CLOSED SESSION - CITY COUNCIL:

A. Closed Session Pursuant to:

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

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

PRESENTATION
   Presentation of Plaques to Holiday Decorating Contest Winners by Council
   City Manager’s Featured Project for December, 2004

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 City Council Minutes of **November 23, 2004 and December 6, 2004**

2. **Award Contract - Classification and Compensation Study**
   Re: Awarding Contract to CPS Human Resource Services of Sacramento, California to conduct study pursuant to the Memorandum of Understanding approved by Council in Resolution 16-2004.

3. **Authorization to Advertise for Bid for an On-Call Consultant for Preparation of Feasibility Studies and Grant Applications**
   Re: Approving Request for Proposals for feasibility studies for an Airport Industrial Park Business Services Center, including a downtown commercial incubator component, in the amount of $15,000.

4. **Authorization to Utilize Donated Material and Services, and Advertising for Bids for Centennial Plaza, Phase 1A**
   Re: Approving Site Plan for Centennial Plaza, authorizing staff to coordinate with donors of service and materials for the construction of Phase 1A, and authorizing staff to advertise for bids.

5. **Award of Contract - Central Core Improvement Project - Area 1**
   Re: Awarding contract to Professional Construction Services of Pleasant Hill, California, in the amount of $1,374,709.55 for improvements located within Area 1, generally bounded by State Route 65 to the west, Olive Avenue and McComb Avenue to the north, and a one-block segment of South”A” Street from Date Avenue south to the end of the street.

6. This Item has been removed.

7. **City Easement Conveyance to Southern California Edison Co.**
   Re: Approving fourteen foot wide easement in parking lot behind St. James Building at 256 North Main for installation of electrical transformer.

8. **Environmental Review of the City of Porterville Well System Improvements Project (Six New Water Wells)**
   Re: Approving a Negative Declaration which includes findings acknowledging the City’s regulatory responsibilities and intent to comply with U.S. Fish and Wildlife guidelines regarding construction activity within one hundred feet of elderberry bushes.

9. **Interpretation of Ambiguity - Day Cares in PO (Professional Office) Zones**
   Re: Determining whether the Zoning Ordinance requires a CUP for the development of a preschool proposed on south side of Henderson Avenue, east of G Street, in PO Zone, and directing staff to prepare an Amendment to explicitly require a CUP for the development of any private school for any age group within any zone.

10. **Request to Appoint Members to General Plan Advisory Committee**
    Re: Increasing the size of the committee from 15 members to 17 members by adding Mr. Rick McIntire and Mr. Jeff Keele to its membership.
11. Resolution Approving Bicycle Lane and Route Plan and Approving Grant Application to TCAG
   Re: Approving the plan’s modification which deletes the portion of Wallace Street from the Neighborhood Community Center to Walnut Avenue and substitutes “A” Street from Locust Avenue to Walnut Avenue, and Locust Avenue from Wallace Street to Orange Avenue, and directing staff to submit the Bicycle Transportation Account grant application to TCAG for funding consideration.

12. Christmas Tree Recycling
   Re: Informational report on the City’s annual program to be held at the south parking lot of the Porterville Fair Grounds from Sunday, December 26, 2004 through Sunday, January 2, 2005.

13. Update on Joint Powers Agreement for Automatic Aid Fire Protection and Rescue Calls
   Re: Status report on automatic aid agreement with Tulare County which will remain in effect until June 30, 2005.

   Re: Setting Study Session on February 8, 2005 to review modifications to handbook.

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

PUBLIC HEARING
15. El Dorado Estates Tentative Subdivision Map (Mark Elrod/Del Valle Homes)
   Re: Approval of tentative subdivision map to divide a 39.04± acre vacant parcel zoned City R-1 (One-Family Zone) into 180 lots located on the east side of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

SCHEDULED MATTERS
16. "D" Overlay Site Review 3-2004 (Trinity Control)
   Re: Approving the “D” Overlay Site Review for proposed development of a 9,035± square foot industrial building to be constructed on a .42 acre parcel currently zoned M-1(D) (Light Manufacturing-Design Review Overlay) located on the south side of the terminus of Prosperity Circle.

17. “D” Overlay Site Review 4-2004 (Allen & Maples)
   Re: Approving the “D” Overlay Site Review for proposed development of a 7,151.5± sq. foot office building to be constructed on a parcel currently zoned PO(D) (Professional Office - Design Review Overlay) located on the north side of Morton Avenue, 440± feet west of Indiana Street adjacent to the east side of the Social Security Building.

18. Authorize Distribution of Request for Qualifications for Skateboard Park Design Preparation
   Re: Authorizing staff to distribute the Request for Proposal for skateboard park design preparation and appoint a member of the City Council to the Consultant Selection Panel.
19. Traffic Signal Costs vs. Roundabout Costs at Putnam Avenue & Villa Street, and Plano Street & Mulberry Avenue
Re: Cost comparison regarding design, construction and maintenance of each alternative.

20. Status Report - Developer Impact Fees
Re: Acceptance of Status Report on Developer Impact Fees for Fiscal Year ended June 30, 2004, as provided to the Building Industry Association pursuant to Government Code §66006(b)(1).

21. Request to Consider Actions to Improve Sister City Relationship with La Barca, Mexico
Re: Discussion of methods to support and fully establish Sister City relationships.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of January 18, 2004

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY MANAGER’S FEATURED PROJECT FOR
DECEMBER, 2004

1. Tule River Wetlands Acquisition Grant
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - NOVEMBER 23, 2004
CITY HALL CONFERENCE ROOM
6:00 P.M.

Call to Order at 6:04 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr
Tardy: Mayor Martinez arrived at 6:15 p.m.

Pledge of Allegiance Led by Mayor Pro Tem Irish

ORAL COMMUNICATIONS
- Porshe Boudreaux, 425 East Mill, voiced concern with the City’s policy on water service disconnects, particularly with respect to staff allegedly informing customers of inability to contact field personnel. She commented that she believed that the staff’s actions were inappropriate as she believed she was lied to, and requested that Council address that policy.

Mayor Pro Tem Irish informed Ms. Boudreaux of Council’s inability to discuss the issue that evening, since the issue was not a part of the noticed agenda. He then requested that she provide her contact information to Mr. Longley, and indicated that Mr. Longley would contact her the following day. Staff then made copies of the Ms. Boudreaux’s documents and returned the originals to her.

SCHEDULED MATTER
1. Review of Meyers-Milias-Brown Act as the Local Agency Collective Bargaining Law

City Manager John Longley introduced the item and explained that the meeting that night had been scheduled essentially as a session to provide background information regarding the Meyers-Milias-Brown Act (“MMBA”). He then requested that Deputy City Manager Darrel Pyle introduce the guest speakers for the evening.

Deputy City Manager Darrel Pyle introduced Dr. Ken Caves, who Mr. Pyle explained, assisted the City of Porterville in labor relations and negotiations. Mr. Pyle indicated that Dr. Caves also currently represented the City in an outstanding charge before the Public Employment Relations Board (“PERB”) which would be heard on December 2, 2004 in Sacramento. Mr. Pyle then introduced Sarah Wolfe, who he explained was an attorney affiliated with the City Attorney’s firm who had practiced labor law for approximately the past twenty to twenty-five years. Mr. Pyle explained that Ms. Wolfe would be able to assist Council with any questions Council might have regarding the legal processes that could result from the actions of the MMBA. He stated that Dr. Caves would share with Council and staff how the MMBA related to the meet and confer process and he would also address various recent changes in legislation. Mr. Pyle then turned the floor over to Dr. Ken Caves.

Dr. Caves first confirmed that each Council Member had been provided the Pocket Guide to the Meyers-Milias Brown Act and the Pocket Guide to Unfair Practices - California Public Sector, both published by California Public Employee Relations. He explained that the MMBA was the Statute under which the City of Porterville bargained collectively, pointing out that it set out definitions and the basic guidelines for the meet and confer process, and had just recently come under the jurisdiction of the PERB. He indicated that other collective bargaining bills that were administered by the PERB included the Higher Education Employment
Relations Act ("HEERA"), the State Employment and Relations Act ("SERA") and the Educational Employment Relations Act ("EERA"). He explained that the PERB set rules, regulations, and policies similar to what Councils and Boards set, and referred Council to page 15 of the Pocket Guide to the MMBA, which provided a brief summary of the Act. He explained that the MMBA promoted full communication between public employers and their employees in order to provide a reasonable method for resolving disputes regarding wages, hours, and other terms and conditions of employment. He explained that the purpose of the MMBA was to also promote the improvement of personnel management and employer/employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and to be represented by those organizations in their employment relationships with public agencies. He indicated that this meant that employees could join various groups and have different organizations represent them as a part of the meet and confer process. He explained that Section 3501 specifically defined "employee organization," "recognized employee organization," and "public agency." He stated that the Statute also addressed mediation, which was defined as "an effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms of conditions of employment between representatives of the public agency and the recognized employee organization, or recognized employee organizations through interpretation, suggestion and advice." Dr. Caves explained that either party could declare impasse, as was the case with the City and the three bargaining units. With regard to the City, he explained, mediation had been scheduled with mediator Ron McGee from the State Mediation and Conciliation Service, and the mediation was to be held on November 24, 2004. He indicated that mediation was confidential, informal, and provided an opportunity for the parties to sit down with a representative to negotiate. He pointed out that the mediator was a State employee, and was provided by the State at no charge. He stated that this "no cost" arrangement had been negotiated as an inter-agency agreement between the Division of Industrial Relations State Mediation and Conciliation Service and agencies throughout the State of California. He explained that if there had been a cost for mediation, each party would be obligated to pay an equal portion. He then stated that the mediation process was an attempt to reach resolution on those matters yet to be resolved, pointing out that if there were areas of tentative agreement between the parties, those would be set aside. He explained that the mediator would initially sit down with both parties to discuss and identify the issues in dispute, and then worked separately with the parties in an attempt to reach an agreement. He explained that the main purpose of mediation was to reach an agreement that could be ratified by the employer organization and the City Council.

Dr. Caves then went on to explain that the Board, as defined in the MMBA, referred to the Public Employment Relations Board ("PERB"), established pursuant to Section 3541. He highlighted several provisions of the Statute, including "agency shop," which he explained was detailed in Section 3502.5. He explained that an "agency shop" referred to an arrangement that required an employee, as a condition of continued employment, either to join the recognized employee organization or to pay the organization's service fee in an amount not to exceed the standard initiation fee, periodic dues and general assessments of the organization. He explained that per the Statute, an agency shop could be implemented by a showing of support of the bargaining unit through an election, which was typically conducted by the State Mediation and Conciliation Service. He stated that a majority of voters could approve that an agency shop provision be drafted into a Memorandum of Understanding ("MOU").

With respect to Section 3504, Dr. Caves indicated that this section addressed "scope of representation," which he stated were the areas that the meet and confer process covered. He indicated that per the Statute, the scope of representation included "all matters relating to employment conditions and employee-employer relations, including but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or executive order." He then suggested
that this definition was vague and pointed out that there had been many court decisions over the course of many years that had defined what was actually within the scope of representation. He stated that the courts had determined that many things fell under the scope of representation, pointing to the myriad of issues that could arise from the phrase “and other conditions and terms of employment.”

Deputy City Manager Darrel Pyle clarified that in an attempt to clearly define the scope of representation, many years ago the City of Porterville had established an employer-employee resolution, commonly referred to as Resolution 75-2000. He explained that Resolution 75-2000 set out rules by which the City conducted its employer-employee relations, and described the responsibilities of management and the authority of the Council in employer-employee relations, such as in identifying the size of the work force and the level of service to be provided. He stated that in the current round of meet and confer, City staff had asked its attorney to update Resolution 75-2000 to incorporate all of the current legislative changes. He pointed out that this document was an element currently being discussed in the meet and confer process.

Dr. Caves referred Council to the back section of the Pocket Guide which provided various cases relating to scope of representation and scope of bargaining. He explained that the scope of representation and bargaining were considered “grey areas.” He emphasized that a detailed list of issues that could be discussed was not available, but asserted that if a particular item could be reasonably related to wages, hours, or other terms of conditions of employment, then that item must be discussed at the bargaining table.

Dr. Caves then discussed Section 3505 regarding “good faith meet and confer” which was defined as “a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by other party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption of the public agency’s final budget for the ensuing year.” He stated that the purpose of this section was to set up a time during which all items could be discussed and resolved prior to the adoption of the public agency’s budget. However, he stated, because of the City’s dependency on State funding, the amount of funds available prior to the approval of the State budget was unknown. He pointed out that this was true of all agencies, and that starting the process and being able to complete the process prior to the adoption of the final budget—through mediation, impasse, or whatever procedure was employed—was not always realistic. He explained that if an agreement had been reached, a MOU would be drafted, ratified by both parties, and then become the “rules of the game.”

Dr. Caves then explained that the PERB administered the provisions of the MMBA, and also considered case law and local rules applicable to the parties, which he contended made the Board’s task monumental. He stated that other sections of the MMBA addressed the definitions of employees, and identified the rights of employees in terms of dues deductions and release time for designated representatives of the organization to sit and meet and confer with representatives from the City.

City Manager John Longley requested clarification of the Council’s authority relating to taking action after a lengthy, yet unsuccessful, negotiation.

Dr. Caves responded that if mediation had been agreed to by the parties, and such mediation had been unsuccessful in gathering a resolution, then the last, best and final position would be interchanged. He explained that at that point, if an agreement could not be reached, the Council could unilaterally adopt the last,
best and final position. He stated that this would not be incorporated as a MOU, but rather as a policy of administration which would be applicable for only a one-year period. He explained that the employee representatives had the right to return to negotiations within a one-year period to begin the process again. He explained that this approach was a very short term resolution to bring about closure in the meet and confer process, and pointed out, however, that in terms of public safety, arbitration might be employed. He stated that an agency could request “binding interest arbitration,” which was increasingly being utilized by cities that sought to bring closure to the meet and confer process but did not wish to proceed unilaterally. He stated that in binding interest arbitration, a “third party mutual” or a panel of third party mutuals would hear the positions of both parties, then determine which proposal was best, making its decision on an item by item basis. The arbitrator’s decision would then become the provisions of the MOU. He stated that this option did exist, however he believed there was some question as to whether the arbitration provision applied to charter cities, such as Porterville. He deferred that question to Council.

In response to Mr. Longley’s question, Dr. Caves clarified that mediation was an available option, and explained that if the parties had agreed to mediation, then both parties had an obligation to conduct said mediation prior to unilateral adoption. He explained, however, that by local rule, the parties might not be required to attend mediation, but rather they might be able to exchange their last, best and final position. He suggested that the City’s local rule might address it differently. Dr. Caves then confirmed that if mediation had been unsuccessful, a City was not required to take unilateral action, but rather that this approach was merely an option available to Council. He suggested that the parties could continue in mediation, or take no action at all. He pointed out that in the case of Porterville, all parties had agreed that mediation was an appropriate step.

Deputy City Manager Darrel Pyle pointed out that Resolution 75-2000 was silent on the subject of an impasse procedure, therefore that issue automatically deferred to the MMBA.

In response to Mayor Martinez’s question, Dr. Caves indicated that the process did not include fixed time frames to which the parties were required to adhere. He stated that while the process should not continue into eternity, there must be a “reasonable” amount of time between each step of the process in order to meet, discuss and explore all of the possibilities for agreement. He explained that the PERB would determine what was “reasonable.”

Dr. Caves then referred the Council to Page 9 of the Pocket Guide which outlined unfair labor practices. He explained that unlike other statutes, the MMBA did not enumerate “unfair practices,” however, the PERB had enacted regulations that did. Those regulations, he explained, were set out in PERB Regulations 32603 and 32604, with 32603(a) through (g) pertaining to the employer, and 32604 (a) through (e) pertaining to the employee organization. He stated that those regulations were also detailed on a “guideline insert” published by the PERB. Dr. Caves then indicated that according to PERB Regulation 32603, it was an unfair practice for a public agency to:

(a) Interfere with, intimidate, restrain, coerce, or discrimination against public employees because of exercising their rights guaranteed by Government Code Section 3502 (the right to form, join, and participate, or refuse to join or participate, in the employee organization), or by a local rule adopted pursuant to Government Code Section 3507;

(b) Deny to employee organizations rights guaranteed to them by Government Code Sections 3503 (the right of the employee organization to represent its members), 3504.5 (the right to be given notice of the adoption of any ordinance, rule, resolution,
or regulation directly relating to matters within the scope of representation), 3505.1 (the right to have the parties' negotiated agreement memorialized in a written memorandum of understanding), 3505.3 (the right to reasonable release time when formally meeting and conferring with management representatives), 3507.1 (rules regarding unit determination and representation elections), 3508(d) or 3508.5, or by any local rule adopted pursuant to Government Code Section 3507;

(c) Refuse or fail to meet and confer in good faith with an exclusive representative as required by Government Code Section 3505 (which obligated that parties to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment), or any local rule adopted pursuant to Government Code Section 3507;

(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to, or in any way encourage employees to join any organization in preference to another, in violation of rights guaranteed by Government Code Section 3502, or 3508(c), or any local rule adopted pursuant to Government Code Section 3507;

(e) Fail to exercise good faith while participating in any impasse procedure mutually agreed to pursuant to Government Code Section 3505 or 3505.2 (agreed upon mediation) or any local rule adopted pursuant to Government Code Section 3507;

(f) Adopt or enforce a local rule that was not in conformance with the MMBA;

(g) In any other way violate MMBA or any local rule adopted pursuant to Government Code Section 3507.

In terms of employee organizations, Dr. Caves explained that pursuant to PERB Regulation 32604, it was an unfair practice for an employee organization to:

(a) Cause or attempt to cause a public agency to engage in contact prohibited by the MMBA or by any local rule adopted pursuant to Government Code Section 3507;

(b) Interfere with, intimidate, restrain, coerce, or discriminate against public employees because of their exercise of rights guaranteed by Government Code Section 3502 (the right to join or abstain from joining an employee organization), or by any local rule adopted pursuant to Government Code Section 3507;

(c) Refuse or fail to meet and confer in good faith as required by Government Code Section 3505 or by any local rule adopted pursuant to Government Code Section 3507;

(d) Fail to exercise good faith while participating in any impasse procedure mutually agreed to pursuant to Government Code Section 3505 or 3505.2 or required by any local rule adopted pursuant to Government Code Section 3507; and

(e) In any other way violate MMBA or any local rule adopted pursuant to Government Code Section 3507.

