CALL TO ORDER
ROLL CALL

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:

A. Closed Session Pursuant to:
   1. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   2. Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

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

Pledge of Allegiance Led by Mayor Kelly West
Invocation

PROCLAMATION
Recognition of Howard Smith
Recognition of Patrick Hayes

PRESENTATION
Employee of the Month - Wendy Miller

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 May 10, 2005, May 17, 2005, and June 7, 2005
2. **Acceptance of Final Subdivision Map - Meadow Breeze, Phase 2 Subdivision (Nicholson & Smee, LLC)**
   Re: Approving final map of Meadow Breeze, Phase Two Subdivision, located generally south of Castle Avenue, east of Salisbury Street, and north of Pamela Avenue; accepting all offers of dedication and vacation; and authorizing City Clerk to record said map.

3. **Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement - Temporary Designation of Morton Avenue and Mathew Street as a 4-Way Stop Intersection**
   Re: Amending resolution to temporarily designate intersection as a 4-Way Stop to alleviate traffic congestion caused by Henderson Avenue Reconstruction Project.

4. **Reimbursement for Construction of Master Plan Facilities - Holy Cross Church**
   Re: Approving reimbursement of $190,177.60 to Holy Cross Church for installation of 1,717 lineal feet of reinforced concrete pipe, storm drain structures, asphalt trench patching and other related work located between Castle Avenue and North Grand and Newcomb St. intersection.

5. **Ratification of Congestion Mitigation Air Quality (CMAQ) Projects**
   Re: Ratification of projects for $700,000 grant application consisting of a traffic signal at Olive Avenue and Mathew Street; a traffic signal at Newcomb Street and Westfield Avenue; a roundabout at Main Street and College Avenue; and Newcomb Street Shoulder work.

   Re: Authorizing Memorandum of Understanding between Tulare County and City of Porterville to comply with requirements for Homeland Security Grant funding.

7. **Adoption of Annual Appropriation Limit**
   Re: Approving resolution adopting appropriation limit of $34,813,941, pursuant to the guidelines established by the State Department of Finance.

8. **Airport Lease - Lot 46A**
   Re: Approving assignment of Lease Agreement between the City of Porterville and Donald and Loretta Swenson to Robert Baranek.

9. **August 2, 2005 City Council Meeting to be held at Porterville Memorial Auditorium, Frank “Buck” Shaffer Theatre**
   Re: Ratifying relocation of City Council Meeting, at a cost of $575.00, to accommodate anticipated large public participation for public hearing on County island annexation issue.

9a. **Authorization to Negotiate for Site Cleanup at 216 East Orange Avenue**
   Re: Authorizing staff to negotiate with Bowen Engineering and Robert Volmer Excavation for asbestos removal, demolition and cleanup for a cost not to exceed $10,000.

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

10. **Levy of Assessments for the Business Improvement Area of the City of Porterville for the Fiscal Year 2005/2006**
   Re: Adopting resolution confirming Advisory Board report to constitute the levy of an assessment.

11. **Canyon Springs Estates Tentative Subdivision Map (Contour Development Inc.)**
   Re: Approving tentative subdivision map for division of approximate 67.42± acre vacant parcel zoned R-1 (One-Family Zone) into a 230± lot single family residential subdivision located on the northeast corner of Morton Avenue and Hillcrest Street.

12. **Vacate Public Sanitary Sewer Pipelines, Domestic Water Pipelines, Storm Drain Pipelines and Public Street Access Easements Related to the Development of Meadow Breeze, Phase Two Subdivision (Nicholson & Smee, LLC)**

13. **Reimbursement Agreements for Concrete Improvements Constructed by the City - Orange Avenue Reconstruction Project**
   Re: Approving resolution implementing development charges for construction of curbs, gutters, sidewalks, drive approaches and water services; and authorizing staff to record notice of Reimbursement Fee with the County Recorder.

14. **Reimbursement Agreement for Concrete Improvements Constructed by the City - Indiana Street Reconstruction Project**
   Re: Approving resolution implementing development charges for construction of curbs, gutters, sidewalks, drive approaches and water services; and authorizing staff to record notice of Reimbursement Fee with the County Recorder.

15. **Water Conservation Phase II, Water System Status**
   Re: Continuing with Phase II of the Water Conservation Plan and continuing Public Hearing to August 2, 2005 to consider moving to Phase III of the Plan.

**SECOND READINGS**

16. **Ordinance 1654, Zone Change 4-2004 (Terry Schuler)**
   Re: Adopting the Ordinance approving Zone Change 4-2004 from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to City C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres located on the northeast corner of Prospect Street and Grand Avenue.

**SCHEDULED MATTERS**

17. **Consider Adoption of a Noise Ordinance**
   Re: Considering adoption of a noise ordinance and setting August 16, 2005 as the date for a public hearing for adoption of that ordinance.
Re: Informational report on homelessness, the City’s involvement in regional programs, funding restrictions, and a review of other available options for the City.

19. Street Infrastructure Improvements for the Jaye Street and State Highway 90 Area  
Re: Consideration of funding options for circulation improvements.

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 July 8, 2005 at 8:30 a.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MAY 10, 2005
CITY HALL, 291 N. MAIN ST.
6:00 P.M.

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

Mayor Pro Tem Irish noted that Mayor Martinez was currently en route and would arrive a few minutes late.

