CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
DECEMBER 7, 2004 6:00 P.M.

Call to Order
Roll Call

CLOSED SESSION - CITY COUNCIL:

A. Closed Session Pursuant to:
   1 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
   6 - Gov. Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

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

Pledge of Allegiance Led by Council Member West
Invocation by Pastor Steve Walker, Valley Oak Community Church

PRESENTATION
Employee of the Month - Russell Searle
Friends of the Library

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 November 9, 2004 and November 16, 2004
2. **Budget Adjustments for the 2004-05 Fiscal Year**  
Re: Increasing the revenue estimate in the General Fund Budget to account for donations, and to increase the appropriation in the Library budget to allow for expenditures.

3. **Authorization to Advertise for Bids - Aerial Ladder Truck**  
Re: Purchase of a new 75-foot Quint Ladder Truck for the Fire Department for at a cost between $400,000 and $450,000, to be funded from the Equipment Replacement Fund and grant from Tule River Tribal Council.

4. **Award of Contract - Transit Surveillance System**  
Re: Awarding contract to Industrial Electronic Systems, Inc. of Fresno, California in the amount of $23,576 for a closed circuit television surveillance system for the Transit Center.

5. **Award of Contract - Transit Vehicle Location System**  
Re: Awarding contract to Teletrac of Garden Grove, California in the amount of $13,225 for an automatic vehicle location (“AVL”) system for the Transit Center.

6. **Award of Contract - VELB Mitigation Water Well Project**  
Re: Awarding contract to Johnson Drilling Co. of Reedley, California in the amount $30,300.16 for construction of a water well to irrigate at the mitigation site known as the Headgate Property, generally located between Highway 190 and the Tule River, east of the southerly prolongation of Page Street.

7. **Acceptance of Appraised Value of Right of Way for Property Located at APN 245-390-007 - Steve D. and Melissa R. Krigbaum - Henderson Avenue Reconstruction Project**  
Re: Authorizing staff to make payment of $10,887.80 to Steve D. and Melissa R. Krigbaum for the purchase of 3,234 square feet of real property needed for the project.

8. **Acceptance of Appraised Value of Right of Way for Property Located at APN 245-040-005 - Ralph M. & Janet Hovannisian - Henderson Avenue Reconstruction Project**  
Re: Authorizing staff to make payment of $4,756.40 to Ralph M. and Janet Hovannisian for the purchase of 1,020 square feet of real property needed for the project.

9. **Zalud House Museum Maintenance Grant**  
Re: Approving the filing of an application for a Roberti-Z’Berg-Harris Open Space and Recreation Program Grant for various needed improvements to the property totaling approximately $120,000.

10. **Limited Opening of the Heritage Center Library**  
Re: Authorizing limited opening of the Heritage Community Center Library for two evenings per week, commencing February 1, 2005.

11. **City of Porterville Emergency Operations Plan**  
Re: Report on update of City’s plan in compliance with the Standardized Emergency Management System.

12. **Amendments to Employee Pay and Benefit Plan and Personnel System Rules and Regulations**  
Re: Approving amendments pertaining to wages, benefits and working conditions for the Porterville City Employees’ Association, the Porterville Police Officers’ Association, the Police Supervisors’ Group, and Management and Confidential Employees for Fiscal Years 2004-05, 2005-06 and 2006-07.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*
PUBLIC HEARINGS
13. Zone Change 6-2004 (Steve Vang)
   Re: Change from R-1 (One Family Residential) to C-3 (Heavy Commercial) for 8,050 sq. ft. parcel located
   on east side of Kessing Street, approximately 90 feet north of Olive Avenue, for conversion of dwelling into
   a video store and storage building.

14. Charitable Car Wash Ordinance
   Re: Approving Ordinance setting forth criteria with which charitable organizations conducting car washes
   within the City must comply.

15. Veritas Estates Tentative Subdivision Map & Conditional Use Permit 9-2004 (Lee Jones)
   Re: Approval of a map to divide a vacant .48± acre parcel zoned R-3 into seven (7) residential
   condominium lots and one (1) common area lot for a total of eight (8) lots for the site located a 452 West
   Morton Avenue.

16. Vacate Public Vehicular Turnaround Easements Related to the Development of River Springs, Phase
    Three Subdivision (G.W. Homes, Inc.)
   Re: Authorize vacation of easements dedicated to the City as Parcel 1 and 2 of Document No. 2000-
   0072322, recorded November 7, 2000, in the Office of the Tulare County Recorder, located generally east
   of Beverly Street and south of Date to the Tule River.

SCHEDULED MATTERS
17. Consideration of Request Regarding Bicycle Transportation Account/Review of Blue Skies Coalition
    Petition
   Re: Considering alternatives for pursuing grant funds for implementation of bicycle paths within Porterville.

18. Budget Request by the Success Reservoir Enlargement Joint Powers Agreement Committee for Seismic
    Remediation Effort
   Re: Authorizing payment of $6,250 representing the City’s share for efforts of the JPA to ensure federal
   prioritization of seismic remediation funding at Success Dam.

19. Establishment of Parking District in Central Business District
   Re: Informational and historical analysis of parking districts for consideration of establishment of parking
   district in the downtown area.

20. Acceptance of Final Subdivision Map River Springs Phase 3 (G. W. Homes, Inc.)
   Re: Approving the final map of Phase 3 of River Springs Subdivision, located generally east of Beverly
   Street and South of Date Avenue to the Tule River, accepting offers of dedication and vacation, and
   authorizing the City Clerk to record said map.

21. Update Regarding the Car Wash Sludge Drying and Containment Structure
   Re: Update on feasibility of structure and City’s ability to meet State requirements for disposal of sludge,
   additional information on which will be provided at the January 18, 2005 Council meeting.

22. Authorize Distribution of Request for Qualifications for Golf Course Marketing Plan Preparation
    Re: Authorizing staff to distribute RFQ to identify interested consultants for preparation of marketing plan
    and appointing one Council Member to the Consultant Selection Panel.
23. City/School Agreement to Add a School Resource Officer to Police Department  
Re: Authorizing Mayor to sign agreement with Burton and Porterville Unified School Districts for cost-sharing of an additional School Resource Officer, with additional funds contributed from Indian Gaming Initiative; authorizing staff to continue negotiations with school districts on terms and conditions of agreement; and authorizing increase in sworn police officers to forty-five (45).

24. Consideration of Support for Porterville Homecoming Celebration Festival  
Re: Authorizing allocation of $3,000 from Community Promotion in the Fiscal Year 2005/2006 Budget to retain a part-time individual to organize the festival projected for Fall 2005.

25. Consideration of Legislative Recommendations  
Re: Reviewing draft letter to Assemblyman Bill Maze detailing prospective legislation that would be beneficial for Porterville.

26. Consideration of Support for High Speed Rail  
Re: Discussion on supporting the City of Visalia and Tulare County with their December 15, 2004 meeting with the High Speed Rail Commission.

27. Consideration of Request for Mosquito Abatement Discussion  
Re: Discussion on new information on alternatives for mosquito abatement in Porterville.

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

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.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - NOVEMBER 9, 2004
CITY HALL CONFERENCE ROOM
6:00 P.M.

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

WRITTEN COMMUNICATIONS
None.

ORAL COMMUNICATIONS
None.

SCHEDULED MATTER
1. CONSIDERATION OF A DRAFT POLICY REGARDING BUDGET AND FISCAL MATTERS

City Manager John Longley presented the item and explained that the draft Policy that would be presented to Council that evening was based largely on the City of San Luis Obispo’s Policy and edited to reflect specific practices within the City of Porterville. Mr. Longley stated that Deputy City Manager Darrel Pyle would review the major headings of the Policy with Council and summarize the materials. He then indicated that there would be no recommendation that evening to adopt the draft Policy, but rather that the Policy was merely being presented to the Council for comments.

Deputy City Manager Darrel Pyle informed Council that Chief Financial Officer Susan Slayton was also available that evening to answer any questions that the Council might have. Mr. Pyle then presented the draft “Budget and Fiscal Policies” document. He explained that as staff had worked its way through the document from San Luis Obispo, they had discovered many elements common to all city governments. He stated that the City of Porterville had already employed a large number of the practices included in the document, but that they were never officially written down as Policy. This document, Mr. Pyle explained, would allow staff to review the City’s practices and measure its performance against the stated policies. He pointed out that some of the elements that would be discussed that evening were newer concepts which had not likely been discussed within the past ten or more years. Mr. Pyle then reviewed the draft Policy, section by section.

Section I - Financial Plan Purpose and Organization
Mr. Pyle explained that this Section described financial plan objectives. He stated that the City of Porterville already included many of the objectives as part of its budget development and goal setting processes, which often times involved input from Council and members of the community. He explained that community needs for essential services were identified in this manner, and pointed to community participation with the development of the Heritage Center as an example of such participation in identifying critical issues facing the City.

Mr. Pyle stated that because of the City’s increased activities with the school districts and the County, critical service needs had been identified, and pointed out that such early identification allowed the City to proactively approach issues affecting the City, such as with future school development and County budgetary restraints. He then stated that the City Council also affected the City’s financial plan objectives. He continued that while some cities had tried to move to a two-year budget cycle, in reality, Porterville’s budget moved closer to a six-month cycle because of volatility in the City’s revenue stream. He explained
that staff believed a one-year budget cycle was the most effective. He stated that the City currently had a one-year budget, with a three-year plan, which allowed the City to remain proactive and provide stable operations and the assurance of maintaining the City’s long-term fiscal health.

Council Member Stadtherr questioned if there were any advantages to a two-year budget considering the passage of State Proposition 1A.

Mr. Pyle responded that one element that staff had been watching was a caveat in Proposition 1A. He stated that this issue would be presented to Council as an agenda item at the next meeting. He explained that the County had already received the formula by which Educational Revenue Augmentation Fund ("ERAF") would be calculated and returned to the cities and the counties. He stated that staff believed that the formula that the State had delivered required the County to pay out more money than the County collected in property tax revenues. He stated that this “hole” came from the State, and pointed out that volatility existed in those funds. Mr. Pyle then explained that while the City could pursue a two-year budget, he believed the budget would still need to be looked at every six months.

Mr. Pyle pointed out that during the budget process, staff had attempted to establish realistic time frames for achieving objectives, and that one element used was the City’s Ten-Year Capital Improvement Plan in which the Master Plan improvements were set out. He then pointed out that several items in the draft Policy document were still under construction, and that once the cost allocation study by Maximus had been completed, a criteria would be formulated to track accomplishment of the City’s goals and objectives.

Mr. Pyle then discussed the "Operating Carryover" and how the City of San Luis Obispo had recognized the benefit of employing a carryover policy, rather than taking a “use it or lose it” approach. He stated that the City of Porterville also believed in a carryover mechanism and that historically any savings were carried over within the same department. He commented that because of revenue issues with the State, operating budgets by department had been re-baselined. He explained that in some instances, over time, the formula growth for a particular department exceeded what had actually been needed, yet in other instances some departments were “budget starved” under that same formula. He cited as an example adjustments in the Finance Department to avoid layoffs in the Community Development Department.

As to "Goal Status Reporting," Mr. Pyle indicated that staff would return to Council with status reports in November, January and April, if necessary. He stated that once the current level of volatility passed, six month reviews would likely be adequate. He explained that staff would provide Council with a brief update on November 16, 2004, and once the December books had been closed in January, final assessments could then be made on current budget assumptions and those brought back to Council. He stated that it was staff’s philosophy that the budget was an active document that should be looked at more than once per year.

Mr. Pyle stated that with regard to a "Balanced Budget," staff had attempted to identify operating revenues to cover operating expenditures including debt service, and explained that some elements in the Policy occurred as a result of budget activity over the past few years, such as the establishment of "minimum fund balances." He pointed out that the City of San Luis Obispo established general funds and enterprise funds at 20% of operating expenditures. Mr. Pyle explained that “fund balance” essentially represented the amount of assets in excess of liabilities and pointed out that in many funds, staff had achieved that balance. He stated that this level provided working room in the event a capital project or emergency repair was needed. He indicated that some funds, such as the golf course and airport funds, were currently not there, but that the airport fund was moving in a positive direction.

Mr. Pyle then addressed the appropriate level of unreserved fund balance in the General Fund. He stated that this element of the Policy was highlighted by the Government Finance Officers Association
("GFOA"), the entity that reviewed the City’s Comprehensive Annual Financial Report (CAFR) and evaluated it against generally accepted accounting principles. He stated that the GFOA recommended an unreserved, undesignated fund balance in the General Fund of no less than 5 to 15%, and indicated that Porterville was currently in the 10% range. He stated that the GFOA also recommended that no less than 1 to 2 months of regular general fund operating expenditures be reserved. Mr. Pyle explained that fund balances in excess of 15% were not generally recommended if no intended purpose for such savings had been identified, pointing out that cities existed to provide services, not to amass assets. He suggested that 15% would be prudent in protecting the City against any unforeseen circumstances. Mr. Pyle then confirmed that the City currently had enough reserved funds to cover general fund bills for a couple of months, and stated that the City was in a solid position in terms of cash flow, unlike many other cities throughout California. He then pointed out that under this policy, Council should consider the volatility of expenditures.

Section II - Financial Reporting and Budget Administration
Mr. Pyle explained that the City’s Charter provided for an independent Certified Public Accountant to provide an opinion as to the status of the City’s financial reports, and pointed out that other cities like Porterville submitted their comprehensive annual financial reports to the GFOA for review. He informed the Council that the City had received notice last week that the City’s first GASB 34 Compliant CAFR received the Award of Excellence from GFOA. He pointed out that the Policy stated that the City would strive for an unqualified auditors’ opinion, and assured Council that if there were an event that precluded the City from receiving an unqualified auditors’ opinion, the Council would be notified of that well in advance. He stated that one of the items that staff would be addressing that fiscal year and next fiscal year would be the status of the golf course fund as an enterprise. He stated that the auditor had notified staff that if the City had been unable to turn the course of that fund around and return it to a flush cash position, the City would have to make the determination that the fund could no longer live on its own as an enterprise fund. He explained that as an enterprise fund, over time, such a determination could result in a qualified opinion because it would be of a growing concern. Mr Pyle explained that the golf course funding was a division of the Parks and Leisure Services Department in the General Fund, it could lose money yet trigger no audit concern at all.

Mr. Longley questioned whether some level of subsidy could be provided to that fund which would result in a positive and allow it to remain as an enterprise fund. He explained that this would be advantageous because if those funds were placed in the General Fund, it would be difficult to determine if the golf course was paying for itself.

Mr. Pyle responded that staff could speak with the auditor to determine if that option was possible.

Mr. Pyle continued that in terms of "Interim Reporting," through the practices of the City Manager and in consideration of significant State Legislative changes, a substantial amount of financial reporting was made, with Council receiving quarterly updates of the financial status and portfolio. He explained that also on a monthly basis, each department received printouts specific to each department’s operations. He stated that revenue analyses were also done on a monthly basis to ensure that the City remained on track.

City Manager John Longley commented that staff followed cash very carefully.

Mr. Pyle pointed out that staff had been unable to find an agency that placed more emphasis on such reporting than the City of Porterville currently did. He then stated that the City’s Charter had some provisions as to how the budget would be administered and also identified the flexibility of the City Manager versus the flexibility of the Council in terms of making modifications to the budget once adopted.

Section III - General Revenue Management
Mr. Pyle stated that the efforts that had been underway during the past few years had been focused on ensuring that the City had a stable, steady revenue stream in light of State activity. He stated that in terms of "Interfund Transfers and Loans," staff had attempted to identify such loans to Council during the budget development process. He explained that the Policy distinguished "transfers" from "interfund loans," and that some of the activity that occurred on a monthly basis was in those funds that currently had negative cash balances. He stated that when books were closed at year end, cash from funds with positive balances was moved to funds with negative cash balances to bring those funds to zero. He stated that this was basically a "thirty second loan," after which the books were closed, a "picture" taken, and the money moved back. He stated that staff had attempted to highlight those types of activities in the budget and the activity was also reflected in the comprehensive financial report. He commented that he believed staff did a pretty solid job of monitoring and maintaining those cash transfers as well as interfund loans.

Section IV - User Fee Cost Recovery Goals

Mr. Pyle pointed out that this Section was currently under construction as staff worked its way through the process with the firm of Maximus, which he estimated would take approximately twenty weeks. He explained that staff had just prepared and delivered an informational package to Maximus for its initial review. He stated that when that document was ultimately brought before Council for its consideration and/or adoption, the major elements of that document would be referenced in this portion of the Policy. He stated that he assumed that the document would be quite large, and therefore only referenced in the Policy, as opposed to it being incorporated into the Policy.

City Manager John Longley pointed out that Council might not wish to rush to adopt this Policy, but instead Council might consider the performance schedule for adoption be commensurate with the coming budget, perhaps in the next May or June time frame. Mr. Longley stated that he believed this time frame was more likely, because he expected some Council discussion, debate and direction regarding the user fee issue. He stated that the text that would eventually be excerpted into the Policy would basically be the general outlines or basis upon which the user fees would be established.

Council Member Hamilton questioned how far off implementation currently was.

Mr. Pyle responded that years ago when the MSI Study had been compiled, criteria had been established by the Council based on that report. He stated that some of those theories were brought forward in the draft Policy before Council that described the Council's level of comfort in providing support for certain programs. He stated that previously, Council had determined that some programs should pay for themselves 100 percent, but that other programs should be subsidized because those programs were in the best interest of the community. He stated that the Policy before Council described some of that original criteria, and indicated that some programs — such as those dealing with low to moderate income participants, or after school programs — would probably need to be subsidized to some extent. He stated that each of those programs would be identified in the study, as well as each program's funding and current level of subsidy, along with a recommendation of whether or not the fees should be adjusted.

Mayor Pro Tem Irish pointed out that the MSI Study was almost a quarter of a century old, and suggested that every program in that study was now currently subsidized.

Mr. Pyle agreed with Mayor Pro Tem Irish and added that some of the programs in that study no longer existed. He stated that when those programs had been adopted, the City might have collected 100% of the costs for providing the service, but that over time, for various reasons, annual updates or increases in those fees had not taken place. He suggested that subsidization of the programs likely began three or four years after their initial adoption.
Mayor Pro Tem Irish pointed out that none of the fees in the MSI Study had been tied to the Consumer Price Index ("CPI"), but commented that he did not believe the fees should be tied to the CPI, unless the CPI was specific to Porterville, such as a percentage of the CPI.

Mr. Pyle stated that in the RFP, in addition to the document, staff had requested education to keep that document updated in the most cost efficient method as possible. He indicated that staff did not wish to have to hire an individual merely to update fees. He stated that in years past, other agencies in that MSI model, such as City of Tulare, actually hired a person to maintain the City’s manual. Mr. Pyle stated that additional criteria could also be included to determine at what percentage fees would be increased. He suggested that each specific program should be reviewed, as some might warrant fee reductions based on economies of scale as participation in the program grew. He explained that Sections B and C of the “User Recovery Goal” section identified criteria and the reasons behind intentional subsidization of programs. Mr. Pyle also explained that Section D addressed high cost recovery levels for programs that were user specific and did not benefit the entire community.

Mr. Pyle explained that there were some concepts regarding the use of service charges which recognized that revenue should not exceed the reasonable cost of providing the service. He again pointed out that government was not in the business of making money. He stated that fees could be challenged if somebody from the community determined that the City had charged more for the service than the City had incurred to provide such service. He stated that for quite some time in California, fees had always been subject to challenge if they were deemed to be in excess of the cost of providing the services. Mr. Pyle then pointed to model information regarding programs in which low cost recovery was advantageous. He stated that in terms of “Recreation Programs,” the former MSI model had similar categories for acceptable levels of subsidy. He pointed out that the recreation activities were broken out into three categories: high-range, mid-range and low-range, and suggested that once the Maximus study had been completed, those activities could be reorganized. Mr. Pyle then informed Council that the draft policy also addressed a differential between residents and non-residents. He stated that currently, the only program through which the City might have a concept as to this determination was through the San Joaquin Valley Library System.

Mayor Pro Tem Irish commented that he did not believe distinguishing between City and County residents was a good idea.

Mr. Pyle agreed and stated that attempting to make such a distinction, such as in the Library system, would prove to be over burdensome. He then pointed out that the City actually recuperated costs from Tulare County for providing transit services to County residents, that such agreement went before Council every year.

Mr. Longley pointed out that Porterville Library would actually be prohibited from making such a distinction because of the provisions of the Inter-Library program. He then commented that the City of Monterey had begun to distinguish between City and County residents, and immediately thereafter, the County pulled out and provided no further subsidy. He asserted that the actions by the City of Monterey created much resentment.

Mr. Pyle commented that participation in the Inter-Library program benefitted the citizens because the library was able to access books that it would not ordinarily be able to maintain. He stated that such participation was a win-win scenario.

In terms of “Development Review Programs,” Mr. Pyle stated that staff monitored and reported to Council on an annual basis the status of impact fees collected by the City. He stated that Community Development Director Brad Dunlap had prepared an agenda item for the next Council meeting regarding an award of contract for the General Plan. He explained that staff would review the fees for building safety.
inspections for all engineering work and for fire plan checks, and stated that those items would also be included in the Maximus Fee Study. He indicated that the draft Policy included criteria for using market rates, yet recommended that the rates not be the only criteria considered for the establishment of fees.

Section V - Enterprise Fund Fees and Rates

Mr. Pyle explained that Paragraphs A through E covered plans that were currently in existence. He pointed out that additional language needed to be added to Paragraph B to clarify that the Airport Fund was currently in a negative cash position, but that during the last several years, the Fund had been moving toward the positive. He stated that this year was no exception.

Mr. Longley pointed that part of the trend could be attributed to the subsidy of general fund expense covering the cost of overhead.

Mr. Pyle then discussed Paragraph E regarding Franchise and In-Lieu Fees for enterprise funds, indicating that they would represent a large component of what would be reviewed. He cited, for example, wear and tear on City streets. He stated that in the older MSI Report, a widely-accepted rate had been used. He explained that the use of heavy equipment like refuse trucks and the cutting of streets for sewer and water pipe maintenance and replacement had a substantial effect on the life of a City street. He indicated that in-lieu fees were determined by looking at such effects, and pointed out that the General Fund recouped the cost that the enterprise funds put on the City streets, and then used that amount for street programs. He explained that updated logic and science would be a part of the new study.

Mayor Pro Tem Irish questioned if the funds were obligated once they went into the General Fund.

Mr. Pyle responded that the revenue was not specifically earmarked. He explained that, generally, the need for streets’ expenditures exceeded the amount that was obtained, so historically the opportunity for those funds to be spent elsewhere has not arisen. He suggested that with the issuance of $20 Million in Certificates of Participation for streets, much of the other street funds had gone towards debt service. He then commented that it would be interesting to see what level of depreciation those enterprise fund activities had on the City streets.

Mr. Longley clarified that while the actual revenue was not specifically earmarked, the amount of revenue was. He elaborated that the dollars were not tracked, but the amount was, and that the amount had been allocated for debt service.

Mr. Pyle agreed and added that the streets’ maintenance function was a General Fund Public Works division which included items like median island maintenance and signalization. He indicated that on an annual basis staff had calculated the streets report for the State Controller’s Office and estimated $1.5 to $3 Million that was actually spent on street maintenance programs. He stated this usually exceeded by far what was collected in the Enterprise Funds.

Section VI - Revenue Distribution

The Deputy City Manager then pointed to Paragraph A of the “Property Taxes” Section and indicated that those rules were still currently in effect, as were the items set out in the “Gas Tax Subventions” and “Transportation Revenues” Sections. He then indicated that Parking Fine revenue was a relatively minor component.

Mr. Longley pointed out that almost every major revenue source that had just been reviewed was relatively minor today.
In response to Mayor Martinez’s question, Mr. Pyle indicated that approximately $10,000 was left in old parking district funds. He stated that he believed those funds had been allocated for parking lot repairs for the lot behind Country Pleasures on Main Street.

City Manager commented that he believed those funds had already been expended.

Chief Financial Officer Susan Slayton clarified that the Finance Department had advertised in an attempt to locate the bond holders, one of whom was identified as deceased with no heirs. Ms. Slayton explained that based on the State of California’s criteria, those funds were rolled into the General Fund when attempts to locate heirs proved unsuccessful.

Mr. Pyle confirmed that the deceased bond holder’s balance was escheated back to the City, and indicated that those funds would be used for the parking lot project this year.

Mr. Longley stated that during one of the upcoming Council Meetings, staff would present the idea of possibly reactivating a downtown parking district, which he surmised would be a large project, but worth the effort. He stated that there was a great deal of interest from individuals who had contacted him, and that the item would be presented to the Council for its review. He pointed out that it would be a major undertaking, as the district would need to be reestablished.

Section VI - Investments

Mr. Pyle stated that the investment component lined up with the City’s mandates on investment and policy reporting to the Council. As to the “Tax and Revenue Anticipation Notes” Section, Mr. Pyle stated that the City was currently in a position in which the General Fund balance did not dip into a negative cash position. He stated that this precluded the City from issuing tax and revenue anticipation notes. He commented that this was a logical policy component, and at some point in the future, the City of Porterville might not be so fortunate and might actually qualify for tax and revenue anticipation notes. This is why, Mr. Pyle explained, that element was included in the draft Policy. He then explained that the remaining subheadings of that Section were all existing practices and that many were already included in the City’s investment policy.