Mr. Pyle questioned the extent to which the PERB could enforce the Regulations and questioned what remedies were available to the PERB.

Dr. Caves responded that the PERB had been initially designed to have five (5) members, and that it was currently operating, and had been for a number of years, with only three (3) members due to budgetary constraints. He stated that there were three (3) regional offices located in Sacramento, San Francisco, and Los Angeles. He explained that Tulare County fell under the jurisdiction of the Sacramento regional office, and pointed out that the Sacramento Regional Office was in the same building as the State Headquarter. He
stated that PERB’s jurisdiction was to administer the various statutes. He explained that if an unfair labor practice claim had been filed against the City, and the City had been found to be in violation, PERB would require the City to post notice throughout all of the City’s facilities that it had violated a particular provision.

Attorney Sarah Wolfe added that the notice would need to be posted for a specific period of time, the length of which would depend on how serious the PERB determined the violation to be.

Dr. Caves pointed out that financial penalties could also be imposed by the PERB, including interest penalties, which he estimated were currently approximately six percent (6%). He reiterated that the remedies available to PERB were dependent upon the allegation, as well as on the subsequent determination made by the PERB. He clarified that penalties imposed by the PERB were enforceable by Court action.

In response to Council Member Hamilton’s question, Dr. Caves confirmed that in the event that an employee organization was found to be in violation, the PERB would hold the employee organization liable, not an individual employee.

In response to Mayor Pro Tem Irish’s question, Attorney Sarah Wolfe explained that the legal definition for “good faith” was a subject normally defined by a particular circumstance. She explained that good faith in one instance might not be good faith in another instance. For example, she stated that one court had determined an employer to be bargaining in bad faith because it had refused to deduct dues on behalf of an employee organization. She stated that the determination of good faith would depend upon the circumstances of the case, the history of the bargaining unit, current law, ordinances, resolutions, employee-employer committees, etc. She explained that the PERB would view a continually contentious relationship between the parties somewhat more differently than it would if history between the parties showed a more a amiable relationship that suddenly went awry. Ms. Wolfe stated that the PERB would look to find out why the relationship between the parties had suddenly changed, such as a changed circumstance that might have impacted the relationship. She reiterated that good faith was extremely hard to define, and that it truly depended on individual circumstances.

Dr. Caves added that the PERB also considered how the parties approached the issue at hand. He stated that while “no” was a legitimate response, the PERB would look to rational reasons for reaching such a decision. He stated that, of course, a party did not have to agree with every proposal, however, how that party said “no” was more the issue in determining whether a party was acting in good faith. He surmised that if a party participated at one meeting and rejected everything, and then declared an impasse, the PERB might question whether that party acted in good faith.

Attorney Wolfe added that she believed that the PERB considered whether each side gave an agreement between the parties a chance to happen.

Council Member Hamilton questioned whether a party that attended numerous meetings yet never negotiated to a middle ground might be considered to be acting in bad faith.

Dr. Caves explained that a party was not required to “meet in the middle,” explaining that negotiating was a “give and take” process.

Attorney Wolfe clarified that the PERB did not necessarily look to whether an agreement “somewhere in the middle” took place on wages, for example. Instead, she explained, the PERB would
look at the entire negotiation process, as opposed to whether there was a mutual “give and take” on one particular issue.

In response to Mayor Martinez’s question, Dr. Caves explained that if circumstances changed, the parties could modify their positions, however changing positions was generally not recommended. He warned that a party would not want to be accused of regressive bargaining. He said in some instances, a third or fourth proposal might actually be greater in demand that the initial bargaining proposal, which he explained might be inadvertent, possibly caused by a miscommunication by the negotiating party or by a data misinterpretation by the practitioner.

Attorney Wolfe pointed out that the parties should work towards a sharing of information, that is, an understanding of the basis for which the other party took a particular position. She stated that even though an employer might not agree with the employee organization, or visa versa, the parties should at least understand the other party’s position and believe that the information being given is accurate and complete. She stated that if parties then reached an impasse, at least they would be able to state why they did not reach an agreement.

Council Member Hamilton questioned if the PERB also considered the tone of language utilized by the negotiating parties. He then pointed to what he perceived was an aggressively-written letter received by Council regarding negotiations.

Dr. Caves responded that he believed everything had to be put into context. He explained that certain people presented information in a dramatic and forceful way, while others approached the same topic in a calmer manner. He stated that everyone brought personality to the table, and that there were two factors that had to be looked at in every negotiation, one being the issue that was being discussed, and the other being the people discussing that issue. He stated that it was necessary to separate the issue from the people so that the issue could be addressed without getting involved with the personalities of the people, which he asserted, at times could be an art form. Dr. Caves then pointed out that negotiations typically involved a great deal of emotions, stating that often times, people came to the bargaining table looking for increases that would affect their lives. He stated, for example, it was much easier for him to purchase a car for somebody else rather than to purchase a car for himself.

Mr. Pyle pointed out that interest-based bargaining attempted to separate the people from the issues.

Attorney Wolfe commented that some people might argue that a particular approach was aggressive because he or she wanted to emphasize the importance of a particular issue.

In response to Mayor Martinez’s question, Dr. Caves explained that most items could be shared at the table without risking a breach of confidentiality. He stated that for the vast majority, even if the issue dealt with a single classification, it generally affects more than one employee. He explained that typically provisions were not negotiated that might only affect one employee.

Dr. Caves then concluded his presentation and turned the floor over to Mr. Longley.

Mr. Longley stated that staff had nothing further for Council. He stated that the study session that evening had been scheduled to provide an opportunity to review and discuss the general parameters
of the Meyers-Milias-Brown Act and the meet and confer process. He stated that such discussion might be an item that could be supplemented from time to time at Council’s direction.

Mayor Pro Tem Irish commented that the Council wished to be fair with the bargaining units and fair with the taxpayers at the same time.

In response to Mayor Martinez’s request, Mr. Pyle indicated that staff would provide Council with copies of the insert from the Pocket Guide.

Mr. Longley commented that as it related to meet and confer, the MMBA process was just that, a process. He summarized that the MMBA required that the parties not merely go through the motions of the various steps within the process, but to actually commit to and mean each of those steps. He stated that the evening’s meeting was to first fundamentally understand what those steps were.

Mr. Pyle commented that he believed that each party would get out of the process what that party put into the process. He stated that the greater the effort put into the process, the greater the likelihood of producing a memorandum of understanding in the end.

Council Member West commented that through the years, the City had a good relationship with its employees and pointed to the budget crisis as being an obstacle in the current negotiations.

CLOSED SESSION

The Council convened to Closed Session at 6:53 p.m. and reconvened at 7:30 p.m. with no action to report.

ADJOURNMENT
The Council adjourned at 7:30 p.m. to December 6, 2004, 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

_____________________________
Pedro R. Martinez, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - DECEMBER 6, 2004
CITY HALL CONFERENCE ROOM
6:00 P.M.

Call to Order at 6:06 p.m.
Roll Call: Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez, Council Member West (arrived at 6:15 p.m.)

ORAL COMMUNICATIONS
None

CLOSED SESSION

The Council convened to Closed Session at 6:08 p.m. and reconvened at 7:25 p.m. with no action to report.

ADJOURNMENT
The Council adjourned at 7:25 p.m. to December 7, 2004, 6:00 p.m.

__________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

__________________________________________
Pedro R. Martinez, Mayor
SUBJECT: AWARD CONTRACT - CLASSIFICATION AND COMPENSATION STUDY

SOURCE: Administrative Services Department - Purchasing Division

COMMENT: In accordance with the Memorandum of Understanding with the Porterville Firefighters' Association approved by Council under Resolution 16-2004, Staff solicited proposals for a Classification and Compensation Study. It is customary for the City to undertake this study every five or six years; however, the last study was completed in May, 1996. The project is funded by current General Fund appropriations.

Staff has reviewed and ranked the proposals. The top rated firm is CPS Human Resource Services of Sacramento. The complete list of firms submitting proposals and their rankings are as follows:

1. CPS Human Resource Services, Sacramento, CA
2. Public Sector, Personnel Consultants, Los Angeles, CA
3. Johnson & Associates LLC, Rocklin, CA
4. L. B. Hayhurst & Associates, Novato, CA

RECOMMENDATION: That City Council:

1. Authorize Staff to negotiate a contract with CPS Human Resource Services of Sacramento, CA;
2. Authorize Staff to negotiate a contract with the 2nd or 3rd ranked firm if Staff is unable to negotiate an acceptable contract with CPS Human Resource Services;
3. Authorize the Mayor to sign all contract documents; and
4. Authorize Staff to make payments up to 100% upon satisfactory completion of the work.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR AN ON-CALL CONSULTANT FOR PREPARATION OF FEASIBILITY STUDIES AND GRANT APPLICATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the April 20, 2004 City Council meeting, Council reviewed three projects that staff proposed as potential projects for U.S. Department of Economic Development Administration (EDA) funding. Council directed staff to prepare a Request for Proposal for a writer to prepare a preliminary feasibility study and a technical assistance grant application for EDA funding, if warranted, for the Airport Industrial Park Business Incubator project. Council also directed staff to investigate the possibility of an incubator program in the downtown area.

Staff has prepared a Request for Proposal (RFP) for an on-call consultant for preparation of feasibility studies and grant applications. The RFP lists the following services to be performed under the contract:

1. Preparation of a feasibility study for an Airport Industrial Park Business Services Center, which would include an incubator component and downtown commercial incubator;
2. Preparation of an EDA technical assistance grant application, if warranted by the feasibility study, for funding of the Airport Industrial Park Business Services Center; and
3. Preparation of analyses, studies, and grant applications for other projects as funding becomes available.

The RFP is written in such a manner that the Airport Business Park be the first priority for the consultant. Should additional funding become available, the consultant would be tasked with studies and grant proposals for other projects, such as a downtown commercial incubator project.

Funding in the amount of $15,000 is available from a one-time reduction in the City’s Local Agency Formation Commission (LAFCO) fees.

RECOMMENDATION: That City Council:

1) Approve the Request for Proposals for an on-call consultant for preparation of feasibility studies and grant applications; and
2) Authorize funding in the amount of $15,000 from the savings realized from the one-time reduction in LAFCO fees.

ATTACHMENT: Request for Proposal for an On-Call Consultant for Preparation of Feasibility Studies and Grant Applications
CITY OF PORTERVILLE

REQUEST FOR PROPOSALS (RFP) FOR AN ON-CALL CONSULTANT FOR PREPARATION OF FEASIBILITY STUDIES AND GRANT APPLICATIONS

The City of Porterville seeks the services of a consultant or consulting firm to provide assistance to City Staff as necessary to accomplish the following:

1. Preparation of a feasibility study for an Airport Industrial Park Business Services Center, including an incubator project component;
2. Preparation of an Economic Development Administration (EDA) technical assistance grant application for funding of the Airport Industrial Park Business Services Center; and
3. Preparation of analyses, studies, and grant applications for other projects as funding becomes available.

Other services typically rendered by the selected consultant may also be utilized from time to time. The selected on-call consultant must have a substantial working knowledge of grant writing with a strong success rate of grant awards, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or Development Associate will review the consultant’s work, the above referenced skills are essential to meeting the objectives of this program.

SCOPE OF CONSULTANT SERVICES:

The consultant will respond directly to the Community Development Director or his designee on a particular project. It may be appropriate that a portion of the work be performed at City Hall in order to coordinate with various City departments, access City records, and to obtain other information via the Internet and telephone. A work station (desk, computer, phone, etc.) is available for use by the consultant.

The selected consultant will perform, but not be limited to, the following tasks:

1. Compile background data necessary for the preparation of a feasibility study for an Airport Industrial Park Business Services Center, including an incubator project component.
2. Identify key factors to be evaluated for the project including:
   2.1. Market Analysis
   2.2. Anticipated Construction Costs
   2.3. Community Benefit
   2.4. Funding Sources
3. Coordinate early consultation and ongoing meetings with City staff and staff at other agencies.
4. Preparation of an Economic Development Administration (EDA) technical assistance grant application for the project if warranted by the feasibility study.
5. Preparation of other analyses, studies, and grant applications for other projects as funding becomes available.
6. Other Requirements:

a) The selected firm will be required to carry and provide certificates of insurance for, general and automobile liability insurance as follows:

General Liability $1,000,000 minimum per occurrence
Automobile Liability $1,000,000 minimum per occurrence
Workers Compensation Statutory Limits

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

b) The selected consultant/firm shall indemnify and hold harmless the City, its officers, employees and agents from and against all claims, damages, losses and expenses caused in whole or in part by any negligent act or omission of the firm, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, or willful misconduct by the City.

c) Labor and material proposals submitted on this form shall be subject to the provisions of Section 1700, California Labor Code, as specified by Section 3700, California Labor Code, which requires Worker’s Compensation insurance to be provided by the selected consultant/firm.

d) Worker’s Compensation policy(ies) are to be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.

e) The firm and its employees are independent contractors and not employees of the City of Porterville. The Firm and/or its insurers are responsible for payment of any liability arising out of worker’s compensation, unemployment, or employee benefits offered to its employees.

f) Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII, unless otherwise acceptable to the City.

g) Endorsements are to be received and approved by the City before work commences.

h) The successful consultant/firm shall obtain a City of Porterville business license. Fee is based on gross receipts for all business transactions in the City of Porterville. For information, contact the Business License clerk at (559) 782-7457.
i) The City will provide a service contract to the selected contractor.

j) All work performed by the consultant under this contract shall be under the ownership of the City of Porterville.

k) All work performed under this contract shall be researched, prepared and executed in a professional and competent manner for which the consultant will be responsible.

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

m) The employee(s) identified in the proposal as performing the duties under this contract shall not be replaced without the prior written approval of the Community Development Director of the City of Porterville.

Note: Firms that cannot comply with the City’s insurance requirements, as described above, should not submit a proposal. These requirements are not negotiable.

DESIRABLE QUALIFICATIONS OF THE ON-CALL CONSULTANT

The City is seeking a qualified consultant to provide on-call consulting services for the preparation of feasibility studies and grant applications. The desired consultant shall have the following qualifications:

1) Extensive experience in the preparation of feasibility studies, market analysis, and grant applications.

2) The Consultant’s proven ability to expeditiously and accurately produce the required product in a concise and useable format.

3) The Consultant’s proven success in obtaining grant funding.

4) The consultant must possess strong writing skills and be proficient using Microsoft Word and other standard software programs.

CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY

Consultants/Consulting firms wishing to be considered for selection to provide the services to the City described herein should submit Statements of Qualifications in their proposals containing the following information:
1) A description, including background, size and orientation of the firm.

2) A summary of the qualifications of the firm to perform the services described herein, including, but not necessarily limited to:
   - the firm's previous experience in preparing feasibility studies, market analysis, and grant applications; and
   - the firm's previous experience in performing similar services for other agencies; and
   - the firm's previous experience with the City of Porterville and familiarity with the community; and
   - the firm's ability to produce the required product in a timely fashion and ability to present such reports to elected officials and the general public.

3) Prospective consultants shall describe the qualifications of all professional personnel to be assigned to this project, including a summary of similar work or studies each member has performed and a resume of each professional involved with this contract.

4) Prospective consultants shall designate by name the project planner/manager to be employed in this effort. The selected consultant shall not substitute the project planner/manager without prior approval by the Community Development Director of the City of Porterville.

The proposal shall contain the fee(s) the firm proposes to charge for the services to be provided. The fee(s) shall be in the form of an hourly rate(s) which consider all billable expenses such as mileage, materials, insurance, phones, etc., or may be in the form of a percentage of the grant funds secured. Time will be of the essence in completing the services described in relation to this project. It is anticipated that this effort may require significant staff resources at times. It is also important that when services are requested, that the consultant will return to the City for work within five (5) working days in the event a lapse in service occurs.

Four (4) copies of the proposal should be submitted by not later than 5:00 P.M., to:
City of Porterville
Community Development Department
Attn: Bradley D. Dunlap, AICP, Community Development Director
291 North Main Street
Porterville, CA 93257

The proposals must be submitted in an envelope clearly marked with the proposer’s name and “Proposal for On-Call Consultant”. The City will not consider late or incomplete proposals.

**SELECTION PROCEDURE:**

Selection of the successful proposal shall be generally based on the information provided by the
Consultant in response to the RFP and any subsequent interviews that may be conducted. An evaluation committee made up of City staff will base the selection on a review of the submitted proposals. The committee will:

1. Evaluate the proposals, including the experience of the firm’s team and subcontractors;
2. Evaluate the appropriateness of the team’s experience;
3. Schedule personal interviews with the top three (3) firms; and
4. Verify and interview reference provided.

Note: During the initial review process, staff may schedule meetings with each firm under consideration to help clarify and discuss submissions.

The City of Porterville reserves the right to reject any and all proposals submitted and to request additional information of any applicant.

AWARD OF CONTRACT

The selected consultant shall be required to enter into a written contract with the City of Porterville as provided in Exhibit A – SAMPLE CONTRACT. Any executed contract for services or agreements by and between the City and the Consultant shall be subject to formal City Council approval and ratification. This RFP and the selected consultant’s proposal, or any part thereof, may be incorporated into and made a part of the final contract.

In any event, the City reserves the right to further negotiate the terms and conditions of the contract with the selected consultant.

DISPOSITION OF PROPOSALS

All proposals submitted in response to the Request for Proposal shall become the property of the City. The proposer must identify, in writing, all copyrighted material, trade secrets, or other proprietary information that it claims is exempt from disclosure under the Public Records Act, (California Government Code Sections 6250 et seq.). Any proposer claiming such an exemption must also state in the proposal that the proposer agrees to defend any action brought against the City for its refusal to disclose such material, trade secrets, or other proprietary information to any party making a request therefor. Any proposer who fails to include such a statement shall be deemed to have waived its right to an exemption from disclosure as provided by said Act.