Pledge of Allegiance Led by City Manager John Longley

ORAL COMMUNICATIONS
• April Tolson, 246 South Chestnut, spoke against the modular design concept of the Skateboard Park and requested that the Council proceed with an in-ground concrete park.
• Lois Innis, 1148 West Glenn Court, voiced agreement with the comments made by Ms. Tolson. She then commented that the skateboard park and the library were both important for the City’s youth.
• Barbara Black, 2279 West Garden Avenue, voiced opposition to the proposed modular design concept for the Skateboard Park and requested that the Council proceed with an in-ground design.
• Carla Barde, 384 North Hockett, American Association of University Women (“AAUW”), voiced concern with decreased funding for the Porterville library.

Mayor Pro Tem Irish noted the arrival of Mayor Martinez and turned the meeting over to him.

SCHEDULED MATTERS
1. UPDATE ON THE CITY-WIDE OVERHEAD COST ALLOCATION PLAN AND FEE STUDY

Recommendation: That the Council review the preliminary overhead cost allocation plan and fee study, and make recommendations for the final report to be adopted at a future Council meeting.

City Manager John Longley presented the item and Deputy City Manager Darrel Pyle presented the staff report. Mr. Pyle indicated that MAXIMUS, Inc. had prepared the Plan and Fee Study and that Mr. Dan Edds of MAXIMUS, Inc. was there to provide the Council with a presentation. He then turned the floor over to Mr. Edds.

Mr. Edds stated that the Overhead Cost Allocation Plan and User Fee Study was designed to perform one essential task: to identify the cost to the City of various services which the City provided. He stated that his presentation would be a basic orientation of the project, including reviewing fees and
how they fit into the City’s strategic revenue management; understanding the context for the results of the study; and reviewing the methodology utilized by MAXIMUS in its study. The objective, Mr. Edds explained, was to provide a rational basis for setting fees; to update the City’s Fee Schedule to reflect the current reality rather than the reality of ten years ago, and to ensure compliance with State law.

Mr. Edds went on to generally explain fees, stating that user fees were designed to recapture costs from a disproportionate share of City resources. He stated that the theory of user fees was that an individual, as a user of City services, should fully refund the City for his/her share of the consumption of City services. He indicated that some fees benefitted the general public, such as through personal safety, protection of property, and financial gain.

It terms of how costs were calculated and fees set, Mr. Edds explained that fees should be in proportion to the cost of the service provided; be cost-recovery-based whenever possible; not structured to make a profit; consistent with City fiscal and policy goals; fair and equitable to both the public and the private citizen or organization benefitting from the fee; and understandable. He added that fees should not be arbitrary, or unknowingly or unfairly subsidized, and emphasized the importance of the process being a collaborative effort with staff’s involvement.

Mr. Edds then discussed the difference between fees and taxes, explaining that taxes provided services that benefitted all citizens, whereas fees provided services that benefitted the individual or organization. He reasoned that there were some justifications for full cost recovery, such as the fact that the public, or General Fund, would not subsidize or pay for services that benefitted a private citizen, adding that departments that typically provided the services generally covered by fees tended to be fully staffed. He explained that MAXIMUS was not recommending a policy of full cost recovery, but that he merely wished to point out some important benefits to the consideration of a strategy of full cost recovery.

The economics of setting fees was discussed next. Mr. Edds stated that prices charged for fees did not impact development or use of City services, with the exception of library fees and recreation fees. All other fees, Mr. Edds explained, were not sensitive to market forces. He stated that fluctuations in volume tended to be the result of larger economic forces rather than the fee price.

Mr. Edds next covered the scope of the Cost of Service/Fee Study. He stated MAXIMUS had developed the Indirect Cost Allocation Plan, which he explained was a method or model of City overhead and how various departments within the City consumed its overhead resources. He stated that the general approach in how the fees were calculated was based on recapturing the full cost of service. He stated that full cost calculations included: 1) direct staff salaries and benefits; 2) indirect salaries and benefits, which included supervision, support and administration; 3) services and supplies; 4) departmental administration; 5) City administration; 6) cross-departmental support; and 7) non-budgeted expenses.

He stated that there were various methods of calculating fees. One such process, Mr. Edds explained, was “process analytics,” which involved identifying specific processes and activities; developing time estimates for each of those activities; and identifying and distributing all relevant direct, indirect and support costs. From this information, Mr. Edds explained, a potential fee for the full cost
of service was then derived. Mr. Edds stated that another method utilized by MAXIMUS in determining fees was the “cost recovery approach,” which he explained was appropriate for valuation-based fees. He stated that in most cases, MAXIMUS discouraged valuation-based fees due to the difficulty in establishing a nexus between the cost and the price the user payed. He pointed out that many jurisdictions in California were currently being taken to Court because that nexus could not be created. Mr. Edds then went on to explain in greater detail the cost recovery method.

He stated that MAXIMUS used “productive hourly rates” for many of the calculations in its project. Mr. Edds went on to generally explain those calculations, stating that the process began with the assumption that most employees worked 2080 hours in one year. He stated that vacation time, annual accrual of sick leave, holiday time, management leave, administrative leave, training, breaks, and routine staff meetings, etc. were then deducted from the 2080 hours. He explained that from the resulting number of hours after deductions, which was typically approximately 1500 hours, the cost was then calculated, in terms of direct and indirect program expenses and cross-departmental support. Mr. Edds added that the City of Porterville had the lowest productive hourly rates that he had found any place in California.

Validation of results, Mr. Edds explained, was a crucial element of the project and proceeded to explain the process by which the results were validated. He stated that MAXIMUS first looked to their expertise to determine whether the data and the results fell within normal ranges. He indicated that MAXIMUS also confirmed that the number of hours available equaled the number of hours utilized, and that the total revenue equaled the total expenses. He added that staff also had the opportunity to review the data many times throughout the process. Mr. Edds then concluded his presentation and invited questions from the Council.

Mayor Martinez invited questions from the audience, to which nobody responded.