Mr. Longley pointed out that City reserves were not constant throughout the year. He explained that, for example, the City might have a reserve target of $1.5 Million in the General Fund. He stated that on June 30, the City might be funded for that $1.5 Million, but that the real issue was how revenues rolled up and down. He suggested that normally by November, the amount of reserves might be fluctuate between one-half and two-thirds of what it was on June 30. He pointed out that the same amount of money did not come in all of the time. He stated that currently the sales tax had been reallocated to support State indebtedness, and that the City was no longer receiving a much money from VLF. Mr. Longley pointed to property tax revenues and suggested that the character of cash flow might even become more skewed. He stated that the City would not receive its major payments until December and then again in June.

Mr. Pyle stated that sales tax revenues were always received relatively evenly, month by month. However, he pointed out, the City would now likely receive only approximately 25% of that amount.

Mr. Longley pointed out that the VLF was in a similar position.

Mr. Pyle agreed and elaborated the City used to receive a fairly substantial VLF check each month which was calculated on 2% of value, however, he explained, the percentage was now calculated at .65% of the value of the vehicle. He then pointed out that the City would receive property tax installments by the end of December, and suggested that it would likely be a large amount.
Mr. Longley stated that the point he was making was that the timing of these revenues aggravated cash flow. He stated that the City was then put in a position to see what those revenues would be.

Section V - Appropriations Limitation (Note: Section was mis-numbered, and should be Section VII.)
Mr. Pyle explained that Article XIII-B of the California Constitution set out the appropriations practice, and that staff reported those appropriations limits on an annual basis to Council. He stated that he was only aware of one city in the State of California that ever had an issue with reaching the appropriations limit, and suggested that the City of Porterville was well below the City’s limit. He indicated that this would not be an issue for the City of Porterville in the near future.

Section VI - Fund Balance and Reserve (Note: Should be Section VIII.)
Mr. Pyle explained that this Section contained detail regarding reserve balances and balances for working capital, setting forth criteria for maintenance of such balances. He pointed to fleet replacement as an item identified in the Policy, indicating that it had been modified to reflect the City’s current practices. He indicated that it had also been adjusted for GASB 34 as to how the City accounted for funds collected for equipment replacement in all funds. He stated that previously all monies went into Fund 54, the “Equipment Replacement Fund,” and inside that fund, each piece of equipment was tracked back to its fund of origination. Through GASB 34, Fund 54 had been broken up and attached to the fund from which it was created. He explained that accounting would look differently in the financial report, but not function differently.

Section VII - Capital Improvement Management (Note: Should be Section IX.)
Mr. Pyle explained that the City had a relatively active Capital Improvement Plan (“CIP”). He stated that this program was reviewed with Council on an annual basis during budget development to reaffirm current priorities to meet the General Plan requirements for growth. He pointed to the “CIP Review Committee” Section and stated that the reference to “City Administrative Officer” would be changed to read “City Manager” in the final draft of the Policy. He then explained that currently the CIP Review Committee was comprised of the department head group and the City Manager. He stated that the plan formulated by the Committee did not change radically from year to year, but rather new items were generally added to the end of the report. Mr. Pyle then stated that in this Section of the draft Policy, CIP Phases were also identified. He pointed out that the phases set out had actually been in place for many years, though never before identified. He stated that the first phase began in project development, then depending on the scope of a particular project, the phase might become very detailed. He pointed out that whether the project was City-sponsored or developer-initiated, many of the same elements took place, with the City participating in various capacities. He explained that during each phase the City had an opportunity to review funding and react accordingly.

Mr. Pyle then pointed to the Section regarding “CIP Budget Carryover,” and explained that the City reapportioned funds on an annual basis. He indicated that staff would identify what percentage of a particular project had been completed, how much of the bill had already been paid and explained that if any funds remained in that appropriation, the funds would be carried forward. He stated that the Budget contained both “reapportioned” and “new funding,” and explained that if additional funding was needed to complete a project, that was where it would be reflected in the budget. He stated that if the existing appropriation was sufficient, it would be shown as a reapportionment to ensure that the same dollar was not spent twice.

Mr. Pyle then referred Council to the Section regarding “Public Art.” He stated that this paragraph had been a part of San Luis Obispo’s Policy and that it was kept in Porterville’s draft Policy for Council’s consideration. He explained that while the City had recently completed the public mural, a tool had not previously been in place to track or encourage the inclusion of art visible to the public. Mr. Pyle then pointed to the draft Policy on Public Art from San Luis Obispo which required that 1% of eligible project
construction costs be set aside for public art. He then suggested that the word "require" might be too strong, depending on the nature of the project. He stated that to some extent, the new Main Street bridge actually had an artful component, and suggested that this item might be something to consider in project design, particularly for public facilities. He stated that staff did not have a recommendation on that particular component, but wanted to bring it to Council's attention for its consideration.

Section VIII - Capital Financing and Debt Management (Note: Should be Section X.)

Mr. Pyle explained that the most of the financing that the City did required a level of coverage, meaning that the revenue stream in the fund responsible for the debt service must be in excess of the amount of the debt service by 10% to 25%. He explained that this requirement limited the amount of debt issued in any one fund because in order to accomplish that next debt issuance, the rates would be no longer realistic nor likely tolerated by the public. He explained that this Section identified some criteria about when an agency should borrow versus when an agency should attempt to use its own resources, such as building up the fund balance over a few years to complete small projects. He stated that the Section also recommended not borrowing funds for projects for which the debt service payment might exceed its useful life. Mr. Pyle then explained that this Section also covered factors favoring short and long term financing and debt management. He stated that the City currently had strong relationships with a bond counsel, who Mr. Pyle stated was highly respected in the industry. He explained that the Section also covered seeking investment grade ratings when debt issuances were established. He stated that the City provided insurance on its debt issuances and it was AAA rated in that respect. He suggested that the City was solid in its debt management and the past practices fit nicely into the Policy guidelines that the City of San Luis Obispo had identified in writing. He stated that this Section also addressed debt capacity in the General Fund, as well as in other funds, by identifying how much was too much in terms of borrowing. Mr. Pyle stated that the City of Porterville currently had approximately $60 Million outstanding which was spread out amongst many funds, mainly the water fund, sewer fund and general fund. He stated that the Redevelopment Agency currently had approximately $4 Million outstanding. He stated that some of the largest components of that $60 Million was $20 Million in General Fund for streets, with the next largest being the approximate $14 Million issuance on the wastewater treatment plant expansion. He explained that these were large, tangible assets with useful lives that far exceeded the debt service stream. He stated that staff had attempted to build enough excess capacity so that the City would not have multiple outstanding issuances at any one time.

Mr. Pyle then referred Council to the Section regarding "Land-Based Financing." He stated that some of items addressed in that Section were described as "Mello-Roos," which he explained pertained to situations in which developers authorized assessments on parcels in particular developments or subdivisions that lacked infrastructure. He stated that those assessments would generate enough money annually to make debt service payments that could be used to provide infrastructure.

In response to Council Member Hamilton's question, Mr. Pyle confirmed that most Mello-Roos designations occurred prior to developers selling off parcels, and clarified that Mello-Roos was not heavily used in the Porterville area.

Mayor Pro Tem Irish commented that Public Land Maintenance Districts were the closest thing Porterville had to a Mello-Roos district.

Mr. Pyle explained that a component that might be up before Council for its review and consideration addressed improvements via a district. He explained that a tool existed called a "Community Facilities District" which could be implemented on a City-wide basis or on a development by development basis. He explained that in most instances when impact fees were discussed, those fees covered specific facilities or a tangible asset. He explained that the community facilities district concept differed in that it allowed a City to develop an ongoing assessment to provide for facilities and operations. He explained that most recently this tool had been successfully implemented in the City of Clovis, which took approximately three months.
He stated that the City of Clovis utilized the firm of Maximus – the same firm currently preparing the City’s Fee Study – to assist them in putting together the process. He stated that the first year, Clovis’s assessment would generate $35,000, from a population of approximately 80,000 people. He stated that the City of Clovis projected that when its population reached 400,000, the funds generated by the Community Facilities District would pay for new fire stations and personnel. He stated that Clovis chose to implement it on a development by development basis. Mr. Pyle then pointed out that the fee could either be based on a percentage of value, or be assigned a flat dollar amount.

Mr. Longley stated that he believed the fee must be a flat dollar amount.

Mr. Pyle stated that a Community Facilities District would be handled in much the same way as a Landscape Maintenance District. He explained that it would be a component of the budget and that notices would be sent out to property owners if the assessment was ever changed. He informed Council that staff would continue to watch the City of Clovis’s experience with this tool.

Mr. Pyle then reviewed the Section regarding “Conduit Financings,” and pointed out that this occurred quite infrequently. He stated that in past, a group of developers had approached various cities, including Porterville, and asked that those cities be conduits for a financing project for housing. He explained that Porterville’s element was a small portion consisting of less than $1 Million out of an approximate $50 Million project, and stated that the City had no obligation or liability for participating. He stated that the mechanism actually lived on the books of another city, which was audited by that city’s auditor on an annual basis. He stated that recently, staff had been informed that the bond issuance had been retired, and that Porterville would receive a refund check for its portion of the reserve balance left with the trust agent. Mr. Pyle stated that the refund check would be approximately $130,000, which would be reflected on the next budget adjustment.

He stated that this Section of the Policy also addressed guidelines for refinancing and identified what elements should be considered. He indicated that he and Community Development Director Brad Dunlap would review this as it applied to redevelopment.

Section IX - Human Resource Management (Note: Should be Section XI.)

Mr. Pyle indicated that this Section addressed staffing issues and identified when regular staffing, temporary staffing and independent contractors should be utilized to meet temporary peaks. He stated that some cities actually ran with limited regular staffing with the majority of services being provided by independent contractors. He stated that this was one approach to City staffing.

Section X - Productivity (Note: Should be Section XII.)

Mr. Pyle pointed out that this Section dealt with the concept of ensuring the delivery of service with value for cost. He stated that the Maximus study would identify some measurement tools to help the City determine whether services were provided at good value to the end user. He stated that this Section also made suggestions as to when services should be contracted out and when services should be maintained in-house. Mr. Pyle pointed out that because cities did not have a built-in profit motive, often times cities could provide services for a better price than profit-motivated independent contractors.

Mr. Pyle then concluded his review of the draft Policy and stated that he would be happy to answer any questions Council might have. He pointed out that the Policy just reviewed was a first draft, and over the course of budget development and the review of the Maximus Fee Study, additional modifications might be made, with a final document to Council for its consideration in June 2005.

Council Member Hamilton commented that the draft Policy seemed to be a fairly good roadmap.
In response to Mayor Pro Tem Irish's question, Mr. Pyle indicated that interest was charged on inter-fund transfers and loans, and explained that staff had handled those transfers in a couple of different ways. He stated that previously a flat interest rate had been selected, such as 10%. He stated that in more recent years the rate had been tied more closely with the performance of the portfolio.

Mayor Pro Tem Irish questioned who made the determination in situations in which one department had carried over funds to the following year, and another department wished to borrow that money.

Mr. Pyle explained that this type of situation was handled on a fund by fund basis. He stated that in terms of carryover in the General Fund, the interest that would have been calculated on a carryover balance would be all general fund revenue, and therefore did not remain a part of the puzzle. He explained that in the past, balances in the General Fund had been kept per department, however, when a department had a project in which the cost exceeded what that department had in carryover funds, other departments would indicate whether it had available funds for the other department's use.

Mr. Longley clarified that the scenario just hypothesized by Mr. Pyle dealt with intra-fund transfers, not inter-fund transfers. He pointed out that any significant inter-fund borrowing would be first approved by the Council.

Mr. Pyle then explained how inter-fund transfers were handled, and cited the initial purchase of golf carts as an example. He stated that those purchases were funded by a loan from the Risk Management Fund, and was formalized by a loan agreement with a stated interest rate and repayment plan. He commented that inter-fund borrowing usually applied to large projects of which Council was generally well aware.

**ORAL COMMUNICATIONS**

- Russell Bettencourt, 67 North Kissing, requested clarification on Paragraph B(1) on Page One, and questioned if that particular Section covered projected allocations for large projects.

Mr. Pyle responded that on the capital side, the Community Development Department maintained a document that identified projects per year, which normally covered projects tied to the Master Plan. He stated that revenue streams were recognized, such as beginning available resources and the amount of projected revenue from the identified revenue stream. He stated that the highest priority projects would be brought forward and taken as far as funding allowed, recognizing that some projects might be more development-driven than others. He then stated that Paragraph B(1) on Page 1 might also refer to the accomplishment of significant objectives identified by Council, such as more police officers. He stated that this issue often came up during budget development, and commented that in years past, the objective had been to reduce graffiti, so staff adjusted the budget based on anticipated revenue to address that. He stated that there was probably room outside of normal operations for four or five significant objectives that the City could attempt to accomplish on resources.

Mayor Pro Tem Irish stated that, theoretically, this was how the budget process addressed funding projects, but pointed to unforeseen circumstances that could arise, such as the school district's development of Granite Hills High School that ultimately forced the City to borrow $20 Million.

Council Member Hamilton pointed out that windfalls also happened, and cited the plans for widening Jaye Street bridge, which Council Member Hamilton suggested might now be funded through impact fees and development.

Mr. Bettencourt commented that the draft Policy sounded like good guidelines for the City, however he questioned whether concentrating on developing and budgeting for the accomplishment of significant objectives would affect cash on hand in the General Fund.
Mr. Pyle responded that this policy could affect the cash on hand, depending on the magnitude of the objective that the Council hoped to accomplish. He explained that if the objective were to be an ongoing expense, staff would attempt to make sure an ongoing revenue stream had first been identified. He stated that considering the concept of budget surplus versus budget deficit, structural deficits – meaning ongoing expenses that lacked ongoing revenue sources – were dangerous. He explained in contrast, non-structural deficits were one time expenses, such as a General Plan Amendment which might cost the City approximately $250,000. Mr. Pyle explained that those types of deficit expenditures were discretionary. He stated that Council could choose not to do those things which might have later ramifications. Mr. Pyle then confirmed that Council would always have the discretion.

Community Development Director Brad Dunlap pointed out that every year, the City was faced with more project than funds.

OTHER MATTERS
Council Member Stadtherr commented that trees near the “Welcome to Porterville” sign on Highway 65 sign were beginning to block the sign. It was discussed that the trees in question were likely City trees from the Parkway.

Mayor Martinez returned the discussion to the scheduled matter and questioned how the proposed Policy would affect the Zalud House.

Mr. Pyle stated that under the proposed Policy, staff would continue to bring to Council budgets for the Zalud House that did not result in the continuing decline of the endowment fund. He stated that this would also apply to the golf course and airport. He stated that staff would continue to strive for innovations that helped staff balance the budget and improve the cash position of those funds. Mr. Pyle stated that he believed that there was currently a grant application for maintenance funds for the Zalud House and that Parks and Leisure Services Director Jim Perrine would be presenting it to Council for its authorization. It was then stated that the Zalud House was approximately 120 years old.

Mayor Martinez then questioned if the cost recovery services for recreation programs also covered upkeep and improvements.

Mr. Pyle responded that the swimming pool was a good example. He explained that the pool had been set up as a separate division in the Parks and Leisure Services Department budget. He stated that staff could identify the operations cost of the pool at the end of the each fiscal year. He explained that there was also a revenue line item which identified all of the different pool revenues. He stated that there would be opportunities to identify whether current levels of subsidy or surplus were appropriate for a particular program.

ADJOURNMENT
The Council adjourned at 7:40 p.m. to November 16, 2004, 6:00 p.m.

______________________________
Patrice Hildreth, Deputy City Clerk

______________________________
Pedro R. Martinez, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
NOVEMBER 16, 2004 6:00 P.M.

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

Council Member Hamilton requested that Council also address the issue of employee health care during Closed Session, to which City Attorney Julia Lew clarified that this topic would be discussed during Item No. 2 of Closed Session.

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code § 54956 9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action to report.

Pledge of Allegiance Led by Council Member Stadtherr
Invocation by Pastor Tom West, Westfield Christian Church

PRESENTATIONS
Presentation to Miss Porterville and her Court
   • Miss Porterville - Brittany Castillo
   • Senior Princess - Laura Rodriguez
   • First Attendant - Kristen Lane
   • Second Attendant - Courtney Serafin (absent)
   • Third Attendant - Kendra Camille Hughes

Donations to City Programs
   • David Stimpson, in honor of Eleanor Stimpson, for Library Books and Literacy Program
   • Eagle Mountain Casino for “Kids Day Event”
   • Wal-Mart Foundation for Crime Prevention Materials
   • Wal-Mart Foundation for Fire Prevention Materials
   • Mervyn’s for the “Wild About Reading” Program in the Library

PROCLAMATION
“America Recycles Week”

Outstanding Business Recognition - Consolidated Testing Laboratories, Inc. (“CTL”)

Community Development Director Brad Dunlap offered a verbal and visual presentation about Consolidated Testing Laboratories, Inc., after which Council presented the company with the 2004 Outstanding Business Award. Mr. David Harris came forward and accepted the award on behalf of the company.
ORAL COMMUNICATIONS

- Jim Winton, 150 W. Morton Avenue, came forward to request that he have an opportunity to speak when Council discussed Item No. 17 regarding General Plan Amendments.
- Cathy Capone, 806 W. Westfield Avenue, voiced support for bike paths as proposed by the Blue Skies Coalition, Item No. 22
- Wendall Wall, 1305 N. Scenic Drive, came forward and voiced support for the Blue Skies Coalition’s proposal for bike paths throughout Porterville, Item No. 22. Mr. Wall then contrasted Porterville’s lack of bike paths to the abundance of bike paths in Westminster, Colorado.

Mayor Pro Tem Irish requested that those present who wished to speak regarding Item No. 22 wait until that Item was before Council, and indicated that in order to accommodate audience members, Council would address Item 22 first in Scheduled Matters

- Anthony Hannah, 860 Clinton Lane, No. 1, stated that Porterville lacked sufficient handicapped-friendly sidewalk “drop lifts” and wheelchair-accessible restrooms in City Hall and the Porterville Library.

CONSENT CALENDAR

Item No. 6 was removed

1. APPROVAL OF CITY COUNCIL MINUTES OF OCTOBER 26, 2004 AND NOVEMBER 2, 2004


Documentation: M.O. 01-111604
Disposition: Approved.

2. CLAIM - ZENITH INSURANCE COMPANY

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: M.O. 02-111604
Disposition: Approved.

3. BUDGET ADJUSTMENTS FOR THE 2004-05 FISCAL YEAR

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

Documentation: M.O. 03-111604
Disposition: Approved.

4. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-150-016 - JACKIE COTTON - ORANGE AVENUE RECONSTRUCTION PROJECT

Page 2 of 23
5. TRAFFIC SIGNAL NO. 8 (PLANNO STREET AND MULBERRY AVENUE) - JOINT POWERS AGREEMENT TO ACQUIRE PROPERTY

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Ms. Jackie Cotton, in the amount of $20,000, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 139-2004
Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION - TREE LIGHTING CEREMONY, NOVEMBER 26, 2004

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Joint Powers Agreement with Tulare County; and
2. Direct staff to transmit the fully executed agreement to the County’s Right of Way Department and request that this department prepare a staff report seeking the Board of Supervisors’ approval and acceptance of the Joint Powers Agreement.

Documentation: M.O. 04-111604
Disposition: Approved.

8. AIRPORT LEASE - LOT 40 (BURLESON)

Recommendation: That the City Council approve the assigning of the Lease Agreement between the City of Porterville and George W. Burleson and Walter D. Burleson to Dr. Dan Dale and/or Alison Dale.

Documentation: M.O. 06-111604
Disposition: Approved.

9. SALE OF AIRPORT INDUSTRIAL SITE - RUSSKEN HOLDINGS, LLC

Recommendation: That the City Council:
1. Approve the Resolution authorizing the sale of the property; and
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project.
10. REPORT ON HOLIDAY STREET TREE LIGHTING

Recommendation: That the Council receive the report and note the planned level of holiday street tree lighting.

Documentation: M.O. 07-111604
Disposition: Approved.

11. STATUS REPORT ON HEALTHCARE TASK FORCE/PROGRAM UPDATE

Recommendation: That the Council authorize staff to sign all documents necessary to move to the Blue Cross Network of Doctors upon conclusion of the meet and consult process with the bargaining units.

Documentation: M.O. 08-111604
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that Council approve Item Nos 1 through 5, and Item Nos. 7 through 11.

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

6. AUTHORIZE THE DISTRIBUTION OF A REQUEST FOR PROPOSALS FOR A CONSULTANT FOR THE LAND USE AND CIRCULATION ELEMENTS UPDATE

Recommendation: That the Council:
1. Authorize the distribution of the Request for Proposals;
2. Approve the formation of a General Plan Advisory Committee and solicit nominations from each of the groups identified except as may be modified by the Council, and bring the nominations/appointments back to the Council in conjunction with the selection of a consulting firm. Staff recommends the structure of this committee to be as follows:
   a. Two representatives from the building industry;
   b. Two representatives from the Chamber of Commerce;
   c. Two representatives from the Hispanic Chamber of Commerce;
   d. Two representatives from the Porterville Area Ministerial Association;
   e. Two representatives from the School Districts (representing PUSD, Burton and Alta Vista);
   f. One representative from Downtown Porterville Association;
   g. One representative from County of Tulare;
   h. One representative from the Tule River Indian Tribe; and
   i. One representative from Sierra View District Hospital.
3. Approve the formation of a consultant selection committee for the hiring of a consultant to undertake the update of the Land Use and Circulation Elements of the General Plan and authorize the Chief Deputy City Clerk to accept nominations from the organizations and accept nominations for the two Council members to serve on the selection committee. Staff recommends the structure of this committee to be as follows:
   a. Two Council Members;
   b. One representative from the Chamber of Commerce;
   c. One representative from the Hispanic Chamber of Commerce;
   d. One representative from the Porterville Area Ministerial Association;
   e. One representative from the Building Industry Association;
   f. Community Development Director;
   g. City Manager; and
   h. Deputy City Manager.

Council Member West informed staff that it would not be necessary to present the staff report. He then commented that he believed staff’s recommendation proposed too many people for the committee. He voiced concern with over-burdening the participants and questioned if there was a way to reduce the list. He then recommended that the committees only include one representative from each participating party instead of two as proposed.

Council Member Stadtherr stated that he would agree with Council Member West’s recommendation with the single exception that the school districts, Burton and PSUD, be separated. It was pointed out that Alta Vista should also be included.

Mayor Pro Tem Irish suggested that more people on the committee would likely slow the process.

Council Member Stadtherr requested that one person from the Parks and Leisure Committee also be included, and commented that he would like to see someone that was interested in parks and green spaces on the committee.

Council Member Hamilton stated that he did not believe that the number of representatives in the committee should be reduced. He stated that a substantially-sized committee had been involved in the Charter review process and that task had been accomplished in a timely fashion. He contended that the representatives proposed by staff reflected a wide circulation of the community and that they should all have a voice in the land use element. He then voiced support for staff’s recommendation, as amended to include Council Member Stadtherr’s suggestion of adding a representative from the Parks and Leisure Committee.

Mayor Pro Tem Irish questioned if there would be time limits on the life of the committee.

Community Development Director Brad Dunlap indicated that staff had anticipated that the process would last approximately 18 to 24 months. He stated that the purpose for involving the community was to provide input from a cross-section of the community and emphasized that the committee’s purpose was more input-based than decision making.

Mayor Pro Tem Irish stated that he did not have a problem with what had been recommended, but stated that he wanted to get firm commitments from those participating that they would stay the course. He stated that he did not wish to see representatives changed during the course of the process.
Council Member Hamilton pointed out that approximately 16 to 19 individuals participated in the Charter review process, and all of those individuals stayed the course. He then commented that while Mr. Wall had compared Porterville's lack of bike paths to the City of Westminster in Colorado, he was certain that Westminster had not developed as early as Porterville had in 1906. He stated that the City's plan needed community support and suggested that this could be achieved through the proposed committee, as amended. He then moved to approve staff's recommendation, as amended to add one representative from Parks and Leisure to both committees.

Council Member Stadtherr commented that although the Council had not reduced the size of the committee, he supported the motion if a larger committee could proceed as efficiently as a smaller committee. Council Member Stadtherr then seconded Council Member Hamilton's motion.

Council Member Hamilton commented that even with a smaller committee, the process could become stagnated if the representatives failed to come to meetings.

Council Member West agreed with Council Member Hamilton's comments.

COUNCIL ACTION:

MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council approve staff's recommendation as amended to add one representative from Parks and Leisure to both committees.

M.O. 0911604

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

Disposition: Approved.

PUBLIC HEARINGS

12. CONDITIONAL USE PERMIT 11-2004 - PROPOSED CHURCH AT THE NORTHWEST CORNER OF CLEVELAND AVENUE AND 3RD STREET

Recommendation: That the City Council adopt the draft resolution approving the Conditional Use Permit No. 11-2004.

City Manager John Longley presented the item, and Associate Planner Randy Rouda presented the staff report.

The Public Hearing opened at 7:39 p.m. and closed at 7:40 p.m. when no one came forward to speak.