INQUIRIES REGARDING THIS RFP

Any inquiries regarding this RFP or the project described herein should be directed to Bradley D. Dunlap, Community Development Director, or Linda Wammack, Development Associate, by calling (559) 782-7460.
RESPONSE TO REQUEST FOR PROPOSALS FOR
ON-CALL CONSULTING SERVICES

TO: City of Porterville

FROM: ____________________________

Name/Company

______________________________

Address

______________________________

City, State, Zip Code

______________________________

Telephone No. Fax No.

Proposal Amount: __________________ Hourly Rate: ________ Availability/hours per week: ________

Project Manager/Principal: ________

Project Planner: ________

Clerical (If applicable): ________

Notice prior to commencing work on particular project ________ hours/days.

(Summary of qualifications, references and relevant experience must be attached.)

______________________________

Signature Date

______________________________

Name and Title (Printed)
(Date)

Subject: Request for Proposals (RFP) – On-Call Consulting Services for Preparation of Feasibility Studies and Grant Applications

The City of Porterville is in the process of evaluating economic development projects for the submittal of an Economic Development Administration grant. While the first task will be to perform a feasibility study for an Airport Industrial Park Business Services Center, a number of additional projects are anticipated to be evaluated as funding becomes available. Therefore, the City of Porterville is requesting proposals for an on-call consultant to perform feasibility studies and prepare grant applications. The consulting services described in the attached RFP will be performed upon request as projects are initiated by the City. This project is funded by local revenues and is therefore exempt from prevailing wage requirements.

If selected, the City will provide a Service Contract stipulating the agreed upon fee. The contract will be in effect for two (2) years following the date of the purchase order. The contract may be extended by mutual agreement. Upon contract renewal, the cost for services must be agreed upon by both parties.

This contract is subject to a thirty (30) day written notice of cancellation by either party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by consultant. Nonperformance by consultant or repeated lack of response or attention to responsibilities and/or directions and requests of City shall be considered adequate cause for termination of contract and/or withholding of funds to contractor which City must pay to third party or parties to correct deficiencies to lack of performance as determined by City.

Four (4) copies of the sealed proposals must be submitted, in accordance with the attached request by 5:00 PM, to:

City of Porterville, Community Development Department
Attn: Bradley D. Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257

Award of contract should occur in ___(date)___, by the City Council.

Please contact me at (559) 782-7460 if you have any questions regarding this letter. If I am not available, contact Linda Wammack at the same number.

Sincerely,

Bradley D. Dunlap, AICP
Community Development Director
EXHIBIT A

SERVICE AGREEMENT

DATE:

PARTIES: The City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and (INSERT CONSULTANT NAME), hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: On-Call Consultant for preparation of feasibility studies and grant applications.

Description of Project: Preparation of a feasibility study for an Airport Industrial Park Business Services Center with an incubator component; preparation of an Economic Development Administration (EDA) technical assistance application for the Airport Industrial Park Business Services Center, if warranted by the findings of the feasibility study; and preparation of analyses, studies, and grant applications for other projects as funding becomes available.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner:

1.1 Preparation of a feasibility study for an Airport Industrial Park Business Services Center, including the following key factors:

1.1.1 Market Analysis
1.1.2 Anticipated Construction Costs
1.1.3 Community Benefit
1.1.4 Funding Sources

1.2 Preparation of an Economic Development Administration (EDA) technical assistance application for the Airport Industrial Park Business Services Center, if warranted by the feasibility study.

1.3 Preparation of analyses, studies, and grant applications for other projects as funding becomes available.

SECTION 2. CONTRACT SERVICES: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed (WORDS) Dollars, ($\text{(Numbers)})
TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by (Enter Work Completion Date).

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100.00 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.
SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

(i) Full liability under worker's compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence;

fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. To the fullest extent permitted by law, the consultant shall indemnify and hold harmless the CITY and their agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney’s fees, to the extent arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expenses I) is attributable to bodily injury, sickness, disease or death, or injury to or destruction of tangible property (other than the work itself) including the loss of use resulting therefrom and II) is caused in whole or in part by any negligent act or omission of the Consultant, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any right or obligation of indemnity which would otherwise exist as to any part or person described in this paragraph.
SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by CONSULTANT. The Project Team as outlined in the proposal must remain the same unless change is approved by CITY. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT TO INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY’S “Conflict of Interest Code”. Said code is in accordance with the requirements of the Political Reform Act of 1974. CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving seven (7) days written notice to the other party.
Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY

By: ____________________________
Pedro R. Martinez
Mayor

CONSULTANT

By: ____________________________
(Consultant Title/Affiliation)

Date: ____________________________

Date: ____________________________
SUBJECT: AUTHORIZATION TO UTILIZE DONATED MATERIAL AND SERVICES, AND ADVERTISE FOR BIDS FOR CENTENNIAL PLAZA, PHASE 1A

SOURCE: Parks and Leisure Services Department

COMMENT: Bid documents and specifications have been prepared for the initial work of the first phase of Centennial Plaza. The extent of this work has a contracted value estimated at $98,000, and includes the following:

- Grading and minor drainage system installation
- Irrigation system and electrical conduit and pull box installations
- CMU/brick faced retaining walls for stage pad
- Concrete steps, ramp, stage floor, mow strips, and trash enclosure pad
- Electric service panel
- SCE ‘nostalgic’ style single head luminaire and poles
- DG walkways & wood edging
- Rail fence and trash enclosure fence

This project is not proposed to be accomplished in the traditional city capital project manner. Efforts are being made by Rotary organizations to obtain donated materials and labor to accomplish most of this work. Firm commitments for the donated materials and services do not yet exist. However, staff and others will be diligently pursuing such commitments in order to facilitate the accomplishment of this project as envisioned, with minimal City funding responsibility. For this reason, a formal contract bid estimate has not been prepared.

Staff is requesting authorization to obtain through the purchase process, or to request bids, only on items that the Rotary organizations cannot get donated in order to stay on schedule with the project. Phase 1B of the project is expected to follow in January, 2005 which will include the landscaping, public address/sound system, site amenities, and the performance stage cover (gazebo).

The goal is to have Phase 1A work completed in February, 2005 and Phase 1B work completed in March, 2005. With the exception of the public address/sound system, the extent of the Phase 1B work will be limited to donation commitments and funds remaining after the Phase 1A obligations are met. For this reason, obtaining further donations of materials and labor is critical to the achievement of a reasonably complete park. However, a functional facility will be achieved with the completion of Phase 1A, together with the public address/sound system work to follow a month or so later.
Funding for the plaza improvements currently exist from a $15,000 donation made by the Breakfast Rotary, $5,000 donation from Bank of the Sierra, a pledge of $32,000 from Noon Rotary and the $15,000 of City funds designated for the public address/sound system. Staff suggest that an estimated $18,000 value be the limit of the Phase 1A work to be obtained through open purchase orders or advertised for bids. This would leave a $2,000 contingency to remain within the available donated funds. Staff will work with the Rotary organizations on this, the plans for Phase 1B, and how to utilize the pledged, but not remitted, Noon Rotary funding over the next three weeks.

RECOMMENDATION: Staff recommends that the City Council provide all of the following approvals and authorizations:
1. Approve the Site Plan for Centennial Plaza; and
2. Waive the estimate certification requirement; and
3. Authorize staff to coordinate with donors of service and material for the construction of Phase 1A; and
4. Authorize staff to identify the elements of Phase 1A work which require informal purchase and public bidding within an $18,000 estimated cost, and to advertise for the required bids.

ATTACHMENT: Phase 1A Site Plan
SUBJECT: AWARD OF CONTRACT - CENTRAL CORE IMPROVEMENT PROJECT - AREA 1

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 9th, 2004, staff received six (6) bids for the Central Core Improvement Project - Area 1. This project consists of the construction of approximately 180,000 square feet of sidewalk, 6,900 lineal feet of curb and gutter, 30,000 square feet of asphalt concrete pavement, and the relocation of various existing catch basins and other existing structures. Project limits within Area 1 are bound by State Route 65 to the west, Olive Avenue and Putnam Avenue to the south, San Joaquin Valley Railroad tracks to the east and McComb Avenue to the north. Additionally, a one-block segment of South "A" Street from Date Avenue south to the end of street, is also included.

The estimated probable cost for the project is $1,525,943.05. A Congestion Mitigation and Air Quality (CMAQ) Grant is the source of funding as approved during the 04/05 Annual Budget process and will pay 88.5% of all construction costs. Funding for the City’s match was approved in the 04/05 annual budget from Local Transportation Funds. The low bid is approximately 10% below the engineer’s estimate of probable cost.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional Construction Services</td>
<td>$1,374,709.55</td>
</tr>
<tr>
<td>Pleasant Hill, CA</td>
<td></td>
</tr>
<tr>
<td>2. Halopoff &amp; Sons, Inc.</td>
<td>$1,424,296.48</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>3. Construction Development Systems</td>
<td>$1,896,577.80</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>4. American Paving Co.</td>
<td>$1,952,479.30</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>5. D.H. Williams Construction, Inc.</td>
<td>$2,236,958.50</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>6. Lee's Paving, Inc.</td>
<td>$2,498,425.25</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

Dir Appropriated/Funded CM Item No. 5
RECOMMENDATION: That City Council:

1. Award the Central Core Improvement Project - Area 1 to Professional Construction Services in the amount of $1,374,709.55;

2. Authorize progress payments per the Special Provisions, Part I, Supplementary Special Provisions, Final Payment of the Project Manual, which states that within 30 days of the Contractors final billing, the City must pay 100% of the sum due the contractor, provided that the City Engineer recommends and the City Council accepts the work as complete; and

3. Authorize a 5% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 6
COUNCIL AGENDA: DECEMBER 21, 2004

SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

SOURCE: Public Works Department - Engineering Division

COMMENT: Southern California Edison Company (SCE) is requesting an easement from the City of Porterville for the purpose of providing an electrical transformer that serves the St. James Building at 256 N. Main Street. SCE has installed a pad mounted electrical transformer within an expanded planter at the City owned parking lot behind the St. James Building.

The expanded planter is adjacent to the east side of the alley between Main Street and Second Street. The original planter did not contain landscaping of any kind. City Council, during a prior meeting, approved the remodeling project and incidental items of work that included the electrical service as presented.

SCE is requesting a fourteen (14) foot wide easement that encumbers most of the planter and adversely affects one parking stall. The transformer is approximately 62" high and rests on a 72" x 94" concrete pad surrounded by ten (10) guard posts, all of which fits within said expanded planter.

RECOMMENDATIONS: The City Council:

1. Accept SCE’s request to have the City convey an easement for the installation of an electrical transformer;

2. Authorize the Mayor to sign the Grant of Easement; and

3. Authorize the City Clerk to record the easement deed with the County Recorder’s office.

ATTACHMENTS: Locator Map
Resolution
Grant of Easement

Y:\Engineering\Council Items\City Easement Conveyance to Southern California Edison Company wpd

Dir Appropriated/Funded CM Item No. 7
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby authorizes a Grant of Easement to the Southern California Edison Company, a corporation, for an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the City of Porterville County of Tulare, State of California, described as follows:

THE SOUTHERLY 14.00 FEET OF THE NORTHERLY 38.00 FEET OF THE WESTERLY 16.00 FEET OF LOT 3, BLOCK 8 OF PIONEER AND MURPHY ADDITIONS TO PORTERVILLE, AS PER MAPRecorded in Book 4, Page 29 of Maps, in the Office of the County Recorder of Said County.

BE IT FURTHER RESOLVED that the foregoing has been authorized 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
THE CITY OF PORTERVILLE, a municipal corporation of the State of California (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

THE SOUTHERLY 14.00 FEET OF THE NORTHERLY 38.00 FEET OF THE WESTERLY 16.00 FEET OF LOT 3, BLOCK 8 OF PIONEER AND MURPHY ADDITIONS TO PORTERVILLE, AS PER MAP RECORDED IN BOOK 4, PAGE 29 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.
EXECUTED this ____ day of __________________, 20__.

GRANTOR

THE CITY OF PORTERVILLE, a municipal corporation of the State of California

__________________________________
Signature

__________________________________
Print Name

__________________________________
Title

STATE OF CALIFORNIA      )
                        ) ss.
COUNTY OF ________________)

On ______________, 20__, before me, _____________________________________________ a Notary Public in and for said State, personally appeared ____________________________________________ 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 capacities, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________________
Signature of Notary
SUBJECT: ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE WELL SYSTEM IMPROVEMENTS PROJECT (SIX NEW WATER WELLS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: City Staff, in conjunction with the City’s on-call environmental consulting team, have completed the preparation of an Initial Study and Negative Declaration for the City of Porterville Well System Improvements Project. The project consists of the construction of six new municipal water wells at various locations throughout the westerly portion of the City. The environmental review is sufficient to allow the City to drill test holes at each of the locations and to fully develop a municipal well at each site.

The Initial Study prepared for the project identified several environmental factors which could be affected by the project, but determined that each of the factors could be mitigated to a less than significant level. Three of the six wells and/or the pipelines which will connect the wells to the City water system are located in the general vicinity of elderberry bushes which are the sole habitat of the Valley Elderberry Longhorn Beetle, a federally listed, Threatened species. In each case, there are opportunities to mitigate the potential effect by avoiding the bushes. Where possible, no construction activity will occur within 100 feet of an elderberry bush. Under no circumstances will construction activity occur within 20 feet of an elderberry bush. When construction must occur closer than 100 feet, the City will comply with U.S. Fish and Wildlife guidelines regarding fencing, training of construction crews and observation by a trained biologist.

Notice of the proposed action has been sent to all interested agencies and otherwise distributed as required by law. Responses were received from the San Joaquin Valley Air Pollution Control District and the California Regional Water Quality Control Board. Both agencies noted the requirement to comply with existing regulations.

The Draft Resolution approving the Negative Declaration includes findings acknowledging the City’s regulatory responsibilities and intent to comply.

ENVIRONMENTAL: On November 9, 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, individuals and the State.

APPROPRIATED/FUNDED ______ CM ______

ITEM NO. 8
RECOMMENDATION: That the City Council:

1. Adopt the attached resolution approving a Negative Declaration for the City of Porterville Well System Improvements Project.

ATTACHMENTS:

1. Letter dated November 8, 2004 from the California Regional Water Quality Control Board
2. Letter dated November 10, 2004 from the San Joaquin Valley Air Pollution Control District
3. Negative Declaration
4. Draft Environmental Resolution
4 November 2004

Bradley Dunlap, Community Development Director
City of Porterville
291 North Main Street
Porterville, CA 93257

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, CITY OF PORTERVILLE
WELL SYSTEM IMPROVEMENTS PROJECT, SCH# 2004101088, TULARE COUNTY

Regional Board staff has reviewed the Initial Study and Mitigated Negative Declaration for the City of Porterville’s Well System Improvements Project for six proposed wells within the City. The Project will supply the City’s municipal water system with additional capacity for expansion. The well sites will include chlorine injection equipment and granular activated carbon treatment facilities for the treatment of organic chemicals. Reverse osmosis or ion exchange facilities for removal of nitrate may also be employed at any of the proposed well sites. The final Mitigated Negative Declaration should address the following comments.

The Regional Board adopted the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the Basin. The Basin Plan states that the maximum electrical conductivity (EC) of wastewater discharged in the Basin shall not exceed the average EC of the source water plus 500 \( \mu \text{mhos/cm} \).

Ion exchange media that is selective for nitrate is regenerated with sodium chloride brine, resulting in excess salt in addition to that found in the municipal water. Spent brine from ion exchange regeneration that is discharged to the sewer system would result in an increase in the EC of the effluent discharged from the City’s wastewater treatment facility, possibly exceeding the EC limit set by the Basin Plan. An alternative would be to treat the ion exchange media off site with the brine discharged outside of the Tulare Lake Basin, perhaps to a wastewater treatment facility with an ocean outfall.

Although nitrate removal by reverse osmosis is not selective because it removes other minerals besides nitrate, reverse osmosis is preferable to ion exchange. The reverse osmosis process creates a waste stream (reject water) containing concentrated minerals removed from the municipal water, but it does not result in the addition of extra salt when discharged to the sewer system. Since some of the municipal water that would dilute the reject water when combined in the sewer will be lost (i.e., evaporation,
landscape irrigation, etc.) and because waste products flushed into the sewer system from domestic and industrial users add other salts, the EC of effluent from the wastewater treatment facility may still have the potential to exceed the Basin Plan EC limit.

Should you have any questions concerning these comments, please contact Edward Balch at (559) 445-5548.

DOUGLAS K. PATTESON
Senior Water Resources Control Engineer
RCE No. 55985

cc: State Clearinghouse, Sacramento
November 8, 2004

Attn: Mr. Bradley Dunlap  
City of Porterville  
291 North Main Street  
Porterville, California 93257

RE: IS and ND for City of Porterville Well System Improvements Project

Dear Mr. Dunlap:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the documentation provided and has the following comments:

The entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10). The Federal Clean Air Act (CAA) and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met. Based upon the information provided there does not appear to be a significant Air Quality impact.

The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required:

1. District Regulation VIII - Fugitive Dust Rules is a series of rules designed to reduce PM-10 emissions generated by human activity, including construction, road building, bulk materials storage, landfill operations, etc. Please be advised that on August 19, 2004, the District’s Governing Board adopted amendments to Regulation VIII (specifically, Rules 8011 through 8061), which became effective on October 1, 2004. The applicant should contact the District to determine where requirements have changed and how rule changes may affect the project. Applicants can find the most current version on the District’s web page at www.valleyair.org.

2. District Rule 4103 – Open Burning Rule Section 5.5.5 prohibits the burning of orchard waste generated as a result of land use conversion to non-agricultural purposes.

David L. Crow  
Executive Director/Air Pollution Control Officer
The District encourages innovation in measures to reduce air quality impacts. There are a number of measures that could be incorporated into this project to provide additional reductions of the overall level of emissions. (Note: Some of these measures may already exist as City/County development standards. Any measures selected should be implemented to the extent possible.) The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider.