Mayor Pro Tem Irish commented that in his mind, fees were taxes. He stated that if the City could collect enough money in taxes, the City would not have to charge fees. Mr. Edds respectfully disagreed with Mayor Pro Tem Irish’s comments, after which a discussion ensued regarding the bases for fees and taxes.

Council Member Hamilton commented that it seemed the City was always somewhat behind in its fees, in that the fees set forth were based on current year costs, and that as costs rose, the fees remained static. Mr. Edds suggested that the City might consider tying the fees to a CPI increase approximately every 1 to 2 years, with a review every 3 to 5 years. The City’s past use of the CPI was then discussed, during which it was pointed out that Porterville utilized the San Francisco Index.

In response to a question from an audience member, staff explained that “MSI” referred to “Management Services Institute,” the firm that had prepared the previous fee study. It was clarified that both MSI in 1988 and MAXIMUS in 2004 had been retained through the RFP process. It was pointed out that many of the fees had not been changed since 1988.
Mayor Martinez voiced concern with fees affecting the usage of a facility and/or a program. A discussion ensued regarding the subsidization of certain programs due to increased fees affecting usage, which Mr. Edds pointed out, was a common occurrence in recreational services.

Using the analogy of constructing an addition onto his home, Mr. Edds clarified the difference between taxes and fees, pointing out that fees paid for services that benefitted the individual, unlike taxes that paid for services that benefitted the community as a whole.

Noting there were no further questions, Deputy City Manager Darrel Pyle explained that over the next few weeks, staff and MAXIMUS would finalize the report, circulated it to each department for review, and then bring the Overhead Cost Allocation Program and the Fee Study back to the Council with recommendations. Mr. Pyle noted that there was one element of the Cost Allocation Program, pursuant to OMB 887, which allowed the City of Porterville to recover administrative overhead costs, if those costs were compliant with OMB 887. He indicated that staff would prepare a staff report on the issue and bring it to Council for consideration.

Disposition: Informational item only.

The Council recessed for ten minutes.

_____Noting interest in the audience, Mayor Martinez requested that Item 4 be presented next.

_____ 4. SALES TAX INITIATIVE

Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report. He commenced with a review of the difference between a general tax and a special tax. He stated that the polling conducted by the Fairbanks firm looked at potential support for public safety tax measures including a ½ cent sales tax, a ¼ cent sales, and a 2% increase in the UUT. He reviewed the results of the polling, noting the apparent 78% support for a ½ cent sales tax for public safety. He stated that based upon budgetary estimates for the coming year, a 2% UUT increase would bring in approximately $1 Million; a ¼ cent sales tax would provide approximately $896,000; a 3/8 cent sales tax would provide approximately $1.3 Million, and a ½ cent sales tax would provide almost $1.8 Million. Mr. Longley pointed out that staff reports had been based on 7 additional firefighters and 7 additional police officers, including all of the related accoutrements, and that the combined costs would be approximately $1.2 Million for the first year, and approximately $996,000 thereafter.

Mr. Longley continued that the Council’s ad hoc committee and City staff had met with the Lew Edwards Group (no relation to City Attorney Julia Lew), at which time the process for a successful pre-election phase was defined. He stated that the pre-election phase involved conducting public opinion research, evaluating opportunities, implementing a public information campaign, and providing information regarding the financial needs of the City. He stated that the cost of the pre-election phase would be approximately $60,000, which could be City-funded, but that once the Council called for the election, the City could no longer be involved. Mr. Longley stated that during the campaign phase, all advocacy must be volunteer-funded and volunteer-staffed, and that approximately $100,000 would be
needed for the effort. Mr. Longley stated that if the Council decided to proceed, the City would need to engage the services of the Lew Edwards Group as soon as possible. He indicated that the contract should be placed on the next Agenda and that $60,000 should be budgeted. He stressed the urgency of action if the Council chose to proceed with the measure on a November 2005 ballot.

City Attorney Julia Lew added that the City could not advocate with public resources, and that advocacy of the measure would need to be from volunteer organizations that had no affiliation with the City. A discussion ensued as to how the City could frame the measure and ways in which it could not. It was explained that the mailings during the public information phase would be targeted, not merely to registered voters, but to those voters who actually went to the polls. City Manager John Longley stated that staff could contact the consultant to confirm that for Council.

Mayor Pro Tem Irish stated that he would like to see the correlation between the projected five-year income from the UUT compared with the ½ sales tax, along with the projected increase in costs for the 7 firefighters and 7 police officers. He suggested that the main difference between the two taxes was that the UUT could be adjusted downward at the Council’s discretion, whereas the sales tax could not.

In response to Mayor Martinez’s question, City Manager John Longley explained that the UUT was essentially a tax on the use of utilities in the City, including electricity, gas, telephone, water, and cable television.

Council Member Stadtherr questioned how far the City was from building or acquiring a third fire station. Deputy City Manager Darrel Pyle indicated that the money to build a facility was probably more achievable than the ongoing cost to man the station. City Manager John Longley pointed out that there was not currently a third fire station in the Capital Plan.

City Manager John Longley stated that without meaningful preparation and a significant volunteer-based campaign, passing a 2/3rds special measure was a daunting effort. He stated that he had been involved in such measures and that getting 2/3rds support was extremely tough unless the effort was well-informed and well-prepared. He stated that the Council had the choice of November 2005 or June 2006 for the election date, and that if November 2005 was selected by the Council, efforts would need to commence immediately.

It was explained that if the Council chose the November 2005 election date, a resolution by Council would need to be delivered to the County Elections Office by August 18th.

Mayor Martinez invited comments from the audience.