Council Member Hamilton commented that he did not have a problem with approving the C U.P., although the parking situation bothered him somewhat. He commented that while other businesses were required to provide parking, the applicant was not. He pointed out that the applicant would be utilizing public parking, the upkeep for which was paid for by the public. He then questioned if the City could set a fee for the applicant's use of the City parking lot.

Community Development Director Brad Dunlap responded that under the current requirements, the applicant was entitled to utilize the parking lot at no cost. He explained that because the subject property had already been developed as a church and no square footage was being added or constructed, no new parking requirements were triggered. He explained that although the church was located within a parking district, the
district had been designed to include existing square footage, therefore the church’s square footage had already been calculated into the district.

In response to Council Member Hamilton’s question, Mr. Dunlap indicated that he believed that the church’s parking lot was comprised of asphalt, and pointed out that it was also striped.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Hamilton that Council approve the draft resolution approving the Conditional Use Permit No. 11-2004.

- **AYES:** West, Irish, Hamilton, Statherr
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** Martinez

Disposition: Approved

13. **CONSIDERATION OF OHV MOTOCROSS PARK COST OF SERVICE AND RIDER FEE ADJUSTMENTS**

**Recommendation:** That the Council conduct a public hearing to receive public comment and consider the resolution adjusting the OHV Motocross Park cost of service and rider fees.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

The public hearing opened at 7:44 p.m. and closed at 7:45 p.m. when no one came forward.

Council Member Hamilton voiced support for the item and pointed out that the users of the OHV Park had actually requested the proposed increase to pay for the cost of maintaining the park.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that Council approve the Resolution adjusting the OHV Motocross Park cost of service and rider fees.

- **AYES:** West, Irish, Hamilton, Statherr
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** Martinez

Disposition: Approved

14. **BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING**

**Recommendation:** That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for the full-time sworn officer, the community services officer, and any necessary training or equipment; and
3. Approve an increase to the Police Department’s 2004-2005 budget in the amount of the funds received from the grant.

City Manager John Longley presented the item, and Police Chief Silver Rodriguez presented the staff report.

The public hearing opened at 7:47 p.m. and closed at 7:48 p.m. when no one came forward to speak.

Council Member Hamilton commented that he would never oppose the return of the City’s tax dollars by the State of California or the U.S. Government.

Council Member Stadtherr agreed with Council Member Hamilton’s comments.

In response to Council Member West’s question, Police Chief Rodriguez confirmed that the grant covered a one-year period and elaborated that the City had actually received those grant funds for the past five or six years.

Council Member West voiced concern with the future of the employees hired with grant funds if the City was unable to receive those funds.

Council Member Hamilton clarified that the employees were already on staff.

Council Member Stadtherr commented that the City would really just be taking the money.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council approve staff’s recommendation.

Resolution 143-2004

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

Disposition: Approved

City Manager John Longley clarified that the staff positions that were funded by the grant were existing positions. He stated that in the event the funds were not received, staff would constrain the budget to every extent possible in order to avoid laying off those positions. He stated that while that might require some hard choices, layoff of sworn personnel was vital to avoid.

Council Member West questioned why, if the positions had already been filled, did the City require Council’s approval, to which Mr. Longley clarified that the State required such approval before the City could spend the funds.

**SCHEDULED MATTERS**

Mayor Pro Tem Irish requested that Item No. 22 be addressed first.

22. **CONSIDERATION OF REQUEST REGARDING BICYCLE TRANSPORTATION ACCOUNT**
Recommendation: That the Council accept and consider the proposal regarding the Bicycle Transportation Account submitted by the Blue Skies Coalition.

City Manager John Longley presented the item.

Council Member Stadtherr explained that the Blue Skies Coalition had identified funds available from a couple of sources, one being the Bicycle Transportation Account ("BTA") from the California Department of Transportation, and another being from Congestion Mitigation & Air Quality ("CMAQ"). He explained that the Coalition had been informed by TCAG that now was the time to submit applications for funds. He stated that and as such, the Blue Skies Coalition had begun the process and determined that in order to accommodate bicycle lanes, streets would need to be at least 48 feet wide. He explained that the Coalition had calculated 8 feet for curbs, 12 feet for traffic, which totaled 20 feet one-way and 40 feet for both lanes. The Coalition then estimated an additional 8 feet, 4 feet for each way, for the bicycle lanes, which made the street requirement for bike lanes total 48 feet. Council Member Stadtherr then explained that the Coalition had then taken tape measures to locate streets that met this criteria, and those streets were identified on the map provided to Council. He noted that most of the streets were located in the A, B and C Streets between Olive Avenue and Date Avenue, and near Bellevue School. He stated that TCAG had estimated the cost to be approximately $23,000, of which the City would be required to provide a 10% match, or $2,300. He explained that the chances of the City receiving the funds were good, and pointed to the City of Clovis's recent award of $200,000 for Class II bike ways, and the City of Selma's award of $250,000 for Class I bike pike along the Union Pacific Railroad. He suggested that the inclusion of bike lanes might be something that the Council could consider as a part of the Master Plan. Council Member Stadtherr then pointed out that Selma was actually smaller than Porterville and had received $250,000, so he surmised, Porterville could probably get at least that amount of funds. He then stated that the City of Exeter had recently received $60,000 for Class II bike ways and for curb, gutter and shoulder work. He stated that this approach could be taken to improve some of the streets in Porterville, such as G Street north of Henderson Avenue that needed curb, gutter and shoulder work. He stated that at the time this package had been put together, the San Joaquin Valley Air Pollution Control District ("SJVAPCD") held a two-day seminar in Bakersfield. It was there, he explained, that the Coalition found out about the "REMOVE" program, which stood for "Reducing Motor Vehicle Emissions." He stated that the maximum grant award was $150,000, and explained that the grant was non-competitive. He stated that all of the applicants knew the criteria in advance, and the first applications submitted that met the criteria were awarded funds. He stated that it was not a matter of being thrown in a pool for rating or evaluation, but instead, it was first come, first serve.

Mayor Pro Tem Irish invited audience members to come forward and speak.

Maria Ennis, 690 Sanders Circle, spoke in favor of the Blue Skies Coalition’s petition for bike lanes and voiced concern with the current lack of safe areas to ride bicycles in Porterville.

Shirley Zuckswert, 609 Village Green, voiced support for the Coalition’s petition for bike lanes in Porterville, and requested that Council consider a bike path from downtown to Porterville College.

Judith Wall, 1305 North Scenic Drive, came forward and spoke in favor of the Blue Skies Coalition’s petition for bike lanes and pointed to safety concerns with riding bikes in Porterville.

Dick Eckhoff, 197 North Main Street, spoke in favor of bike lanes in Porterville and pointed to safety issues caused by individuals riding bikes on sidewalks. He also voiced support for tying bike paths with the Rails to Trails effort.
Council Member Hamilton commented that he was aware of $7.2 Million in grants available in the State of California through TCAG and CMAQ awards. He stated that at a recent TCAG meeting, a discussion ensued about how municipalities were taking advantage of available funds through not only providing bike paths, but also conducting shoulder work on some city streets. He stated that he was not certain as to the time lines on the grants proposed by the Blue Skies Coalition, nor whether the grants were project specific. He stated that he was aware of a February 1st deadline for the CMAQ award. Council Member Hamilton then stated that he would like to know if the City could apply for a grant award if the application was not project specific. He requested that staff have an opportunity to review the proposal and provide input to the Council. He then commented that while Mr. Eickhoff had mentioned safety issues with bikes on Main Street sidewalks, he did not see Main Street as a viable option for bike lanes.

Council Member Stadtherr suggested that if the applications did not need to be project specific, then the City should request more funds. He then stated that the Coalition had felt that it needed to identify streets that would not produce opposition in that parking or traffic lanes could remain in place with the addition of a bike lane. He stated that he believed that the City should ask TCAG for further information on the application requirements and suggested that perhaps the City should also approach the San Joaquin Valley Air Pollution Control District regarding the REMOVE program.

Council Member Hamilton agreed with Council Member Stadtherr’s comments, particularly regarding the REMOVE grant, but suggested that with the other grants, the City might have more time, especially since so much money was available. He commented that currently the State had more grant funds available for bike paths than it did for road projects. He then confirmed that bike path funds could also be applied to shoulder work, but not towards curb and gutter work. He commented that he believed that the Coalition had a good idea, but that the idea needed further research. He stated that he supported directing staff to first determine whether the grants were project specific.

Council Member Stadtherr pointed out that the Coalition’s petition was to merely submit the grant applications, not to begin working on the actual bike lanes. He then agreed with Council Member Hamilton’s comments, but voiced concern with missing deadlines if Council waiting too long.

City Manager John Longley clarified Council’s direction to be that staff would review the proposal submitted by the Blue Skies Coalition and provide a staff report at the next meeting.

Council Member Hamilton stated that he would prefer that staff not only review the Blue Skies Coalition proposal, but also look and recommend other areas for bike paths, either for recreational purposes or to enhance infrastructure.

Mr. Longley commented that if staff were to proceed as Council Member Hamilton had suggested, the scope would be too broad, which would make staff’s task very difficult to accomplish, particularly with the time frames defined. He suggested that staff could review the Coalition’s proposal, report on that at the next meeting, and then, to the extent that they could be compiled, provide other options to Council.

Mayor Pro Tem Irish questioned when the meeting addressing City goals and objectives would be scheduled, to which Mr. Longley responded that Council would identify the priorities to the City Manager at either the first or second Council Meeting in December.

Council Member Hamilton clarified that the CMAQ applications were due for processing by February 1, 2005, which provided for a pretty tight schedule. He requested that by the next Council Meeting, staff determine if the grants were project specific, and if the streets selected by the Coalition were feasible for bike
lanes. He commented that the process should include more than just looking for wide streets, as that represented poor planning.

Council Member Stadther agreed with Council Member Hamilton's comments and stated that he believed the REMOVE applications were due by January 1, 2005.

Disposition: Continued.

15. TRAFFIC SAFETY ISSUE - OPENING OF EMERGENCY ACCESS GATE ON BEVERLY STREET BETWEEN DATE AVENUE AND UNION AVENUE

Recommendation: That the City Council review and discuss the options and provide direction to staff. These options include:

1. Eliminate parking on the west side of Beverly Street, allowing for two lanes of traffic within a twenty (20) foot paved street width. Provide additional paving where the street is less than 20 feet wide.

2. Install signs, striping and markers to implement one way north bound Beverly Street traffic between Date Avenue and Roby Avenue. Beverly Street between Roby Avenue and Olive Avenue is wide enough for one lane of traffic in each direction and parking on both sides.

3. Enforce the City’s Franchise Agreement with Southern California Edison and request that the power poles along the east side of Beverly Street be relocated. Widen the east side of Beverly Street by 12 feet for both north and south bound traffic.

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

Council Member Hamilton questioned how much right of way the City currently owned, and if staff’s proposal to make Beverly Street into a one-way street would mean that the nine homeowners at the end of Beverly would have to travel all of the way around to come back to their residences.

Mr. Rodriguez confirmed that those residents would only be able to travel in one direction, and responded that currently the City owned fifty-five feet of right of way, with the standard width of a street being sixty feet. He then stated that those residents had not yet been contacted, as he would rather wait until he had received direction from Council.

Council Member Stadther commented that he was leaning towards Option 3.

Council Member Hamilton commented that he believed it was best if Council pursued either Option 1 or Option 2 during Fiscal Year 2004/2005, then work on funding for future work. It was then suggested that all of the adjacent land might be owned by Della which might mean that additional development might not occur. He stated that he believed the best approach would be to eliminate the parking and he did not believe making the street open to one-way traffic was a good idea. He suggested that staff could concurrently pursue funding to widen the street during 2006. He commented that this approach would merely be a temporary remedy until the street could be fixed properly. He then stated that he believed this course of action would likely create the least amount of resistance from the local residents.

Community Development Director Brad Dunlap confirmed that the adjacent property was owned by Della.
Council Member Hamilton commented that he used to live in area in question, and that sometimes individuals parked along that portion of Beverly Street. He stated that he believed eliminating the parking would be the path of least resistance. He then moved that Council approve Option No. 1, eliminating parking on the west side of Beverly Street, and additionally directing staff to pursue funding for the future development of twelve feet of street, including paving and shoulder improvements, but not curb and gutter work.

Council Member Stadtherr seconded Council Member Hamilton’s motion.

City Manager John Longley questioned for clarification if the motion also included a direction to staff to pursue contact with Southern California Edison for relocation of the utility poles.

Council Member Hamilton responded that staff should pursue this if it was believed that the process with Edison would be a lengthy one.

Public Works Director Baldo Rodriguez stated that during staff’s discussions with Edison, it should be pointed out that the City had been there before Edison, and that the project was a legitimate one.

Council Member Hamilton voiced support for commencing with discussions with Edison regarding relocation of the poles.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council approve Option No. 1, direct staff to pursue funding for improvements consisting of paving and shoulder work to widen the street, and to notify Southern California Edison to relocate the power poles.

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

Disposition: Approved.

16. GENERAL PLAN REFERRAL - BURTON MIDDLE SCHOOL

Recommendation: That the City Council:
1. Determine that the proposed middle school does not conform to the City’s General Plan, while acknowledging that there may be no preferable sites; and
2. Authorize the Mayor to sign the letter to the Burton School District describing Council’s findings and indicating that the School District retains the responsibility to ensure that adequate infrastructure is provided to serve the proposed school.

City Manager John Longley presented the item, and Director of Community Development Brad Dunlap presented the staff report.

Council Member Hamilton asked if the land in question was subject to the Williamson Act, and if it was, suggested that it might slow down a developer from buying the land out from underneath the School District.

Mr. Dunlap indicated that the land was subject to the Williamson Act, but that there were provisions for cancellation in the event a governmental agency were to acquire the land.
Associate Planner Randy Rouda clarified that Council Member Hamilton was correct in that the Williamson Act did apply and therefore the land would not likely be used for development, however, he stated that it was his understanding that the School District was not necessarily concerned with losing the ability to purchase the land, but rather that they needed the school developed sooner than it would take the City to complete a General Plan Update.

Council Member Hamilton commented that he saw a potential problem with Putnam Avenue and noted the poor street conditions west of Westwood Street. He commented that an open slough might also be in that area and pose a problem. He then questioned if a primary concern was the City’s ability to provide infrastructure to this project. It was confirmed that the City would be responsible for sewer, water, storm drains, and streets. A satellite photo depicting the general area west of Westwood was then shown on the overhead, and a discussion ensued on the poor condition of the streets.

Mayor Pro Tem Irish questioned if the City was getting itself into a situation similar to that of the Granite Hills High School project.

Mr. Dunlap clarified that staff’s current course of action was specifically formulated to avoid getting the City into a position similar to that of the Granite Hills project. He explained that the School District had a responsibility, just like the City, to evaluate the potential environmental impacts associated with the project. He stated that if access to the school was not adequate, then transportation services, and also sewer, water and storm drains would need to be evaluated as a part of that proposed school development. He explained that if the City was unable to extend sewer, water and storm drains to the school, the School District would be required to come up with alternative systems to accommodate the demand. He stated, likewise, the School District would need to adequately address the impact on service streets adjacent to the school site, which he pointed out, staff had already requested of the District.

Mayor Pro Tem Irish pointed out that in the Granite Hills project, the infrastructure had already been in place, but instead the focus was more on needed access streets to the school.

Council Member Hamilton commented that the west side had already been built out, and questioned how much more potential growth Burton School District predicted.

Mr. Dunlap pointed out that the Burton School District extended beyond the Kern-Friant Canal. He pointed out that there were sites still available for development in the immediate area, and also on the south side of Olive Avenue. Mr. Dunlap then stated that he was not particularly familiar with the status of the land on the west side of the Kern-Friant Canal.

Council Member Stadtherr questioned if there were any realistic alternative locations for the school.

Mr. Dunlap stated that he believed Burton School District had been contemplating the development of several schools, including the one before Council that evening, one north of Westfield, and another near Mathew, south of Olive Avenue. He stated that the School District had also indicated that one more location would also be needed.

Mayor Pro Tem Irish commented that growth was a problem, but it was a good problem.

Council Member Stadtherr stated that the population in Porterville was projected to reach 100,000 by the year 2050. He commented that, sooner or later, growth was coming and that it should at least be addressed in a controlled fashion.
Council Member West agreed with Council Member Stadtherr’s comments.

Council Member Stadtherr pointed out that staff’s recommendation did not require that the project be accepted, but rather requested direction to staff to send a letter to the School District describing the Council’s findings and the District’s responsibilities.

Council Member Hamilton moved that Council accept staff’s recommendation, then commented that he did not wish to stop discussing this matter with the school districts so that another Granite Hills-type situation could be avoided in the future.

Council Member West seconded the motion.

Council Member Stadtherr questioned if Council Member Hamilton’s motion included amending staff’s recommendation for the letter to include steps to ensure proper planning.

Council Member Hamilton suggested that he would rather approve staff’s recommendation as written and proceed with discussions between committee members and the school boards.

_Council Action:_ MOVED by Council Member Hamilton, SECONDED by Council Member West that Council approve staff’s recommendation.

**M O 11-111604**

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

Disposition: Approved.

The Council recessed for 10 minutes.

17. UPDATE REGARDING VARIOUS PROPOSED GENERAL PLAN AMENDMENTS

Recommenation: That the Council:

1. Review each of the pending and potential General Plan Amendments; and
2. Determine whether it is advisable at this time to prioritize the General Plan Amendments, combine several projects into a single proposal, and/or to defer any of the proposals to the Comprehensive General Plan Update.

City Manager John Longley informed Council of a potential conflict of interest with this item and requested that Council excuse him from the discussion. Mr. Longley then excused himself from the Council Chambers.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report. He explained that the General Plan Amendments currently under consideration were: 1) Comprehensive General Plan Update; 2) Riverwalk Marketplace Shopping Center; 3) Porterville Commercial Center; 4) Northwest Corner of Jayce Street and Gibbons Avenue; 5) Prospect Street North of Henderson Avenue; 6) Daybell Nursery Site; 7) Southwest Corner of Sunnyside and Belleview; 8) Northeast Corner of Prospect and Morton; and 9) Southwest Corner of Olive Avenue and Mathew Street.
Mayor Pro Tem Irish commented that Council had been presented with a great deal of information. He then commented that he favored expediting the Riverwalk Marketplace, indicating that the City of Porterville had a lot at stake with that project.

Mr. Dunlap suggested that the one distinction that should pointed out to Council was that the three projects identified on the slide currently before Council – being No. 2 - Riverwalk Marketplace, No. 3 - Porterville Commercial Center, and No. 4 - Northwest Corner of Jaye Street and Gibbons Avenue – all had active applications in with the City. He stated that the others had been to PRC, but that there were no formal applications yet submitted.

Mayor Pro Tem Irish questioned if somebody could explain to him why No. 3 - Porterville Commercial Center should be changed from Industrial to Commercial.

Council Member Hamilton agreed with Mayor Pro Tem Irish in terms of prioritizing Riverwalk Marketplace and added that he would also like to take action on No. 4 - Northwest Corner of Jaye Street and Gibbons Avenue.

In response to Council Member Stadtherr’s question, Community Development Director indicated that the cemetery near Gibbons Avenue was located in the area identified as “public and quasi-public” south of No. 4 on the map.

Council Member West then clarified with Mr. Dunlap that the location of the drainage basin and well was also in that same vicinity. He then indicated that if Council Member Hamilton had made a motion to prioritize Projects Nos. 2 and 4, he would second that motion.

Council Member Stadtherr questioned if the proposed change from industrial to low density residential at Jaye Street and Gibbons Avenue would offset the change from high density residential to commercial at Riverwalk Marketplace.

Mr. Dunlap responded that such changes would satisfy a portion of the offset, helping incrementally. He explained that the high density residential property that had been previously annexed mostly offset the proposed changes at the Riverwalk Marketplace. He stated that even if no action had been taken at Jaye Street and Gibbons Avenue, an adequate amount of residential would still remain to offset the loss at Riverwalk. He then clarified for Council that all that staff was currently seeking was Council’s consideration in prioritizing the projects.

Mayor Pro Tem Irish acknowledged that Council understood the recommendation, then questioned the status of the City’s required percentages in terms of residential and commercial.

Mr. Dunlap explained that although staff did not have a comprehensive analysis on the percentages, staff was currently compiling data to finalize its analysis. He stated that based on LAFCO policy, the City was allowed to carry a 10 year land use supply for residential, which included low, medium and high densities. He explained that at the same time, the City was allowed to carry a 20 year land use supply of commercial and residential land. He pointed out that it was much easier to quantify the amount of supply for residential based on issued permits, while industrial and commercial were much more cyclical and sporadic. He explained that when staff had previously worked with the developer of Riverwalk, Ben Ennis, it had gone through the process of identifying the availability of commercial properties. He stated that the inventory was fairly slim. He stated that staff did not believe that the City was currently at a 20 year supply for either commercial or industrial properties, which was absolutely merit for updating the General Plan. He explained that although the percentages were currently unknown, staff had recommended the conversion of industrial to residential due to
a pending land use conflict and timing issues. He stated that at the direction of Council, staff could explore replacement options of the industrial land with the developer at the time the developer proposed conversion. He stated that staff would need to look at identifying a replacement 40 acres or 10.7 acres of industrial to replace those, and stated that as a planner, he believed he knew where that would be viable, however the ultimate decision would be up to the City Council.

Council Member Hamilton suggested that in addition to prioritizing Item No 2 - Riverwalk Marketplace and Item No. 4 - Northwest Corner of Jaye Street and Gibbons Avenue, he would also like to prioritize No. 7 - Southwest Corner of Sunnyside and Bellevue. He stated that Item No. 7 would not be changing anything, but instead it would allow the land owner to be in conformance.

Mr. Dunlap indicated that staff did not believe that Item No. 7 was significant.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council direct staff to prioritize Item No. 2 - Riverwalk Marketplace, No. 4 - Northwest corner of Jaye Street and Gibbons Avenue, and No. 7 - Southwest Corner of Sunnyside and Bellevue, and to set a study session to address the remaining projects.

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

Community Development Director Brad Dunlap then clarified with Council that staff would bring the item back to Council for its consideration at a future study session. Mr. Dunlap then stated for the record that an application had been accepted as complete on No. 2 - Porterville Commercial Center, and even though Council had not identified that project as a priority, staff was legally obligated to continue processing that application. He then confirmed that at Council’s direction, the project could be prioritized after the three projects just discussed.

Council Member Hamilton pointed out that Council might decide to prioritize other projects on the list first, and requested that No. 2 - Porterville Commercial Center be included with the remaining projects to be brought back to Council.

A discussion then ensued regarding the required time frame for proceeding with the additional General Plan Amendments and the appropriate date for scheduling a study session, with the first meetings in January or February being discussed as likely dates. It was agreed that proposed dates for the study session would be provided to Council for its consideration.

As City Manager John Longley returned to the Council Chambers, it was brought to Mayor Pro Tem Irish’s attention that Mr. Winton had requested during Oral Communications the opportunity to speak on the Item just discussed, yet he had not been given the opportunity. Mayor Pro Tem Irish then requested that Mr. Longley again kindly excuse himself from Council Chambers, which Mr. Longley did. Mayor Pro Tem Irish then invited Mr. Winton to come forward and speak.

Jim Winton, 150 West Morton Avenue, came forward and indicated that he represented the property owner on Item No. 4 - Jaye Street and Gibbons Avenue, and that Council had already taken the action which the property owner sought. He then thanked Council for allowing the property owner’s application to progress.
City Manager John Longley then returned to Council Chambers.

Disposition: Approved.

18. CONSIDERATION OF ISSUES RELATING TO CAR WASHES IN THE COMMUNITY: “CHARITABLE CAR PERMIT PROCEDURE” AND CAR WASH SLUDGE DRYING AND CONTAINMENT STRUCTURE

Recommendation: That the Council:

1. Regarding the “Charitable Car Wash Permit Procedure,” review the draft ordinance and provide the City Attorney with direction for modification; and schedule a public hearing, widely noticed, to receive comment prior to action on the ordinance; and
2. Regarding the “Car Wash Sludge Containment Structure,” provide direction to the staff to pursue it as a public/private partnership, or in the capital program for this coming year with a fee based recovery for disposal at the facility.

City Manager John Longley presented the item and the staff report.

Council Member Stadtherr pointed to Subsection B of Section 15-50 of the draft Ordinance which set forth that permit costs were based solely on the costs of administering and processing the applications. He questioned why the permit cost would not cover the discharge aspect as well. He stated that during a meeting that morning, Public Works Director Baldo Rodriguez had stressed the importance of sludge drying and containment structures particularly because of the negative effects of hard grit on Waste Water Treatment Facility equipment. He then questioned the difference between the water coming from commercial facilities that created the sludge and the water coming from charitable car washes.

Mr. Rodriguez stated that the water discharged from both the commercial facilities and the charitable car washes was exactly the same. He then suggested that the Ordinance before Council should also restrict charitable car washes from allowing the discharged water to flow into the gutter. He then stated that charitable car washes should be held at a commercial facility that had the ability to dispose of the waste water properly.

Council Member Stadtherr commented that he believed that would be almost impossible to enforce, and pointed to the multitude of car washes currently being held.

City Attorney Julia Lew referred Council to Page 6 of the proposed Ordinance, Section 15-130, Subsections A 5 and A 6. She clarified that the Ordinance did provide for restrictions pertaining to waste water and discharge. She stated, however, staff fully recognized the difficulty for enforcement.