- Construction activity mitigation measures include:
  - Require construction equipment used at the site be equipped with catalysts/particulate traps to reduce particulate and NOx emissions. These catalysts/traps require the use of ultra-low sulfur diesel fuel (15 ppm). Currently, California Air Resources Board (ARB) has verified a limited number of these devices for installation in several diesel engine families to reduce particulate emissions. At the time bids are made, have the contractors show that the construction equipment used is equipped with particulate filters and/or catalysts or prove why it is infeasible.
  - Use alternative fuel construction equipment.
  - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via portable generator set).
  - Install wind breaks on windward sides of construction areas.
  - Curtail construction during periods of high ambient pollutant concentrations. This may include ceasing construction activity during peak-hour vehicular traffic on adjacent roadways, and “Spare the Air Days,” declared by the District.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
  - Install wheel washer for all exiting trucks, or wash off all trucks and equipment leaving the site.
  - Install wind breaks at windward sides of construction areas.
  - Require that all diesel engines be shut off while on the premises (when not in use) to reduce emissions from idling.

Thank you for the opportunity to comment on this project. If you have any questions, or require further information, please call me at (661) 326-6980.

Sincerely,

Heather Ellison
Air Quality Planner

C: File
NEGATIVE DECLARATION

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

PROJECT TITLE: City of Porterville Well Systems Improvement Project

ADDRESS/LOCATION: Six locations throughout the westerly portion of Porterville, CA

PROJECT APPLICANT: City of Porterville

PROJECT DESCRIPTION: The City of Porterville proposes to test, and construct if testing proves viable, six (6) new water wells. Integration of the new wells into the municipal water system will require placement of approximately 4,410 linear feet of 12" water main at various locations new the proposed well sites. Each well site will include chlorine injection equipment and granulated activated carbon treatment facilities (if necessary) for treatment of organic chemicals. Reverse osmosis or ionic exchange facilities for treatment of inorganic chemicals may be employed at any of the proposed well sites if necessary.

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 November 9, 2004, the Environmental Coordinator 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: November 9, 2004

Bradley D. Dunlap, AICP, Environmental Coordinator

ATTACHMENT
ITEM NO. 3
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION FOR THE CITY OF PORTERVILLE WELL SYSTEM IMPROVEMENTS PROJECT

WHEREAS: On October 5, 2004, the City of Porterville circulated an Initial Study and Notice of Intent to Adopt a Negative Declaration; and

WHEREAS: Comments regarding the project were received from two agencies, prior to the close of the public comment period; and

WHEREAS: Following the close of the public comment period for the proposed project, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the project; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 21, 2004 considered the potential environmental impact of the proposed City of Porterville Well System Improvements 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 in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study with studies, 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 the City of Porterville Well System Improvements Project was transmitted to the State Clearinghouse and interested agencies, groups and individuals for review and comment. The review period ran for thirty (30) days from October 8, 2004 to November 8, 2004.
5. That two agencies, the Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District provided comments with regard to the project. The San Joaquin Valley Air Pollution Control Board noted the requirement to comply with District Regulation VIII (construction management to reduce fugitive dust). The Regional Water Quality Control Board noted the requirement to comply with the Water Quality Control Plan for the Tulare Lake Basin. In relevant part, this Plan states that the electrical conductivity (EC) of wastewater discharged in the Basin shall not exceed the average EC of the source water plus 500 micro-ohms per cm.

The City of Porterville will comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District. If nitrate is to be removed from drinking water as a component of this project, consideration will be given to means which do not increase the quantity of salt ions throughout the City. In any case, the City of Porterville will comply with the performance standards of the Water Quality Control Plan for the Tulare Lake Basin.

6. That review of the environmental circumstances regarding the project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

There are elderberry bushes in the vicinity of project site(s). The elderberry bush is the sole habitat of the Valley Elderberry Longhorn Beetle, a federally listed, Threatened species. The subject project has been designed to avoid harm to the elderberry bushes through compliance with the setback and construction management requirements of the U.S. Fish and Wildlife Service.

7. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

8. That implementation of 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.

9. That the environmental assessment and analysis prepared for the 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 prepared for the City of Porterville Well System Improvements Project.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
    Patrice Hildreth, Deputy City Clerk
**Porterville Mitigation Monitoring Report**  
**Well System Improvements Project**

<table>
<thead>
<tr>
<th>Impact #</th>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>I c)</td>
<td>Construction and land disturbance will result in a degraded visual character.</td>
<td>At the time of development, the proposed well facilities will be fenced and/or landscaped in situations where surrounding conditions warrant. Visual impact to surrounding properties will, therefore, be mitigated to a level of insignificance.</td>
<td>City</td>
</tr>
<tr>
<td>III a)</td>
<td>Construction as proposed has the potential to release fugitive dust (PM10).</td>
<td>Construction shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District.</td>
<td></td>
</tr>
<tr>
<td>IV a)</td>
<td>Surveys completed by a Quad Knopf biologist identified elderberry shrubs, which serve as potential habitat for the valley elderberry longhorn beetle, adjacent to 3 of the proposed well sites or the tie-in pipelines. These sites are identified as #1, #4, and #5 in Figure 2 of the Initial Study.</td>
<td>Actual placement of the well facility and necessary water mains to connect to the system will be in compliance with the U.S. Fish and Wildlife Service setback requirements. The United States Fish and Wildlife Service (USFWS) considers that complete avoidance may be assumed when a 100-foot (or wider) buffer zone is established and maintained around all elderberry plants containing stems measuring one-inch or greater in diameter at ground level. In certain</td>
<td>City</td>
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<tr>
<td>Impact #</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Responsibility</td>
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<tr>
<td>V b), c), d)</td>
<td>Studies indicate that there are no recorded archaeological sites in the project area, however, the possibility exists that during construction an undetected resource may be unearthed.</td>
<td>In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified</td>
<td>City</td>
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</table>

instances the USFWS may approve encroachment on the 100-foot buffer zone, provided a minimum setback of at least 20 feet from the dripline of each elderberry plant can be maintained. The City's intent is to avoid construction activities within 100 feet of the dripline of elderberries whenever possible, and a minimum of 20 feet from the dripline in all circumstances. Fencing or flagging will be placed to avoid impacts. No heavy equipment or construction activities will be allowed in these setback areas. Additionally, before construction begins, a qualified biologist will train City staff and construction crews on how to avoid elderberry shrubs, and why protection of the shrubs as habitat is required.
<table>
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<tr>
<th>Impact #</th>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>VIII a)</td>
<td>Some means of removing nitrate from drinking water require the use of salt brines. When such methods are used, there is the potential to exceed State standards with regard to the addition of salt ions to water discharge.</td>
<td>The City of Porterville shall consider methods of nitrate removal which do not increase salt ion content, and in any case shall comply with the Water Quality Control Plan for the Tulare Lake Basin.</td>
<td>City</td>
</tr>
<tr>
<td>XI a), d)</td>
<td>With the exception of drilling and constructing the proposed well facilities, there will be minimal noise created from well operation.</td>
<td>Construction noise will be mitigated by scheduling activities during daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday), and use of equipment mufflers.</td>
<td>City</td>
</tr>
</tbody>
</table>
SUBJECT: INTERPRETATION OF AMBIGUITY – DAY CARES IN PO
(PROFESSIONAL OFFICE) ZONES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Project Review Committee recently considered a proposal for a pre-
school to be constructed in the PO (Professional Office) Zone on the south
side of Henderson Avenue, east of G Street. In determining the
appropriate level of review for the project, Staff uncovered an apparent
inconsistency or ambiguity in the Zoning Ordinance. Section 2600.A of
the Zoning Ordinance gives the City Council the authority to resolve
ambiguities. The issue to be resolved is whether the Zoning Ordinance
requires a Conditional Use Permit for a pre-school in the PO Zone.

Private schools are permitted in Residential Zones subject to the approval
of a Conditional Use Permit. In the PO Zone, public and private schools,
including music; dancing and trade schools are permitted without a
Conditional Use Permit. However, the Zoning Ordinance contains two
separate definitions of a school. Article 33, defines “Private School” as
“an institution conducting regular academic instruction at a kindergarten,
elementary, secondary, or college levels, which is operated by a
nongovernmental organization.” This would seem to exclude nursery
schools entirely. However, Article 29, which more specifically applies to
special uses and Conditional Use Permits, defines a school as “any public
or private educational facility including, but not limited to nursery schools,
preschools, kindergartens, elementary schools …”

It is Staff’s position that any private school, including a nursery school,
requires site specific and project specific review to ensure that appropriate
development can occur. School designs must be sensitive to surrounding
land uses and architecture, must accommodate student pick-up/drop off
areas and outdoor recreation areas, and may require special conditions for
traffic management at the peak hours of operation. These site specific
considerations are best achieved through the use of the Conditional Use
Permit process. As the Zoning Ordinance is ambiguous, Staff
recommends that the City Council find that a Pre-school or Nursery
School is required to secure a Conditional Use Permit.

Furthermore, Staff recommends that the City Council direct that the matter
be brought back at a later date with a Zoning Ordinance Amendment to
explicitly require a Conditional Use Permit for all private schools,
including nursery schools and pre-schools, regardless of the Zone.

DD_____ Appropriated/Funded_____ CM_____ Item No. 9
RECOMMENDATION: That the City Council:

1) Determine that the Zoning Ordinance requires a Conditional Use Permit for development of a nursery school or preschool in the PO (Professional Office) Zone.

2) Direct Staff to prepare a Zoning Ordinance Amendment for consideration by the City Council to explicitly require a Conditional Use Permit for the development of a private school for any age group and within any zone.
CITY COUNCIL AGENDA

December 7, 2004

SUBJECT: Request to Appoint Members to General Plan Advisory Committee

SOURCE: CITY MANAGER

Mayor Martinez was not able to participate in the appointment of members to the General Plan Advisory Committee. He, therefore, submits for the Council’s consideration the following nominees:

- Mr. Rick McIntire
- Mr. Jeff Keele

At this time, the City Council has designated 15 people for the General Plan Advisory Committee. By adding the two additional members, the Committee would increase from 15 to 17.

RECOMMENDATION: Increase the size of the General Plan Advisory Committee from 15 members to 17 members by adding Mr. Rick McIntire and Mr. Jeff Keele to its membership.
COUNCIL AGENDA: DECEMBER 21, 2004

SUBJECT: RESOLUTION APPROVING BICYCLE LANE & ROUTE PLAN AND APPROVING GRANT APPLICATION TO TCAG.

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 7, 2004, Council approved the Bicycle Lane & Route Plan proposed by City staff. At the same meeting, City Council directed staff to prepare a Bicycle Transportation Account (BTA) grant application to fund the street improvements identified in the approved plan. Staff has completed the BTA application and is ready to submit the application to TCAG.

A resolution affirming Council’s approval of the Bicycle Lane & Route Plan must be included as part of the application. A copy of the proposed plan, with minor modifications, is attached for Council’s review. Minor modifications now include “A” Street from Locust Avenue to Walnut Avenue, Locust Avenue from Wallace Street to Orange Avenue, and deletes Wallace Street from the Neighborhood Community Center (NCC) to Walnut Avenue.

A field review by staff revealed that “A” Street is wide enough to accommodate a bike lane while Wallace Street has some constrictions at mid block that would prohibit a bicycle lane.

RECOMMENDATION: That City Council:

1. Approve the attached Bicycle Lane & Route Plan;

2. Approve the attached resolution affirming the Bicycle Lane & Route Plan; and

3. Direct staff to submit the BTA application and approved bicycle plan to TCAG for funding consideration.

ATTACHMENTS: Resolution
Bicycle Lane & Route Plan

Y:\Engineering\Council Items\Bicycle Lane & Route Plan.wpd

[Signature] Appropriated/Funded CM

Item No. 11
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF AN ALLOCATION OF FUNDS, AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, FOR A MATCHING GRANT FOR BICYCLE TRANSPORTATION ACCOUNT

WHEREAS, the City of Porterville is submitting an application for Bicycle Transportation Account Grant with the California Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville, State of California, does hereby:

1. Approve and accept the Bicycle Lane / Bicycle Route Plan attached as Exhibit 'A';

2. Authorize filing the application for a Bicycle Transportation Account Grant.

3. Authorize accepting the allocation of funds for the project.

4. Authorize execution of the Grant Agreement; and

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby authorize the Mayor of the City of Porterville, to sign any documents required to apply for and accept these subject funds on behalf of the City of Porterville.

Dated this 21st day of December, 2004

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Deputy City Clerk
NOVEMBER, 2004 CITY STAFF PLAN

<table>
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<tr>
<th>Type</th>
<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>68,137 Feet (12.9 Miles)</td>
<td>68,137 Feet</td>
<td>$133.62 Per Foot</td>
<td>$9,104,466</td>
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<td>Class II Bike Lane</td>
<td>17,014 Feet (3.2 Miles)</td>
<td>35,028 Feet</td>
<td>$1.50  Per Foot</td>
<td>$51,042</td>
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<td>Class III Bike Route</td>
<td>7,288 Feet (1.4 Miles)</td>
<td>14,576 Feet</td>
<td>$0.075 Per Foot</td>
<td>$1,093</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>92,439 Feet (17.5 Miles)</strong></td>
<td><strong>117,741 Feet</strong></td>
<td><strong>$9,158,601</strong></td>
<td></td>
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</table>
SUBJECT: CHRISTMAS TREE RECYCLING

SOURCE: Public Works Department - Field Services Division

COMMENT: For the fourteenth year, the City of Porterville is sponsoring a Christmas Tree Recycling program. This program provides City residents a convenient method to recycle discarded trees free of charge. Since its inception in 1991, this program has diverted more than 180 tons of material, which is equivalent to approximately 20,000 trees.

This year's event will run from Sunday, December 26 through Sunday, January 2, and will again be held at the south parking lot of the Porterville Fairgrounds. Hours of operation will be 3:00 pm to 7:00 pm from Sunday, December 26 through Friday, December 31. In addition, trees will be accepted from 8:00 am to 4:00 pm on both Saturday, January 1 and Sunday January 2.

To complement the City's program, the Society of American Foresters will again be offering tree pick-up service. For a small donation to their Arbor Day Fund, members of the Society will pick-up Christmas trees and deliver them to the City's recycling event.

RECOMMENDATION: Informational item only.
SUBJECT: UPDATE ON JOINT POWERS AGREEMENT FOR AUTOMATIC AID FIRE PROTECTION AND RESCUE CALLS

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT:
At the Council meeting of May 4, 2004, Council authorized the City of Porterville to enter into an Automatic Aid agreement with the County of Tulare. This agreement was intended to reduce response times for both agencies and comply with Federal regulations on manpower (2-in / 2-out). This agreement also directed staff to strictly monitor the impacts of the program and enact a 30-day cancellation clause if the agreement proved not to be in the City’s best interest. To date, the City has benefitted from the agreement; whereas, the County responds into the City on a 2:1 ratio.

At the Board of Supervisors meeting on November 30, Supervisors considered closing several County fire stations which would have nullified this agreement. Supervisors voted to maintain their current level of service until June 30, 2005.

Staff received a letter from Tulare County Fire Chief Dave Hillman, dated November 17, 2004, indicating the County’s decision to remove all full-time fire fighters from Station 19 (West Olive) on November 29, 2004 and Station 20 (Doyle Colony) on January 3, 2005.

On November 23, 2004, staff sent a letter to Chief Hillman indicating the City’s intent to exercise the 30-day cancellation clause. However, with the above action by the Board of Supervisors the automatic aid agreement will continue until June 30, 2005.

On December 1, 2004 staff met with Chief Hillman and Chief Gregory to start a dialog on issues relevant to fire protection in and around the City of Porterville. One issue was the development of a County-wide fire authority for Paid-Call-Firefighters. It should be noted that the County has not scheduled the recommended “fire summit” to develop strategies for all the fire protection needs within Tulare County.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1- Letter from Chief Hillman
2- Letter from Chief Guyton
3- Letter from Chief Gregory

Item No. 13
November 17, 2004

Frank Guyton, Chief
Porterville City Fire Department
40 W. Cleveland
Porterville CA,

Chief Guyton: Frank

Thanks for meeting with me recently regarding the impact of the County Fire Budget. I appreciate your continued support, especially in these challenging times.

Unless the situation changes dramatically, the plan is to unstaff TCFD Station #19 (West Olive) on Monday, November 29, 2004. In addition, we will be unstaffing Stations #9 (Visalia), #25 (Tulare), #3 (Dinuba), and #29 (Alpaugh), on this same date. I also expect that we will be unstaffing Station #20 (Doyle Colony) on or around January 3, 2005.

My initial plan is to leave the mobile equipment in their respective locations. This means that Station #19 will have a Water Tender, Type II Engine and a Light Engine and Station #20 will have the same. They will be operated by Paid Call Firefighters as they are available and we will be accelerating our training plan in order to certify more Driver/Operators throughout the county, especially at Stations #19 & #20.

As we discussed, I want the Tulare County Fire Department to continue to support the City of Porterville as best we can, just as you have done for us. We will honor any request for assistance with what ever equipment and personnel we have available.

As you might suspect, this transition does not come easily and is subject to modifications. When the dust settles and I have a clearer picture of the financial parameters within which I have to operate, we may make some adjustments to our plan.

Thank you again for you support. I take pride in the relationship our departments have developed and the great working relationships our firefighters have in times of emergency.

I will keep you informed as things develop.

Sincerely,

David Hillman, Chief
November 23, 2004

Chief Dave Hillman
Tulare County Fire Department
1968 S Lovers Lane
Visalia, CA 93292

Dear Chief Hillman,

Re: Cancellation of Automatic Aid Agreement

At the Board of Supervisors meeting of September 14, 2004, the Board adopted a budget which is $1.8 million below the funding level needed to maintain current staffing levels. One strategy proposed to reduce the County Fire Department’s expenses is to remove all full-time staff from various county fire stations. As two of the stations identified, Stations 19 and 20, serve the unincorporated areas surrounding the City of Porterville, the City is concerned about the potential impact to our fire protection system.