- Shirley Hickman, 341 S. Chestnut, voiced support for the sales tax measure for public safety with the inclusion of funds for the library. She suggested that if the library was added to the measure, volunteer support would follow. At Ms. Hickman’s request, approximately 10 individuals raised their hands in support of her comments. She added that she had a list of UUAW members if the Council would like a copy, and voiced support for pursuing the ½ cent sales tax as quickly as possible.
Jennifer Lindgren, 1123 E. Jasmine, agreed with Ms. Hickman’s comments and spoke in favor of adding the library to the sales tax measure, citing concerns with the consequences of reducing the hours at the library.

Karla Barde, 384 N. Hockett Street, voiced support for library funding and commented that if funds were not spent now on the City’s youth, more funds would be necessary in the future for law enforcement.

Herb Foerster, 606 W. Mulberry Avenue, voiced support for library funding and spoke in favor of intellectual activities for the City’s youth.

Ellen Nichols, 456 N. Hawaii Street, agreed with all of the commentary offered before her and spoke in favor of library funding.

In response to Council Member West’s question regarding the status of library funding, Deputy City Manager Darrel Pyle explained that the library’s annual budget was over $500,000, and had been reduced by $50,000. It was pointed out that due to the budget being cut by that $50,000, $18,000 in State funding had been lost.

Council Member Stadtherr questioned whether the AAUW would be willing to help with campaign efforts if funding for the library was included in the tax measure as a “preventative step” in public safety.

Shirley Hickman, address on record, took an informal vote of those AAUW members in attendance and noted that based on the support of those present, who she identified as leaders in the organization, the AAUW would actively support the measure if it included funding for the library.

Mayor Pro Tem Irish stated that regardless of which tax the City pursued, it was important to make all efforts to ensure the funds were used for public safety. A discussion ensued regarding ways in which the State might attempt to get a hold of the funds. City Attorney Julia Lew stated that she unfortunately could not envision the type of legislation that the State might try to impose to circumvent the City’s ability to protect those funds. Ms. Lew stated, however, at that juncture, any funds collected under a special tax would be as protected as possible.

In response to Mayor Martinez’s question, Ms. Lew clarified that the City could legally place a general tax measure on the ballot along with the special tax measure to act as a safety net, however, she stated, it would likely create confusion with the electorate.

Council Member Hamilton commented that he did not wish to pursue a tax that was any larger than was absolutely necessary. He stated that when it came to taxation, he did not believe the Council needed to be excessive, yet the City had been forced by the State to pursue the tax measure. He then voiced concern with pursuing a ½ sales tax if it caused residents to drive to other cities to shop.

Council Member West commented that in looking at the estimated costs for hiring 7 firefighters and 7 police officers, the City would likely need to proceed with the ½ cent sales tax. He then voiced agreement with Council Member Hamilton’s comments regarding the importance of the City remaining competitive. He added that the City’s main concern should be which of the measures would actually pass, noting the UUT would likely not pass.
Mayor Pro Tem Irish commented that he would like to see an analysis projected out five years, as the sales tax base would increase. A discussion ensued as to whether the sales tax base would increase or not. Mayor Pro Tem Irish stated that he did not wish to tax any more than was necessary, however his biggest fear was finding out down the road that the City had not pursued a large enough tax.

- Jennifer Lindgren, address on record, commented that she had conducted an informal poll of the sales taxes in the area and found that all cities except Visalia and Fresno were at 7.25%. Visalia’s sales tax was 7.5% and Fresno’s sales tax was 7.975%. She pointed out that when Porterville residents went out of town to shop it was likely to Visalia or Fresno.
- An audience member noted that residents might be more inclined to remain in Porterville to shop as gasoline priced increased.

Council Member West commented that including the library on the tax measure, along with police and fire, so as to gain the assistance of the AAUW might be a way to get the measure to pass.

- An audience member questioned the importance of being able to secure funds specifically for police and fire, suggesting that if the need was truly valid, the support by future Councils should logically follow. He voiced support for pursuing a general tax measure.

Council Member Hamilton commented that the Council needed to step back and question what it was trying to accomplish. He stated that the City was short on funding public safety and the library and that the State of California would not likely get out of its budgetary crisis anytime soon. He stated his concern lied with the State figuring out a way to get to the City’s tax revenue. He confirmed with staff that the Fire Department had been operating at 1992 staffing levels, and that the Police Department had added only a couple of new officers through grant funding. In terms of funding for the library, Council Member Hamilton stated that the library had been fully funded up until the last Fiscal Year. He then agreed that the library was a vital part of the community.

Mayor Martinez voiced support for pursuing the ½ cent sales tax measure. He then voiced concern with the time constraints in pursuing a November 2005 election date.

Mayor Pro Tem Irish commented that although the time frame was constrained with a November 2005 election, the polling data was fresh and the public sentiment was currently hot. He stated that if he voted to raise taxes, he wanted to make sure the electorate knew exactly what those taxes would be for.

Council Member Hamilton commented that while he did not like to pursue an tax increase that was larger than necessary, the Council would likely not be able to pass another tax increase for 25 or 30 years.

Council Member Stadtherr commented that he foresaw a need for additional fire stations in the near future. A discussion ensued during which it was pointed out that funding for additional stations could come from impact fees.

Council Member West voiced support for pursuing a ½ cent sales tax to fund fire, police and the library. The Council Members agreed that this was the consensus of the Council.
City Manager John Longley confirmed the Council’s direction was to pursue the ½ cent sales tax measure for police, fire, and library, expedited for a November 2005 election. He stated that staff would bring the service contract for hiring the consulting firm of Lew Edwards Group to the next meeting, with a budget amendment to allocate $50,000 to $60,000 out of City reserves for the contract.