Council Member Stadtherr suggested that a list of the facilities in compliance could be provided with the permit application.

Council Member Hamilton stated that he was pleased to announce he was aware of a charitable organization that had recently and successfully used a commercial car wash facility for its fund raiser.

Council Member West questioned how much staff actually believed the City would make on the issuance of the permits, and who would then enforce any violations. He commented that he believed this matter was getting out of hand.
Mayor Pro Tem Irish stated that it was not the City’s intention to make a profit from the permits, but rather to regulate the process.

City Attorney Julia Lew clarified that the City was not allowed to make a profit. She stated that while she understood Council Member Stadtherr’s concern with wanting to recoup costs for the detrimental effects on the equipment at the treatment facility, the City would need to quantify those costs and reasonably relate them to the cost of the permit. This pointed out that this could be a monumental task.

Mayor Pro Tem Irish commented that he believed it was not Council’s intent to stop all charitable car washes. He then questioned if the draft Ordinance included a restriction on the number of car washes held at a particular location. He asserted that this would at least somewhat limit the number of charitable car washes.

Council Member Hamilton agreed and commented that he believed Council was only attempting to make the process more equitable between the commercial car washes who were required to spend a great deal of money to comply with City requirements and the charitable car washes who were not.

City Attorney Julia Lew stated that the restriction to which Mayor Pro Tem Irish referred was included in the Ordinance as Section 15-130, Subsection A9.

Council Member West questioned if “sludge” referred to the mud on a car that was washed off, and questioned how that sludge had been handled in the past.

Mr. Longley confirmed that “sludge” represented the residual materials left behind after a car wash, and indicated that he believed that the sludge had always been collected and hauled away by private haulers.

Mayor Pro Tem Irish pointed out that once the materials had been dried, the materials were no longer an issue.

Council Member Hamilton stated that the reason that the materials were not accepted by the sewer treatment facility was because the sand granules ruined the turbines, which he pointed out was the second reason for Council pursuing this item. He stated that the first reason was a desire to create a fair and equitable environment for commercial car washes and charitable car washes.

Council Member West questioned if anybody had actually witnessed sludge being hauled off a car wash lot.

Council Member Hamilton stated that he had not personally witnessed any hauling, but pointed out that quick lube facilities also had traps which they rented at an extreme cost. He stated that he was aware that Modern Plumbing had hauled the materials.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that Council direct staff to set a public hearing and prepare the proposed ordinance for first reading.

AYES: Irish, Hamilton, Stadtherr
NOES: West
ABSTAIN: None
ABSENT: Martinez
Public Works Director Baldo Rodriguez requested that he be allowed to offer further information to Council regarding Mayor Pro Tem Irish’s comments as to the sludge being harmless once dried. Mr. Rodriguez stated that once the sludge had been dried, the hauler would need to identify the contents of the sludge at the landfill, which might be difficult. He explained that staff was continuing to communicate with the County and requested that staff have additional time to conduct further research. In response to Mayor Pro Tem Irish’s question, Mr. Rodriguez indicated that staff was unfamiliar with how the City of Visalia handled its sludge, but he indicated that he would look into that.

Council Member Hamilton commented that at one time, the City of Visalia allowed the sludge into its sewer plant, but he believed that the City had stopped that practice.

Mr. Rodriguez requested, with regard to the containment structure portion of the Item, that staff be allowed additional time to research whether a process could be developed that would satisfy the County’s disposal documentation requirements. He indicated that if staff was successful in that endeavor, staff would then ask for Council’s direction to pursue it as a public or private partnership, or in the capital program for the upcoming year with a fee based recovery for disposal at the facility.

Council Member Hamilton indicated that he agreed with staff’s request.

Disposition: Approved.

19. CONSIDERATION OF CONTINUING THE HIRING FREEZE FOR CITY POSITIONS

Recommendation: That the City Council:
1. Continue the hiring freeze until February 28, 2005;
2. Allow the restorations including project engineers rehire authority, hiring a Public Works Clerical II position, authorizing the restoration of flexing for maintenance positions, and upgrading a Park Maintenance Worker to a II status, and hiring a II; and
3. Direct City Manager to continue to scrutinize travel to assure that there is direct benefit to the City for training, representation, and receiving information.

City Manager John Longley presented the item and the staff report.

Council Member Stadtherr questioned if the position for Field Service Worker I/Refuse - Graffiti was supposed to be at least partially funded by the civil action under the graffiti program.

City Manager John Longley responded affirmatively, however pointed out that no funds had been collected to date. He then commented that this position had been budgeted out of the collection refuse fund.

City Attorney Julia Lew clarified that there might have been some restitution in some criminal cases for graffiti, but that nothing had yet been received.

Council Member Hamilton commented that he believed that the Council had been very fiscally conservative, and that staff must be aware that the restrained budget could meet staff’s recommendation.

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

M.O. 14-111604
AYES:    West, Irish, Hamilton, Stadtherr
NOES:    None
ABSTAIN: None
ABSENT:  Martinez

Disposition: Approved.

20. CONSIDERATION OF MINIMUM (SKELETAL) STAFFING FOR CITY FACILITIES DURING HOLIDAY PERIOD AND CANCELING THE FIRST CITY COUNCIL MEETING IN JANUARY

Recommendation: That the City Council:
1. Authorize minimum staffing for City facilities between Wednesday, December 22, 2004 and Thursday, December 30, 2004; and
2. Cancel the January 4, 2005 City Council Meeting.

City Manager John Longley presented the item and the staff report.

Council Member Stadtherr suggested that instead of cancelling the first meeting in January, that the meeting be moved to the second week.

Council Member Hamilton commented that he did not believe staff could accomplish generating an agenda for the second week if City Hall ran with a skeletal crew.

Mr. Longley stated that the only issue with moving the Council Meeting to the second week in January would be that during the same week that staff would have an agenda, it would also be compiling another agenda.

Council Member Stadtherr acknowledged Mr. Longley’s point, and commented that he had merely attempted to keep the process moving.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that Council approve staff's recommendation.

M.O. 15-111604
AYES:    West, Irish, Hamilton, Stadtherr
NOES:    None
ABSTAIN: None
ABSENT:  Martinez

Disposition: Approved.

21. DISCUSSION ON CODES PERTAINING TO VISIBILITY OF JUNK FROM ANY PUBLIC RIGHT-OF-WAY

Recommendation: That the City Council consider the existing Code language regarding junk and provide appropriate direction to staff.

Council Member Stadtherr commented that this Item had come before Council due to a constituent’s complaint regarding visible junk in a yard in the Scenic Heights area. He stated that the problem arose from the storage of machinery parts and miscellaneous junk visible on a residential lot. When he and staff had first
investigated the site in question, staff had incorrectly indicated that since the junk had been located in the backyard of the premises, nothing could be done. However, Council Member Stadtherr stated, upon further research by staff for its staff report on this item, it had been discovered that there were mechanisms in the Code for dealing with the situation.

City Attorney Julia Lew indicated that the issue might also be addressed through nuisance abatement, aside from what the Code actually provides for. She indicated that there were also Health and Safety Code Regulations that allowed cities to become involved when dealing with nuisance abatement and the accumulation of materials that created a place that could harbor rodents and insects. Ms. Lew stated that she believed this nuisance could be addressed without actually changing the Code.

Council Member Stadtherr commented that he had brought forth this item because staff had initially thought that nothing could be done because the junk was located in the backyard of the residence; however, upon further research by staff, it had been determined that the City could rectify the problem with the Code as it was. He explained that the reason why staff had not readily made this determination was that the pieces of relevant language were located in various sections within the Code, all of which needed to be construed together.

Community Development Director Brad Dunlap explained that the Code was not direct and that he had given Council Member Stadtherr inaccurate information. He stated that once he had pieced all the various portions of the Code together for the purposes of drafting the report, the Code became much more clear that the City did have the teeth to deal with the problem.

Council Member Stadtherr then indicated that the Code did not need to be modified. He stated that if staff was of the opinion that it could take action on the property owner in violation, as well as on any other property owners in violation, without changing the Ordinance, then he would prefer to let the Code stand as it was.

City Attorney Julia Lew clarified that Council could either move to take action, or choose to take no action at all.

The Council then chose to take no action on the item.

The Council adjourned at 9:59 p.m. to a Meeting of the Porterville Public Financing Authority

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**

Roll Call: Board Member West, Vice-Chairman Irish, Board Member Hamilton, Board Member Stadtherr  
Absent: Chairman Martinez

**WRITTEN COMMUNICATIONS**
None

**ORAL COMMUNICATIONS**
None

**SCHEDULED MATTER**
PFA-1 ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY
Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-Laws, accept public comment, and approve the 2004 Status Report for the Redevelopment Bond Issue No. 1 Projects.

Executive Secretary John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap referred the Board to the attachment and briefly reviewed the status of various projects.

Vice Chairman Irish questioned if anyone in the audience wished to comment on the status report, to which no one responded.

Board Member Hamilton questioned how much money the City currently owed.

Mr. Dunlap responded that he did not have that information with him, but that he would be happy to provide it to the Board.

**BOARD ACTION:** MOVED by Board Member Hamilton, SECONDED by Board Member Stadther that the City Council, sitting as the Porterville Public Financing Authority, approve staff’s recommendation.

<table>
<thead>
<tr>
<th>AYES:</th>
<th>West, Irish, Hamilton, Stadtherr</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOES:</td>
<td>None</td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Martinez</td>
</tr>
</tbody>
</table>

Disposition: Approved

The Council adjourned at 10:04 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, 197 N. Main Street, informed Council that the holiday lighting project along Main Street had been completed and invited everyone to attend the lighting ceremony on November 26 at 6:00 p.m. outside of City Hall. He then voiced support for preventing contamination caused by temporary non-charitable car washes, and questioned how portable car wash units were handled.

City Manager John Longely directed staff to provide Mr. Eckhoff with information on portable units.

**OTHER MATTERS**

- Council Member Hamilton informed Council that an opening existed on LAFCO and questioned whether any Council Member was interested in serving.

  Mayor Pro Tem Irish indicated that he would discuss this with Mayor Martinez.

- Council Member Stadtherr stated that he had talked with Mr. Hannah during the recess. He indicated that Mr. Hannah stated, if given the choice, he would rather have sidewalks over drop lifts. Council Member Stadtherr also stated that Mr. Hannah pointed out that many of the bus stops throughout the City were not in close proximity to crosswalks, and questioned if that was considered when crosswalks were developed.
Deputy City Manager Darrel Pyle responded that he was unaware if staff had ever reviewed those two elements together, but he indicated that he would be happy to review the location of the existing and proposed bus stops and identify the location of the nearest crosswalks. He stated that he would work with the Engineering Department to see if there were recommendations for any adjustments to make the crosswalks as safe and accessible as possible.

Council Member Stadtherr stated that for those individuals who were still young enough and spry enough to dash across the street, this matter was not important. He stated that consideration for others was sometimes forgotten.

**ADJOURNMENT**

Council adjourned at 10:12 p.m. to the meeting of November 23, 2004.

Patrice Hildreth, Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2004-05 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

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

Item No. 2
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED EOY FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>22</td>
<td>To increase the revenue in the General Fund Budget to account for the donation from the Friends of the Library.</td>
<td>Friends of the Library</td>
<td>$7,969</td>
<td>$1,126,807</td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>23</td>
<td>To increase the revenue in the General Fund Budget to account for the donation from the Mr. and Mrs. Charles Patmore Family Memorial Trust.</td>
<td>Mr. and Mrs. Patmore Family Trust</td>
<td>$5,275</td>
<td>$1,132,082</td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>24</td>
<td>To increase the appropriation in the Library budget, Literacy Program to allow for the expenditure of the Friends of the Library donation.</td>
<td>Friends of the Library</td>
<td>$7,969</td>
<td>$1,124,113</td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>25</td>
<td>To increase the appropriation in the Library budget to allow for the purchase of Children's Books with the donation received from the Mr. and Mrs. Charles Patmore Family Memorial Trust.</td>
<td>Mr. and Mrs. Patmore Family Trust</td>
<td>$5,275</td>
<td>$1,118,838</td>
</tr>
</tbody>
</table>

Modification No: 04-04/05
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS - AERIAL LADDER TRUCK

SOURCE:  ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT:  Bid documents and specifications have been prepared for the purchase of a new 75-foot quint aerial ladder truck for the Fire Department. The new equipment will replace #2116, a 1983 VanPelt aerial ladder truck. The specifications are available for review in the Purchasing Division and in the City Manager's “La Barca” conference room.

The estimated cost of this new ladder truck is between $400,000 and $450,000. Funding is available in the Equipment Replacement Fund and a grant from the Tule River Tribal Council. Upon delivery of the new truck, the VanPelt will be sold as surplus and the proceeds returned to the Equipment Replacement Fund.

RECOMMENDATION:  That the Council authorize Staff to advertise for bids for a new 75-foot quint aerial ladder truck.
SUBJECT: AWARD CONTRACT - TRANSIT SURVEILLANCE SYSTEM

SOURCE: Administrative Services Department - Purchasing Division

COMMENT: Staff solicited proposals for a closed circuit television surveillance system for the Transit Center.

Two proposals were received as follows:

Industrial Electronic Systems, Inc. $23,576.00
Fresno, CA

NetMaxum, Inc. $34,889.00
Visalia, CA

Staff has reviewed the lowest proposal and finds it meets the City's requirements. The equipment will allow Staff to monitor activities at the Transit Center in an attempt to discourage vandalism and other criminal incidents. The system is upgradable as funds are available. The project is funded by an FTA Section 5307 grant.

RECOMMENDATION:

That Council authorize Staff to negotiate a contract with Industrial Electronic Systems, Inc., of Fresno, CA to provide and install a closed circuit television system at the Transit Center. Further, that Council authorize payment for said work upon satisfactory completion of the project.
SUBJECT: AWARD CONTRACT - TRANSIT VEHICLE LOCATION SYSTEM

SOURCE: Administrative Services Department - Purchasing Division

COMMENT: Staff solicited proposals for an automatic vehicle location (AVL) system for the Transit Center.

Two proposals were received as follows:

- Teletrac
  Garden Grove, CA
  $13,225.00

- B & J Communications
  Tulare, CA
  $22,297.00

Staff has reviewed the lowest proposal and finds it meets the City's requirements. The equipment will allow the City to track real-time location of its transit vehicles, alert the transit dispatcher when a vehicle deviates from its route and better assess the performance of the transit system. The AVL system will utilize standard satellite-based GPS technology and is upgradable as funds are available. The project is funded by an FTA Section 5307 grant.

RECOMMENDATION:

That Council authorize Staff to negotiate a contract with Teletrac of Garden Grove, CA to provide and install an automatic vehicle location (AVL) system at the Transit Center. Further, that Council authorize payment for said work upon satisfactory completion of the project.
SUBJECT: AWARD OF CONTRACT - VELB MITIGATION WATER WELL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On November 18, 2004, staff received two (2) bids for the VELB Mitigation Water Well Project. This project consists of the construction of a water well that will irrigate the Elberberry bushes and other associated plant habitat for the Valley Elderberry Longhorn Beetle (VELB). The mitigation site is located on what is known as the City's Headgate Property, which is generally located between Highway 190 and the Tule River, east of the southerly prolongation of Page Street.

The estimated probable cost for this project is $40,040. Funding will be drawn from Certificates of Participation.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson Drilling Co. Reedley, CA</td>
<td>$30,300.16</td>
</tr>
<tr>
<td>Nor-Cal Pump and Well Service Yuba City, CA</td>
<td>$50,950.00</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the VELB Mitigation Water Well Project to Johnson Drilling in the amount of $30,300.16;

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

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

ATTACHMENT: Locator Map
Engineer's Estimate
## Engineer's Cost Estimate for Drilling the Casing Hammer Well

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Estimated Quantity</th>
<th>Unit of Measure</th>
<th>Unit Price</th>
<th>Estimated Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Drill 18&quot; Hole and Install 12 3/4&quot; Steel Conductor</td>
<td>20</td>
<td>LF</td>
<td>$120</td>
<td>$2,400</td>
</tr>
<tr>
<td>2</td>
<td>Drill and Install 8 5/8&quot; Steel Casing</td>
<td>170</td>
<td>LF</td>
<td>$80</td>
<td>$13,600</td>
</tr>
<tr>
<td>3</td>
<td>Airlifting</td>
<td>8</td>
<td>HRS</td>
<td>$250</td>
<td>$2,000</td>
</tr>
<tr>
<td>4</td>
<td>Pumping and Surging</td>
<td>36</td>
<td>HRS</td>
<td>$300</td>
<td>$10,800</td>
</tr>
<tr>
<td>5</td>
<td>Production Testing</td>
<td>12</td>
<td>HRS</td>
<td>$300</td>
<td>$3,600</td>
</tr>
<tr>
<td>6</td>
<td>Mobilization, Demobilization, and Cleanup</td>
<td>1</td>
<td>LS</td>
<td>$4,000</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

Subtotal: $36,400  
10% Contingency: $3,640  
Total Estimate: $40,040

---

Prepared By: Curtis M. Skaggs, Project Engineer  
Date: 10-12-04

Reviewed By: Michael K. Reed, City Engineer  
Date: 10/14/04

Reviewed By: Baldomero S. Rodriguez, Public Works Director  
Date: 10/14/04

Reviewed By: John Longley, City Manager  
Date: 10/12/2004
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-390-007 – STEVE D. AND MELISSA R. KRIGBAUM - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Steve D. and Melissa R. Krigbaum, owners of property located at APN 245-390-007, have accepted the City’s offer of $10,887.80 (10% over the appraised value) for the 3,234 sq. ft. of land needed for the Henderson Avenue Reconstruction project.

The City recently had the property appraised by Timothy J. Simon, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $9,898 for the 3,234 sq. ft. needed. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Steve D. and Melissa R. Krigbaum in the amount of $10,887.80, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Grant Deed
3. Resolution

DD_____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 7
Steve D. Kriqbaum and Melissa R. Kriqbaum, husband and wife, as Joint Tenants, GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property for public street and underground utilities in the City of Porterville, County of Tulare, State of California, described as:

SEE EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF
The grantor further understands that the present intention of the grantee is to construct and maintain a public street and underground utilities on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said street. (As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this 9th day of November, 2004

Steve O. Krigbaum

Melissa R. Krigbaum

STATE OF CALIFORNIA } SS
County of Orange

On this the 9th day of November, 2004, before me, Vickie Schultz, Notary Public,
Name, Title of Office E.G., "Jane Doe, Notary Public"

personally appeared Steven O. Krigbaum and Melissa R. Krigbaum
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.

Vickie Schultz

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

Vickie Schultz
Commission # 1431940
Notary Public - California
Ike County

(for notary seal or stamp)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM STEVE D. AND MELISSA R. KRIGBAUM

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Steve D. and Melissa R. Krigbaum, for public street and underground utility purposes, 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 hereof.

BE IT FURTHER RESOLVED that the purchase price of $10,887.80 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded 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, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 3
EXHIBIT "A"

The North 12.00 feet of Parcel No. 1 of Parcel Map No. 2668, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 27 of Parcel Maps, at Page 69, Tulare County Records.

For the purpose of this conveyance, the North line of said Parcel No. 1 is the South line of that 5.00 foot dedication to the County of Tulare recorded in Volume 372, at Page 494, Tulare County Records.

APN: 245-390-007
ADDITIONAL RIGHT OF WAY TO BE ACQUIRED - 3233.76 SQ. FT.

HENDERSON AVE

STEVE D. KRIGBAUM AND MELISSA KRIGBAUM A.P.N. 245-390-007

Property Acquisition for Street & Underground Utilities
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-040-005 – RALPH M & JANET HOVANNISIAN - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Ralph M. & Janet Hovannisian, owners of property located at APN 245-040-005, have accepted the City’s offer of $4,756.40 (10% over the appraised value) for the 1,020 sq. ft. of land needed for the Henderson Avenue Reconstruction project.

The City recently had the property appraised by Timothy J. Simon, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $4,324 for the 1,020 sq. ft. needed. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Ralph M. & Janet Hovannisian in the amount of $4,756.40, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Grant Deed
3. Resolution

DD _____ APPROPRIATED/FUNDED _____ CM _____ ITEM NO. 8
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City of Porterville
291 N. Main St.
Porterville, CA 93257

Space above this line for Recorder's Use

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>D3</td>
<td>21</td>
<td>21S</td>
<td>27E</td>
<td>Henderson Ave.</td>
</tr>
</tbody>
</table>

Ralph M. Hovannisian and Janet Hovannisian, Husband and Wife, as Community Property, GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property for public street and underground utilities in the City of Porterville, County of Tulare, State of California, described as:

See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.
The grantor further understands that the present intention of the grantee is to construct and maintain a public street and underground utilities on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor’s successors and assigns, hereby waives any claims for any and all damages to grantor’s remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said street.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ___ day of _____, 20___

[Signature]
Ralph M. Hovannisian

[Signature]
Janet Hovannisian

STATE OF CALIFORNIA
County of ______________  } SS

On this the ___ day of __________, 20___, before me, ______________, Notary Public,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared ______________ and ______________,
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]
Mickey Fowers

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

The North 17.00 feet of the South 42.00 feet of the West 60 feet of that portion of the East half of the Southwest quarter of the Southwest quarter of Section 21, Township 21 south, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, described as follows:

Commencing at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 21; thence West 236 feet; thence North parallel to the East line of said Southwest quarter of the Southwest quarter of said Section 21, a distance of 236 feet; thence Southeasterly to the point of beginning.

APN: 245-040-005
RALPH M. HOVANNISION AND
JANET HOVANNISION
A.P.N. 245-040-005

PROPOSED R/W

HENDERSON AVE.

ADDITIONAL RIGHT OF WAY
TO BE ACQUIRED - 1,020.00 SQ. FT.

MONACHE AVE.

MULBERRY AVE.

PORTER SLOUGH

SUBJECT LOCATION

WINDSOR

MANSION

PROVINCIAL

ORANZA LN.

BALMORAL DR

CREEKWOOD CIR.

MEMORY

BRIARWOOD Pk.
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET
AND UNDERGROUND UTILITIES PURPOSES FROM RALPH M. AND JANET HOVANNISIAN

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Ralph M. and Janet Hovannisian, for public street and underground utility purposes, 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 hereof.

BE IT FURTHER RESOLVED that the purchase price of $4,756.40 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded 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, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 3
The North 17.00 feet of the South 42.00 feet of the West 60 feet of that portion of the East half of the Southwest quarter of the Southwest quarter of Section 21, Township 21 south, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, described as follows:

Commencing at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 21; thence West 236 feet; thence North parallel to the East line of said Southwest quarter of the Southwest quarter of said Section 21, a distance of 236 feet; thence Southeasterly to the point of beginning.

APN: 245-040-005
Ralph M. Hovannisian and
Janet Hovannisian
A.P.N. 245-040-005

Proposed R/W

Henderson Ave.

Additional Right of Way
To be Acquired - 1,020.00 Sq. Ft.

Subject Location

Monache Ave.

Mulberry Ave.

Porter Slough

Henderson Ave.

Cricklewood Cir.

Balmore Dr.

Piccadilly

Cressa Lk.

Memory

Henderson Pk.
SUBJECT: ZALUD HOUSE MUSEUM MAINTENANCE GRANT

SOURCE: Department of Parks and Leisure Services

COMMENTS: The Zalud House Museum is eligible for consideration of a Grant Application from the State of California for improvements to the House. The Grant is funded from the Roberti-Z’Berg-Harris Open Space and Recreation Program under the Parks Bond Act 2002. The grant is a Needs Basis Grant, making it extremely competitive with other recreational projects throughout the State. Funds for the Roberti-Z’Berg-Harris are derived from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

The State requires a Resolution Approving the Filing of an Application for the grant. The minimum local match which must come from non-state sources, is 30% of the allowable project grant amount for the project. It is proposed that the City’s matching funds come from the Zalud Estate Fund. The application includes the following proposed improvements to the property:

- Foundation perimeter drains $6,000
- Repair stem walls & foundation piers $9,000
- Structural retrofit to brick walls $14,000
- Heating/ventilation/air condition/heating/humidification system $30,000
to preserve the collection
- Plumbing and flooring for rear restroom $5,000
- Fire protection-smoke detection system $6,000
- Accessibility for people with disabilities - carriage house, public restroom and ramp to main house $24,000
- Re-roof carriage house $6,000
- Architect/Engineering $10,000
- 10% Contingency $10,000
- Total improvement estimate $120,000

Grant amount request $84,000
Zalud House Funds $36,000

RECOMMENDATION: That the City Council adopt the attached resolution approving the filing of an application for a Roberti-Z’Berg-Harris Open Space and Recreation Program Grant and authorize the Parks and Leisure Services Director to execute all necessary documents on behalf of the City of Porterville.