The City of Porterville and the County of Tulare have an Automatic Aid agreement for fire protection and rescue services within the urban development boundary of the City. This agreement was developed to help each organization comply with the Federal OSHA mandates of 2-in/2-out. This agreement, which was adopted by the Porterville City Council on May 4, 2004, directs staff to monitor the program and exercise a 30-day cancellation clause should, if in staffs judgment, the program does not prove to be a benefit to the City. The City of Porterville received your letter dated November 17, 2004 indicating the County’s decision to remove all full time staff from Stations 19 and 20. This reorganization will make the provisions of the Automatic Aid agreement unattainable. Therefore, I am giving official notification of the City of Porterville’s desire to exercise the 30-day cancellation clause.

The City is aware of the financial constraints under which the county operates. The City of Porterville is under great financial constraints as well. As the County of Tulare considers its fire protection options, the City is committed to the continuation of our current Mutual Aid agreement and is interested in participating in any negotiations and analyses of a “Fire Protection System,” which would be mutually beneficial to the County of Tulare and the City of Porterville.

The Porterville City Council will consider the cancellation of the Automatic Aid Agreement at the City Council meeting on December 7, 2004. If the Council ratifies staffs recommendation, the agreement will expire on December 23, 2004.

Sincerely,

Frank Guyton, Fire Chief
City of Porterville

cc: John Longley, City Manager
Mayor and City Council Members
December 3, 2004

John Longley
City Manager
City of Porterville
291 N. Main St.
Porterville, CA 93257

Dear John,

Thank you for the opportunity to meet with you and your Fire Chief, Frank Guyton, on December 1, 2004. I appreciate your time in clarifying the City of Porterville's recent letter sent to Chief Dave Hillman canceling the Automatic Aid Agreement between the City of Porterville and the County of Tulare. I also appreciate the information that you had sent the letter prior to the Tuesday Tulare Board of Supervisor's decision to reverse their November 29 plans to remove permanent staff from the West Olive Station (#19). You were also very clear on the point that you would implement the 30 day notice of cancellation of the Automatic Aid Agreement if either the West Olive Station (#19) or the Doyle Colony Station (#20) was closed. Your intent to cancel this Automatic Aid Agreement if either station is closed also answers the question about whether the City of Porterville would be willing to pick up the County jurisdiction around the City. We appreciate your continued willingness to respond to mutual aid requests on a case by case basis.

If you have any questions that I can assist you with, please feel free to contact me. Again, thank you.

Sincerely,

Tim Turner
Southern Region Chief

by

Candace Gregory
Assistant Region Chief – Administration

mza
SUBJECT: SET STUDY SESSION FOR CONSIDERATION OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: City Manager

COMMENT: On June 4, 2002, the City Council approved the implementation of the City Council Procedural Handbook which defined processes and standards for Council and staff action. The Handbook created a consistent guide to action and expectation, which assisted in consistent and equal support to all members of the Council. On April 15, 2003, the first amendments to the Handbook were adopted reflecting modifications submitted by Council.

At this time modifications to the current City Council Procedural Handbook are needed as a result of the adoption of Ordinance No. 1646, which changed the regular meeting time of the City Council from 7:00 p.m. to 6:00 p.m. A minor change is also required in Section VIII, Conflict of Interest, A-2, due to the annual adjustment by the Fair Political Practices Commission as to the amount allowed for gifts. On November 23, 2004, a draft of the Procedural Handbook with these proposed changes was sent to the Council Members for their review.

It is proposed that a study session be held to review the City Council Procedural Handbook, in its entirety, for any additional input from the Council. In reviewing the Council’s calendar, it is recommended that the Study Session be held either February 8 or 22, 2005.

RECOMMENDATION: That Council set February 8, 2005, 6:00 p.m., as the date and time for a study session to consider modifications to the City Council Procedural Handbook.

Item No. 14
PUBLIC HEARING

SUBJECT:   EL DORADO ESTATES TENTATIVE SUBDIVISION MAP (MARK ELROD/DEL VALLE HOMES)

SOURCE:   COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of the El Dorado Estates Tentative Subdivision Map to divide a 38.04± acre vacant parcel zoned City R-1 (One-Family Zone) into a 180 lot single family residential subdivision to be developed in one (1) phase for that site located on the east side of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

The average size of the lots consist of 6,000 square feet. Ingress and egress from the north portion of the subject site will be from two (2) streets intersecting Putnam Avenue which is fully developed to the west of the site, and is designed as a Local Street. Ingress and egress from the south portion of the subject site will be from one (1) street intersecting Olive Avenue, a designated Collector Street.

On November 22, 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 24, 2004 to December 14, 2004. As of this date, one letter has been received in regards to the Initial Study and proposed Mitigation Measures. The Porterville Unified School District submitted comments on December 1, 2004, requesting that the palm trees located on the proposed lots (1-15) on the west side of the subdivision be allowed to remain.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for El Dorado Estates Tentative Subdivision Map; and

(2) Adopt the draft resolution approving El Dorado Estates Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM _____ ITEM NO. 15
PUBLIC HEARING - STAFF REPORT

TITLE: EL DORADO ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Mark Elrod\Del Valle Homes
           7147 K Street
           Tulare, CA 93274

AGENT: Daryl Jordan
       Sierra del Pacifico Engineering
       Atwater, CA 95301

PROJECT LOCATION: The east side of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of the El Dorado Estates Tentative Subdivision Map to divide a 38.04± acre vacant parcel zoned City R-1 (One-Family Zone) into a 180 lot single family residential subdivision to be developed in one (1) phase.

PROJECT DETAILS: The vacant site is primarily square in shape. The south portion of the site fronts on Olive Avenue. The remaining portion of the site extends up a gently sloping hill with an average grade of 6%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986, indicates the lots fronting on Olive Avenue and those lots located on the southeast corner of the subject site are located in Flood Zone AO (areas of 100-year flood; base flood elevations and flood hazard factors not determined). The remaining portion of the subdivision is located in Flood Zone C (areas of minimal flooding).

All the interior streets within the proposed subdivision are designed to be 60 feet wide, with the exception of one (1) cul-de-sac street which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from two (2) streets intersecting Putnam Avenue which is fully developed to the west of the site, and is designed as a Local Street. Ingress and egress from the south portion of the subject site will be from one (1) street intersecting Olive Avenue, a designated Collector Street.

GENERAL PLAN DESIGNATION: Low Density Residential.
SURROUNDING ZONING LAND USE:

North: City - Hillside, grazing land and Rocky Hill (1,200 - 1,500 feet in elevation).
South: City - Olive Avenue and County rural residential uses.
East: City - Hillside and grazing land.
West: City - Granite Hills High School

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 24, 2004 to December 14, 2004. As of this date, the only agency that responded was from the Porterville Unified School District.

San Joaquin Unified Air Pollution District  No response
Resources Management Agency- Long Range Planning  No response
Resources Management Agency- Engineering/Flood/Traffic Division  No response
Tulare County Health and Human Services Agency  No response
Department of Fish and Game  No response
California Regional Water Quality Control Board  No response
Tulare County Association of Government  No response
District Archaeologist  No response
Charter Communications  No response
Southern CA Edison  No response
Postmaster  No response
Pacific Bell  No response
Southern CA Gas  No response
Porterville Unified School District  December 1, 2004
Alta Vista Elementary School  No response
Tulare County Farm Bureau  No response

The Subdivision Review Committee, on December 8, 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 will be 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 38.04± acre vacant parcel zoned City R-1 (One-Family Zone) into an 180 lot single family residential subdivision to be developed in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.
Portions of the site are within the 100 year flood zone. The Base Flood Elevation for this area has not been determined. The developer/applicant has begun the process of amending the FEMA maps to either (1) remove the subject site from Food Zone A; or (2) define a base flood elevation. This process will be completed prior to the approval of grading plans, improvement plans or building permits. Appropriate conditions of approval are proposed to ensure that development is appropriate for anticipated flood flows.

The subject site is located within the Alta Vista Elementary School District which operates a single elementary school campus. This project would be the first significant new development in the school district for a number of years. City staff has met with the superintendent of the Alta Vista School District to discuss the District’s options and intent with regard to new development. The elementary school is currently operating at its maximum capacity. Plans for a three (3) classroom addition are currently under review by State agencies. There is also room on the existing campus to accommodate modular units on an emergency basis. As growth in the vicinity continues, the district will need to explore the development of a second campus. District staff have begun the process of securing funding and considering beneficial locations for a new school.

Staff has reviewed the request from the Porterville Unified School District to retain the palm trees located on the proposed lots (1-15) on the west side of the subdivision. A comprehensive discussion of this issue is attached. Upon review, Staff is recommending that the City Council permit the developer to remove the palm trees but to encourage continued discussion between the developer and the Porterville Unified School District to seek a mutually beneficial arrangement.

After further review (see attached staff response), it was determined that the removal of the palm trees will not cause an environmental impact to the proposed project.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: On November 22, 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: December 8, 2004

DATE ACCEPTED AS COMPLETE: December 8, 2004

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for El Dorado Estates Tentative Subdivision Map; and

(2) Adopt the draft resolution approving El Dorado Estates Tentative Subdivision Map.

ATTACHMENTS:

1. El Dorado Estates Tentative Subdivision Map
2. Letter from the Porterville Unified School District
3. Staff response to Porterville Unified School District comments
4. Vicinity photographs
5. Negative Declaration
6. Draft Environmental Resolution
7. Draft Resolution of Approval
December 1, 2004

Bradley D. Dunlap
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: El Dorado Estates

Dear Mr. Dunlap:

We are in receipt of the environmental checklist regarding the development of El Dorado Estates. In reviewing this document, we note that the plans include the removal of palm trees along the eastern edge of the project. As these palm trees are adjacent to Granite Hills High School, we respectfully request that consideration be given by the developer to design the project so that these palm trees are not removed.

The palm trees have been a part of the landscape in this area for many, many years and have grown to great height. They give recognition to that area and create a beautiful backdrop from the west side, including Granite Hills High School, for the view of the Sierra Nevada mountains.

We greatly appreciate any consideration the Porterville City Council and the developer will give to this matter. Should you have any questions, I may be reached at (559) 793-2450.

Sincerely,

\[Signature\]

John Snavely, Ed D
Superintendent

shen
C: Governing Board of Trustees
Correspondence – Misc
DGP – palm trees

ATTACHMENT
ITEM NO. 2
Response to Comments

Porterville Unified School District - Addressed Proposed Removal of Palm Trees

As proposed, the El Dorado Estates Tentative Subdivision Map would lead to the removal of twenty-five (25) fully mature palm trees. Based on aerial photographs, Staff has verified the existence of the trees prior to 1964. Aerial photographs from 1947 are inconclusive but may show the trees at that time, as well.

The palm trees form the easterly set of a double row of trees along a former driveway leading from Olive Avenue to Putnam Avenue. The current property line divides the rows with the westerly set on the adjacent Granite Hills High School property and the easterly set on the subject site. At some time prior to April, 2000, five of the trees from the westerly row were removed. The trees on the subject site are forty to fifty feet apart and are between twenty and thirty-five feet west of the westerly property line. The lots along the westerly property line are oriented to face east onto an internal subdivision street. As currently designed, there are one or two palm trees in the rear of 13 of the fifteen lots along the westerly edge of the subject site with one lot having no trees and one lot having four.

On December 1, 2004, the City of Porterville received comments from the Porterville Unified School District. The comments describe the trees as follows:

The palm trees have been a part of the landscape in this area for many, many years and have grown to great height. They give recognition to that area and create a beautiful backdrop from the west side, including Granite Hills High School, for the view of the Sierra Nevada Mountains.

The School District’s comments request consideration from both the developer and the City of Porterville to design the project so that the palm trees are not removed.

Staff have reviewed the trees and the School District’s request to preserve them from an aesthetic and historic perspective, as well as the potential impact to the development of the proposed subdivision.

The double row of palm trees do indeed provide a handsome foreground for views of the foothills and mountains and are an attractive feature on their own merits. This visual appeal would be reduced, but not eliminated by the removal of one of the two rows of trees. The CEQA Initial Study prepared by Staff does not identify the location as a scenic vista and does not identify the removal of the trees as a “demonstrable negative aesthetic effect.” The City of Porterville has not designated palm trees as “heritage trees” and has not adopted an ordinance or policy requiring their preservation. Photographs of the trees, in context, as well as an aerial photograph are attached.
There is a two step process for evaluating potential historical impacts. The first step is to determine whether the resource to be evaluated is "historical." If so, the second step is to determine whether a project would cause a "substantial adverse change" in the significance of the resource. Generally speaking, a resource must be at least fifty years old to have any potential to be determined to be historical in nature. Staff has verified that the rows of trees are at least forty years old and may be substantially older than that.

State law identifies four methods whereby a resource can be determined to be "historical." The first is that the resource is listed, or is eligible to be listed, in the National Register of Historic Places or the California Register of Historic Places. The palm trees are not listed in the National or California Registers. A resource is eligible for placement on the California Register if any of the following are true: 1) The resource is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; 2) The resource is associated with the lives of persons important in our past; 3) The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or 4) The resource has yielded, or may be likely to yield, information important in prehistory or history. No evidence has been presented to indicate that any of these four tests has been met for the rows of palm trees.

The second test for determining that a resource is "historical" is that the resource is listed in a local register of historic places. The rows of palms are not identified in the City of Porterville’s inventory of historic resources. The third test is that the resource was identified in an historic resource survey which meets several tests. No such survey has been conducted. The fourth and final test to determine whether a resource is "historical" is by discretionary determination by the lead agency (the City Council). The CEQA Guidelines offer the following criteria to apply to this local determination:

*Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.*

No evidence to support the qualification of the site under these criteria has been submitted. If it is determined that the trees do qualify as an historic resource, the second step in evaluation is to determine whether the project would cause a substantial adverse change in the significance of the resource. Such changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surrounding such that the significance of an historical resource would be materially impaired. It seems clear that removal of one of the two rows of trees would meet this test.
Staff has also considered the potential impact of preservation of the trees on development of the subject site. The greatest challenge to preservation appears to be the location of the trees on the affected lots. As designed, the lots along the westerly edge of the subdivision are 105 feet deep, facing west along an internal subdivision street. Diagrams of two representative lots have been attached to show the relationships of the trees to side and rear property lines, as well as the potential impact to the developable portion of the lots. The trees are located between twenty and thirty-five feet east of the property lines. Preservation of the trees would require grading to be sensitive to the trees to protect their health. As the trees are not located along the property line, they would be preserved in a typically actively used portion of the rear yard of the houses to be developed. Preservation may require alteration of building and site and may prevent the installation of patios and pools. Furthermore, palm trees have invasive roots which may present a risk to foundations, patios, pools, accessory buildings etc.

The subdivision design is only moderately flexible to account for preservation of the easterly row of palm trees. The simplest amendment would be to increase the depth of the lots along the westerly property line by ten feet while reducing the depth of the lots along the easterly property line by ten feet. This would allow houses on the lots with palm trees to be placed ten feet farther from palm trees which would help to preserve the ability to construct patios. However, the trees would continue to be centered within the usable portion of the rear yards. Other design changes are possible, including the re-alignment of parcels adjacent to the Granite Hills High School to face west, placing the trees within front yards rather than rear yards. The current design is quite efficient at 4.7 units per acre, meaning that any substantial re-design is likely to reduce the number of lots.

Staff recommends that the City Council find that there is insufficient evidence to support a determination that the project would have a significant effect on either aesthetic or historic resources. On that basis, no mitigation measures and no conditions of approval to require the preservation of the trees would be adopted. The City Council could encourage the developer and the Porterville Unified School District to meet cooperatively to discuss whether a mutually beneficial agreement can be reached.
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Mark Elrod/ Del Valle Homes
7147 K Street
Tulare CA 93274

PROJECT TITLE: El Dorado Tentative Subdivision Map

ADDRESS/LOCATION: East side of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

PROJECT APPLICANT: Mark Elrod/ Del Valle Homes

PROJECT DESCRIPTION: The Tentative Subdivision Map for El Dorado proposes to divide a 38.04 ± acre vacant parcel zoned City R-1 (One Family Residential) Zone into 180 single family residential lots in one (1) phase.

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

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, ____ were not made a condition of the approval of the project.

On November 22, 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: November 22, 2004
Approved:

Bradley D. Dunlap, Environmental Coordinator

Word A Negdec El Dorado

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 EL DORADO ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 38.04± ACRE VACANT SITE LOCATED ON THE SOUTH SIDE OF THE SOUTHERLY PROLONGATION OF TULSA STREET BETWEEN OLIVE AVENUE AND THE EASTERLY PROLONGATION OF PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 21, 2004, conducted a public hearing to consider approval of El Dorado Estates Tentative Subdivision Map, being a division of a 38.04± acre vacant parcel zoned City R-1 (One-Family Zone) into an 180 lot single family residential subdivision to be developed in one (1) phase; and

WHEREAS: On November 22, 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 Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from November 24, 2004, to December 14, 2004. At the end of that period, the only agency that responded was from the Porterville Unified School District on December 1, 2004.

3. 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.

4. That the City Council is the decision-making body for the project.

ATTACHMENT
ITEM NO. 6
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 45 in the proposed resolution of approval for El Dorado Estates Tentative Subdivision Map.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.

The subject site was surveyed for the presence of rare and endangered species by Robert B. Hansen, Consulting Biologist, in the spring of 1988 (Porterville Urban Area Biotic Survey, August 1988) incorporated herein appended to the Mitigation Monitoring Program Attachment A of the draft environmental resolution. As shown by the attached Map 3, no rare or endangered species were discovered within the subject area. However, as shown by attached Map 5, the easterly portion is designated as Grassland.

Additionally, a cultural resource assessment was conducted by Ms. Gay Weinberger, an Archaeological Consultant in June of 1990 for adjacent property of a previous proposed subdivision (Tray Ranch now expired) located to the north of the subject site. Although the results of this survey indicated archaeological mortars and rock art located to the north and northeast of the subject site, a Phase 1 Cultural Resource Survey, conducted in July of 1997 for the area to the north of the proposed subdivision indicated that such resources were not apparent on the subject site (see Map 2 and Survey by Hudlow) incorporated herein appended to the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

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 El Dorado Tentative Subdivision Map as described herein.