Disposition: Direction provided to staff.

2. CONSIDER INITIATING AN EVALUATION OF CITY SPORT FIELDS USAGE, CAPACITY, AND NEEDS

Recommendation: That the City Council discuss initiating an evaluation of City sports fields use, capacity, and needs, and provide direction to staff.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Council Member Hamilton questioned what the Council was attempting to accomplish.

Mayor Martinez commented that he had requested that the item be brought to Council. He noted that the only lighted basketball courts in the City were at Zalud Park. He questioned when the last time an evaluation on the needs had been updated and whether any proposed updates would fit into the City’s General Plan.

Staff confirmed that the 1994 Parks and Recreation Element had included ball fields. It was stated that the 1994 Element’s twenty year projection did identify a need to increase sports fields by 2014, and that the need had largely been met by the Sports Complex. A discussion ensued regarding the inclusion of ongoing maintenance considerations in the Parks and Recreation Element. Mr. Perrine indicated that the evaluation would be necessary to meet the General Plan Update.

Community Development Director Brad Dunlap added that the different Elements had not been included in the Comprehensive Update due to budgetary constraints.

The Council confirmed with staff that fee revenue had never been set aside for the General Plan Update. It was stated that the Update was a $500,000 endeavor, with $250,000 being budgeted that year and $250,000 being budgeted the following year. A discussion ensued as to why an amount had not been built into impact fees to fund the General Plan Update. City Manager John Longley confirmed that the City was looking into increasing impact fees, and that it would be based on the recommendation by MAXIMUS.

Mayor Pro Tem Irish confirmed with staff that the pocket park concept would be defined in the City’s Open Space Element. Mayor Pro Tem Irish then voiced disappointment with the need of the Parks and Leisure Services Department to hire a consultant rather than generating it in-house. City Manager John Longley responded that he believed the current Plan to be fairly irrelevant due to the loss of the fields at Porterville College, as well as changes in interest within the community. He stated that the proposed evaluation would provide the base data to begin updating the Plan. A discussion ensued regarding the effect that the development of the Sports Complex had on the City’s Plan. Mr. Longley
added that staff had the talent to conduct the research for the evaluation, but that the recommendation not to use staff was due more to a workload issue. He stated that the proposed consultant was an expert in that area and would be able to perform the task somewhat more quickly.

Council Member West commented that while $3,200 for the service seemed like a good deal, the City already had the information. It was suggested that the project be taken on with in-house resources. A discussion then ensued regarding the lengthy list of priorities for the Parks and Leisure Services Department and how the evaluation project should be prioritized. It was suggested that the evaluation was more complex than just counting ball fields.

Mayor Pro Tem Irish commented that in the future, such figures should be compiled on a regular basis thereby eliminating the need for outsourcing such work. He added that he would also like the parking capabilities of Zalud Park and Hayes Fields to be determined.

A discussion next ensued as to the lighting situation at the Sports Complex. It was explained that the Airport’s Master Plan called for the eventual expansion of the runway, which would eliminate the possibility of having lighted ball fields at the Sports Complex in the future due to lighting restrictions surrounding the runway. It was stated that the ball fields were in the wrong location at the Sports Complex, and that the funds that had been appropriated were no longer available.

- April Tolson, address on record, suggested that the City correct the problem and move the ball fields.

Council confirmed with staff that the evaluation would provide good baseline information and would assist in the Parks and Recreation Element of the General Plan. Mr. Perrine stated that the information could be maintained once the evaluation was completed so as to avoid having to hire another consultant in the future when it came time to update the Element. He then confirmed that the funds would come from savings in the Parks and Leisure Services Department budget.

The Council authorized staff to contract with a consultant, at the cost of $3,200 to perform an evaluation of the City sports fields use, capacity, and needs.

Disposition: Approved.

3. CONSIDER SKATE PARK MASTER PLAN

Recommendation: That the Council consider the Skate Park Master Plan as presented.

Director of Parks and Leisure Services Jim Perrine presented the staff report and a visual presentation depicting 3 different plans proposed by the designer, along with photographs of other facilities. Mr. Perrine stated that the design deemed to be most favorable by staff was Concept “A” which was a modular design built on a 15,000 sq. ft. concrete pad, with open space around two sides allowing for future expansion. Design elements included streetscape elements and two half pipes, one large and one small. Mr. Perrine stated that Concept “B” involved the same components as Concept “A” also built on a 15,000 concrete slab, however the components were shifted to the center of the pad, allowing for a “ribbon” of concrete along the outside. He suggested that the concrete ribbon was of little value to
the skateboarders. The third design, Concept “C,” Mr. Perrine pointed out, unfortunately did not meet
the requirements of the grant due to its smaller square footage, and therefore could not be pursued
without losing the grant funding. He stated that all of the designs fell within the $330,000 budget, with
contingencies, and did not include fencing, amenities or the parking lot.

Mr. Perrine indicated that staff had been researching maintenance costs and had contacted a
14,000 sq. ft. modular facility in Santa Cruz. He stated that staff had been told that the annual
maintenance was $5,000 in materials, hardware and panel replacements. Staff was also informed that the
Santa Cruz facility required annual replacement of the top panels and approximately 2 hours of daily
maintenance. He added that the Santa Cruz modular facility was built as a temporary facility for use until
a permanent concrete structure could be constructed. Mr. Perrine indicated that staff had also contacted
a facility in Encinitas that previously had a wooden-type bowl, but had replaced it with a concrete bowl
due to excessive maintenance. Mr. Perrine stated that staff had also contacted a modular facility in
Roseville and was informed that the park would be phased out due to competition with other parks in the
area.