ATTACHMENT: Draft Resolution

ITEM NO.: 9
RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
ROBERTI-Z’BERG-HARRIS NONURBANIZED AREA NEED-BASIS PROGRAM
UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD
PARKS, AND COASTAL PROTECTION ACT OF 2002
FOR MAINTENANCE OF THE ZALUD HOUSE

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN
WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF
2002 which provides funds to the State of California for grants to eligible applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the
responsibility for the administration of the Roberti-Z’Berg Harris Nonurbanized Area Need-Basis
Program for grants and the grant Project shown above within the State, setting up necessary procedures,
and

WHEREAS, said procedures established by the California Department of Parks and Recreation
require the Applicant’s Governing Body to certify by resolution the approval of the Application before
submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the
Project;

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council hereby:
1. Approves the filing of an Application for local assistance funds from the Roberti-
Z’Berg-Harris Nonurbanized Area Need-basis Program under the California Clean
Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and

2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the
Project; and Certifies that the Applicant has reviewed, understands, and agrees to the
General Provisions contained in the Contract shown in the Procedural Guide; and

3. Certifies that the Grantee has or will have available, prior to commencement of any work
on the Project, the required Match; and

4. Certifies that the Project conforms to the recreation element of any applicable city or
county general plan; and

5. Appoints the Parks and Leisure Services Director as agent to conduct all negotiations,
execute and submit all documents including, but not limited to, Applications,
agreements, payment requests and so on, which may be necessary for the completion of
the Project.

APPROVED AND ADOPTED at a regular City Council meeting on the 7th day of December,
2004 by the following vote:

Ayes

Noes

Absent

__________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: LIMITED OPENING OF HERITAGE COMMUNITY CENTER LIBRARY

SOURCE: Parks & Leisure Services Department

COMMENT: During consideration of the current fiscal year budget it was determined that the new library facility would not be opened to the public this year. The main library hours were reduced, and the library budget cut to reflect reduced staffing and hours of operation. There did not appear to be a manner in which the new library could be opened for public use given the staffing and funding limitations.

Staff has endeavored to facilitate the use of the library by Santa Fe Elementary as their school library room during school hours. The concept had been that the books provided by the school for the library would be coded so that only Santa Fe Elementary students and faculty could check them out of the library. Other books, to be provided by the City, would be available for public use. The reading material collection at the new library has been envisioned as being dedicated primarily to children's reading level due to limited space.

A computerized system is needed to control the check-out of books. The use of a system compatible with the City's main library has been anticipated. The City uses the San Joaquin Valley Library System (SJVLS) which provides a network of library resources and the ability for check-out and deposit of materials at separate libraries within the valley. This system is only available to public libraries. Without having the Heritage Center Library open to the public, even on a limited-hour basis, SJVLS will not be available. The options are to have PUSD install their own book control computer system, or provide some limited public library hours.

Staff have evaluated the issues and impediments surrounding the public opening, and formulated a strategy that will accommodate this action. This strategy can be reconciled within the current budget, subject to adjustment for donations being received during November and December.

We intend to acquire a limited children's book collection for the Heritage Library with $5,275 of donated funds that will be contributed by the Friends of the Library. The books will be placed on shelving that will be acquired through the current library budget. Two computers, available because of frozen staff positions, will be moved from the current library to the Heritage library. We will utilize computer reserve funds on hand with the San Joaquin Valley Library System, and have them install the necessary telecommunications systems to facilitate book check-out. We will then assign the Adult Literacy Program coordinator to the Heritage Library two evenings a week. In addition to overseeing the literacy program this person will be available to provide other library duties, including book check-out.
The staff resource and computer equipment are available without budget implications. The SJVLS system will be funded from Porterville Library reserves on hand with SJVLS for computer system purposes. The shelving will be a minimal expense absorbed by the current budget. The book collection will be possible through utilization of a significant donation made to the Friends of the Library, who will be providing the funds to the City at the December 7, 2004 City Council meeting. The only limitation is that we will not be able to provide a book security system initially. The $25,000 to $30,000 cost for such a system is not available.

Staff believe that the opening of the Heritage Library is a win for all stakeholders. We will be expanding the availability of the adult literacy program into the neighborhood, providing additional library hours for children, and enhancing the Santa Fe Elementary School library.

RECOMMENDATION: Authorize the limited opening of the Heritage Community Center Library for two evenings per week, commencing February 1, 2005.
SUBJECT: CITY OF PORTERVILLE EMERGENCY OPERATIONS PLAN

SOURCE: FIRE DEPARTMENT

COMMENT: On September 16, 2003 Council authorized staff to accept a grant from the County of Tulare to update the City’s Emergency Operations Plan.

The County of Tulare had received the grant to develop a county wide disaster plan which included elements from the City of Porterville. To achieve this goal, the County offered the City of Porterville $10,000 to be used towards updating the City’s current disaster plan.

The City’s plan was updated and submitted to the County. Copies have been distributed to Council and staff as appropriate. The updated plan also put the City of Porterville in compliance with the Standardized Emergency Management System.

The executive staff has attended training on the implementation of the Operations Plan and will continue to fine-tune the program as situations arise.

RECOMMENDATION: None - Informational Only

ATTACHMENTS: None
(A copy of the plan is available for public review at the Fire Department.)

Dir. Funded C/M Item No. 11
Apropriation
SUBJECT: AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN AND PERSONNEL SYSTEM RULES AND REGULATIONS

SOURCE: Administrative Services/Human Resources

COMMENT: City representatives have recently concluded Meet and Confer Sessions on matters within the scope and purview of the Meyers-Milias-Brown Act with the Porterville City Employees’ Association (P.C.E.A.), representing the General Series Employees, the Porterville Police Officers’ Association (P.P.O.A.), representing the Police Series Employees, and the Police Supervisors Group (P.S.G.), representing the Police Supervisors’ Series Employees, and written Memorandums of Understanding (M.O.U.’s) have been executed with representatives of each of the respective parties. The protracted M.O.U.’s (multi-year Agreements) cover matters pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed M.O.U. is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the M.O.U. The attached Resolutions will achieve the aforementioned. Additionally, the Management and Confidential Employees, which are not represented, are also covered by the attached Resolutions.

RECOMMENDATION: Contingent upon Council’s review and approval of the mediator’s recommendation at their meeting of December 6, 2004, that the City Council adopt the attached resolutions amending the Employee Pay and Benefit Plan for Fiscal Years 2004-05, 2005-06, and 2006-07, and the Personnel System Rules and Regulations, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

ATTACHMENT: Draft Resolutions

DCM ______ Appropriated/Funded ______ CM ______ Item No. ______
Item No. 12

Draft Resolutions to be delivered December 7, 2004
PUBLIC HEARING

TITLE: ZONE CHANGE 6-2004 (Steve Vang)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Zone Change 6-2004 proposes to change the existing zoning from City R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 356 W. Olive Avenue.

The subject site contains three (3) parcels. The residential portion of the subject site (8,050 square feet) has an existing duplex with curb, gutter and sidewalk across the full frontage of the parcel. The applicant proposes to convert the existing dwellings into a commercial use and storage for the businesses on the property.

If the zone change is approved, the existing multiple family dwelling would be considered a “legal non-conforming use” which could not be rebuilt if destroyed by more than 75% of its assessed value. However, the present multiple family residential use would be allowed to continue.

Zone Change 6-2004 also proposes to change the existing zoning from City C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) for the two (2) parcels (346 and 356 W. Olive Avenue) contiguous to the south of 40 N. Kessing Street and developed with a restaurant and parking.

The commercial portion of the subject site is fully developed (12,937± square feet) and has access on Olive Avenue and Kessing Street. The site is developed with a donut shop, paved parking, with curb, gutter and sidewalk across the full lengths of the parcels fronting Kessing Street and Olive Avenue.

A lot line adjustment will incorporate the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site into two (2) parcels which will provide frontage on Olive Avenue for both commercial parcels. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.
Prior to the conversion of the residential building to commercial use, the developer/applicant will be required to secure approval of a “D” Overlay Site Review (DOSR) by the City Council. In conformance with the Zoning Ordinance Section 2617, the DOSR will include a condition of approval requiring installation of a six (6) foot high concrete block wall between the subject site and adjacent residential properties as shown on Attachment 2 of the staff report.

Staff has received written and verbal comments as well as a signed petition from property owners in the vicinity who object to the extension of commercial uses north along Kessing Street. Staff has proposed development controls to reduce the impact of such an extension, however, some impact on neighboring properties may occur. The required block wall along the residential properties will provide screening and separation of the two uses.

ENVIRONMENTAL: On October 14, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from November 1, 2004 to November 20, 2004. The only response was from a neighbor to the north. The neighbor objected to the project, but did not raise environmental concerns.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration of Environmental Impact prepared for Zone Change 6-2004.

2. Approve the proposed Zone Change and give first reading to the draft ordinance.

3. Waive further reading of the draft ordinance approving Zone Change 6-2004 and order to print.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: DECEMBER 7, 2004

PUBLIC HEARING - STAFF REPORT

TITLE: ZONE CHANGE 6-2004

APPLICANT: Steve Vang
356 W. Olive Avenue
Porterville, CA 93257

APPLICANT’S AGENT: Hillman Building Designers
620 West Olive Avenue
Porterville, CA 93257

PROJECT LOCATION: 40 N. Kessing Street and 356 W. Olive Avenue. Both locations are located approximately on the northeast corner of Olive Avenue and Kessing Street.

SPECIFIC REQUEST: Zone Change 6-2004 proposes to change the existing zoning from R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial “D” Overlay Site Review) and C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial “D” Overlay Site Review).

PROJECT DETAILS: Zone Change 6-2004 proposes to change the existing zoning from City R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 to C-3 (D) for 356 W. Olive Avenue.

The subject site contains three (3) parcels. The residential portion of the subject site (8,050 square feet) has an existing duplex with curb, gutter and sidewalk across the full frontage of the parcel. The applicant proposes to convert the existing dwelling into a commercial use and storage building.

If the zone change is approved, the existing multiple family dwelling would be considered a “legal non-conforming use” which could not be rebuilt if destroyed by more than 75% of its assessed value. However, the present multiple family residential use would be allowed to continue.

Zone Change 6-2004 also proposes to change the existing zoning from City C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) for the two (2) parcels contiguous to the south of 40 N. Kessing Street.

The commercial portion of the subject site is fully developed (12,937± square feet) and has access on Olive Avenue and Kessing Street. The site is developed with a donut shop, paved parking, with curb, gutter and sidewalk across the full lengths of the parcels fronting Kessing Street and Olive Avenue.
Prior to second reading of the proposed zone change, a lot line adjustment will be processed to combine the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site. Both the new parcel and the existing northerly parcel would have frontage on Olive Avenue. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.

**GENERAL PLAN LAND USE DESIGNATION:** Heavy Commercial.

**SURROUNDING AREA ZONING AND LAND USE:**

North: City - Single family dwellings.
South: City - Olive Avenue and developed commercial uses.
East: City - Single family residential, commercial use and “H” Street.
West: City - Kessing Street and professional office use.

**Staff Analysis:** On approval of the zone change, as aforementioned, a lot line adjustment will be recorded prior to the second reading of the ordinance which will provide frontage to Olive Avenue from the subject site.

Staff has received written and verbal comments as well as a signed petition from property owners in the vicinity who object to the extension of commercial uses north along Kessing Street. Staff has proposed development controls to reduce the impact of such an extension, however, some impact on neighboring properties may occur. The required block wall along the residential properties will provide screening and separation of the two uses.

**ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:**

1. **No Project.** Denial of the proposed zone change would result in the existing multiple family dwelling to continue to be a “legal non-conforming use” and remain non-conforming. Additionally, the existing developed commercial building would remain C-3 zoned and continue to operate as it has in the past. Future expansion of the developed commercial building would not require City Council approval.

2. **Approve the project.** Approval of the proposed zone change to City C-3 (D) for both sites would allow the subject site (40 N. Kessing Street) to be developed as proposed and allow for the contiguous business to the south (356 W. Olive Avenue) to expand pursuant to the approval a “D” Overlay Site Review by the City Council.
ENVIRONMENTAL: On October 14, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from November 1, 2004 to November 20, 2004. The only response was from a neighbor to the north.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: September 16, 2004

DATE ACCEPTED AS COMPLETE: October 14, 2004

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration of Environmental Impact for Zone Change 6-2004.

2. Approve the proposed Zone Change and give first reading to the draft ordinance.

3. Waive further reading of the draft ordinance approving Zone Change 6-2004 and order to print.

ATTACHMENTS:

1. Zoning/Land Use Map
2. Map showing proposed location of six (6) foot fence
3. Negative Declaration
4. Revised Zone Change Application dated 9/14/2004
5. Letter from Mr. and Mrs. Beard
6. Letter from Ms. Harris
7. Petition opposing Zone Change 6-2004
8. Draft Resolution approving Negative Declaration for Zone Change 6-2004
9. Draft Ordinance approving Zone Change 6-2004
ZONE CHANGE
NO. 6–2004

PROPOSED CHANGE

R–1 TO C–3 (D)

C–3 TO C–3 (D)

LEGEND

R–1 = ONE FAMILY RESIDENTIAL
C–3 = HEAVY COMMERCIAL
----- = PROPOSED 6 FOOT BLOCK WALL

ATTACHMENT 2
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT APPLICANTS: Steve Vang
346 W. Olive Avenue
Porterville, CA 93257

PROJECT TITLE: Zone Change 6-2004

ADDRESS/LOCATION: 40 N. Kessing Street located on the east side of Kessing Street, approximately 90 feet north of Olive Avenue, and the two (2) parcels (356 W. Olive Avenue) contiguous to the south of 40 N. Kessing Street. The sites are generally located at the northeast corner of W. Olive Avenue and N. Kessing Street, in the City of Porterville, County of Tulare.

PROJECT APPLICANT: Steve Vang

PROJECT DESCRIPTION: Zone Change 6-2004 proposes to change the existing zoning from City R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a "D" Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 to C-3 (D) (Heavy Commercial with a "D" Overlay Site Review) Zone for 356 W. Olive Avenue.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 92-2004, adopted on July 20, 2004, the Environmental Coordinator of the City of Porterville made a preliminary determination that a Mitigated Declaration would be appropriate for 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 October 14, 2004, the Environmental Coordinator of the City of Porterville determined that the above projects 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: October 14, 2004
Word: NegdesZoneChange6-2004

Bradley D. Dunlap, Environmental Coordinator

APPROVED: ____________________________
Bradley D. Dunlap, Environmental Coordinator

ATTACHMENT
ITEM NO. 3
APPLICATION FOR CHANGE OF ZONE NO. ........................

TO THE PORTERVILLE CITY PLANNING COMMISSION:

We, the owners of real property set opposite our respective names, hereby petition to have Ordinance No. 707 R-1 to C-3(D) and amended by reclassifying from Zone C-3.............. to Zone C-3(D)....... the property described hereon and shown in colored cross-hatching on the attached map which, together with the Property Owner's List, also attached hereto, are made a part of this petition.

The property is situated on the ______________________ Street between ______________________ Street and ______________________ Street.

Exact legal description of said property being R-1 to C-3(D) located at 40 N. Kessing APN 280-202-012. C-3 to C-3(D) located at 356 W. Olive Ave. APN 260-202-16.

1. Does public necessity require the proposed change? Is there a real need in the community for more of the types of uses permitted by the Zone requested than can be accommodated in the areas already zoned for such uses? (Fully explain your answer, considering the surrounding property as well as the property proposed to be reclassified.)

Change of zone from R-1 to C-3(D) to allow for the expansion of the existing business contiguous to the south (also proposed change of zone from C-3 to C-3(D)) to expand.

2. Is the property involved in the proposed reclassification more suitable for the purposes permitted in the proposed classification than for the purposes permitted in the present classification? (Answer completely; give all reasons for your answer.)

The site proposed for a change of zone from R-1 to C-3(D) has an existing duplex. The change of zone will allow conversion of the duplex to be utilized for commercial uses consistent with the General Plan. At present, the duplex is considered a legal non-conforming use.

The change of zone from C-3 to C-3(D) for the existing donut shop will bring the entire site into one C-3(D) zoned site.

3. Would the uses permitted by the proposed zone be detrimental in any way to surrounding property? (Explain reasons supporting your answer.)

The proposal is consistent with the General Plan. The "D" Overlay will allow City Council to conditionally approve any future construction to assure that future construction will be compatible with the surrounding uses.
4. What were the original deed restrictions, if any, concerning the type and class of uses permitted on the property involved? Give the expiration date of these restrictions.  
(You may attach a copy of these restrictions, after properly underlining the portions that are in answer to this question.)

The following spaces are for signatures of owners whose properties lie within the radius of 300 feet of the property proposed to be reclassified and who approve of the change. (Not required. (See Item 2, Page 4.))

(Attach extra sheets if necessary.)

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We, the undersigned property owners, herewith request that our respective properties which are included in the reclassification petitioned for, be reclassified and for the reasons herein enumerated.

(This space is for signatures of owners of property actually included in the proposed reclassification. Attach extra sheets if necessary.)

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STATE OF CALIFORNIA )
COUNTY OF TULARE )

OWNER'S DECLARATION

I, ................................................., being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Planning Commission as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application herewith submitted 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 ................................................., 19................

Telephone Number .................................. Signed .................................. 9/11/19

Mailing Address ..................................

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Planning Commission.

Received .................................. Receipt No. ..................................

By .................................. For The Porterville City Planning Commission...
Mr. Longley:

We do not want a zone change on North Kesey!!!

There is plenty of vacant vacant property on Main St. for Commercial use! Why all the Urban Sprawl?!!

Mr. & Mrs. Albert B. Blank
49 N. Kesey St.
To the Community Development Dept. (City planning of Porterville)

I believe for the health and welfare of our whole neighborhood I am absolutely against the proposed 6-2004 Zone Change for 40 N. Kessing Street and 3546 W. Olive ave.

Obviously the residents the R-1 residents hold down the neighborhood by taking care of their yards, keeping their houses up clean and painted, all the things that must be done to keep our surroundings nice, clean, safe and most of all livable so that when we come home we can rest. Without this rest we cannot function in our daily lives and we will become sick.

I believe if you allow these zone changes to make and move more commercial into our already delicate fragile area you are going to break us. First city planners put yourself into our position as it is now. We are overburdened with
Automobile traffic which includes stereo boom boxes, cars screeching thier tires, honking horns, overall motor noise from cars, trucks, Buses, Ambulances, sirens especially too because we are located close to Sierra View Hospital. We are also surrounded by all kinds of Businesses already. Neighbors have been mentioning a lot of accidents (close calls) I should say of accidents in our area around the new hospital parking lot where the 4 corners are. Children a bunch of them have told me how hard it is to walk to and from school as it is because of traffic and it seems "people cars, trucks, won't let us cross the streets and we are scared to walk to and from the schools." That's what more than a few children have told me.

I've also been told by a few families close to the proposed ordinance change that they see believe and know that the kids from the local schools are dealing drugs hanging out and meeting to do the dealing at the proposed ordinance change restaurant.
chinese food / Donut shop. Also, Dump Trucks — garbage truck — delivery truck are very noisy and they come by all hours of the day and early 4am morning hours and wake us up. So even when we are sleeping we are woken up suddenly by trucks delivering or picking up something for all these businesses we already have around us.

This is a very stressful neighborhood to live in already, lets not really make it worse for poor Kissing Street and 11th Street and all the surrounding little streets in there where the poor people are paying property taxes, keeping their yards neat and clean and trying to hold down their rents (houses) and make the best of it as it is. Please put yourself in their shoes or positions if you will. (existing)

There are a lot of already zoned commercial spaces for rent or sale in this area and on Main st. — AGAIN please protect our little residences already
Surrounded by commercial. We do matter. We are here. We are trying to live and breathe in peace. Adding more commercial will break us and the neighborhood will go down hill.

Sincerely,

Deborah Harris
68 N. Jaye St
Porterville, CA.
93257

Ph. 791-1234

P.S. As far as your environmental study goes, I really believe you would have to live in this area I mean sleep, eat, come home from work and leave to work from here for at least 6 months to know how noisy and really bad it is here already.
**PETITION AGAINST ZONE-CHANGE**

By signing this petition you are stating that you are against a Zone Change from a R-1 [one family resident] to C-3 [D] [Heavy Commercial, with a “D” Overlay Site Review] for 356 W. Olive Ave. and for 40 N. Kessing St.

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<th>NAME</th>
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</thead>
<tbody>
<tr>
<td>Krusten Broadhead</td>
<td>190 N. Kessing St</td>
</tr>
<tr>
<td>Verna Cloud Tree</td>
<td>187 W. Kessing St</td>
</tr>
<tr>
<td>Sandra Adriado</td>
<td>114 N. Kessing St</td>
</tr>
<tr>
<td>Yvonne (Spaeth)</td>
<td>105 N. Kessing St</td>
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<tr>
<td>Jerny Long</td>
<td>96 N. Kessing St</td>
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<td>James Alexander</td>
<td>66 N. Kessing St</td>
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<tr>
<td>John Baker</td>
<td>67 N. Kessing St</td>
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<td>Mary E. Biersdorff</td>
<td>41 N. Kessing St</td>
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<tr>
<td>T. P. Cid</td>
<td>143 N. N. St</td>
</tr>
<tr>
<td>Pat Carillo</td>
<td>139 N. 4th St.</td>
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<tr>
<td>K. C. S.</td>
<td>139 N. 4th St.</td>
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<tr>
<td>Tim Baker</td>
<td>341 W. Oak Ave</td>
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<tr>
<td>DON LITTLE IRENE</td>
<td>155 N. Oak Ave</td>
</tr>
<tr>
<td>Barbara Vaness</td>
<td>462 N. Garden Ave.</td>
</tr>
<tr>
<td>Don Howard</td>
<td>455 W. Oak Ave.</td>
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<tr>
<td>Keith Baker</td>
<td>439 W. Oak Ave.</td>
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<tr>
<td>Don Hamilton</td>
<td>96 N. Jaye</td>
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<tr>
<td>STELLA J.</td>
<td>361 W. Oak Ave.</td>
</tr>
<tr>
<td>Louis P.</td>
<td>361 W. Oak Ave.</td>
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<tr>
<td>Norma Wells</td>
<td>67 N. H. St. Porterville</td>
</tr>
<tr>
<td>Richard Wells</td>
<td>54 N. H. St.</td>
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<tr>
<td>Rose Nollie</td>
<td>48 North H. St. Porterville</td>
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<tr>
<td>Marko Pak</td>
<td>53 N. H. St. Porterville</td>
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<tr>
<td>Holly Sandoz</td>
<td>33 N. H. St.</td>
</tr>
<tr>
<td>David Ryders</td>
<td>33 N. H. St.</td>
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<td>Oliva R.</td>
<td>59 N. H. St.</td>
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<tr>
<td>Daniel C.</td>
<td>87 N. H. St.</td>
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<tr>
<td>C. J. Rees</td>
<td>441 N. H. St. Porterville</td>
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<tr>
<td>Cynthia Johnson</td>
<td>175 N. H. St. Porterville</td>
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<tr>
<td>Andrea Hendelsohn</td>
<td>189 N. Kessing St.</td>
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<tr>
<td>Mary Wilson</td>
<td>246 W. Oak Ave.</td>
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<tr>
<td>Jeal Day</td>
<td>92 N. Jaye St. Porterville</td>
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<tr>
<td>Johnnie Shulen</td>
<td>58 N. Kessing Porterville</td>
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<tr>
<td>Maria Perez</td>
<td>138 N. Kessing St</td>
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<tr>
<td>I. Lopez</td>
<td>57 N. Kessing St</td>
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<tr>
<td>Deborah Harris</td>
<td>48 N. Jaye St. Porterville</td>
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</table>
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 ZONE CHANGE 6-2004 BEING A
CHANGE OF ZONING FROM CITY R-1 (ONE FAMILY RESIDENTIAL) TO C-3 (D)
(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR 40 NORTH KESSING
STREET AND FROM C-3 (HEAVY COMMERCIAL) TO C-3 (D) (HEAVY COMMERCIAL
“D” OVERLAY SITE REVIEW) FOR 356 WEST OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of December 7, 2004 conducted a public hearing to consider Zone Change 6-2004, being a change
of zone from R-1 (One Family Residential) to C-3 (D) (Heavy Commercial with a “D” Overlay Site
Review) Zone for 40 N. Kessing Street and from City C-3 (Heavy Commercial) to C-3 (D) (Heavy
Commercial with a “D” Overlay Site Review) for 356 W. Olive Avenue; 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 in accordance with the California
   Environmental Quality Act.

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

The proposed Negative Declaration was evaluated in light of the prepared
environmental initial study, comments from interested parties and the public, as well
as responses to written comments received during the review period. It was
determined that potential impacts associated with the proposed project could be
mitigated to a less than significant level through the implementation of the attached
mitigation measures.

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 for a twenty (20) day review period from November 1, 2004
to November 20, 2004. The only response was from a neighbor to the north.

5. That the mitigation measures contained in the Negative Declaration were
   incorporated into a Mitigation Monitoring Program attached hereto as Attachment
   A.
6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

City staff conducted an on-site inspection. The subject site (8,050 sq. ft.) located at 40 N. Kessing Street is fully developed with an existing duplex. The site contains ornamental vegetation found on residential lots. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

The commercial portion of the subject site (356 W. Olive Avenue) is fully developed with a donut shop, paved parking, with curb, gutter and sidewalk across the full lengths of the parcels fronting Kessing Street and Olive Avenue.

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.