________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
    Patrice Hildreth, 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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<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>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
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<tr>
<td>Water 4.a</td>
<td>Mitigation measures include the enforcement of a site development plan or the development related conditions of approval requiring erosion control plans and the conservation of vegetation, with soil disturbance to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Additional mitigation will require compliance with Federal, State and local regulation 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). Drainage calculations shall account for the steep slope proposes, as well as the capture of all uphill storm water. Storm drains and basins shall be sized to accommodate for all anticipated drainage. Prior to the approval of grading plans, improvement plans, final map, or building permits on the subject site, the developer/applicant shall secure the appropriate F.E.M.A. map revisions to designate a Base Flood Elevation, or to remove the subject site from the 100 year Flood Zone.</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards)</td>
<td>City of Porterville</td>
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<td>Air Quality</td>
<td>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. 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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<tr>
<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>
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<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>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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<td>Air Quality 5.a</td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<td><strong>Air Quality</strong></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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<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>
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<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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<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>
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<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<td>Air Quality 5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td>Utilities and Service Systems 12.e Storm water drainage.</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 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>The City of Porterville and the affected utility companies.</td>
<td>The City of Porterville and the affected utility companies.</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<tr>
<td>Aesthetics 13.c</td>
<td>Create light and glare.</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>
A
PHASE I CULTURAL RESOURCE SURVEY
FOR THE DAVICK DEVELOPMENT COMPANY,
CITY OF PORTERVILLE, CALIFORNIA

PREPARED FOR
DAVICK DEVELOPMENT COMPANY

PREPARED BY
HULDLOW CULTURAL RESOURCE ASSOCIATES

JULY 1997
A PHASE I CULTURAL RESOURCE SURVEY
FOR THE DAVICK DEVELOPMENT COMPANY,
CITY OF PORTERVILLE, CALIFORNIA

Submitted to:
Jim Choate
Davick Development Company
870 W. Henderson Avenue
Porterville, California 93527

Keywords:
Success Dam 7.5' Quadrangle, City of Porterville,
California Environmental Quality Act

Submitted by:
Hudlow Cultural Resource Associates
6312 Castlepoint Street
Bakersfield, California 93313

Author:
Scott M. Hudlow

July 1997
Management Summary

At the request of the Davick Development Company, a Phase I Cultural Resource Survey was conducted at an approximate 26.00 acre site for a proposed residential development. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the 26.00 acre site and a cultural resource record search. No cultural resources were identified, no further work is required. If cultural resources are encountered during the further course of construction, a qualified archaeologist should be consulted for further evaluation.
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1.0 Introduction

At the request of the Davick Development Company, Hudlow Cultural Resource Associates conducted a Phase I Cultural Resource Survey at an approximate 26.0 acre site for a proposed large lot residential development. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the project area and a cultural resource record search.

2.0 Survey Location

The survey area is in the City of Porterville, Section 29, T.21S., R.28E., Mount Diablo Baseline and Meridian, as displayed on the United States Geological Survey (USGS) Success Dam 7.5-minute quadrangle map (Figure 1). The survey area is in a semi-rural area of the City of Porterville, north of the site for the new high school on Olive Avenue. The survey area consists of:

- the SE 1/4 of the SE 1/4 of the SW 1/4 of the NW 1/4;
- the SE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4; the SW 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4;
- the SE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4; the SW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4;
- the E 1/2 of the NE 1/4 of the SW 1/4;
- the NE 1/4 of the SW 1/4 of the NE 1/4 of the SW 1/4; the SE 1/4 of the SW 1/4 of the NE 1/4 of the SW 1/4;
- the NW 1/4 of the NW 1/4 of the NE 1/4 of the SW 1/4; the SW 1/4 of the NW 1/4 of the NE 1/4 of the SW 1/4; and the SE 1/4 of the NW 1/4 of the NE 1/4 of the SW 1/4.

3.0 Records Search

A record search of the survey area and the environs within 1 mile was conducted at the Southern San Joaquin Archaeological Information Center. Scott M. Hudlow performed the record search on July 1, 1997, AIC# 97-161. The record search revealed that two surveys have been conducted within a mile radius of the project area (Williams 1975; Weinberger 1990). Five archaeological sites within a one mile radius have been recorded. Each of the five sites is a prehistoric site; each site includes a bedrock mortar complex and three have rock art components.
4.0 Environmental Background

The survey area is located at elevations between 550 to 820 feet above mean sea level in the Great Central Valley, which is composed of two valleys—the Sacramento Valley and the San Joaquin Valley. The survey area is located north of the Tule River in the San Joaquin Valley at the base of the foothills which rise into the Sierra Nevada Mountains.

The survey area is devoid of native vegetation; it has been replanted with horticultural and agricultural plants and is additionally covered with weeds. Manzanita (Arctostaphylos manzanita), washington palm (Washingtonia robusta), chinese pistache (Pistacia chinensis), watermelon (Cucurbitaceae sp.), oleander (Nerium oleander), tree yucca (Yucca sp.), century plant (Agave americana), eucalyptus (Eucalyptus dalyropleana), prickly pear (Opuntia phaeacantha) and wheat or barley are present. The survey area also contains weeds such as wild oats (Avena fatua), prickly lettuce (Lactuca serriola), chesseweed (Malva parviflora), bull thistle (Cirsium vulgare), brome (Bromus sp.), turkey mullein or dove weed (Eremocarpus satigerus), common milkweed (Asclepias syriaca), and black mustard (Brassica nigra).

5.0 Prehistoric Archaeological Context

Limited amounts of archaeological research has been conducted in the southern San Joaquin Valley. Thus, consensus on a generally agreed upon regional cultural chronology has yet to be developed. Most cultural sequences can be summarized into several distinct time periods: Early, Middle, and Late. Sequences differ in their inclusion of various "horizons," "technologies," or "stages." An excellent prehistoric archaeological summary of the southern San Joaquin Valley is available in Moratto’s California Archaeology (Moratto 1984).

Despite the preoccupation with chronological issues in most of the previous research, most suggested chronological sequences are borrowed from other regions with minor modifications based on sparse local data.

The following chronology is based on Parr and Osborne’s Paleo-Indian, Proto-Archaic, Archaic, Post-Archaic periods (Parr and Osborne 1992:44-47). Most existing chronologies focus on stylistic changes of time-sensitive artifacts such as projectile points and beads rather than addressing the socioeconomic factors which produced the myriad variations. In doing so, these attempts have encountered similar difficulties. These cultural changes are implied as environmentally determined, rather than economically driven.

Paleo-Indians, whom roamed the region approximately 12,000 years ago, were highly mobile individuals. Their subsistence is assumed to have been primarily big game, which was more plentiful 12,000 years ago than in the late
twentieth century. However, in the Great Basin and California. Paleo people were also foragers who exploited a wide range of resources. Berries, seeds, and small game were also consumed. Their technology was portable, including manos (Parr and Osborne 1992:44). The paleo period is characterized by fluted Clovis and Folsom points, which have been identified throughout North America. The Tulare Lake region in Kings County has yielded several paleo-Indian sites, which have included fluted points, scrapers, chipped crescents, and Lake Mojave-type points (Moratto 1984:31-2).

The Proto-Archaic period, which dates from approximately 11,000 to 8,000 years ago, was characterized by a reduction in mobility and conversely an increase in sedentism. This period is classified as the Western Pluvial Lake Tradition or the Proto-Archaic, of which the San Dieguito complex is a major aspect (Moratto 1984: 90-99; Warren 1967). An archaeological site along Buena Vista Lake in southwestern Kern County displays a similar assemblage to the San Dieguito type site. Claude Warren proposes that a majority of Proto-Archaic southern California could be culturally classified as the San Dieguito Complex (Warren 1967). The Buena Vista Lake site yielded manos, millingstones, large stemmed and foliate points, a mortar, and red ochre. During this period, subsistence patterns began to change. Hunting focused on smaller game and plant collecting became more integral. Lithic technology is represented by large stemmed, lanceolate (foliate) projectile points. Millingstones become more prevalent. The increased sedentism possibly began to create regional stylistic and cultural differences not evident in the paleo period.

The Archaic period persisted in California for the next 4000 years. In 1959, Warren and McKusik proposed a three-phase chronological sequence based on a small sample of burial data for the Archaic period (Moratto 1984:189; Parr and Osborne 1992:47). It is distinguished by increased sedentism and extensive seed and plant exploitation. Millingstones, shaped through use, were abundant. Bedrock manos and metates were the most prevalent types of millingstones (Parr and Osborne 1992:45). The central valley began to develop distinct cultural variations, which can be distinguished by different regions throughout the valley, including Tulare County.

In the Post-Archaic period enormous cultural variations began manifesting themselves throughout the entire San Joaquin Valley. This period extends into the contact period in the seventeenth, eighteenth and nineteenth centuries. Sedentary village life was emblematic of the Post-Archaic period, although hunting and gathering continued as the primary subsistence strategy. Agriculture was absent in California, partially due to the dense, predictable, and easily exploitable natural resources. The ancestral Yokuts have possibly been in the valley for the last three thousand years, and by the eighteenth century were the largest pre-contact population, approximately 40,000 individuals, in California (Moratto 1984).
6.0 Ethnographic Background

The Yokuts are a Penutian-speaking, non-political cultural group. Penutian speakers inhabit the San Joaquin Valley, the Bay Area, and the Central Sierra Nevada Mountains. The Yokuts are split into three major groups, the Northern Valley Yokuts, the Southern Valley Yokuts, and the Foothill Yokuts.

The southern San Joaquin Valley in the Porterville and associated Tulare County area was home to the Yokuts tribelet, Koyeti. The tribelets averaged 350 people in size, had a special name for themselves, and spoke a dialect of Yokuts, almost identical to Yauelmani of the Bakersfield area (Kroeber 1925:482). Land was owned collectively and every group member enjoyed the right to utilize food resources. The Koyeti inhabited a strip of the San Joaquin Valley, along “a land of swampy sloughs on the lower Tule River” (Wallace 1978:449) that was known as Kiawitina that reached upstream toward Chico Flats north of Porterville (Kroeber 1925:482; Latte 1949:22). Two Koyeti villages were located along the Tule River, including Koyeti and Chokowisho or Chokowesho which was located near modern-day Porterville on the north bank of the Tule River (Kroeber 1925:482; Latte 1949:22; Swanton 1952:525; Wallace 1978:448).

Other Koyeti villages in the area include Tenalu, which is southeast of Porterville. Chetatik Nowshu lied along Deer Creek, and Trawotio is located east of the project area, along another section of Rocky Hill. The hills surrounding Porterville toward the south, east, and north also had native names. Pala Natsa is located east of the Porterville State Hospital, and Chewil Tinin, which means Cottontail’s Home is located south of Porterville (Latte 1949:22-23).

The Southern Valley Yokuts established a mixed domestic economy emphasizing fishing, hunting, fowling, and collecting shellfish, roots, and seeds. Fish were the most prevalent natural resource; fishing was a productive activity throughout the entire year. Fish were caught in many different manners, including nets, conical basket traps, catching with bare hands, shooting with bows and arrows, and stunning fish with mild floral toxins. Geese, ducks, mud hens and other waterfowl were caught in snares, long-handled nets, stuffed decoys, and brushing brush to trick the birds to fly low into waiting hunters. Mussels were gathered and steamed on beds of tule. Turtles were also consumed as were dogs, which might have been raised for consumption (Wallace 1978:449-450).

Wild seeds and roots provided a large portion of the Yokuts' diet. Tule seeds, grass seeds, fiddleneck (Amsinckia sp.), alfilaria were also consumed. Acorns, the staple crop for many California native cultures, were not common in
the San Joaquin Valley. Acorns were traded into the area, particularly from the foothills. Land mammals, such as rabbits, ground squirrels, antelope and tule elk, were not hunted often (Wallace 1978:450).

The Yokuts occupied permanent structures in permanent villages for most of the year. During the late and early summer, families left for several months to gather seeds and plant foods, shifting camp locations when changing crops. Several different types of fiber-covered structures were common in Yokuts settlements. The largest was a communal tule mat-covered, wedge-shaped structure, which could house upward of ten individuals. These structures were established in a row, with the village chief's house in the middle and his messenger's houses were located at the ends of the house row. Dance houses and assembly buildings were located outside the village living area (Nabokov and Easton 1989:301).

The Yokuts also built smaller, oval, single-family tule dwellings. These houses were covered with tall mohya stalks or with sewn tule mats. These small houses were framed by bent-pole ribs that met a ridgepole held by two crotched poles. The Yokuts also built a cone-shaped dwelling, which was framed with poles tied together with a hoop and then covered with tule or grass. These cone-shaped dwellings were large enough to contain multiple fireplaces (Nabokov and Easton 1989:301). Other structures included mat-covered granaries for storing food supplies, and a dirt-covered communally-owned sweathouse.

Clothing was minimal, men wore a breechclout or were naked. Women wore a narrow fringed apron. Rabbitskin or mud hen blankets were worn during the cold season. Moccasins were worn in certain places, however, most people went barefoot. Men wore no head coverings, but women wore basketry caps when they carried burden baskets on their heads. Hair was worn long. Women wore tattoos from the corners of the mouth to the chin; both men and women had ear and nose piercings. Bone, wood or shell ornaments were inserted into the ears and noses (Wallace 1978:450-451).

Tule dominated the Yokut's material culture. It was used for many purposes, including sleeping mats, wall coverings, cradles, and basketry. Ceramics are uncommon to Yokuts culture as is true throughout most California native cultures. Basketry was common to Yokuts culture. Yokuts made cooking containers, conical burden baskets, flat winnowing trays, seed beaters, and necked water bottles. Yokuts also manufactured wooden digging sticks, fire drills, mush stirrers, and sinew-backed bows. Knives, projectile points, and scraping tools were chipped from imported lithic materials including obsidian, chert, and chalcedony. Stone mortars and pestles were secured in trade. Cordage was manufactured from milkweed fibers, animal skins were tanned, and awls were made from bone. Marine shells, particularly olivella shells, were used
in the manufacture of money and articles of personal adornment. Shells were acquired from the Chumash along the coast (Wallace 1978:451-453).

The basic social and economic unit was the nuclear family. Lineages were organized along patrilineal lines. Fathers transmitted totems, particular to each paternal lineage, to each of his children. The totem was a bird or animal that no lineage member would kill or eat; the totems were dreamed of and prayers were given to the totems. The mother's totem was not passed to her offspring, but was treated with respect. Families sharing the same totem formed an exogamous lineage. The lineage had no formal leader nor did it own land.

The lineage was a mechanism for transmitting offices and performing ceremonial functions. The lineages formed two moieties, East and West, which consisted of several different lineages. Moieties were customarily exogamous. Children followed the paternal moiety. Certain official positions within the villages were associated with certain totems. The most important was the Eagle lineage from which the village chief was appointed. A member of the Dove lineage acted as the chief's assistant. He supervised food distribution and gave commands during ceremonies. Another hereditary position was common to the Magpie lineage, was that of spokesman or crier.

7.0 Field Procedures and Methods

On July 4, 1997, Scott M. Hudlow (for qualifications see Appendix I) conducted a pedestrian survey of the entire proposed survey area. Hudlow surveyed in east/west transects at 15-meter (49 feet) intervals across the entire parcel. Hudlow also reviewed every rock outcrop on the property for bedrock mortars and rock art—none were identified. The outcrops on the next adjacent hillside of Rocky Hill to the north are more numerous than on this small hill, which probably accounts for the lack of mortar and rock art sites. The weeds obscured view in many areas, due to their height of two to three feet.

The lot contains a mid-1960s two-story stuccoed dwelling, a storage building, a water system below the house, and graded driveways. The manzanita, prickly pear, washington palm, tree yucca, chinese pistache, oleander, century plant, and eucalyptus were all planted at this time along the driveway and at the base of the lot. The small hilltop has been graded level. The lot is basically free of modern trash, although beer bottles and aluminum cans were found on the property.

8.0 Report of Findings

No cultural resources were identified.
9.0 Management Recommendations

At the request of the Davick Development Company, a Phase I Cultural Resource Survey was conducted at an approximate 26.00 acre site for a proposed residential development. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the 26.00 acre site and a cultural resource record search. No cultural resources were identified, no further work is required. If cultural resources are encountered during the further course of construction, a qualified archaeologist should be consulted for further evaluation.

10.0 References

Kroeber, Alfred L.

Latta, Frank F.

Moratto, Michael J.

Nabokov, Peter and Robert Easton

Parr, Robert E. and Richard Osborne
1992 *Route Adoption Study for Highway 58, Kern County, California*. Report on file, Southern San Joaquin Archaeological Information Center, California State University, Bakersfield, Bakersfield, California.

Swanton, John R.

Wallace, William J.
Warren, Claude N. and M. B. McKusiak

Warren, Claude N.

Williams, Charlotte

Weinberger, Gay
1990  Cultural Resource Assessment of the Ennis-Choate Golf Course. Report on file, Southern San Joaquin Archaeological Information Center, California State University, Bakersfield, Bakersfield, California.
Scott M. Hudlow  
6312 Castlepoint Street  
Bakersfield, California 93313  
(805) 834-9183 (w)

Education

The George Washington University  
M.A. American Studies, 1993  
Specialization in Architectural History,  
American Material Culture, and Folklife

University of California, Berkeley  
B.A. History, 1987  
B.A. Anthropology, 1987  
Specialization in Colonial History  
and Historical Archaeology

Public Service

3/94- Historic Preservation Commission. City of Bakersfield, Bakersfield,  
California 93305.

7/97- Newsletter Editor. California History Action, newsletter for the California  
Council for the Promotion of History.

Relevant Work Experience

8/96- Adjutant Faculty. Bakersfield College, 1801 Panorama Drive, Bakersfield,  
California, 93305. Teach History 17A, Introduction to American History  
and Anthropology 5, Introduction to North American Indians.