In response to a question posed by Mayor Pro Tem Irish, Mr. Perrine stated that staff had been
informed that estimated annual maintenance costs for modular parks had been approximately $15,000.

Council Member West suggested that the maintenance costs on a modular facility would probably
exceed that $15,000 figure. Mr. Perrine responded that a half-time employee would likely need to be
devoted to the facility for maintenance.

• April Tolson, address on record, commented that input from the City’s youth had always
  been the plan for the design elements of the Park and voiced dissatisfaction that none of
  the Council Members had attended the public design meeting to hear what the youth had
to say. She then voiced support for pursuing an in-ground concrete design and not a
modular design.

Council Member Hamilton commented that the Council had pursued a modular design upon being
presented with a product constructed out of state-of-the-art materials which would allow the park to be
relocated throughout the City to provide access by both Eastside and Westside citizens. He stated that
the Council had directed staff to pursue a modular design because the Council had believed it to be the
best choice, but that the Council Members were not experts.

Council Member West opined that the first concrete design proposed at the previous Council
Meeting had been a better concept, because half-pipe design elements were used along with a concrete
bowl, and that the Park could be expanded if needed. That plan, he surmised, would limit the
maintenance and had the streetscape elements that the kids had wanted. He added that once the fad was
over, the facility could then be used for other functions.

Mayor Pro Tem Irish voiced concern with the bowl, due to safety issues. He stated that if a
Police Officer could not see what was going on from the street, he would have a problem with the design.
He added that he could not see pursing any elements in the wood-type material. Mayor Pro Tem Irish
then indicated that he would like to see the maintenance costs of both concrete and modular designs.
Mayor Martinez stated that he had visited several skate parks and commented that he too had some reservations with the bowl element. He cited as an example the bowl at the facility in Hanford in which some individuals had placed a refrigerator. A discussion ensued regarding other problems the Hanford facility and a Bakersfield facility had encountered. Mayor Martinez voiced concern with vandalism and safety issues that apparently arose with bowls. The Council discussed ways in which the design might at least limit such activity. It was suggested that a bowl design that was open on one end might be worth looking into.

Mayor Pro Tem Irish questioned whether a compromise might be reached with the skateboarders if the City built a concrete park without a bowl.

- April Tolson, address on record, suggested that another public meeting be scheduled so as to allow the youth to have some input on the revised design.

A discussion ensued regarding cyclists wanting to use the Park and ways in which the City could address that. Prohibiting cyclists at the facility and policing the area was discussed, at which point the topic of potential liability came up. City Attorney Julia Lew clarified that if the City only policed the activities, the City would not risk liability exposure. However, she stated, if the City monitored the facility, liability could be an issue.

Mr. Perrine confirmed with the Council that he would schedule another public meeting to receive design input, and then have some new design proposals prepared by the designer. He noted that the need for a change order would be likely. It was stated that the item would be brought back to Council as soon as possible, which might be at the second meeting in June.

Disposition: Direction provided to staff.

ADJOURNMENT

The Council adjourned at 9:05 p.m. to the meeting of May 17, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 17, 2005 6:00 P.M.

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

ORAL COMMUNICATIONS
None

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

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION


City Attorney Julia Lew reported that the City Council approved the purchase of property located at APN: 251-202-027 from Iqbal Singh and Parmjit Kaur for the Indiana Street Project in the amount of $198,656.00.

Documentation: Resolution 64-2005
Disposition: Approved.

Pledge of Allegiance Led by Council Member Hamilton
Invocation - One individual participated.

PROCLAMATION
“Freedom Days in Porterville” - June 14 to July 4, 2005
Dick Eckhoff, Chairman of the Downtown Porterville Association, came forward to receive the Proclamation and thanked the Council for their support.

PRESENTATION
Certificate - Joe Soto
- Mayor Martinez acknowledged the accomplishments in wrestling of Porterville High School student Joe Soto.

La Barca Trip
- City Manager John Longley and Mayor Martinez informed everyone of the recent trip to Sister City La Barca, Mexico. A slide show was presented depicting photographs from the trip and gifts from La Barca officials were displayed.

Downtown Porterville Association
- Association President Dick Eckhoff presented the Council with a $1001.72 donation for trees at Centennial Park.

City Manager’s Featured Projects for May, 2005
- Trailhead Park Tree Planting
- Olive/Indiana Streets Property Negotiation
- Stout Building Lease

Mayor Martinez commented that in the event the Council reorganized that evening, he wished to voice his appreciation in serving as the Mayor of Porterville. He apologized to the Council, and to Mayor Pro Tem Irish specifically, for comments he had made, and then thanked his family for their support.