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Submittal of plans for conversion/reconstruction of the existing structure or existing commercial business by the developer/applicant will also include a signed document committing to comply with the adopted mitigation measures.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Zone Change 6-2004, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
## 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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</thead>
<tbody>
<tr>
<td>Geologic Problems</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, 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>
</tr>
<tr>
<td>Water</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). 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 for future development of the site with multiple family residential uses.</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). 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>City of Porterville</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<tr>
<td><strong>Air Quality</strong></td>
<td>If asbestos or lead base paint is found in the duplex to be converted to a commercial use(s), or expansion of the existing commercial building located to the south, the City of Porterville will implement and comply with the regulations outlined in the NESHAP regulation, 40 CFR, Part 61, Subpart M. 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>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</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>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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<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
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<td>Air Quality 5. a (continued)</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 commercial building during the cold winter months. 3. As many energy-conserving features as possible should be included in the design/construction of new commercial buildings. 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 appliances should comply with California Nox Emission Rule #1121. 5. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment. 6. Limit engine idling at the project site.</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<td><strong>Air Quality</strong></td>
<td>7. Construction equipment needs to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.</td>
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<td>8. Increase wall and ceiling insulation (beyond code requirement) should be installed.</td>
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<td>9. Energy efficient window (double pane and/or coated) should be utilized.</td>
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<td>10. High-albedo (reflecting) roofing material should be utilized.</td>
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<td>11. Awnings or other shading mechanism for windows should be installed.</td>
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<td><strong>Noise</strong></td>
<td>To comply with Section 2617 of the Zoning Ordinance, the developer/applicant will be required to construct a six (6) foot tall concrete block wall along the full length of the north side of the subject site and continued along the east property line of 356 W. Olive Avenue to a point in line with the south property line of the existing residential use to the east. The wall will buffer any additional noise associated with the site.</td>
<td>Conformance with the City of Porterville's Noise Element of the General Plan.</td>
<td>City of Porterville</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<tr>
<td><strong>Utilities and Service Systems</strong></td>
<td>Mitigation: 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). Any future installation of storm drain lines will be in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan.</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>12.e</td>
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<td>Storm water drainage.</td>
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<td>13.c</td>
<td>Development of the subject site with commercial uses will require 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>
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 6-2004 BEING A CHANGE OF ZONING FROM R-1 (ONE
FAMILY RESIDENTIAL) TO C-3 (D) (HEAVY COMMERCIAL "D" OVERLAY SITE
REVIEW) FOR 40 NORTH KESSING STREET AND FROM C-3 (HEAVY COMMERCIAL
TO C-3(D) (HEAVY COMMERCIAL "D" OVERLAY SITE REVIEW)
FOR 356 WEST OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of December 7, 2004 conducted a public hearing to consider Zone Change 6-2004, being a change
of zone from R-1 (One Family Residential) to C-3 (D) (Heavy Commercial with a “D” Overlay Site
Review) Zone for 40 N. Kessing Street and from City C-3 (Heavy Commercial) to C-3 (D) (Heavy
Commercial with a “D” Overlay Site Review) for 356 W. Olive Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest would
best be served by approval of the proposed Zone Change 6-2004; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 6-2004:

1. The Land Use Element of the General Plan designates those parcels with frontage on
Olive Avenue as “Heavy Commercial”. Once the subject site is re-configured
pursuant to a Lot line adjustment, to provide Olive Avenue frontage for both
proposed parcels, the land use designation will support the C-3 (D) (Heavy
Commercial with a “D” Overlay Site Review).

2. That the proposed zoning C-3 D (Heavy Commercial “D” Overlay Site Review) will
conform with the land use designation (Heavy Commercial) of the General Plan

3. That all uses listed in Article 7, Article 8 and Article 9 of the Porterville Zoning
Ordinance as may be amended are allowed in the C-3 (Heavy Commercial) Zone.

4. That a Negative Declaration was approved for this project in accordance with the
California Environmental Quality Act and mitigation measures incorporated into the
approval will be precedent to project implementation.

5. That this zoning designation will ensure that any future development of the subject
site, both 40 North Kessing Street and 356 West Olive Avenue will be in
conformance with existing plans and policies and will not adversely impact the
surrounding area.
A lot line adjustment will incorporate the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site into two (2) parcels which will provide frontage on Olive Avenue for both commercial parcels. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.

Prior to second reading of the propose Zone Ordinance Amendment, a Lot line adjustment will be processed to combine the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site. Both the new parcel and the existing northerly parcel would have frontage on Olive Avenue. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 6-2004, is hereby re-zoned from R-1 (One Family Residential) to C-3 D (Heavy Commercial “D” Overlay Site Review) for that 8,050 square foot site located at 40 N. Kessing Street and the developed commercial site to the south located at 356 W. Olive Avenue from C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial “D” Overlay Site Review), more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from R-1 (One Family Residential) to C-3 D (Heavy Commercial “D” Overlay Site Review) for that 8,050 square foot site located at 40 N. Kessing Street and the developed commercial site to the south located at 356 W. Olive Avenue from C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial “D” Overlay Site Review); and

Section 3: That a Lot line adjustment to provide frontage to Olive Avenue from 40 N. Kessing Street will be recorded prior to the second reading of the ordinance.

Section 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

__________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE
NO. 6-2004

PROPOSED CHANGE

R-1 TO C-3 (D)

C-3 TO C-3 (D)

CITY COUNCIL
ORDINANCE NO.______  EXHIBIT "A"
SUBJECT: CHARITABLE CAR WASH ORDINANCE

SOURCE: Public Works Department - Engineering Division

COMMENT: At the November 16, 2004, Council meeting, staff was directed to advertise the public hearing to discuss and comment on the proposed “charitable car wash” ordinance. A copy of the complete ordinance is attached as Exhibit “A” for Council’s review. Provisions within the ordinance, that summarize the intent, are listed below in “bullet” format:

- Applications are obtained and processed through the Finance Department.

- Car washes shall take place between the hours of 8:00 a.m. and 6:00 p.m.

- Car washes shall be conducted for one day periods.

- Children under age 16 shall be supervised by an adult.

- The car wash shall take place in commercial zone areas.

- Wastewater from the event must discharge into the City’s sewer collection system. Biodegradable soaps must be used and must be compliant with the City’s wastewater discharge requirements as set forth in Chapter 25 of the Municipal Code.

- Car washes shall not be conducted at any commercial property which has hosted such an event in the past three months.

- A specific charitable organization may hold a maximum of one car wash per month.

- Organizations in the business of fund raising (even if engaged by a non-profit) shall be considered “organizations” and must comply with these regulations. If the organization is soliciting on behalf of a not-for-profit, the not-for-profit shall obtain a permit under this Article.

- Violators of this Article can be fined, and if a violator is fined and/or its permit is revoked, the violator shall be prohibited from obtaining a permit for one year.
To successfully implement the provisions noted in the ordinance, some policing of the charitable car wash operations will be necessary. Without significant changes in priorities or an addition of personnel, current staffing levels will not permit daily or routine inspection of charitable car wash operations. Staff proposes to respond to “out of compliance” matters on a “by complaint” basis.

During the work week, administrative issues will be managed by the Finance Department and field violations will be handled by the Planning Department in addition to current enforcement responsibilities. Weekend violations will be addressed by Police staff on a Code 1 (by complaint) status. Work load and circumstances will dictate whether an officer can respond to a complaint.

RECOMMENDATION: After receiving testimony, determine whether to accept the draft ordinance for first reading.

ATTACHMENT: 1. Charitable Car Wash Ordinance
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 THROUGH 15-180 TO CHAPTER 15, ENTITLED "CHARITABLE CAR WASH PERMIT PROCEDURE"

WHEREAS, the City Council of the City of Porterville has determined that there has been a proliferation of charitable car washes within the City; and

WHEREAS, due to the lack of regulation, these operations have had a detrimental effect on the city's environment due to the wastewater run-off, and on commercial car wash operations that must abide by City regulatory wastewater discharge requirements;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Article VI is hereby added to Chapter 15 of Porterville Municipal Code, as follows:

Chapter 15

Article VI

CHARITABLE CAR WASH PERMIT PROCEDURE

Sections:

Sec. 15-70 Definitions.
Sec. 15-80 Permit required for charitable car wash.
Sec. 15-90 Applications for permits.
Sec. 15-100 Issuance and form of permits.
Sec. 15-110 Term of permits.
Sec. 15-120 Nontransferability of permits.
Sec. 15-130 Manner of car wash.
Sec. 15-140 Receipts.
Sec. 15-150 Fund raising as a business.
Sec. 15-160 Revocation of permit.
Sec. 15-170 Violations.
Sec. 15-180 Car washing as a business.

Sec. 15-70 Definitions. For purposes of this chapter, the following definitions shall apply:
“Applicant” means a member of a charitable organization who applies for a car wash permit on behalf of the charitable organization.

“Charitable” means benevolent, civil, religious, educational, fraternal, patriotic, political, philanthropic or other similar purposes.

“Charitable car wash” means the request, directly or indirectly, of money, credit, property, financial assistance or other things of value, on the plea or representation that such money, credit, property, financial assistance or other things of value, or any portion thereof, will be used for a charitable or religious purpose, as those purposes are defined in this section, conducted by way of a car wash or similar service, in any place of business open to the public generally, on the city streets. "Charitable car wash," as defined in this section, shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution referred to in this section.

“Charitable organization” means and includes an organization which is a duly organized governmental or not-for-profit charitable, religious, civic, patriotic or community service organization; and the organization must have a Tax-exempt Identification number assigned to it.

“Contribution means and includes: food, clothing, money, property, subscriptions or pledges and donations, including those under the guise of loans of money or property.

“Member” means a person who belongs to a charitable organization who is entitled to vote, elect officers of the organization or hold office. The term “member” shall not include those persons who are granted a membership solely for making a contribution as a result of the charitable contribution.

“Permit holder” means the charitable organization who has been granted a permit pursuant to this chapter for the purpose of conducting a charitable car wash.

“Person” means any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

“Religious” or “religion” has the meaning established by the Supreme Court of the state or the Supreme Court of the United States.

“Residential property” means a building designed for or occupied by one or more families as a residence including single-family residences, duplexes and apartments.

Sec. 15-80 Permit required for charitable car wash.
A. It is unlawful for any person to engage, directly or indirectly, in a charitable car wash without first obtaining a valid charitable car wash permit pursuant to the provisions of this chapter.

B. The car wash permit issued under this chapter to a charitable organization must be prominently displayed at the location where the car wash is conducted and shall be removed at the completion of the car wash.

Sec. 15-90 Applications for permits.

A. Applications for charitable car wash permits shall be made to the finance department upon forms prescribed by the city. The application shall be declared to under penalty of perjury and filed with the finance department not less than five consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any;

2. The nature of the relationship between the applicant and the permit holder, including whether the applicant is a volunteer, paid officer or employee, independent contractor or an agent of the permit holder;

3. The purpose for which the proceeds of the car wash are to be used;

4. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time;

5. A short outline of the method or methods to be used in advertising the car wash, if any;

6. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash;
7. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof;

8. Proof evidencing that the permit holder is a bonafide charitable organization;

9. Such supplemental information requested by the finance department as the finance department may require. The finance department may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the finance director in writing thereof prior to five p.m. the day before such change.

E. The application documents shall be available for public inspection.

Sec. 15-100 Issuance and form of permits.

A. The finance department shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so;

2. The applicant has not provided the information required by this chapter and fails to provide the missing information after being requested to do so;

3. The application indicates that the proposed car wash will violate any of the requirements of this chapter and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The applicant has violated any of the provisions of this Article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this chapter shall be construed as granting to the finance department or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this section.
C. The finance department shall either issue or deny the requested permit within two consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the finance department fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement of the charitable or religious purpose of the car wash;
4. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
5. A permit number; and
6. The signature of the finance director or his/her designee.

Sec. 15-110 Term of permits. Permits issued under this chapter shall be valid only for the date specified in the application for the car wash and as stated on the permit.

Sec. 15-120 Nontransferability of permits. No permit issued under this chapter shall be transferred or assigned, and any attempt at assignment or transfer shall be void.

Sec. 15-130 Manner of car wash.

A. Car washes held pursuant to permits under this chapter:

1. Shall take place between the hours of eight a.m. and six p.m.;
2. Shall be conducted for a one-day period only;
3. Shall not be conducted by any person under the age of sixteen years, unless supervised by an adult;
4. Shall not be conducted at any house, apartment or other dwelling nor an area zoned for residential use only;
5. Shall be conducted in an area zoned for commercial uses; and such location shall have a means of collecting the wash water and shall discharge the water to the City sewer collection system.
6. Shall use biodegradable soaps or detergents, and shall not violate any of the provisions of Chapter 25, concerning wastewater discharge requirements;

7. Shall have a means in place to limit waste water or runoff such as pistol grip nozzle or similar apparatus affixed to each garden hose or water source;

8. Shall not allow any person to solicit cars or other contributions from a position in or on any public right-of-way, including but not limited to sidewalks, traffic islands, driveways or the like as to endanger that individual or others;

9. Shall not be conducted at any commercial property which has held a prior car wash in the past three-month period;

10. Shall not be conducted by a charitable organization which has held a prior car wash in the past one-month period. One application per Tax-exempt Identification Number, and one permit per Tax-exempt Identification Number, will be allowed per month.

B. It is unlawful for a permit holder, as defined herein, to:

1. Persistently and importunately request any donation from any member of the public after such member of the public expresses his or her desire not to make a donation;

2. Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally;

3. Refuse to provide their name and a copy of the permit issued under this chapter, if requested by City representatives;

4. Misrepresent their identity or the identity of the charitable organization conducting the charitable car wash for which he or she is an agent;

5. Misrepresent that the charitable car wash permit issued under this chapter is an endorsement by the city, or any department or employee thereof of the charitable car wash.

Sec. 15-140 Receipts. Any person receiving money or anything of value in excess of five dollars from any contributor by means of car wash made pursuant to a permit shall, upon request, give each contributor a written receipt signed by the solicitor showing plainly the name of the permit holder and the solicitor, the permit number, the date and the amount received.
Sec. 15-150  Fund raising as a business. An organization in the business of fund raising (seeking a profit and paying its solicitors), even if engaged by a nonprofit organization, shall be considered a "business" and must comply with this code. If such an organization is soliciting on behalf of a nonprofit organization, the nonprofit organization shall obtain a permit pursuant to this Article.

Sec. 15-160  Revocation of permit. Any violation of this chapter by applicant or permit holder shall be cause for revocation of a permit issued pursuant to this chapter. Furthermore, any organization that violates this Article shall be ineligible for the issuance of a permit for a period of one year.

Sec. 15-170  Violations. Every person who, for himself or herself, or as the agent of another, commences, engages in or conducts car wash as provided in this chapter without procuring the permit as required under this Article or who fails to comply with the conditions of this Article shall be guilty of an infraction punishable by:

1. A fine not exceeding one hundred dollars for a first violation;

2. A fine not exceeding two hundred dollars for a second violation within one year; and

3. A fine not exceeding five hundred dollars for each additional violation within one year.

Sec. 15-180  Car washing as a business. This chapter is expressly limited to charitable car washes. Any person, corporation, business or other entity who wishes to hold impromptu or temporary car washes on a for-profit basis, must comply with all city, county and state licensing or permitting requirements and do not fall within this chapter.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2004.

President of the Council and Ex-Officio Mayor of the City of Porterville

ATTEST:

Chief Deputy City Clerk and Clerk of the Council of the City of Porterville
CITY COUNCIL AGENDA: DECEMBER 7, 2004

PUBLIC HEARING

SUBJECT: VERITAS ESTATES TENTATIVE SUBDIVISION MAP AND CONDITIONAL USE PERMIT 9-2004 (LEE JONES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The subdivision of a vacant 48± acre parcel zoned City R-3 (Multiple Family) Zone into seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to be developed in one (1) phase for that site located at 452 West Morton Avenue.

Each unit has a two (2) car covered garage and living space on the bottom floor and three (3) bedrooms on the second floor.

Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, conditional approval of Conditional Use Permit 9-2004 would allow the condominiums to be constructed on the above mentioned lots.

On October 14, 2004 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from November 1, 2004 to November 20, 2004. As of this date, no agencies have responded.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004;

(2) Adopt the draft resolution approving Veritas Estates Tentative Subdivision Map; and

(3) Adopt the draft resolution approving Conditional Use Permit 9-2004.

ATTACHMENT:

1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM _____ ITEM NO. 15
CITY COUNCIL AGENDA: DECEMBER 7, 2004

PUBLIC HEARING - STAFF REPORT

TITLE: VERITAS ESTATES TENTATIVE SUBDIVISION MAP AND CONDITIONAL USE PERMIT 9-2004

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Lee Jones
P.O. Box 966
Visalia, CA 93277

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: 452 West Morton Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a Tentative Subdivision Map for Veritas Estates and Conditional Use Permit 9-2004.

PROJECT DETAILS: The site is rectangular in shape and fronts on Morton Avenue and extends north. Veritas Estates proposes to divide a vacant .48± acre parcel zoned City R-3 (Multiple Family) Zone into seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to be developed in one (1) phase.

Each unit has a two (2) car covered garage and living space on the bottom floor and three (3) bedrooms on the second floor. Additionally, guest parking is also provided on the site.

Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, conditional approval of Conditional Use Permit 9-2004 would allow the condominiums to be constructed on the above mentioned lots.

GENERAL PLAN DESIGNATION: High Density Residential.

SURROUNDING ZONING LAND USE:

North: City R-1-8 Developed single family residential subdivision.
South: City R-4 Morton Avenue and single family residential uses.
East: City R-3 Apartments.
West: City R-3 Apartments.
SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, the Initial Study and proposed Mitigation Measures were transmitted to public/private agencies for a 20 day review period from November 1, 2004 to November 20, 2004. As of this date, no comments have been received.

San Joaquin Unified Air Pollution District  
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  
Tulare County Farm Bureau  

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The Subdivision Review Committee, on November 17, 2004, discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review were 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 .48± acre vacant parcel zoned City R-3 (Multiple Family) Zone into seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to be developed in one (1) phase is consistent with the General Plan’s High Density Residential land use designation and R-3 (Multiple Family Residential) Zoning classification for the site.

The Circulation Element of the General Plan designates Morton Avenue as an Arterial Street. Morton Avenue is fully developed with a four (4) lane arterial which has the capacity to handle 25,000 ADT. Based on the ITE Trip Generation Manuel, 6.45 daily trips would be generated per unit (seven units), for a total of 45 ADT. No recent traffic counts have been conducted. However, traffic on Morton Avenue flows smoothly. The addition of 45 ADT is less than significant.

The developer/applicant has also submitted proposed CC&R’s for review.
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 and Conditional Use Permit 9-2004 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: On October 14, 2004 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project recommending that the City Council adopt a Negative Declaration prepared 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 14, 2004

DATE ACCEPTED AS COMPLETE: October 14, 2004

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004;

(2) Adopt the draft resolution approving Veritas Estates Tentative Subdivision Map; and

(3) Adopt the draft resolution approving Conditional Use Permit 9-2004.

ATTACHMENTS:
1. Veritas Estates Tentative Subdivision Map
2. Site plan, elevation and floor plans (EXHIBIT “A”)  
3. Conditional Use Permit Application
4. Declaration of Covenants, Conditions and Restrictions plus Subdivision Agreement
5. Negative Declaration
6. Draft Environmental Resolution
7. Draft Resolution of Approval for Veritas Estates Tentative Subdivision
8. Draft Resolution of Approval for Conditional Use Permit 9-2004
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) ___________ Is/are the owner(s) or tenant(s) of property situated at ________ between ________
Street/Avenue and __________ Street/Avenue. Exact legal description of said property being ________
per plan with instruction

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

(A) Above described property is owned by: ___________
   Date acquired: ________

(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: 
   It will not - GREATLY reduce
   providing housing that is
   not detrimental to the environment.

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):
      
      Family - R-1 - Housing rules
      4-6 people

   B. Total number of employees that will work on the property:
      Small 2-3-4-5, at
      any time!

   C. Total number of off-street parking spaces provided or planned:
      per plan - 4 I believe
      plus 2 car
      garage

   D. Maximum height of buildings or structures:
      per plan - 17'+1
      [Marked]

   E. If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested:
      any questions, what?
      ask Randy -
      Charles
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  

COUNTY OF TULARE  

I (we), _________________________________ Being duly sworn, declare and say that I an (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 referenced to are, in all respects, true and correct, expect, 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 14th day of Sept., 2004.

Telephone No. 055-734-1626 Ventura Co.

[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 ________________________________
DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS
PLUS SUBDIVISION AGREEMENT

THIS DECLARATION, made on the date hereinafter set forth
by VERITAS ESTATES, hereinafter referred to as "declarant"

WITNESSETH:

WHEREAS, declarant is the owner of certain property in the
Incorporated City of Porterville, County of Tulare, State of California, which
is more particularly described as:

Lots A, and 1 through 7, both inclusive, in the City of
Porterville, County of Tulare, State of California, as per map recorded in
the Office of the County Recorder of said Co.

NOW THEREFORE, Declarant hereby declares that all of the properties
described above shall be held, sold and conveyed subject to the
following easements, restrictions, covenants. And conditions, which are
for the purpose of protecting the values and desirability of and which shall
run with, the real property and be binding on all parties having any right,
title of interest in the described properties or any part thereof, their heirs,
successors and assigns, and shall inure to the benefit of each owner
thereof

ARTICLE 1
DEFINITIONS

Section 1. "Association" shall mean and refer to VERITAS ESTATES, ill's
successors and assigns.

Sections 2. "owner" shall mean and refer to the record owner,
whether one or more persons or entities, of a fee simple title to any lot
which is a part of the Properties, including contract sellers, but excluding
those having such interest merely as security for the performance of an
obligation

FHA Form 1401
VA Form 26-8201
Rev. August 1968
Section 3. "Properties" shall mean and refer to that certain real property hereinafter described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property owned by the Association for the Common use and enjoyment of the owners. The Common Area to be owned by the Association at the time of the conveyance of the first lot.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded Subdivision map of the Properties with the exception of the Common Area.

Section 6. "Declarant" shall mean and refer to VERITAS ESTATES, it's successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

ARTICLE 11
PROPERTY RIGHTS

Section 1. Owners Easements of Enjoyment. Every owner shall have a right and easement of Enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area

(b) the right of the Association to suspend the voting rights and right to use of the recreational facilities by an owner for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed 30 days for any infraction of its published Rules and regulations after hearing by the board of Directors of the Association.

(c) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such Conditions as any be agreed to by the members. No such dedication or transfer shall be effective unless an instrument signed by two-thirds (2/3) of each class of members agreeing to such dedication or transfer has been recorded.

Section 2. Declaration of Use. Any owner may delegate, in accordance with the By-laws, his right of enjoyment to the Common Area and facilities to the members of his family, his tenants, or contract purchasers who reside on the property.

ARTICLE 11
MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a lot which is subject to assessment shall be a member of the Association. Membership shall be appurtenant to and may not be separate from ownership of any lot which is subject to assessment.

Section 2. The Association shall have two classes of voting membership:

Class A. Class A members shall be all owners with the exception of the Declarant and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. the class B member(s) shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or

(b) two years from the date of the issuance of the most recent Public Report for a phase of the overall development.
ARTICLE IV
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments.
The Declarant, for each Lot owned within the Properties, hereby covenants, and each Owner of any Lot by acceptance of a deed, therefore, whether or not it shall be so expressed, in such deed, is deemed to be covenant and agree to pay to the Association: (1) annual assessments of charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made, each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assume by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Properties and for the improvement and maintenance of the Common Area, and of the homes situated upon the Properties.

Section 3. Maximum Annual Assessment. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, maximum annual assessment shall be $500.00.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner.
(b) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 3% by the vote or written assent of 51% of each class of members.
(c) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 3% by the vote or written assent of 51% of each class of members.
(d) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4. Special assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, re-construction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the vote or written assent of 51% of each class of members.

Section 5. Notice and Quorum for Any Action Authorized Under Section 3 and 4. shall be taken at a meeting, called for that purpose, written notice of which shall be sent to all members not less than 7 days nor more than 60 days in advance of the meeting. If the proposed action is favored by a majority of the votes cast at such meeting, but such vote is less than the requisite 51% of each class of members, members who were not present in person or by proxy shall give their vote in writing, provided the names obtained by the appropriate officers of the Association not later than 30 days from the date of such meeting.

Section 6. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly basis.

Section 7. Date of Commencement of Annual Assessments: Due Dates. The annual assessments provided for herein shall commence as to all Lots on the first day of the month following the conveyance of the Common Area. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty 30 days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be
established by the Board of Directors. The Association shall, upon demand, and for reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments of a specified Lot have been paid.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of 6 per cent per annum. The Association may bring an action at law against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE V

ARCHITECTURAL CONTROL

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE VI

GENERAL PROVISIONS

Section 17. Enforcement. The Association, or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgement or court order shall in no wise affect any other provisions which shall remain in full force an effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by not less than 75% of the Lot Owners. Any amendment must be recorded.

ARTICLE VII

EXTERIOR MAINTENANCE

In the event an owner of any Lot in the Properties shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.
Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by not less than 75% of the Lot Owners. Any amendment must be recorded.

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Properties with the consent of two-thirds (2/3) of each class of members.

ARTICLE VII

EXTERIOR MAINTENANCE

In the event an owner of any Lot in the Properties shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.

