.

Driver’s License, Insurance, and Registration Requirements:
• A person operating a motor-driven cycle is required to hold a valid Class M1 Driver’s License when operating a motor-driven cycle upon a highway. Operating this vehicle on the highway without a Class M1 license is a violation of 12500(b) VC.
• Proof of insurance is required when operating a motor-driven cycle on the highway 16028(a) VC.

• A motor-driven cycle operated on the highway is required to have current on-highway registration 4000(a)(1) VC.

DMV Sacramento has indicated that a motor-driven cycle, similar to the “pocket bike” (49cc), cannot be operated at anytime on a highway in California and the DMV will not register this type of motor-driven cycle for on-highway use. Because any motor vehicle operated on the highway (unless specifically exempted) is required to be registered, a citation pursuant to 4000(a)(1) VC is appropriate. DMV will collect fees from the vehicle’s owner and register the vehicle temporarily to clear the citation, however, the registration will be immediately revoked.

**Impound/Storage:**

A motor-driven cycle can be impounded pursuant to 22651(o) VC if the vehicle is unregistered (CHP-180).

A motor-driven cycle can be impounded pursuant to 22651(p) VC if the operator does not have a valid M1 driver’s license (CHP 180).

The CHP-180 form shall include a complete and thorough description of the bike, including any model or serial numbers assigned, especially if a VIN is not present. This will assist the towing company with the storage of these vehicles.

A impound pursuant to 14602.6 VC (30-days) is not appropriate.

**Theft:**
Only if the motor-driven cycle (pocket-bike) has a VIN assigned and is registered (most likely off-highway), will 10851 VC reported on a CHP-180 form be appropriate.

If the motor-driven cycle has not been issued a VIN (most common), the theft should be documented under the correct Penal Code section that best applies to the specific circumstances. 10851 VC documented on a CHP-180 would be inappropriate under these circumstances.

**Traffic Collisions:**

When the operator of a motor-driven cycle is involved in a traffic collision the operator of that cycle shall be marked as Party Type “DRIVER” on the CHP 555 form (CIM 3-16).

The procedure for documenting collisions involving motor-driven cycles shall be the same as outlined for motor vehicles in the Department's Traffic Collision Policy (PPD 1-001).

**Rules of the Road/Equipment:**

A motor-driven cycle is subject to all of the rules and laws that govern motorcycles, including the helmet law 27803 VC.
Frequently Asked Questions *
What if my pocket bike's engine is less than 50cc's? I've heard that they are not required to be registered and are street legal.

This is incorrect information. There is nothing in the vehicle code that allows a motor-driven cycle to be operated on the highway that is less than 50cc's. Any motor-driven cycle less than 150cc's is required to be registered, meet the equipment standards of a motorcycle, and the operator must have an M1 driver license.

What will happen if I'm stopped by Law Enforcement while riding my pocket bike on the streets?

If a person is stopped by an officer while operating a mini-motorcycle (pocket bike) on a highway, that person may be cited for no driver's license or lack of proper motorcycle endorsement, unsafe vehicle, or helmet use, and the bike may be impounded which would require tow and storage fees be paid by the violator.

My pocket bike was advertised as a toy, so wouldn't that make them legal to ride?

No. These vehicles can travel at high speeds (20 to 50 mph) and ARE NOT TOYS. They are motor-driven cycles.

I thought my pocket bike was a motorized scooter.

No. Pocket bikes meet the definition of motor-driven cycles and within the definition of "motorized scooter", Section 407.5 VC, it states that "... for the purposes of this section, ... a motor-driven cycle, as defined in Section 405 VC, ... is not a motorized scooter."

Where can I legally ride my pocket bike?

The pocket bikes were manufactured for paved closed circuit racing courses. They may only be operated on private property with the owner's permission.

Can my 10-year old child ride a motorized scooter?

The operator of a motorized scooter must be at least 16 years of age even if the motorized scooter is powered by electric energy.

* FAQ courtesy California Highway Patrol
What is a Pocket Bike?

*These mini-motorcycles have roots in Europe as entry-level to the full size GP motorcycle racers. They range in size from 1'4" to 2'2" and are priced from $300 to over $3000 for a race ready bike. Owners manuals clearly state that they are intended for use on closed tracks. Unfortunately, these bikes are being mass marketed as "scooters."

*Pocket Bikes are actually "motor-driven cycles" as defined in Section 405 of the California Vehicle Code. A motor-driven cycle is a motorcycle with an engine displacement of less than 150 cubic centimeters.

*Since pocket bikes are considered motor-driven cycles in the Vehicle Code, they must be registered and insured to be used on the street. The driver must have an endorsement for a motor-driven cycle on their license and wear a DOT motorcycle helmet. However, pocket bikes do not meet Federal safety standards and do not have proper vehicle identification numbers. Because they do not conform to these standards, they cannot ever be licensed and must be used only on private property or closed courses. They can never be used on the street or sidewalk.