11/95- Owner, Sole Proprietorship. Hudlow Cultural Resource Associates. 6312  
Castlepoint Street, Bakersfield California 93313. Operate small cultural  
resource management business. Manage contracts, respond to RFP’s,  
bill clients, manage temporary employees. Conduct Phase I architectural  
and archaeological surveys for private and public clients; including the  
survey, documentary photography, measured drawings, mapping of  
structures, filling of survey forms, historic research, assessing impact and  
writing reports. Evaluated properties in lieu of their eligibility for the  
National Register of Historic Places in association with Section 106 and  
110 requirements of the National Historic Preservation Act of 1966 and  
CEQA (California Environmental Quality Act).

Full resume available upon request.
City parks and other recreation facilities will be sufficient to accommodate the recreational needs stemming from subsequent residential development of the site. However, the following mitigation measures will ultimately be necessary to accommodate City growth in the aggregate as developments, such as the one proposed, occur.

MITIGATION:

In order to provide a park and recreation system to meet the needs of the public, the City has adopted a Parks and Recreation Element of the General Plan. The Element defines the adopted goals and policies that are currently in place and being utilized. The Element's goals are:

1. Establish a system of parks and recreation facilities sufficiently diverse in design to effectively serve the needs and desires of all the citizens of Porterville.

2. Provide park and recreation facilities within close proximity to the residents they are designed to serve.

Additionally, policy guidelines are defined in sufficient detail to ensure that future development of the subject site will be such that its impact on the quality and quantity of existing recreational opportunities will be properly addressed.
RESOLUTION NO.________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR EL
DORADO ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 38.04± ACRE
VACANT SITE LOCATED ON THE SOUTH SIDE OF THE SOUTHERLY
PROLONATION OF TULSA STREET BETWEEN OLIVE AVENUE AND THE
EASTERLY PROLONATION OF PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of December 21, 2004, conducted a public hearing to consider approval of El Dorado Estates
Tentative Subdivision Map, being a division of a 38.04± acre vacant parcel zoned City R-1 (One-
Family Zone) into an 180 lot single family residential subdivision to be developed in one (1) phase; and

WHEREAS: On November 22, 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 December 8, 2004, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the
proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
   General Plan.

   The Land Use Element of the General Plan designates the site for Low Density
   Residential development (2-7 d.u./acre). The proposed subdivision will be developed
to a density of 4.73 d.u./acre.

   All the interior streets within the proposed subdivision are designed to be 60 feet
   wide, with the exception of one (1) cul-de-sac street which will be 50 feet wide.
   Ingress and egress from the north portion of the subject site will be from two (2)
different streets intersecting Putnam Avenue which is fully developed to the west of
the site and designed as a two way Local Street. Ingress and egress from the south
portion of the subject site will be from one (1) street intersecting Olive Avenue a
designated Collector Street.
2. That the site is physically suitable for the type and density of the proposed development.

The vacant site has a square shaped design. The south portion of the site fronts on Olive Avenue. The remaining portion of the site extends up a gently sloping hill with an average grade of 6%.

The subject site contains highly expansive soils. Development in this area may be subject to significant stresses which must be addressed in design to prevent damage to public and private improvements. 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 46 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

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

The General Plan designates the site for Low Density Residential uses. The site has a developed high school located to the west and County rural residential uses to the south. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve El Dorado Tentative Subdivision Map subject to the following conditions:

1. The developer/applicant will be required to relinquish access rights to Olive Avenue for lots 31 through 46.

2. The developer/applicant shall construct a minimum six foot tall concrete block wall and provide landscape along the Olive Avenue frontage of the project. Said area to be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:

   a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

   b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:

      (1) A minimum of a 24 inch change of plane.
      (2) A minimum of an 18 inch change in height.
      (3) A section of semi-open fence, except where such a feature would interfere with required sound protection.
      (4) A change of material and/or color.

3. The developer/applicant shall provide a minimum of one tree for every lot and an additional tree for every corner lot, or payment in lieu.

4. 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 required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designed, Lots 64, 111, 146 and 152 are reverse corner lots.
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, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.


8. 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.

9. 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).

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

11. 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.

12. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any (4) Temporary on-site drainage reservoir, if any, etc.
13. 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 Reports in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of Vested Tentative Subdivision Map. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

14. 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.

15. 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.

16. 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, if applicable.

17. 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 coordinate this effort with the irrigation district and City of Porterville. The district shall specify appropriate size and material of piping and shall be in accordance with current City Standards and policies.
18. 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.).

19. 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.

20. 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.).

21. 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.

22. 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), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

23. 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.

24. 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. The developer/applicant shall install pipeline in Olive Avenue from the easterly boundary of the proposed development to the point of connection at the easterly boundary of the Granite Hills High School property. Pipe sizing shall be in accordance the City’s adopted 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. The County Reservoir designated as Drainage Reservoir No. 26 in the City's adopted Master Plan will require coordination between the developer, County of Tulare, and City of Porterville. The developer/applicant shall provide all calculations necessary to satisfy the County and the City on the enlargement of this reservoir.

25. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of storm water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
26. The street names on the final map shall be changed to the following:

- Oak Avenue to Garden Avenue
- "G Street to Oak Avenue
- Page Street to Tulsa Street
- Alta Vista Street to Rocky Hill Street
- Baxter Street changed to a name provided by the developer/applicant and approved by the City Engineer.

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

28. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

29. Cul-de-sacs shall be limited to a maximum of 600 feet. The grade must not exceed 12%. The grade at any fire hydrant must not exceed 7%.

30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

31. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

32. 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. Nearest point of connection for this proposed subdivision is Olive Avenue at the easterly boundary of Granite Hills High School.

33. 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).

34. 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.
35. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

36. The developer/applicant is hereby notified that proposed subdivision, in accordance with the Water Master Plan, lies within two water system pressure zones. Most of the development is below contour 580, which is within Rocky Hill Zone 1. This zone is currently being supplied by a booster pump system that provides 1,750 g.p.m. and has the capability of expansion. There are no lots above the 580 contour, Rocky Hill Zone 2.

37. 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.

38. Prior to the approval of grading plans, improvement plans, final map, or building permits on the subject site, the developer/applicant shall secure the appropriate F.E.M.A. map revisions to designate a Base Flood Elevation, or to remove the subject site from the 100 year Flood Zone.

39. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

40. Fire hydrants for the development shall be placed as required per the Fire Department.

41. Fire hydrants spacing shall be as follows: In Residential development, one hydrant shall be installed at every 500 feet intervals.

42. 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.

43. All dead-ends access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

44. Project must meet minimum fire flow requirements per table in appendix III-A California Fire Code.
45. 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.

46. 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.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
    Patrice Hildreth, Deputy City Clerk
CITY COUNCIL AGENDA: DECEMBER 21, 2004

STAFF REPORT

TITLE: “D” Overlay Site Review 3-2004 - (TRINITY CONTROL)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a “D” Overlay Site Review to allow the development of a 9,035 ± square foot (floor area) industrial building to be constructed on a .42 acre parcel located on the south side of the terminus of Prosperity Circle. The subject site is within the M-1(D) (Light Manufacturing - Design Review Overlay) Zone.

The proposed L-shaped building has a footprint of approximately 7,500 square feet in size, with a 2,170 square foot portion divided into two (2) stories nearest the street. The main entrance to the building is located at the northeast corner of the narrowest portion of the building fronting on Prosperity Circle. The parking area is located on the east side of the narrow portion of the building extending north. Vehicular entrance and exit to the site is via the terminus of Prosperity Circle.

Industrial uses are required to provide a minimum of one (1) parking space for every three (3) employees on the maximum shift. The proposed parking totals five (5) spaces including a disabled parking space which is adequate for up to 15 employees.

The building will be constructed of metal panels associated with the Star Building System. Two (2) bay doors are located on the north side of the southerly portion of the building. One (1) bay door is located on the east side of the southerly portion of the narrowest portion of the building. The wall panel colors of the building will be blue for the upper half of the building and white for the lower portion of the building.

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 3-2004.

ATTACHMENTS:

1. Complete Staff Report.

DD _____ APPROPRIATED/FUNDED _____ CM _____ ITEM NO. 16
STAFF REPORT

TITLE: "D" OVERLAY SITE REVIEW 3-2004

OWNER/APPLICANT: Trinity Controls Inc.
1221 N. Main Street
Porterville, CA 93257

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

PROJECT LOCATION: The south side of the westerly terminus of Prosperity Circle.

SPECIFIC REQUEST: The applicant is requesting approval of a "D" Overlay Site Review to allow the development of a 9,035 ± square foot (floor area) industrial building to be constructed on a .42 acre parcel located on the south side of the terminus of Prosperity Circle. The subject site is within the M-1(D) (Light Manufacturing - Design Review Overlay) Zone.

PROJECT DETAILS: The proposed L-shaped building has a footprint of approximately 7,500 square feet in size, with a 2,170 square foot portion divided into two (2) stories nearest the street. The main entrance to the building is located at the northeast corner of the narrowest portion of the building fronting on Prosperity Circle. The parking area is located on the east side of the narrow portion of the building extending north. Vehicular entrance and exit to the site is via the terminus of Prosperity Circle.

Industrial uses are required to provide a minimum of one (1) parking space for every three (3) employees on the maximum shift. The proposed parking totals five (5) spaces including a disabled parking space which is adequate for up to 15 employees.

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

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 6, 2004

DATE ACCEPTED AS COMPLETE: October 25, 2004

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 3-2004.

ATTACHMENTS:

1. Site Plan, interior layout and elevations (Exhibit “A”)
2. Notice of Exemption
3. Draft Resolution of Approval
NOTICE OF EXEMPTION

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

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

Trinity Controls Inc.
1221 N. Main Street
Porterville, CA 93257

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Project Title

South side of the westerly terminus of Prosperity Circle.
Project Location (Specific)

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

A “D” Overlay Site Review to allow the development of a 9,035± square foot industrial building on the south side of the westerly terminus of Prosperity Circle.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Trinity controls Inc., 1221 N. Main Street, Porterville, CA 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

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

Construction of in-fill development.
Reasons why project is exempt

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

Date Received for filing:__________

Signature

Community Development Director
Title

ATTACHMENT
ITEM NO. 2
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 3-2004 TO ALLOW THE DEVELOPMENT OF A 9,035± SQUARE FOOT INDUSTRIAL BUILDING FOR THAT SITE LOCATED ON THE SOUTH SIDE OF THE WESTERLY TERMINUS OF PROSPERITY CIRCLE IN A M-1(D) (LIGHT MANUFACTURING - DESIGN REVIEW OVERLAY) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 21, 2004, reviewed the site plans for a proposal to develop a 9,035± square foot (floor area) industrial building for that site located on the south side of the westerly terminus of Prosperity Circle in a M-1(D) (Light Manufacturing - Design Review Overlay) Zone.

WHEREAS: The proposed L-shaped building has a footprint of approximately 7,500 square feet in size, with a 2,170 square foot portion divided into two (2) stories nearest the street. The main entrance to the building is located at the northeast corner of the narrowest portion of the building fronting on Prosperity Circle. The parking area is located on the east side of the narrow portion of the building extending north. Vehicular entrance and exit to the site is via the terminus of Prosperity Circle.

WHEREAS: Pursuant to Article 18 (Supplemental “D” - Design Review Overlay) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the General Plan indicates the site is located within an area designated for industrial type uses.

2. The M-1 (D) Zone is supported by the General Plan Designation of Industrial.

3. That the proposed industrial building, office and area above the office is a compatible use in the M-1 (D) Zone.

4. That the design and architectural features of the subject project are compatible with that of proximately situated developments.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 3-2004 under the Supplemental “D” Overlay Zone regulations subject to the following conditions:

1. Any roof mounted equipment shall be screened from view from the street and adjacent properties.

2. A gate shall be installed on the trash bin enclosure.

3. A minimum of one tree for every thirty-five (35) linear feet of street frontage along the Prosperity Circle property line(s) and an automatic irrigation systems for all landscaping will be required.

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

5. Provide loading space(s) in accordance with Section 2400 and 2401 of the Zoning Ordinance.


7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

8. The developer/applicant shall comply with Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

9. The developer/applicant shall submit a Soils Report(s), with the building permit application, in accordance with Chapter 18 of the California Building Code

10. The developer/applicant shall construct and/or repair any street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. 1306).

11. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. 1306).
12. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of a certificate of occupancy (e.g., foundations, septic tanks, irrigation pipes, etc.).

13. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading or the issuance of a building permit, whichever comes first.

14. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

15. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

   a. Wastewater Discharge Permit Application, Part “A”; and

   If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

16. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, develop and maintain a Hazardous Materials Business Plan Program, comply with Chapter 6.95 of the Health and Safety Code, notify the Hazardous Materials unit of the Tulare County Division of Environmental Health, and submit written proof of compliance with County requirements prior to issuance of a certificate of occupancy.

17. If an underground storage tank(s) is to be used for storage of hazardous substances, comply with California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

18. If any part of the facility has the potential for emitting hazardous air emissions and the facility is within 1,000 feet of a school, hospital, or long-term care facility, then the developer/applicant shall comply with Chapter 6.95, Sections 25502, 25503 & 25531, et seq. of the Health and Safety Code by submitting proof of notification of the Hazardous Materials Unit of the Tulare County Division of Environmental Health prior to issuance of the building permit. Written proof of compliance with County requirements shall be submitted to the City before the certificate of occupancy is issued.

19. The developer/applicant shall construct the pipe connecting to on-site fire hydrant(s) to City water main standards and shall provide easements for maintenance of on-site fire hydrants.
20. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The proposed project is within a Flood Hazard Zone AH with a Base Flood Elevation. A Civil Engineer or Licensed Land Surveyor shall submit a letter with the building permit confirming that the finished floor will be constructed at or above the Base Flood Elevation. Prior to occupancy, a Civil Engineer or Licensed Land Surveyor shall complete, sign and deliver an Elevation Certificate to the City of Porterville Flood Administrator.

21. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

22. Submittal of a building permit will require three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

23. Compliance with access laws (both State and Federal) is required.

24. Compliance with all applicable codes is required.

25. Plan check fees are required at the time of building permit submittal.

26. Soils compaction test may be required.

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

28. Signs require separate permit.

29. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

30. 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.

31. 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 for access to on-site fire hydrants, if any.

32. Fire hydrants spacing shall be as follows: In Commercial development, one hydrant shall be installed at every 300 feet intervals.

33. 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.
34. Project must meet minimum fire flow requirements per table in appendix III-A California Fire Code.

35. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

36. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.

37. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

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. That the proposed project will be constructed as shown on the site plan, interior layout and elevations labeled as Exhibit “A”.

_______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By _____________________________
    Georgia Hawley, Chief Deputy City Clerk
STAFF REPORT

TITLE: “D” OVERLAY SITE REVIEW 4-2004

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a “D” Overlay Site Review to allow the development of a 7,151.5 ± square foot office building to be located on the north side of Morton Avenue, 440± feet west of Indiana Street adjacent to the east side of the Social Security Building. The subject site is within the PO(D) (Professional Office - Design Review Overlay) Zone.

The site plan shows a preliminary design with reference to the development of the northerly portion of the site. This area is comprised of three separate parcels which were created by Lot Line Adjustment 4-2003. The preliminary layout has been shown on the site plan in order to indicate that the proposed access to Morton Avenue will provide circulation within the site. The preliminary layout for the northerly portion of the site is not a part of the project submittal and is included for reference purposes only.

PROJECT DETAILS: The proposed entrance to the building will be located at the southwest corner of the building fronting the parking lot to the west. Ingress and egress to the parking lot will be from Morton Avenue.

The single story building is rectangularly shaped and is designed with a tile roof and earth toned colored stucco finish and white fascia. A brick veneer will be added around the base of the building. The building has a covered entrance supported by columns. Windows are located on all sides of the building. The building has been designed to be compatible with the existing building (Social Security) in the office complex with similar color selections and common architectural features, including a portico style entrance.

Business and Professional Offices (except medical and banking offices) are required to provide a minimum of one (1) parking space per 300 square feet of floor area. The proposed building is 7,151.5 ± square feet which will require 24 parking spaces. The project as proposed will provide 22 standard and two (2) handicap parking spaces for a total of 24 parking spaces.
RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 4-2004 subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report.
STAFF REPORT

TITLE: “D” OVERLAY SITE REVIEW 4-2004

OWNER/APPLICANT: Steve and Mary Allen
530 N. Ryan Terrace
Porterville, CA 93257

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

PROJECT LOCATION: North side of Morton Avenue, 440± feet west of Indiana Street adjacent to the east side of the Social Security Building.

SPECIFIC REQUEST: The applicant is requesting approval of a “D” Overlay Site Review to allow the development of a 7,151.5 ± square foot office building to be located on the north side of Morton Avenue, 440± feet west of Indiana Street adjacent to the east side of the Social Security Building. The subject site is within the PO(D) (Professional Office - Design Review Overlay) Zone.

The site plan shows a preliminary design with reference to the development of the northerly portion of the site. This area is comprised of three separate parcels which were created by Lot Line Adjustment 4-2003. The preliminary layout has been shown on the site plan in order to indicate that the proposed access to Morton Avenue will provide circulation within the site. The preliminary layout for the northerly portion of the site is not a part of the project submittal and is included for reference purposes only.

PROJECT DETAILS: The proposed entrance to the building will be located at the southwest corner of the building fronting the parking lot to the west. Ingress and egress to the parking lot will be from Morton Avenue.

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

STAFF ANALYSIS:

Business and Professional Offices (except medical and banking offices) are required to provide a minimum of one (1) parking space per 300 square feet of floor area. The proposed building is 7,151.5± square feet which will require 24 parking spaces. The project as proposed will provide 22 standard and two (2) handicap parking spaces for a total of 24 parking spaces.

Use of the proposed building for medical or dental offices or banking, saving and loans, and credit unions would require a minimum of 35.7 parking spaces. The proposed design of the site will restrict future uses of the building to non-medical, professional office uses.

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

DATE ACCEPTED AS COMPLETE: October 27, 2004

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 4-2004 subject to conditions of approval.