ARTICLE VIII

MAINTENANCE OF MEDIANS AND PARKWAYS

VERITAS ESTATES HOME OWNERS ASSOCIATION shall cause to be maintained those vegetation areas which have been dedicated to the City of Porterville, State of California, for median planting areas in the Veritas Estates Subdivision; the Veritas Estates shall cause to be maintained those vegetation areas which have been dedicated to the City of Porterville, State of California, for parkways along the West side of Lot 1-7 I, known as Common Area as per recorded on parcel map as conditions, covenants, and restrictions.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Association" shall mean and refer to VERITAS ESTATES HOMEOWNERS ASSOCIATION, its successors and assigns.

Section 2. "owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 3. "Properties" shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area:" shall mean all real property owned by the Association for the common use and enjoyment of the owners. The Common Area to be owned by the Association at the time of the conveyance of the first lot is described as follows:

Lots A & B, both inclusive, of Veritas Estates, in the City of Porterville, County of Tulare, State of California, as per map recorded in the office of the County Recorder of said county.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

APPLICANT: Lee Jones
P.O. Box 966
Porterville, CA 93258

PROJECT TITLE: Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004

ADDRESS/LOCATION: 452 West Morton Avenue.

PROJECT APPLICANT: Lee Jones

PROJECT DESCRIPTION: The subdivision of a vacant .48 ± acre parcel zoned City R-3 (Multiple Family) Zone into seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to be developed in one (1) phase.

Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, condominiums are allowed in residential zones subject to approval of a conditional use permit.

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 October 14, 2004, the Environmental Coordinator of the City of Porterville 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: October 14, 2004

Bradley D. Dunlap, Environmental Coordinator

Word: NegdecVeritas Estates

ATTACHMENT
ITEM NO. 5

291 N. Main St, Porterville, CA 93257 PHONE 559.782.7460 FAX 559.781.6437
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 VERITAS ESTATES TENTATIVE SUBDIVISION MAP AND CONDITIONAL USE PERMIT 9-2004 FOR THAT .48± ACRE VACANT SITE LOCATED AT 452 WEST MORTON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 7, 2004, conducted a public hearing to consider approval of Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004, for the proposed subdivision of a vacant .48± acre parcel zoned City R-3 (Multiple Family) Zone into seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to be developed in one (1) phase for that site located at 452 West Morton Avenue; and

WHEREAS: Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, conditional approval of Conditional Use Permit 9-2004 would allow the condominiums to be constructed on the above mentioned lots; and

WHEREAS: On October 14, 2004 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; 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.

The proposed Negative Declaration was evaluated in light of the prepared environmental Initial Study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.
4. On October 14, 2004 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from November 1, 2004 to November 20, 2004. As of this date, no agencies have responded.

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 39 in the proposed resolution of approval for Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004.

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 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.

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.

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 Veritas Estates and Conditional Use Permit 9-2004 as described herein.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Georgia Hawley, Chief Deputy City Clerk
## Attachment A
### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geologic Problems</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, 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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<tr>
<td>Water</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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<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).</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>5.a</td>
<td>Mitigation through construction management.</td>
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<td></td>
<td>1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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</table>
| Air Quality      | 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.  

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.

c. One or more of the following means of dust control should be employed after the completion of earth grading operations:

i. Seeding and watering of new vegetation.

ii. Hydromulching or spreading of soil binders.

iii. Maintenance of the site’s soil surface crust through repeated soakings. |
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<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></td>
<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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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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</tr>
<tr>
<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>
</tr>
<tr>
<td></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>
</tr>
<tr>
<td>5 a (continued)</td>
<td>8. Limit engine idling at the project site.</td>
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<td></td>
<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></td>
<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></td>
<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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</tr>
<tr>
<td>Air Quality</td>
<td>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</td>
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<tr>
<td>5 a (continued)</td>
<td>13. House units should be oriented to maximize passive solar cooling and heating when practicable</td>
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<td>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.</td>
</tr>
<tr>
<td></td>
<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
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<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<tr>
<td>Air Quality</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>
</tr>
<tr>
<td>5 a (continued)</td>
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<tr>
<td>Utilities and Service Systems</td>
<td>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>
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<tr>
<td>12 c Storm water drainage.</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>
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</tbody>
</table>
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
VERITAS ESTATES TENTATIVE SUBDIVISION MAP FOR THAT .48± ACRE VACANT
SITE LOCATED AT 452 WEST MORTON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of December 7, 2004, conducted a public hearing to consider approval of Veritas Estates Tentative
Subdivision Map to divide a vacant .48± acre parcel zoned City R-3 (Multiple Family) Zone into
seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to
be developed in one (1) phase for that site located at 452 West Morton Avenue; and

WHEREAS: Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, the City
Council of the City of Porterville at its regularly scheduled meeting of December 7, 2004, conducted
a public hearing to consider approval of Conditional Use Permit 9-2004 which would allow the
condominiums to be constructed on the above mentioned lots; and

WHEREAS: On October 14, 2004 the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project;
and

WHEREAS: The Subdivision Review Committee on November 17, 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 High Density
Residential development (15-43 d.u./acre). The proposed subdivision will be
developed to a density of 14.5± d.u./acre.

The Circulation Element of the General Plan designates Morton Avenue as an
Arterial Street. Morton Avenue is fully developed with a four (4) lane arterial which
has the capacity to handle 25,000 ADT. No recent traffic counts have been
conducted. However, the addition of 45 ADT is less than significant.

ATTACHMENT
ITEM NO. 7
2. That the site is physically suitable for the type and density of the proposed development.

The site is generally level. The subject site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

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 39 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 High Density Residential uses. The site is surrounded by developed single family residential uses to the north and south with developed apartments to the east and west. 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. The development standards of the R-3 (Multiple 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 Veritas Estates Tentative Subdivision Map subject to the following conditions:

1. A minimum of one tree shall be installed for every thirty-five (35) linear feet of street frontage along the southerly property line(s). Automatic irrigation systems for all landscaping will be required.

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

3. The following regulations of the San Joaquin Valley 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 development 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.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.


5. 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.

6. 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).

7. The developer/applicant shall provide and show all required utility easements on the Final Map.

8. 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.
9. 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.

10. 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.

11. 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 prior to recording the final map for each phase.

12. 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. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development.

13. 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.

14. 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.).
15. 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.

16. 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.).

17. 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.

18. 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 the existing lot 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.

19. 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.
20. 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.

21. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0000082 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.

22. 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.

23. The developer/applicant shall provide individual sewer laterals to each subdivision lot. This requires an on-site sewer main that shall be maintained by the City. An easement shall be conveyed to the City of Porterville by illustrating so on the Final Map.

24. 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).

25. 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.
26. 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.

27. The developer/applicant shall provide individual water meters for each lot. This will require an on-site water main by providing an on-site water main that shall be maintained by the City. An easement shall be conveyed to the City of Porterville by illustrating so on the Final Map. Providing a meter for each lot applicable irrigation meter(s) (meter manifold) in the Morton Avenue right of way is an acceptable alternative.

28. The proposed apartments are considered R-3 occupancy. Upon submittal of a building permit the following will be required:
   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include three (3) sets of energy calculations and structural calculations.
   b. Compliance with all applicable codes is required.
   c. Soils compaction test will be required.
   d. School Development fees and all other City fees are due at the time of building permit issuance.
   e. Signs require a separate permit.

29. If fire line is required it shall be as per City standard.

30. The developer/applicant shall comply with the City standard for “backflow” prevention pursuant to Resolution No. 9615.

31. Comply with latest applicable codes.

32. 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. The proposed on-site fire hydrant along Morton Avenue has been reviewed and approved by the Fire Department for this purpose.

33. 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.

34. 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.

35. All dead-ends access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
36. Driveways and turn around must be identified and marked as fire lanes per C.V.C. 22500.1

37. Project must meet minimum fire flow requirements per table in appendix III-A California Fire Code.

38. At all times, the facility shall be constructed, operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

39. 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, Chief Deputy City Clerk
RESOLUTION NO.____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
CONDITIONAL USE PERMIT 9-2004 FOR THAT .48± ACRE VACANT SITE LOCATED
AT 452 WEST MORTON AVENUE

WHEREAS: Pursuant to Section 2103 A-13 of the Porterville Zoning Ordinance, the City
Council of the City of Porterville at its regularly scheduled meeting of December 7, 2004, conducted
a public hearing to consider approval of Conditional Use Permit 9-2004 which would allow seven
(7) residential condominiums, common area, landscaping, parking etc., to be developed in one (1)
phase for that site located at 452 West Morton Avenue; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of December 7, 2004 conducted a public hearing to consider approval of Veritas Estates Tentative
Subdivision Map to divide a vacant .48± acre parcel zoned City R-3 (Multiple Family) Zone into
seven (7) residential condominium lots and one (1) common area lot for a total of eight (8) lots to
be developed in one (1) phase for that site located at 452 West Morton Avenue; and

WHEREAS: On October 14, 2004 the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project;
and

WHEREAS: The Subdivision Review Committee on November 17, 2004 reviewed and
discussed concerns and conditions that should be addressed before the City Council for Veritas
Estates Tentative Subdivision Map. 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 development; 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 High Density
Residential development (15-43 d.u./acre). The proposed subdivision will be
developed to a density of 14.5± d.u./acre.

The Circulation Element of the General Plan designates Morton Avenue as an
Arterial Street. Morton Avenue is fully developed with a four (4) lane arterial which
has the capacity to handle 25,000 ADT. No recent traffic counts have been
conducted. However, the addition of 45 ADT is less than significant.
2. That the site is physically suitable for the type and density of the proposed development.

The site is generally level. The subject site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

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 6 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 High Density Residential uses. The site is surrounded by developed single family residential uses to the north and south with developed apartments to the east and west. 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. The development standards of the R-3 (Multiple 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 Conditional Use Permit 9-2004 subject to the following conditions:

1. A minimum of one tree shall be installed for every thirty-five (35) linear feet of street frontage along the southerly property line(s). Automatic irrigation systems for all landscaping will be required.

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

3. The following regulations of the San Joaquin Valley 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 development 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.

   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

4. The proposed apartments are considered R-3 occupancy. Upon submittal of a building permit the following will be required:

   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include three (3) sets of energy calculations and structural calculations.
   
   b. Compliance with all applicable codes is required.

   c. Soils compaction test will be required.

   d. School Development fees and all other City fees are due at the time of building permit issuance.

   e. Signs require a separate permit.

5. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

6. 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 for Veritas Estates, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.
7. That Conditional Use permit 9-2004 shall become null and void upon the expiration of Veritas Estates Tentative Subdivision Map.

8. The developer/applicant shall comply with the conditions of approval for Veritas Estates Tentative Subdivision Map.

9. That the site will be developed pursuant to the site plan, elevation and floor plans (EXHIBIT “A”).

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ______________________
Georgia Hawley, Chief Deputy City Clerk
ELEVATIONS

SCALE 1/8" = 1'-0"
PUBLIC HEARING

SUBJECT: VACATE PUBLIC VEHICULAR TURNDOWN EASEMENTS RELATED TO THE DEVELOPMENT OF RIVER SPRINGS, PHASE THREE SUBDIVISION (G.W. HOMES, INC.)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of some of the vehicular turnaround easements described in Document No. 2000-0072322, recorded November 7, 2000, in the Office of the Tulare County Recorder. These easements were necessary for the orderly development of the prior phase of the River Springs Subdivision, which is west of and adjacent to this third phase. These easements are no longer needed due to the construction of the public improvements for River Springs, Phase Three 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.

These easements are specifically in favor of the City of Porterville. Therefore, it is not necessary to notify the utility companies of the proposed easement vacations. Required utility company easements will be conveyed as a part of the Final Map for River Springs, Phase Three Subdivision. If there are no objections to the proposed vacation, Section 66434(g) of the Subdivision Map Act allows the City Clerk, as directed by City Council, to officially record the vacation by stating so on the Final Map. The Final Map recordation, in effect, eliminates the need to record a Resolution of Vacation. The developer is requesting acceptance of the Final Map during Scheduled Matters of this City Council Meeting, December 7, 2004.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing; and

2. Authorize the City Clerk to execute the vacation of easements dedicated to the City of Porterville as Parcel 1 and Parcel 2 of Document No. 2000-0072322, recorded November 7, 2000, in the Office of the Tulare County Recorder, by signing the appropriate statement on the Final Map.

ATTACHMENT: Document No. 2000-0072322 w/ Locator Map
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,

GW HOMES, INC., an Oklahoma Corporation

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 hereof.

Dated 9.25.00

STATE OF CALIFORNIA

COUNTY OF Tulare } S.S.

On September 25, 2000 before me,

VICKIE SCHULTZ

a Notary Public in and for said County and State, personally appeared

GREGORY LEE WOODARD

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 VICKIE SCHULTZ

GW HOMES, INC.

BY: ________________________________

Greg Woodard, President

VICKIE SCHULTZ
Commission # 1232760
Notary Public - California
Tulare County

This area for official notarial seal

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE IF NO PARTY SHOWN MAIL AS DIRECTED ABOVE

Name ____________________________ Street Address ____________________________

City & State ____________________________
EXHIBIT “A”

Easements for a temporary vehicular turnaround, over, across and within those portions of the Southwest quarter of Section 34, 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:

Parcel 1

Beginning at the Southeast corner of Lot 83 of River Springs, Phase Two, per map recorded in Book __38__, page __83__, of Maps in the office of the County Recorder of said County;

Thence, Easterly, Southerly and Westerly along a 45 foot radius curve concave to the West through a central angle of 269°10'12", an arc distance of 211.41 feet to the Northeast corner of Lot 82 of said River Springs, Phase Two;

Thence, North 38°30'09" West, 64.10 feet to the point of beginning.

Parcel 2

Beginning at the Southeasterly corner of Lot 66 of River Springs, Phase Two, per map recorded in Book __38__, page __83__, of Maps in the office of the County Recorder of said County;

Thence, South 17°50'57" East, 50.00 feet;

Thence, North 72°09'03" East, 44.72 feet;

Thence, Easterly, Northerly and Westerly along a 45 foot radius curve, concave to the Southwest, through a central angle of 263°37'14", an arc distance of 207.05 feet to the point of beginning.

Parcel 3

Beginning at the Southwest corner of Lot 63 of River Springs, Phase Two, per map recorded in Book __38__, page __83__, of Maps in the office of the County Recorder of said County;

Thence, South 72°09'03" West, 30.00 feet;

Thence, South 17°50'57" East, 50.00 feet;

Thence, North 72°09'03" East, 30.00 feet;
Thence, North 17°50'57" West, 50.00 feet to the point of beginning.

Parcel 4

Beginning at the Southeast corner of Lot 56 of River Springs, Phase Two, per map recorded in Book ___, page ___., of Maps in the office of the County Recorder of said County;

Thence, South 0°06'41" West, 30.00 feet;

Thence, North 87°58'17" East, 50.03 feet;

Thence, North 0°06'41" East, 30.00 feet to the Southwest corner of Lot 57 of said River Springs, Phase Two;

Thence, South 87°58'17" West, 50.03 feet to the point of beginning.
RESOLUTION NO. 118-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A GRANT DEED OF EASEMENT FROM GW HOMES, INC.

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 GW Homes,
Inc., an Oklahoma Corporation, for the following described property in the City of
Porterville, County of Tulare, State of California, described as follows:

See Exhibit "A" Attached hereto and made a Part hereof.

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.

ATTEST:

C. G. Huffaker, City City Clerk

Virginia R. Gurrola, Mayor

STATE OF CALIFORNIA)
(SSID
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 Special meeting of the Porterville City Council called and held on the 22nd
day of September, 2000.

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

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

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

Easements for a temporary vehicular turnaround, over, across and within those portions of the Southwest quarter of Section 34, 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:

Parcel 1

Beginning at the Southeast corner of Lot 83 of River Springs, Phase Two, per map recorded in Book ___8___, page 83___, of Maps in the office of the County Recorder of said County;

Thence, Easterly, Southerly and Westerly along a 45 foot radius curve concave to the West through a central angle of 269°10'12", an arc distance of 211.41 feet to the Northeast corner of Lot 82 of said River Springs, Phase Two;

Thence, North 38°30'09" West, 64.10 feet to the point of beginning.

Parcel 2

Beginning at the Southeasterly corner of Lot 66 of River Springs, Phase Two, per map recorded in Book ___8___, page 83___, of Maps in the office of the County Recorder of said County;

Thence, South 17°50'57" East, 50.00 feet;

Thence, North 72°09'03" East, 44.72 feet;

Thence, Easterly, Northerly and Westerly along a 45 foot radius curve, concave to the Southwest, through a central angle of 263°37'14", an arc distance of 207.05 feet to the point of beginning.

Parcel 3

Beginning at the Southwest corner of Lot 63 of River Springs, Phase Two, per map recorded in Book ___8___, page 83___, of Maps in the office of the County Recorder of said County;

Thence, South 72°09'03" West, 30.00 feet;

Thence, South 17°50'57" East, 50.00 feet;

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Parcel 4

Beginning at the Southeast corner of Lot 56 of River Springs, Phase Two, per map recorded in Book 38, page 83, of Maps in the office of the County Recorder of said County;

Thence, South 0°06'41" West, 30.00 feet;

Thence, North 87°58'17" East, 50.03 feet;

Thence, North 0°06'41" East, 30.00 feet to the Southwest corner of Lot 57 of said River Springs, Phase Two;

Thence, South 87°58'17" West, 50.03 feet to the point of beginning.
On November 16, 2004, the City Council received a report from the Blue Skies Coalition pertaining to potential grants for the installation of bike lanes, and suggestions for the locations of such facilities. City Council directed Staff to research the grant opportunities available and to consider the proposed bike lane locations.

The Blue Skies Coalition has proposed a new approach to the location of bike lanes. Rather than focus on collector and arterial streets which carry substantial traffic and are often operating at a substantial fraction of their design capacity, they have suggested focusing on local streets which were originally constructed to be wider than current standards require. There are several streets that fit this criteria, primarily in the central portion of the City. Staff reviewed the specific design suggested by the Blue Skies Coalition (see attached map). Several of the proposed alignments are appropriate for bike lanes, however, the plan lacks connectivity, creating several dense but unrelated segments. Staff would normally recommend a design that offers a less dense network but with stronger connections to parks and Class I bicycle paths, to offer bicyclists a uniform path of travel throughout the central portion of the City.

Staff has prepared an alternate bike lane alignment (see attached map) for consideration. Like the proposal from the Blue Skies Coalition, Staff's proposal relies primarily on streets which are developed with a pavement width that exceeds City Standards. Staff's proposal acknowledges the ongoing effort to provide a bicycle transportation spine on off-street (Class I) facilities along the Tule River Parkway and the Rails-to-Trails corridor. The Circulation Element and Parks and Recreation Element of the General Plan encourage bicycle connections to schools and parks. Such connections were a significant consideration in Staff's proposal. Class II bike lanes or Class III bike routes are located in the vicinity of Murry Park, the Porterville Fairgrounds, the Heritage Center, Santa Fe Elementary School, Olive Street Elementary School, Bellevue Elementary School, St. Anne's School, Bartlett Middle School, and Zalud Park.
Both proposals make use of streets which have been developed with extra width. This appears to be a viable starting point for a network of bicycle facilities, as travel lanes and parking lanes can be maintained and no additional right of way is required. It is worth noting, however, that in several cases, the additional width is currently in use for diagonal on-street parking. In such areas, the number of parking spaces would be reduced by approximately 50%.

The Circulation Element of the General Plan includes a conceptual map of bicycle facilities (see attached). The Circulation Element also calls for the preparation of a comprehensive bicycle transportation plan, although that policy has not yet been implemented. Staff’s proposed bicycle lane alignment generally conforms to the conceptual plan. The primary adjustments are to move east/west facilities off of Morton Avenue to parallel streets such as Bellevue, Grand and Putnam Avenues, and to propose Class II bike lanes which parallel the suggested Class I bike path along the S.F.R.R. right-of-way, which is still in use. Minor connectivity enhancements are also proposed.

**FUNDING:** Staff has prepared preliminary cost estimates for both proposals. (Note that these are not project-specific engineer’s estimates but are based on similar projects elsewhere in the City.) Staff reviewed the proposed plan and has determined the cost of the bike lanes and bike routes in the Blue Skies Coalition plan to be approximately $73,000. It appears that the estimate provided by the Coalition at the November 16, 2004 meeting may have neglected to account for the need to provide lanes on both sides of identified streets. The bike lanes and bike routes proposed by City Staff could be installed for approximately $52,000. Both amounts appear to be achievable within the limits of the funding sources identified by the Blue Skies Coalition.

In their presentation, the Blue Skies Coalition identified two potential funding sources for the installation of bike lanes in Porterville. Staff has researched both options as follows:

**Bicycle Transportation Account Funds (CALTRANS):**

Staff has confirmed that TCAG is currently (will shortly be) accepting applications for grants for Bicycle Transportation Account (BTA) grant funds. Applications are due to TCAG no later than ________. In order to apply, the City must propose a specific project with affected street segments identified and specific construction designs approved. In addition, the proposed bicycle facilities must be identified in the Circulation Element and the environmental review process must be complete. Projects may be funded up to $_______ with a mandatory 10% local match.

It is not yet clear whether the findings of conformance with the Circulation Element described above will be sufficient to meet the requirement that proposed projects be identified in the Circulation Element. A case in favor of this approach can certainly be made, however, TCAG and/or CALTRANS would make the final determination.
Section 15304.h of the CEQA Guidelines provides a specific Categorical Exemption for projects which consist of "the creation of bicycle lanes on existing rights-of-way." This will substantially streamline the environmental review process. No specific source of the approximately $5,200 of local matching funds has been identified.

**Mobile Source Emission Reduction Incentive Program Funds (SJVUAPCD)**

Staff has confirmed that the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is considering implementation of a program which would provide grants for the installation of Class I Bicycle Paths and Class II Bicycle Lanes. The District Board is expected to vote on the program in January, 2004. If the program is authorized, applications would become available in January or February of 2005. It is not yet known whether applications would be accepted immediately.

Early information regarding the program indicates that up to $50,000 may be available for the construction of Class II Bicycle Lanes, apparently without a mandatory local match. Applications may be accepted from both public and private agencies. Although an application form has not yet been released, it appears likely that the District will require detailed information regarding the work to be performed as well as current vehicle and bicycle counts along proposed routes. A considerable Staff effort may be required in order to prepare the application materials.

**OPTIONS:**

1) Adopt a network of bicycle lanes within existing alignments and direct Staff to pursue funding through the BTA Grant and/or the SJVUAPCD Grant. Estimated date to install paths/lanes/routes is the final quarter of 2005.

2) Amend the Community Development Department and Public Works Department work programs and direct Staff to prepare the comprehensive bicycle plan called for in the Circulation Element of the General Plan. Defer the pursuit of funding until such a plan has been adopted. Estimated date to install bicycle paths/lanes/routes is 2007/8.

3) Adopt a network of bicycle lanes within existing alignments and encourage the Blue Skies Coalition to pursue SJVUAPCD Grant funding as a private organization. Because it is a nonprofit, private effort, no date for installation is specified.

4) Take no action at this time. Defer consideration of enhanced bicycle transportation to the comprehensive General Plan Update, currently in its initial stages.

**RECOMMENDATION:** That the City Council discuss the appropriate current priority for pursuing funding and construction of bicycle lanes, review the bicycle lane alignments as proposed by the Blue Skies Coalition and City Staff and provide appropriate direction to Staff.
ATTACHMENTS:

1. Circulation Element Bicycle Facilities Map (with cost estimates)
2. Blue Skies Coalition Bicycle Facilities Map (with cost estimates)
3. City Staff Bicycle Facilities Map (with cost estimates)
CIRCULATION ELEMENT BICYCLE PLAN

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<th>ROAD DISTANCE (WITHIN UDB)</th>
<th>CONSTRUCTED DISTANCE</th>
<th>COST</th>
<th>CONSTRUCTION COST</th>
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<tr>
<td>CLASS I BIKE PATH</td>
<td>89,467 FEET (16.9 MILES)</td>
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<td>CLASS II BIKE LANE</td>
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<td>CLASS III BIKE ROUTE</td>
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<td>TOTAL</td>
<td>180,359 FEET (34.2 MILES)</td>
<td>271,251 FEET</td>
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### NOVEMBER, 2004 BLUE SKIES COALITION PLAN

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<th>COST</th>
<th>CONSTRUCTION COST</th>
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<td><strong>CLASS I BIKE PATH</strong></td>
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<td>$0</td>
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<tr>
<td><strong>CLASS II BIKE LANE</strong></td>
<td>23,760 FEET (4.5 MILES)</td>
<td>47,520 FEET</td>
<td>$1.50 PER FOOT</td>
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<td><strong>CLASS III BIKE ROUTE</strong></td>
<td>11,401 FEET (2.2 MILES)</td>
<td>22,802 FEET</td>
<td>$0.075 PER FOOT</td>
<td>$1,710</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>35,161 FEET (8.7 MILES)</td>
<td>281,965 FEET</td>
<td></td>
<td>$72,990</td>
</tr>
</tbody>
</table>
SUBJECT: BUDGET REQUEST BY THE SUCCESS RESERVOIR ENLARGEMENT JOINT POWERS AGREEMENT COMMITTEE FOR SEISMIC REMEDIATION EFFORT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 11, 2004, the Success Reservoir Enlargement Joint Powers Agreement Committee (JPA) prepared a $50,000 budget for FY 04/05 to pay for travel, lobbying and minor engineering administration related to the Success Dam Seismic Remediation Project.