*Regardless of what the dealer tells you, they are not scooters.

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The Laws!

400 CVC Motorcycle Definition
A "motorcycle" is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 lbs.

405 CVC Motor-Driven Cycle
A "motor-driven cycle" is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle as defined in Section 406 CVC.

406 (A) CVC Motorized Bicycle
A "motorized bicycle" or "moped" is any two-wheeled or three-wheeled device having fully operable pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

407.5 CVC Motorized Scooter
A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion.

12804.9 CVC M1/M2 Endorsement Required
An endorsement is required with a valid Class A, B, or C license. A motorcycle or motorized bicycle will be towed for 22651 (p) CVC if the driver does not have the proper endorsement. A motorcycle will be towed for 14602.6 CVC (for 30 days) if the driver does not have a valid license or endorsement or the license is suspended.

Helmet Requirement
27803 CVC DOT approved helmet for motorcycles and motor-driven cycles.

21235(C) CVC Bicycle helmet for Scooters and Mopeds

4000(A) CVC Vehicle Registration
Motor-driven cycles must be registered and display a plate per 5200 (B) CVC. Mopeds/motorized bicycles must display a special license plate per 5030 CVC.

16028(a) CVC Insurance Requirement
Insurance is required for motorcycles and motor-driven cycles. It is not required for scooters, mopeds, and motorized bicycles.

24004 CVC Unsafe Vehicle
Pocket bikes do not meet federal motor vehicle safety standards. They cannot be used on a public road.
CITY COUNCIL AGENDA

August 17, 2004

SUBJECT: Discussion of Draft Proposal Prepared by City Staff of Joint Powers Agreement with The County of Tulare

SOURCE: CITY MANAGER

The City Staff has prepared a draft Joint Powers Agreement with the County of Tulare. The Agreement would permit the coordination of services between the two agencies. The draft which has been prepared has been submitted to the County for their review, but there has been no approval by the County.

A meeting has been scheduled for August 18th at which Mayor Pro Tem Irish, Council member Hamilton, City Manager Longley and Deputy City Manager Pyle will meet with representatives of the County to discuss the document.

The purpose of the agenda item is a formal presentation of a City proposal for the Council’s review. It is likely there will be some modification of the proposal during negotiations with the County.

RECOMMENDATION:

Review the draft document and provide any direction.
JOINT EXERCISE OF POWERS AGREEMENT FOR THE 
PROVISION OF PUBLIC SERVICES IN THE CITY OF PORTERVILLE

THIS AGREEMENT is entered into as of __________, between the CITY OF 
PORTERVILLE, a charter city, referred to as “City,” and the COUNTY OF TULARE, a political 
subdivision of the State of California, referred to as “County” with reference to the following:

A. City and County each have continuing needs to acquire, develop, operate and maintain various 
facilities for the provision of public services within the incorporated limits of City; and

B. City and County provide similar services to adjoining areas, these services include but are not 
limited to police, fire, public works, recreation, library, building inspection, planning, animal control, 
public works, street construction and maintenance, and purchasing; and

C. City and County have determined that cooperation and joint participation in the acquisition, 
development, operation, or use of public service facilities and the coordinated or joint provision of 
public services can promote orderly growth and development and the provision of economical and 
reliable public services; and

D. City and County wish to establish an agreement providing for such joint participation on an as-
needed basis; and

E. City and County have the common power and authority to acquire, develop, operate and 
maintain real property and to provide specific public services for public purposes; and

F. City and County are authorized by Section 6500 et seq. of the California Government Code to 
enter into this Agreement for the joint exercise of such powers.

NOW, THEREFORE, IT IS AGREED as follows:

1. **Purpose:** City and County hereby enter into this Joint Powers Agreement for the general purpose 
of cooperating in the provision of specific public services and for the acquisition, development, 
operation and maintenance of real property for public purposes.

2. **No Separate Entity:** There will be no separate and distinct public entity created by this 
Agreement.
3. **Consultation:** During the first week of July and January of each year or at such other times as both the City and County jointly agree, the City Manager of the City of Porterville, and County Administrator of the County of Tulare, with a member of the City Council and County Board of Supervisors selected by the respective bodies, shall jointly meet to report on proposed facilities, projects and services provided by each agency within the Porterville area. From this meeting, a specification of facilities, projects, and services where cooperative activity may result in the savings of public funds or the acceleration in providing a facility, project or service may be defined jointly by the City Manager and County Administrator and governing board representatives for specific consideration.

4. **Rules for Meeting:** The consultation meeting will be subject to State Law regarding notice and accessibility. The meeting may proceed if each Party to this agreement is represented. No action may be taken at the consultation, except to review minor activities as provided for herein, and to otherwise recommend to the Porterville City Council and Tulare County Board of Supervisors such other facilities, projects and services to be considered for activity sub-agreement.