ATTACHMENTS:

1. Site Plan, interior layout and elevations (Exhibit “A”)
2. Three (3) pictorial views of the site in relation to the Social Security Building
3. Notice of Exemption
4. Draft Resolution of Approval
NOTICE OF EXEMPTION

TO: __________ Office of Planning and Research __________ Tulare County Clerk
1400 Tenth Street, Room 121 __________ Visalia, CA 93291
Sacramento, CA 95814

FROM: City of Porterville __________ Steve & Mary Allen
291 North Main Street __________ 530 N. Ryan Terrace
Porterville, CA 93257 __________ Porterville, CA 93257

"D" Overlay Site Review 4-2004.
Project Title

North side of West Morton Avenue, approximately 440± feet west of Indiana Street
Project Location (Specific)

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

A "D" Overlay Site Review to allow the development of a 7,151.5± square foot office building to be located on the north side of West Morton Avenue, approximately 440± feet west of Indiana Street.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Steve & Mary Allen, 530 N. Ryan Terrace, Porterville, CA 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

_________ Ministerial (Section 15073)

_________ Declared Emergency (Section 15071 (a))

_________ Emergency Project (Section 15071 (b) and (c))

_________ Categorical Exemption. State type and section number: Section 15332

Construction of in-fill development.
Reasons why project is exempt

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

Date Received for filing: __________
Signature __________

Community Development Director
Title

ATTACHMENT

3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 4-2004 TO ALLOW THE DEVELOPMENT OF A 7,151.5± SQUARE FOOT OFFICE BUILDING FOR THAT SITE LOCATED ON THE NORTH SIDE OF MORTON AVENUE, 440± FEET WEST OF INDIANA STREET ADJACENT TO THE SOCIAL SECURITY BUILDING IN A PO(D) (PROFESSIONAL OFFICE - DESIGN REVIEW OVERLAY) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 21, 2004, reviewed the site plans for a proposal to develop a 7,151.5 ± square foot office building to be located on the north side of Morton Avenue, 440± feet west of Indiana Street adjacent to the east side of the Social Security Building in the PO(D) (Professional Office - Design Review Overlay) Zone.

WHEREAS: Pursuant to Article 18 (Supplemental “D” - Design Review Overlay) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the General Plan indicates the site is located within an area designated for professional office type uses.

2. That the proposed office building is a compatible use in the PO(D) Zone.

3. That the design and architectural features of the subject project are compatible with that of proximately situated developments.

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

WHEREAS: Business and Professional Offices (except medical and banking offices) are required to provide a minimum of one (1) parking space per 300 square feet of floor area. The proposed building is 7,151.5± square feet which will require 24 parking spaces. The project as proposed will provide 22 standard and two (2) handicap parking spaces for a total of 24 parking spaces.

WHEREAS: The proposed design does provide sufficient parking for professional office uses other than medical-dental (healing arts), banks, savings and loans, credit unions and other similar financial institutions. The parking as proposed is not sufficient to accommodate attic uses such as file storage, back office operations, etc.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 4-2004 under the Supplemental “D” Overlay Zone regulations subject to the following conditions:

1. Use of the proposed building for medical or dental offices or banking, saving and loans, and credit unions will require a minimum of 36 parking spaces.

2. The use of the proposed building for medical or dental offices or banking, saving and loans, and credit unions will not be allowed unless additional parking is provided. Use of the attic space for business purposes will also require additional parking.

3. The developer/applicant will be required to maintain the unused portion of the site in a safe and orderly manner and shall maintain good weed control practices.

4. The sign shown on the Morton Avenue frontage should be designated as a Professional Office Center Identification (multiple-tenant) Sign.

5. All signs shall be architecturally compatible with the proposed development to the satisfaction of the Community Development Director.

6. Upon development of the northerly parking areas, a six foot tall concrete block wall shall be constructed along the northerly property line.

7. A minimum of one (1) tree for every thirty-five (35) linear feet of street frontage along the Morton Avenue property line(s) will be required to include an automatic irrigation systems for all landscaping.

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

9. All HVAC and similar equipment whether roof mounted or ground mounted shall be screened from the street and adjoining properties.

10. A barrier curb or other physical barrier acceptable to the Community Development Director between the developed portion of the site and the undeveloped portion will be required. No parking or vehicular circulation is allowed on unpaved portions of the site.

12. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

13. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

14. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

15. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

16. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s). Street right of way dedication will not be a requirement of this development.

17. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

18. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer.

19. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

20. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first. There is a well in conflict with the proposed improvements, therefore requiring the abandonment and compliance with County Department of Environmental Health requirements.

21. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit the following:
a. Wastewater Discharge Permit Application, Part “A”; and

b. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

22. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

23. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

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

25. The proposed office is considered B 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 access laws (both State and Federal) is required.

c. Compliance with all applicable codes is required.

d. Plan check fees are required at the time of building permit submittal.

e. Soils compaction test may be required.

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

g. Signs require a separate permit.

h. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

i. Demolition Permits for existing structures.

26. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

27. 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.
28. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

29. All dead-ends access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

30. Project must meet minimum fire flow requirements per table in appendix III-A California Fire Code. Fire flow as submitted would be 2000 GPM.

31. Knox box may be required. Application may be obtained from the Fire Department.

32. Water supply for future construction will be required to be installed to rear of current project.

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

34. That the proposed project will be constructed as shown on the site plan, interior layout and elevations labeled as Exhibit “A”.

__________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By ________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: AUTHORIZE DISTRIBUTION OF REQUEST FOR QUALIFICATIONS FOR SKATE BOARD PARK DESIGN PREPARATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: A grant was obtained more than a year ago to substantially fund the development of a skate board park. Local donations have been made to assist with the match requirements for the grant. Additional fund-raising and grant opportunities can be better pursued with a clearer definition and design of the specific facility envisioned to be constructed. It would be appropriate to utilize a portion of the grant and local donations to obtain such a design. To initiate the design process a consultant selection must be made. The attached RFQ has been prepared to obtain statements of interest from designers with modular skate board park experience. Staff envision the designer to provide:

- A site plan/skate park diagram achieved through public consensus-building process.
- Construction Documents to be utilized for obtaining bid proposals for the modular skate board park elements.
- Cost estimation to ensure the design is within the available budget, along with bid alternatives in the event additional funding is obtained.

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 February 1, 2005 meeting.

RECOMMENDATION: Authorize staff to distribute the RFQ for skate board park design preparation.
Appoint a member of the City Council to the Consultant Selection Panel for the skate board park design consultant.

ATTACHMENTS: Skate Board Park Design Request for Statement of Interest and Qualifications
December 22, 2004

RE: Request for Statement of Interest and Qualifications: Consultant Services for a Modular Skate Board Park Design

Gentlemen:

The City of Porterville wishes to retain the professional services of a qualified consulting firm to design a modular skate board park in accordance with the attached Description and 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
- Familiarity with modular skate board materials
- Knowledge of skateboarding and safe skate park flow
- 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 Jeannie Greenwood, Leisure Services Supervisor, at (559) 782-7522.

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
City of Porterville Modular Skate Board Park Project

Project Description
The City of Porterville has been awarded a State Grant for the construction of a skate board park and amenities. We are currently seeking a design for a 15,000 square foot modular skate board park, including concrete slab and associated grading, fencing, signage, spectator seating, drinking fountain, spectator shade, and lighting. The facility should be designed to fulfill the needs of skaters of various ages and ability levels.

The City is also required by the grant source to provide a parking lot, park pathway and landscaping & irrigation system re-configurations to accommodate the skate park. The City will utilize other design services for these accommodations. The skate board park design consultant will be required to coordinate with the related designers to ensure design continuity.

The City may choose to phase the 15,000 square foot skate park project.

The City anticipates complete Construction Documents by July, 2005.

I. Statement of Qualifications - Information Requests:
A. Resume of the firm’s principals indicating experience, background and academic training
B. Qualifications of key personnel to be used on the project
C. Experience of key personnel to be used on the project.
D. Name of any associate consultants to be used, how they will be utilized on the project, and the registration of the outside consultant’s principles, if appropriate
E. Size of firm and availability of sufficient personnel to complete the project within the time required
F. Ability to maintain the project designs within the allotted budgets
G. List of previous clients with similar projects demonstrating the firm’s experience to perform the work requested including client’s name, address, phone number, and key contact person.
H. List of references, including banks
I. Length of time in business

II. Project Objectives
A. To provide a Site Plan based upon a public consensus-building process
B. To provide Working Drawings and Specifications (Construction Documents) in sufficient detail and accord with City standards, to allow accurate and timely bid and construction
C. To provide on-going Cost Estimation and incorporate bid alternatives within project documents, to allow the City to build a park within budget
D. To meet the City’s Standards for construction and development, plus those standards of other entities having jurisdiction over the project, including but not limited to, City Building Official, City Engineer, and Parks and Leisure Services Director
E. Define all requirements necessary for the operation of the park including size, fencing, landscaping, safety and security, etc.

III. Services to be Included:
A. Public Meetings with City staff and skate group.
B. Meetings with City Design/Project Team
C. Preliminary plans & estimates
D. Final plans
E. Project Specifications
F. Submittal Review
G. Construction Management/Observation
IV **Project Location / Site**
Veterans Park - located at the south east corner of Newcomb and Henderson Avenue, 1501 W. Henderson Avenue, Porterville. The skate board park site will be located along Newcomb, see attached site map and photo.
Veterans Park Skateboard Park Area

Looking North toward restroom - trail will be relocated in front of trees on left side
SUBJECT: TRAFFIC SIGNAL COSTS vs. ROUNDBOUGHT COSTS AT PUTNAM AVENUE & VILLA STREET, AND PLANO STREET & MULBERRY AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: The City Manager's office received a request from a Council member to place the subject topic on tonight's meeting so that the issue of design, construction and maintenance costs can be discussed among the Council members. The specific information requested has been tabulated and is attached for Council's review.

The question was asked whether roundabouts were considered as an alternative to traffic signals at Putnam Avenue & Villa Street, and Plano Street & Mulberry Avenue. There was no consideration given and no comparison made on the cost of roundabouts versus standard traffic signal construction. Discussions on the funding and installation of roundabouts at the locations described herein or, at any location throughout the City, is relatively recent.

The City received design approval for the Putnam Avenue & Villa Street traffic signal in January 2001. The application for the traffic signal at Plano Street & Mulberry Avenue was prepared and submitted to Caltrans in May, 2002. This effort was in collaboration with the Porterville Public School District and the application was specifically prepared as a Safe Routes to School Grant for a standard traffic signal.

Consistent with the request, cost estimates for the projects are provided on an attachment. The costs for the roundabout is at the "estimate" level, while the traffic signal is based on our historic costs.

RECOMMENDATION: Informational staff report.

ATTACHMENT: Cost Comparison
Locator Maps

Y:\Engineering\Council Items\Roundabouts vs Traffic Signals.wpd

Dir Appropriated/Funded CM Item No. 19
COST COMPARISON
TRAFFIC SIGNAL vs. TRAFFIC ROUNDBOUT

PLANO STREET & MULBERRY AVENUE INTERSECTION

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VILLA STREET & PUTNAM AVENUE

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SUBJECT LOCATION

MULBERRY AVE.

HEATHERWOOD CIR.

OLIVEWOOD CIR.

PROSPERITY CIR.

PLANO ST

ESTHER

LARSON

WILLSIE

OLIVEWOOD CIR.
SUBJECT: STATUS REPORT - DEVELOPER IMPACT FEES

SOURCE: Administrative Services

COMMENT: Pursuant to Government Code Section 66006 (b) (1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared. In accordance with Section 66006(b) (2), a copy of this analysis has been delivered to the Building Industry Association (BIA) per their written request.

The format and content of this analysis have been developed around criteria previously approved by the BIA. As of June 30, 2004, the City is in compliance with the requirements of the Code.


ATTACHMENT: Status Report

Item No. 20
**CITY OF PORTERVILLE**

**DEVELOPER IMPACT FEE SUMMARY**

**2003/2004**

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<td>$ -423,813</td>
<td>$ -6,464,697</td>
</tr>
<tr>
<td>SEWER ACREAGE FEE</td>
<td>$ -2,682,573</td>
<td>$ 74,367</td>
<td>$ 7,834</td>
<td></td>
<td>$ -2,610,690</td>
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<tr>
<td>STORM DRAIN FEE</td>
<td>$ 775,218</td>
<td>$ 175,055</td>
<td>$ 11,471</td>
<td>$ -16,186</td>
<td>$ 945,558</td>
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<tr>
<td>TRANSPORTATION IMPACT FEE</td>
<td>$ 542,309</td>
<td>$ 239,996</td>
<td>$ 7,152</td>
<td>$ -281,727</td>
<td>$ 507,730</td>
</tr>
<tr>
<td>PARK IMPACT FEE</td>
<td>$ 92,121</td>
<td>$ 142,951</td>
<td>$ 956</td>
<td>$ -125,351</td>
<td>$ 110,677</td>
</tr>
<tr>
<td>Service Type</td>
<td>SINGLE FAMILY (R-1)</td>
<td>DUPLEX (R-2)</td>
<td>MULTI-FAMILY (R-3 &amp; R-4)</td>
<td>MOBILE HOMES</td>
<td>INSTITUTIONAL</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------</td>
<td>--------------</td>
<td>--------------------------</td>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>WATER ACREAGE FEE / ACRE</td>
<td>$2,268</td>
<td>$5,677</td>
<td>$13,255</td>
<td>--</td>
<td>$1,480</td>
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<tr>
<td>SEWER ACREAGE FEE / ACRE</td>
<td>$1,385</td>
<td>$3,219</td>
<td>$7,509</td>
<td>--</td>
<td>$522</td>
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<tr>
<td>STORM DRAIN FEE / ACRE</td>
<td>$3,736</td>
<td>$4,983</td>
<td>$7,474</td>
<td>--</td>
<td>$9,964</td>
</tr>
<tr>
<td>TRANSPORTATION FEE / UNIT</td>
<td>$799</td>
<td>$541</td>
<td>$541</td>
<td>--</td>
<td>$2,057</td>
</tr>
<tr>
<td>PARK IMPACT FEE / UNIT</td>
<td>$497</td>
<td>$385</td>
<td>$385</td>
<td>$278</td>
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</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

### DEVELOPER FEE FUNDED PROJECTS

#### 2003/2004

<table>
<thead>
<tr>
<th>Water Projects</th>
<th>Total Expenditure</th>
<th>D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water master plan update</td>
<td>125</td>
<td>100%</td>
<td>125</td>
</tr>
<tr>
<td>Granite Hills, Phase 1</td>
<td></td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Granite Hills, Phase 4</td>
<td></td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Well exploration and test holes</td>
<td>4,094</td>
<td>100%</td>
<td>4,094</td>
</tr>
<tr>
<td>Well #26, Wal-Mart</td>
<td>629</td>
<td>100%</td>
<td>629</td>
</tr>
<tr>
<td>Scenic Heights 300,000 gallon reservoir</td>
<td>55,382</td>
<td>100%</td>
<td>55,382</td>
</tr>
<tr>
<td>Olive Ave, D and E, Carmelita and Jaye</td>
<td></td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Well #27 and acquisition</td>
<td>245,335</td>
<td>100%</td>
<td>245,335</td>
</tr>
<tr>
<td>Hwy 190, Plano and Ruth</td>
<td></td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Well #28</td>
<td>38,536</td>
<td>100%</td>
<td>38,536</td>
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<tr>
<td>Water main for Well #27</td>
<td>78,416</td>
<td>100%</td>
<td>78,416</td>
</tr>
<tr>
<td>Well #29</td>
<td></td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>F St/Gibbons Ave/Main St</td>
<td>1,296</td>
<td>100%</td>
<td>1,296</td>
</tr>
</tbody>
</table>

**WATER TOTAL**

|        | $ 423,813 | $ 423,813 |

### Sewer Projects

<table>
<thead>
<tr>
<th></th>
<th>Total Expenditure</th>
<th>D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master plan paybacks</td>
<td>$ 26</td>
<td>100%</td>
<td>$ 26</td>
</tr>
<tr>
<td>Jaye St - Hwy 190/Springville</td>
<td>292</td>
<td>100%</td>
<td>292</td>
</tr>
</tbody>
</table>

**SEWER TOTAL**

|        | $ 318 | $ 318 |

### Storm Drain Projects

<table>
<thead>
<tr>
<th></th>
<th>Total Expenditure</th>
<th>D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master plan paybacks</td>
<td>$ 0</td>
<td>100%</td>
<td>$ 0</td>
</tr>
<tr>
<td>Storm drain report NPDES</td>
<td>0</td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Williford St. drainage project</td>
<td>16,186</td>
<td>100%</td>
<td>16,186</td>
</tr>
</tbody>
</table>

**STORM DRAIN TOTAL**

|        | $ 16,186 | $ 16,186 |

### Transportation Projects

<table>
<thead>
<tr>
<th></th>
<th>Total Expenditure</th>
<th>D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service on C O P.'s for Streets</td>
<td>$ 281,727</td>
<td>100%</td>
<td>$ 281,727</td>
</tr>
</tbody>
</table>

**TRANSPORTATION TOTAL**

|        | $ 281,727 | $ 281,727 |

### Park Projects

<table>
<thead>
<tr>
<th></th>
<th>Total Expenditure</th>
<th>D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service on C O P.'s used for Parks</td>
<td>$ 125,351</td>
<td>100%</td>
<td>$ 125,351</td>
</tr>
</tbody>
</table>

**PARK TOTAL**

|        | $ 125,351 | $ 125,351 |
CITY COUNCIL AGENDA

December 21, 2004

SUBJECT: Request to Consider Actions to Improve the Sister City Relationship with La Barca, Mexico

SOURCE: CITY MANAGER

Mayor Martinez has been working to support the Sister City relationship with La Barca and Mikkabi. The Mayor would like to discuss with the Council ways that the relationship with La Barca can be fully established and possible support for this from the City.

RECOMMENDATION:

Review with the Mayor methods to improve the Sister City relationship with La Barca including contacts between Porterville and La Barca representatives including support from the City of Porterville.