The JPA is requesting a 15% commitment ($6,250) from the City, in FY 04/05, as its fair share to keep seismic remediation funding at the federal level at the highest priority level. It is more than likely that further requests in subsequent years will be made of the City until such time that the federal government budgets the approximately $200 million dollars to remediate the seismic concern.

Council action is necessary at this time to approve a budget of $6,250 for seismic remediation related issues. This action is necessary because the JPA, as formed and approved, does not have the authority to spend monies on matters other than for the enlargement of the Success Reservoir.

The City’s financial commitment to the Success Reservoir Enlargement JPA is 15% of the 12.2% total cost (approximately $21,000,000) to raise the spillway. The City has agreed to budget $382,421 towards this effort, however, the latest information received by the City indicates that the City’s share may reach $432,000 based on an engineer’s estimate of $23,600,000.

RECOMMENDATION: That City Council direct staff to:

1. Prepare a letter for the Public Works Director’s signature informing the JPA that the City will contribute $6,250 towards the Success Dam Seismic Remediation Project in FY 04/05;

2. That no financial commitment towards the seismic remediation effort is offered beyond that which is expressed herein; and

3. That the $6,250 approved herein and any subsequent payments made by the City of Porterville related to the Success Dam Seismic Remediation Project will be deducted from the City’s Reservoir Enlargement financial commitment of $382,421.
SUBJECT: ESTABLISHMENT OF PARKING DISTRICT IN CENTRAL BUSINESS DISTRICT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Recent inquiries have been made as to the possibility of establishing a new parking district or reestablishing the original parking district for the purpose of providing funds for additional parking development within the central business district. In order to adequately review the feasibility of such a proposal, a look at the development of the City’s parking districts from a historical perspective is necessary.

Spurred on by the possibility of shopping centers being developed within the City in the 1960's, a group of determined and hard working property and business owners in the downtown area had the foresight to propose the idea of establishing a parking district within the central business district core. The proposed district, funded by assessments to property owners, would acquire property and develop parking lots to provide the customer and employee parking that was necessary to keep people shopping and doing business in the downtown. The City Council adopted the ordinance establishing Parking District No. 1 in 1965. The boundaries of the district were established, the properties to be acquired identified, the improvement plans developed, the assessment level determined, and the bonds issued to cover the cost of the improvements.

The City proceeded with the plans, but had several modifications and changes involving the acquisition of properties and improvements that were taken back to the City Council for approval. The issuance of the twenty year bonds, the acquisition of properties, the demolition of buildings, and the construction of the new parking lots were finally complete in 1968. At that time, the City Council established a five member Parking Commission to serve as an advisory board to the City Council on matters relating to all vehicle parking districts within the City.

The bonds were paid off in 1988 so the payment of the assessment was terminated. All of the parking district project funds from property exchanges and in lieu payments have been expended on parking lot improvements.

No official action can be found disbanding the Parking District or the Parking Commission, but when the City Code was updated in 1996, the Parking Commission language was omitted.
In 1997, the City Council established Parking District No. 2 in the northern area of the central business district. This district was not created as an assessment district as the Redevelopment Agency was utilized for acquisition, development, and maintenance of the newly constructed parking lots. The formation and development of this district was facilitated by the County of Tulare’s loan to the Redevelopment Agency to fund the construction of two parking lots to serve the County government complex, including the Courthouse, on Second Street. This second parking district was created through an amendment to Article 23, (Off Street Parking within Vehicle Parking District No.1 and No.2) of the Zoning Ordinance.

Since there are no Redevelopment funds available for additional parking lot development, in order to have funding to construct new parking facilities, an assessment district would have to be created with various options on boundaries, or reestablished from Parking District No. 1, or a combination of both. Staff has been investigating different methods of assessment and has also surveyed other cities to try to determine what is being used successfully.

The survey shows that the mechanism used by larger cities for capital improvements is a Property Based Improvement District (PBID). The only city in this area to utilize a PBID is Visalia who has established two PBIDs within the last seven years and used the funds for several capital improvement projects. In order to establish the first PBID, the City of Visalia fronted $40,000 to hire the Assessment Engineer who assisted in the formation of the PBID. The $40,000 was a line item in the PBID budget and reimbursed to the City in full over the period of the PBID. The City of Visalia’s first PBID had a total budget of $425,000 and encompassed seventy square blocks. The assessment for a 5,564 square foot property with improvements was $667 annually. City owned property is also assessed according to the formula established.

The assessment for the PBID is determined once a budget is approved for projects and administration and then properties are assessed based on a formula developed by the Assessment Engineer. The full budget is assessed and collected over the period of the PBID which can not be established for any longer than ten years.

In addition, other cities utilize the Business Improvement District (BID) for parking and other capital improvements. These districts are established under the State of California’s “Parking and Business Improvement Area Law” which was enacted to promote the economic revitalization and physical maintenance of the business districts of cities in order to create jobs, attract new businesses and prevent erosion and decay of the business districts. These funds can be used for parking development purposes, however, as is the case in Porterville, the limited funds that are generated from assessments on the area businesses, not the property owners, are usually utilized for promotion of the downtown and administration of the downtown business association that manages all the downtown activities. Currently, the BID is administered by Downtown Porterville Association and generates between $26,000
and $30,000 annually. Semi-annual payments paid in addition to the City Business License range from $25 to $500. The average annual payment for a business in the BID in 2002/03 was $157.

Establishing a new assessment district could definitely be a point of contention as to the burden it might place on already struggling businesses in the downtown area. Even if a PBID was established assessing property owners, those costs would most likely be passed on to the tenants of the buildings who would then essentially be paying two assessments for being located within the downtown business district. This could hurt the competitiveness of both the individual businesses and the efforts to recruit and retain businesses in the downtown area.

**RECOMMENDATION:** Information only. Council to provide further direction.

**Attachment:** City of Porterville Parking Districts Map
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - RIVER SPRINGS, PHASE THREE SUBDIVISION (G.W. Homes, Inc)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, G. W. Homes, Inc. (Greg Woodard), has submitted the final map for the subject single family residential project. The developer is requesting Council approval of the final map in conformance with Section 21-27 of the Subdivision Ordinance, prior to completing the construction of the required public improvements.

The developer has submitted the required guarantee to the City for completing the remaining public improvements for the project. A subdivision agreement between the developer and the City has been signed by the developer, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No 154-96. The improvement plans, specifications, dedications, vacations and the final map have been approved by the Public Works Director and City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of River Springs, Phase Three Subdivision;

2. Accept all offers of dedication and vacation shown on the final map; and

3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map

Y:\Engineering\Council Items\Acceptance of Final Subdivision Map - River Springs. Phase Three.wpd
SUBJECT: UPDATE REGARDING CAR WASH SLUDGE DRYING AND CONTAINMENT STRUCTURE

SOURCE: PUBLIC WORKS DEPARTMENT - FIELD SERVICES DIVISION

COMMENT: Per City Council direction of November 16, 2004, staff has been researching the feasibility of building a concrete car wash sludge drying containment structure which will separate the liquid component from the solids. Tulare County Landfill has indicated that dried car wash sludge would be classified as a "Designated Waste." Staff is contacting the California Department of Toxic Substances Control to verify the waste classification, and the Regional Water Quality Control Board to review any additional permitting and notification requirements.

Staff will have more information by the January 18, 2005 Council meeting.
SUBJECT: AUTHORIZE DISTRIBUTION OF REQUEST FOR QUALIFICATIONS FOR GOLF COURSE MARKETING PLAN PREPARATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has directed activities be undertaken to retain a consultant for preparation of a Marketing Plan for the Municipal Golf Course. The goal is understood to be the evaluation of current marketing efforts and recommendations for a strategy that will generate greater golf course income towards achieving self-sufficiency.

Staff have prepared a Request for Qualifications (RFQ) to identify interested consultants and determine the one that best meets the needs of the City. Staff envision the Marketing Plan to:

- identify the market to be targeted, and recommend mechanisms to best attract the target markets
- provide strategies to improve the course marketability, and build upon product strengths
- indicate manners in which various interests can better assist towards achievement of the goal

The selection of the consultant will be made by a consultant selection panel, to which the City Council is requested to appoint a member. It is anticipated that a contract for services will be presented for City Council consideration at the January 18, 2005 meeting.

RECOMMENDATION: Authorize staff to distribute the RFQ for a golf course marketing plan preparation.
Appoint a member of the City Council to the Consultant Selection Panel for the golf course marketing consultant.

ATTACHMENTS: Golf Course Marketing Plan Request for Statement of Interest and Qualifications
December 8, 2004

RE: Request for Statement of Interest and Qualifications: Consultant Services for the Porterville Municipal Golf Course

Gentlemen:

The City of Porterville wishes to retain the professional services of a qualified consulting firm to develop a marketing plan to promote the City’s nine-hole golf course in accordance with the attached Scope of Services.

A statement of your firm’s interest and qualifications regarding these services is requested. The Statement of Interest and Qualifications should include information regarding the consultant’s interest, qualifications, current relevant experience with similar projects, and resumes of key personnel. Selection criteria will be considered as follows:

- Recent experience with similar projects
- Knowledge of municipal golf course operations and procedures
- Interest shown
- References
- Qualifications of project manager and key staff assigned to the project
- Qualifications and experience of outside consultants
- Familiarity with the project and location

Please note this request is for a Statement of Interest and Qualifications. A detailed cost proposal is not being requested at this time. Project costs will be determined through negotiations with the selected firm. If project cost negotiations with the selected firm are unsuccessful, the City reserves the right to enter into negotiations with other firm(s).

Consultant submittals shall be brief and concise, containing no more than 30 pages of material. Submittals more than 30 pages will be considered nonresponsive.

The City will evaluate all pertinent information and will endeavor to select the firm with which it will work from those firms submitting statements. If a selection cannot be made on the basis of the qualifications statements alone, the most qualified firms may be contacted for additional information and, if warranted, interviews.
The City assumes no obligation in the solicitation of this general statement of interest and qualifications and all costs of responding to this solicitation shall be borne by the interested consultants.

Technical questions regarding this request should be directed to Jim Perrine, Director, Parks & Leisure Services, at (559) 782-7539.

Three copies of the Statement of Interest and Qualifications should be submitted to Susan Perkins, Purchasing Agent, City of Porterville, 291 N. Main Street, Porterville, California 93257, no later than 4:00 p.m. on December 29, 2004.

Very truly yours,

Susan Perkins, Purchasing Agent
Marketing Plan for Porterville Municipal Golf Course
Scope of Services

It is the City’s goal to create a strategy that will generate greater income to allow the Municipal Golf Course to become self-sufficient. A Marketing Plan to promote the nine-hole golf course is envisioned to include:

I. Identifying specific target market(s) for the facility attractions
   a. Nine hole course
   b. Driving Range
   c. Pro Shop

II. Penetrating awareness to the specific target audience(s)
    a. Suggested forms of integrated marketing that would be effective.
    b. Suggested changed/added amenities to enhance marketability.

III. Strategies to present a positive image of the product
     a. The effectiveness of customer service
     b. Measurements for product quality
     c. Improvements necessary to present a quality product

IV. Strategies to capitalize on product strengths and revenue potential
    a. Identifying strengths and potential
    b. Mechanisms which will most likely enhance product revenue
    c. Implementation program for first, second and third year

V. Roles of components with influence over success of the Marketing Plan
   a. Fee structure considerations
   b. Local Men’s Golf Club involvement
   c. PGA Pro responsibilities
   d. City administration and maintenance duties
CITY COUNCIL AGENDA: December 7, 2004

SUBJECT: CITY/SCHOOL AGREEMENT TO ADD A SCHOOL RESOURCE OFFICER TO POLICE DEPARTMENT

SOURCE: Police Department

COMMENT: At the last meeting of the Joint City/School Committee, representatives from the Burton Elementary and Porterville Unified School Districts expressed an interest in finding ways to add an additional School Resource Officer. This stems from a significant increase in the number of crime and public safety incidents occurring at local schools where a police response is necessary. The demands for services at the schools in the Porterville city limits have far exceeded the capability of the one officer currently assigned to this task.

Staff has met with the superintendents of the two school districts to discuss school needs and a cost-sharing approach to add another School Resource Officer to our staff. Under the proposed plan, the Porterville Unified School District would provide $28,000 and the Burton School District would contribute $12,000 as proportionate shares of the officer’s yearly cost. There appeared to be support for this concept and school officials planned to further this effort by taking the issue back to their Board of Trustees. The City of Porterville has received approximately $30,000 from the Indian Gaming Initiative to partially fund a police officer position. In support of the proposed plan, the City of Porterville would commit these funds to offset the costs of the additional officer. A provision in the Indian Gaming money will require the funded officer to provide patrols and presence at the Eagle Mountain Casino warehouse and operation at the Airport Industrial Park.

RECOMMENDATION: That City Council:

1) Authorize the Mayor to sign the City/School agreement;
2) Authorize the City Manager and Police Chief to continue negotiations with school officials on terms and conditions of the agreement;
3) Upon formally entering into this agreement, authorize the increase in the number of sworn police officers allocated in the Police Department to forty-five (45).

D.D. Appropriated/Funded C.M.

ITEM NO. 23
SUBJECT: Consideration of Support for Porterville Homecoming Celebration Festival

SOURCE: CITY MANAGER

Following up on last year's successful celebration of the tenth anniversary of Porterville's All America City designation, a group of representatives from interested organizations is meeting to initiate a Porterville Homecoming Celebration Festival. The goal is to define a community based celebration involving Porterville organizations and individuals.

A steering committee consisting of participants from the City of Porterville, the Chamber of Commerce and the Corridor 65 Hispanic Chamber have been meeting to formulate the celebration. At this time the activity is projected for the Fall of 2005, possibly in October of that year. If successful, it should become an annual occasion.

The goal of the festival which brings former Porterville residents back to the community for a celebration based on Porterville's people, its music and its food.

Organizing the activity will require a significant amount of commitment and energy. Contacts with service and community based organizations will be required for the sponsorship group should be as broadly based as possible. Efforts to achieve donations of food, money and performance will take considerable effort and contact.

Therefore, the steering committee concluded that hiring a part-time organizer for the three or four month preceding the event will be beneficial. The request of this staff report is to retain the individual through the part-time individual through the Department of Parks and Leisure Services. Retaining the individual should occur in July and they would work through October with an estimated cost of $3,000.

Advance preparatory work would be accomplished by the steering committee.

RECOMMENDATION: Authorize $3,000 to be allocated in the FY 05/06 Budget from Community Promotion to retain a part-time individual to organize the Porterville Community Homecoming Festival.
SUBJECT: Consideration of Legislative Recommendations

SOURCE: CITY MANAGER

Last year, the Council approved a letter defining specific legislative recommendations. This was provided in response to a request from Assemblyman Maze. This year, a similar invitation was provided.

A copy of last year's letter has been attached. Also, the City Manager has prepared the draft of a possible letter to Assemblyman Maze. It is being sent to the Assemblyman based upon his invitation to submit suggestions. It is suggested, however, that the programs outlined in the letter also be reviewed with Porterville’s State Senator Roy Ashburn.

RECOMMENDATION: Review the draft letter, define any modifications and direct that the letter be prepared in final form for transmittal to Assemblyman Maze. Direct that the matters outlined in the letter be reviewed with Senator Ashburn.
December 7, 2004

The Honorable Bill Maze  
Assembly Member, Thirty-Fourth District  
State Capitol  
Sacramento, California 95814

Dear Assembly Member Maze:

Last year we wrote to you defining prospective legislation that would be beneficial for Porterville and we believe, the Southeastern Tulare County Area. We appreciate very much your invitation to submit another legislative letter.

The proposals submitted to you last year were generally successful. Proposition 1A on the November ballot passed with a mandate; The Tule River Parkway grant was extended and the second phase of the Tule River Parkway should be completed this month or next month; Beneficial language was included in last year’s island annexation bill which you co-authored; Workers compensation reform was adopted; The proposal for a local bachelor degree was given full consideration and was a proposal in the California Performance Review, and very significantly we retained the Fire Attack Base at the Porterville Airport. Thank you for your great assistance with these matters. In light of these successes we propose for the following legislative season the following:

**Highway 190 Improvement:**  
Last year we indicated the importance of a 4-lane highway serving our community. Funding for Highway 190 improvements is crucial and to date we have not been embraced by an agency with funding sufficient to support such an improvement. As we indicated in last year’s letter, Porterville is one of the few cities in California of more than 40,000 people served by only two-lane highway segments. We ask you to join us in a program to change this very detrimental fact.

**Local C.C.C. Facility:**  
Last year we asked your assistance to maintain the C.C.C. Regional Center in Porterville. Because of severe State financial constraints it closed. We understand, however, that C.C.C. should be redefined to continue its efforts. We ask you to consider legislation to initiate as a pilot program a locally managed C.C.C. facility near Porterville. The concept would be a locally formed program with State block grant assistance. As you know, C.C.C. earns a high proportion of its cost. We would expect that this would be the concept under which the program operates.
C.D.F. Fire Attack Base: The joint U.S.F.S./C.D.F. base is a critical institution at the Porterville Airport. It has provided vital support for fire attack in Central California. It is strategically situated and serves the State, region and community well. Please work to maintain its active operation.

Local Bachelor Degrees: Last year your legislation to authorize some community colleges to grant bachelor degrees was thought provoking and very pro-active. Though interest remains, we have learned from the discussion about the concept that likely a community college based bachelors program is not the answer for California. Instead, we ask you to consider through legislation establishing a task force of educators and community members to investigate either the U.C. or C.S.U. headquarters creating a separate (statewide) college with the mission of starting educational centers in remote and rural areas. The mission of the centers would be to provide bachelor level opportunities for local residents. A collaborative effort between the U.C. or C.S.U. statewide college, the State Community College Chancellor, community colleges located in the area and the communities in which centers may be located would be the foundation for this effort. Likely sites would be selected by factors of isolation, poverty and education in the specific area. A portion of the cost to establish centers should be provided by the State, but community-based resources could also be part of the funding mix.

Enterprise Legislation: Porterville’s important enterprise zone is expected to expire in 2006. Because of State-level staffing issues, it is not likely to be renewed. This likelihood will be very detrimental to the Porterville community and will exacerbate challenges from the areas high levels of unemployment. We ask you to introduce legislation to extend the term of the current Porterville Enterprise Zone designation until 2010.

Prevailing Wages: SB 975 has required that when State monies are used for economic development in a community, that prevailing wages must be paid by the private entity which has received a grant or loan. We ask consideration of a concept whereby a City Council may override the prevailing wage requirement if the community has an unemployment rate in excess of 10% and the Council takes the action for a specific project by a 4/5ths vote. The opportunity might only be available in charter cities.

Standardized Requirements: Californian’s pay significantly more for many products because we often have unique standards inconsistent with prevailing national standards. Such is the case for playground equipment. We ask you to consider legislation that would define national requirements as the standards for playground equipment. This would greatly assist California cities in stretching dollars to improve the safety of local playgrounds.

Proposition 1A Follow Up: With the recent victory of Proposition 1A, there are a few actions which may improve accountability. One is to extend Proposition 1A to redevelopment agencies. At this time, significant funding has been taken from the Porterville RDA project by State action. The result is that the Agency cannot now cover its debt service. Our reserves may be exhausted this fiscal year. On a related matter, it may be very beneficial to create a Proposition 1A Task Force, made up of State and Local leaders to monitor progress with the implementation of this measure. This could greatly improve accountability and intergovernmental coordination.
**Island Annexations:** Thank you for your advocacy on behalf of streamlined island annexation procedures. The modifications you obtained will be beneficial and help the process for Porterville. One concept we would like to introduce would be ministerial island annexations in cases where the County and City jointly sign a memorandum of understanding. In this case, specific contiguous, developed area could be transferred when they are defined in a memorandum of understanding between a City and County. The purpose of the M.O.U. would be to transfer service responsibilities for an area. The process after jointly signing the M.O.U. would be to file the agreement with the L.A.F.C.O. The property transfer would be processed by the L.A.F.C.O. ministerially on a very streamlined application. This could be an important tool to maintain service responsibilities with diminishing governmental resources.

We thank you very much for considering the proposals outlined in this letter. We can provide additional clarification regarding any of the proposals and look forward to an opportunity to meet with you and discuss them.
November 18, 2003

The Honorable Bill Maze
Assembly Member, Thirty-Fourth District
State Capitol
Sacramento, California 95814

Dear Assembly Member Maze:

The Porterville City Council appreciates the opportunity to suggest to you legislation which may be introduced in support of this community. Increasingly, State legislation has become more important in the governance of a California Charter City. Therefore, the Council, at a regular meeting, reviewed prospective State legislation and submits this request for your consideration.

**Fiscal Stability:** The community’s highest priority is fiscal sufficiency and stability. Because of our dependence on State monies and upon what the Legislature and Governor will do with current sources such as VLF, sales and property tax, we watch closely how revenues to local government will be modified. Of the $17.5M General Fund budget, we identified nearly one-million dollars as a reduction from projected revenues as a result of State actions. So far, our estimate is accurate, but if there are further reductions, it will be increasingly destructive to our public safety, public works and park operations. We currently struggle to maintain service levels, and any reduction in revenues will require the consideration of drastic service level curtailments.

**Extend Grant for Tule River Parkway:** Because of overlapping requirements and difficulties, the limited seasonal ability to perform work, and difficulty in obtaining permission from the Railroad, the City cannot proceed on the short time frame of an Environmental Enhancement And Mitigations Grant through the California Resources Agency for the Tule River Parkway. We request your assistance in introducing urgency legislation to extend this grant for eighteen months past the current April 30, 2003 deadline.

**Annexation of County Islands:** The City of Porterville has an abundance of County islands within the normal City limits. Currently, we may process applications through LAFCO for annexation. This process is, however, expensive and cumbersome involving significant staff involvement. We request your consideration of legislation which would annex these islands.

**Highway 190 Improvement:** The Porterville City Council, Chamber of Commerce, businesses and community groups have worked to increase Highway 190 to four lanes from Porterville to Tipton. Currently, it is only two lanes. Porterville is one of the few cities in California of more than 40,000 people served by only two-lane highway segments. The allocation of monies to commence environmental and design work to improve Highway 190 is a crucial project for which we request your active support.
Workers Compensation Reform: Workers compensation reform is vital for the California economy and for local governmental fiscal stability. Legislation that reduces and stabilizes the cost is a major priority for our community.

Local Bachelor Degrees: Porterville is isolated from a campus which grants bachelor degrees in community support areas such as education and health care. The automobile drive to CSUB is nearly an hour and to Fresno State is more than an hour. Some classes may be obtained from private universities and some offerings are available in Tulare and Visalia, but these are neither convenient nor comprehensive. We are advised that in some areas of the United States, consideration is being given for community colleges serving areas without bachelor degree opportunities and under proper supervision, to grant bachelor degrees in education and health care subjects. Please consider introducing similar legislation for California.

CDF Fire Attack Base: We deeply appreciate your support in preserving the CDF Porterville Fire Attack Base. From a statewide perspective, we believe this effort has been justified by the support provided by the Base in the recent Southern California Fire Storm. We view it as vital that this base be preserved and look forward to your continued support in this regard.

Local CCC Facility Important for Region: Finally, CCC is a vital institution in the Porterville community. It provides important emergency service options in the community and throughout the State. The facility serves a three county (Tulare, Kings, and Kern) area of over 1.2 million people. Its withdrawal will be a devastating blow and a major step backwards. Our impression is that if the residential facility must be closed because of the budget, a satellite facility could be preserved. This will directly serve the 1.2 million area residents, and it could be done as a cost conscience measure. CCC will tell us that they are going to serve the area and existing contracts by moving crews in and out (“spiking” is their term). This is nothing but a loss for us because they take money out of our county, but provide no dependable service. The tremendous volunteer program is lost. We depend upon you for support with this, because without it, the program will be lost to Porterville and the Tulare/Kings/Kern counties region.

Your consideration of these legislative requests will be deeply appreciated. We can provide additional clarification regarding any of the proposals and look forward to an opportunity to meet with you and discuss them.

Sincerely,
Porterville City Council

[Signatures]
Richard M. Stadtherr, Mayor
Pedro R. Martinez,
Mayor Pro Tem
Cameron J. Hamilton,
Council Member
Kelly E. West,
Council Member
Ronald L. Irish,
Council Member

City of Porterville • 291 N. Main St. • Porterville, CA 93257
(559) 782-7466 • FAX (661) 362-4008
SUBJECT: CONSIDERATION OF SUPPORT FOR HIGH SPEED RAIL

SOURCE: City Clerk Division

COMMENT: A Member of the City Council has requested that Council consider providing support to Visalia and the County as they go to Sacramento on December 15, 2004, where they will be meeting with the High Speed Rail Commission.

RECOMMENDATION: To be determined by Council.

ATTACHMENTS: None
SUBJECT: CONSIDERATION OF REQUEST FOR MOSQUITO ABATEMENT DISCUSSION

SOURCE: City Clerk Division

COMMENT: A Member of the City Council has requested consideration by Council of new information on the topic of mosquito abatement.

RECOMMENDATION: To be determined by Council.

ATTACHMENTS: None