5. **Minor Activities:** The City Manager and County Administrative Officer may jointly provide facilities, projects or services by their signatures on an activity sub-agreement, if the value of the specific facility, project or service within a fiscal year does not exceed $25,000 in expenditure and it was reviewed without objection at the July or January or other joint consultation.

6. **Specific Consideration:** The City Manager and County Administrator and the governing board representatives may submit jointly to the Porterville City Council and Tulare County Board of Supervisors a memorandum for the special or joint provision of a facility, project or service. This consideration will involve an activity sub-agreement that specifies in detail the rights and responsibilities of each party in the exercise of their joint powers for the facility, project or service. The activity sub-agreement will specify each party’s contribution to the cost of the facility, project or service, as well as any ownership interest and the use to be made of any facility, the disposition of any revenue generated by the facility, project or service and specific program and personnel responsibilities for jurisdictions relating to any service. Cost contributions may be in the form of cash, in-kind services, payment of rent, use of facilities, credits against debt, shared service deliveries, and other appropriate consideration. Each sub-agreement will be deemed to incorporate the terms of this Agreement unless specifically stated otherwise in the Project sub-agreement.

7. **Specific Facility, Projects or Services:** Jointly, the City and County will investigate without precondition the ability to initiate a work and emergency center for the facility located at 466 East Putnam. This investigation will review facility and land-use issue related to utilizing the facility to support a conservation based work program for youth, housing for the program and other emergency accommodations. The investigation will require a review of local, state and federal funding sources for such activities, the transition of current program hosted at the facility, the staffing of activities, the value of the existing facility and resources to operate and maintain the facility.

8. **Applicable Laws:** Unless otherwise specified in the sub-agreement, the laws and regulations
applicable to City of Porterville public works projects or service programs will apply to any sub agreement.

9. **Personnel:** All personnel and employees of each party who conduct activities and/or provide services under an activity sub-agreement will, at all times, remain employees of their respective public entities, and said respective public entities will be solely and completely responsible for the employment, workers compensation coverage, supervision, and discipline of such employees.

10. **Indemnity:** Pursuant to Sections 895 through 895.8 of the Government Code, each party, will indemnify and hold harmless the other party from any loss, damage or liability arising out of the tortuous acts or omissions, both negligent and intentional in the performance of the duties of each parties’ employees for services rendered pursuant to any sub-agreement.

11. **Records and Audit:** Each party will maintain complete and accurate records with respect to the services rendered and the costs incurred under any sub-agreement. In addition, the parties will maintain complete and accurate records with respect to any payments to employees or subcontractors. All such records will be prepared in accordance with generally accepted accounting procedures, will be clearly identified, and will be kept readily accessible. Any funds from grants or loans received from outside sources will not be co-mingled with other funds of the parties and will be maintained in separate accounts for each grant or loan. Upon request, each party shall make such records available to the representatives or consultants of the other party and to the agent of any funding agency as may be provided by any grant or loan agreements for the purpose of auditing and/or copying such records for the period required in any grant or loan agreement but for no later than a period of five (5) years from the completion of the activity.

12. **No Third Party Beneficiaries Intended:** Unless specifically set forth in an activity sub-agreement, the Parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

13. **Severability:** If any term, condition, covenant, provision or part of this Agreement, or of any sub-agreement is invalid, void or unenforceable for any reason, the remainder of this Agreement of the sub-agreement will continue in full force and effect.

14. **Notices:** Authority to administer this Agreement on behalf of each party is hereby vested jointly with the City Manager of City and the County Administrative Officer of County, or such designees as they may each elect. Any notice required under the terms of this Agreement will be deemed received on the date actually delivered if by personal delivery, or on the third business day following deposit in the United States mail, postage prepared, addressed as follows:

**CITY:**

City Manager  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257
COUNTY: County Administrative Officer
County of Tulare
2830 W Burrel
Visalia, CA 93291

15. This Agreement will become effective on the date first above written, and will remain in full force and effect until __________ unless terminated by either party on sixty (60) days written notice to the other. If the agreement is terminated prior to its full term, no further activity sub-agreements may be entered into by the parties, but any existing activity sub-agreements will remain in full force and effect for their term.

THE PARTIES having read and considered the above provisions, indicate their agreement by their authorized signatures below:

COUNTY OF TULARE

By ________________________________
Chairman, Board of Supervisors
“COUNTY”

ATTEST: JANET HOGAN
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By ________________________________
Deputy Clerk

CITY OF PORTERVILLE

By ________________________________
Mayor
“CITY”

ATTEST:

By ________________________________
John Longley, City Clerk

Approved as to Form
County Counsel

Approved as to Form
City Attorney

By ________________________________
Deputy

By ________________________________
Julia M. Lew