ORAL COMMUNICATIONS
- Cathy Capone, 806 W. Westfield, on behalf of Heritage Oak Preservation Effort, voiced support for a heritage tree ordinance.
- Gerry Quinn, 734 W. Putnam, spoke on various issues
- Pat Reed, Springville resident and President of the Porterville Garden Club, voiced support for a tree ordinance.
- Jim Innis, 1148 W. Glenn Court, voiced support for a tree ordinance.
- Russell “Buck” Fletcher, 1662 W. Morton Avenue, spoke regarding Council reorganization and requested that the Council cease any “backroom dealing.”
- April Tolson, 246 S. Chestnut, thanked the Council for their progress on the Skate Park.
- Jamie Hunt, 302 W. Grand Avenue, voiced support for a tree ordinance.
- Nathan Delk, 330 Lindley Drive, came forward as a member of Leadership Porterville Class of 2004.
- Bethany Ambrosini, a Strathmore resident, came forward as a member of Leadership Porterville Class 2004.
- Mary Hodges, a Terra Bella resident, came forward as a member of Leadership Porterville Class 2004.
- Stephanie Gibson, 291 S. Reservation Road, came forward as a member of Leadership Porterville Class 2004, and thanked the Council for their hard work.
- Judy Sarber, a Springville resident, came forward as a member of Leadership Porterville Class of 2004 to fulfill a class challenge.
- Jonathan Schalembr, 5091N. Salisbury, came forward and spoke in favor of a tree ordinance.
- Dick Eckhoff, business address 197 N. Main Street, spoke in favor of a tree ordinance.
- Mbete Kiamba, 1040 W. Grand Avenue, a member of Leadership Porterville Class of 2005 came forward to fulfill a class challenge.
• Ann Jacobs, 1431 E. Roby Avenue, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
• Steve Schnars, 1995 West Wall, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
• David Coy, 934 W. Henderson Avenue, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
• Gregory Gillett, 302 N. Second Street, Leadership Porterville Class of 2005, came forward to fulfill a class challenge, and requested that the Council begin construction on the Skate Park post-haste.
• Grace Munoz-Rios, 345 W. Belleview, came forward and identified herself as a member of Leadership Porterville Class of 1991.
• Fred Beltran, came forward and identified himself as a member of Leadership Porterville Class of 1999.
• Dennis Townsend, business address of 633 N. Westwood, came forward and identified himself as a member of Leadership Porterville Class of 1993, and thanked the Council, and Mayor Martinez specifically, for their time and effort.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF APRIL 12, 2005

Recommendation: That the Council approve the City Council Minutes of April 12, 2005.

Documentation: M.O. 01-051705
Disposition: Approved.

2. BUDGET ADJUSTMENTS FOR THE 2004/2005 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize staff to modify revenue and expenditure estimates for work relating to the Henderson Avenue Project, by increasing the appropriations for the Sewer Revolving Fund by $3,241; Storm Drain Development Fund by $71,459; Water Replacement Fund by $181,741; Transportation Development Fund by $115,000; and Local Transportation Fund by $127,125.

Documentation: M.O. 02-051705
Disposition: Approved.

3. APPROPRIATION OF ADDITIONAL FUNDS FOR WILLIFORD DRIVE RECONSTRUCTION AND DRAINAGE PROJECT

Recommendation: That the City Council approve an appropriation of $53,000 from Local Transportation Funds for completing the Williford Drive Reconstruction and Drainage Project.

Documentation: M.O. 03-051705
Disposition: Approved.

4. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2004 NEGOTIATED BIDS
5. AWARD OF CONTRACT FOR CONSULTANT SERVICES FOR THE DEVELOPMENT OF A STORM WATER MANAGEMENT PLAN

Recommendation: That the City Council:
1. Authorize staff to enter into a contract with Quad Knopf Inc. for the development of a Storm Water Management Plan that will meet the requirements of the RWQCB;
2. Authorize the Mayor to sign all contract documents; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 05-051705
Disposition: Approved.

6. AWARD OF CONTRACT - MUNICIPAL WATER WELL NO. 28 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1. Award the Municipal Water Well No. 28 Project (Pumping Plant) to Valley Pump and Dairy Systems in the amount of $560,509.67;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize staff to appropriate $520,000 in Water Developer Fees to finance both construction phases.

Documentation: M.O. 06-051705
Disposition: Approved.

7. RESOLUTION MAKING A LOCAL DETERMINATION OF COST EFFECTIVENESS FOR THE USE OF FORCE ACCOUNT, AND AUTHORIZE OBTAINING BIDS FOR THE LIGHTING EQUIPMENT TO CONSTRUCT FOUR LIGHTED PEDESTRIAN CROSSWALKS

Recommendation: That the City Council adopt the resolution making a local determination of cost effectiveness for the use of force account, and authorize obtaining bids for the lighting equipment to construct four lighted pedestrian crosswalks.

Documentation: Resolution 65-2005
Disposition: Approved.

8. AGREEMENT TO MAINTAIN CASTLE AVENUE AND PROSPECT STREET RELATED TO THE PORTERVILLE UNIFIED SCHOOL DISTRICT (PUSD) MIDDLE SCHOOL
Recommendation: That the City Council:
1. Approve the Agreement Regarding Portions of Prospect Street and Castle Avenue, City of Porterville, as written; and
2. Authorize the Mayor to sign the Agreement with the County.

Documentation: M.O. 07-051705
Disposition: Approved.

9. STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville January 1, 2005, population of 44,496.

Documentation: M.O. 08-051705
Disposition: Approved.

11. FIRE FIGHTER - ELIGIBILITY FOR EMPLOYMENT

Recommendation: That the City Council approve the modification to the classification plan to require, Certified Fire Fighter 1 or successful completion of an approved Fire Fighter academy and eligibility for a Fire Fighter 1 certification or graduation from an approved college with at least a two-year degree.

Documentation: M.O. 09-051705
Disposition: Approved.

12. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

Recommendation: That the City Council:
1. Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2005 to June 30, 2006 in the amount of $29,871;
2. Encumber $29,871 in monies from the booking fee reimbursement during Fiscal Year 2004/2005 to be used in Fiscal Year 2005/2006 to fund the Agreement; and
3. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 10-051705
Disposition: Approved.

14. OFF HIGHWAY VEHICLE GRANT PROGRAM

Recommendation: That the City Council:
1. Adopt a Resolution approving the grant application entitled Porterville Facility Operation and Maintenance for Fiscal year 2005-2006;
2. Approve in concept the 2005/2006 OHV budget; and
3. Authorize the Director of Parks and Leisure Services to act as agent to the City for the grant.

Documentation: Resolution 66-2005
Disposition: Approved.

15. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, EMPLOYEE BENEFIT TRUST FUND, AND THE PERSONNEL SYSTEM RULES AND REGULATIONS

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2004/2005 and 2005/2006, the Employee Benefit Trust Fund, and the Personnel System Rules and Regulations, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 67-2005
Disposition: Approved.

16. CONSIDERATION OF CONSULTING SERVICE AGREEMENT FOR SALES TAX INITIATIVE SUPPORT

Recommendation: That the City Council:
1. Authorize the Mayor to sign the Service Agreement with Lew Edwards Group;
2. Authorize staff to begin the public education process to facilitate a November 2005 ballot measure; and
3. Direct staff to prepare a budget adjustment from booking fees received in the General Fund to cover the cost of the service.

Documentation: M.O. 11-051705
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadther that the Council approve Items 1 through 9, 11, 12, and 14 through 16. The motion carried unanimously.

10. MODIFICATION OF RESOLUTION 2-99 FOR A ONE-YEAR SUSPENSION OF ENGINEERING NEWS RECORD INCREASE IN THE PARK IMPACT FEE

Recommendation: That the City Council adopt the draft resolution resulting in a one-year suspension in the ENR increase in the Park Impact Fee.

City Manager John Longley presented the item, and indicated that the City Attorney had an amendment to the item.

City Attorney Julia Lew indicated that an amended resolution had been drafted and provided to the Council that evening so as to ensure that the City followed its own Ordinance. She stated that the automatic adjustment was also found in the Ordinance provisions, therefore revisions to the draft resolution provided in the Agenda packets had been necessary. She explained that Nos. 1 and 2 had been amended to read:
1. Collection of the automatic annual adjustment portion to the Park Impact fee for the 2005-2006 Fiscal Year shall be suspended for the 2005-2006 Fiscal Year only.

2. The City will resume collection of the automatic annual adjustments for the 2006-2007 Fiscal Year (as adjusted for the years 2005-2006 and 2006-2007) in accordance with the Engineering News Record Construction Cost Index, as described by Resolution 2-99.

Ms. Lew explained that the increase would be eliminated for one year, and then resumed the following year. She stated that unless the Council wanted to adopt an Ordinance to completely eliminate the fee for that year, the proposed amended Resolution was the way to proceed.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution, as amended, resulting in a Resolution 67-2005 one-year suspension in the ENR increase in the Park Impact Fee.

Disposition: Approved.

13. PORTERVILLE COLLEGE SOFTBALL FIELDS LIGHTING

Recommendation: That the City Council declare the lighting equipment at the Porterville College east diamond softball field as surplus, and direct the Purchasing Agent to advertise the equipment for bid, as is.

City Manager John Longley introduced the item.

Council Member Hamilton commented that a staff report would not be necessary, rather he wished to make an observation to the Council. He indicated that the Council had discussed the ball field lights several months before and that he felt the perfect spot for them was the motocross track. He voiced disappointment that staff had not brought back that plan as an option for consideration. He requested that the Item be brought back with a cost analysis of moving the light fixtures to the OHV Park.

City Manager John Longley responded that there were two different sets of lights defined in the staff report: the westerly lights and the easterly lights. He stated that the westerly lights had been removed and would potentially be available for that use. He stated that staff could bring back additional information on the easterly lights. It was then stated that staff’s view was that the older set of lights, the easterly lights, were of questionable value and that the integrity of the wooden poles was suspect.

Council Member Hamilton stated that the lights currently in storage would not be sufficient to light a 2½ mile track, but rather all of the lights would be needed. He requested that a cost analysis of utilizing all of the lights be brought back to the Council for consideration.

City Manager John Longley confirmed that a cost analysis of using of the light fixtures at the OHV Park would be brought back to Council.

Disposition: Continued.

**PUBLIC HEARING**

17. CURBSIDE RECYCLING ANALYSIS
Recommendation: That the City Council issue a Request for Proposals to haulers (including the City) for collection of curbside recycling, and issue a second Request for Proposals for processing.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez then turned the floor over to staff member Lori Mercado who proceeded to review the options before the Council, which were:

Option 1: Direct staff to implement curbside recycling collection with City forces and send out a Request For Proposals (“RFP”) for processing.

Option 2: Direct staff to implement curbside recycling collection and negotiate with the Porterville Sheltered Workshop for processing of recyclable materials in accordance with the Welfare and Institutions Code.

Option 3: Issue an RFP to haulers (including the City) for collection of curbside recycling and issue a second RFP for processing.

Option 4: Do not implement curbside recycling at this time, and direct City staff to continue researching alternative recycling programs.

The public hearing opened at 8:16 p.m.

- Russell “Buck” Fletcher, address on record, voiced concern with the City having to pay for recycling services and spoke in favor of pursuing the program through a non-profit organization.
- Gerri Quinn, address on record, spoke in favor of a recycling program.
- Boyd K. Leavitt, 457 East Porterville, spoke against a mandatory recycling program and voiced support for Option No. 2 at no charge to customers and on a voluntary basis.
- Pete McCracken, 657 Village Green, questioned why the City would charge and spoke in favor of Option No. 2 at no charge to customers. He suggested staff speak with the City of Visalia.
- Cathy Capone, 806 West Westfield, spoke in favor of recycling and questioned why the City would increase fees.
- Jim Vagim, 70 South Main Street, commented that the City of Porterville did not meet the standards of recycling pursuant to AB939, and recommended that the Council proceed with the RFP process for recycling.

The public hearing closed at 8:28 p.m.

A discussion ensued regarding Option No. 2 and whether the program would be delayed due to the current lack of a processing plant. It was stated that staff believed a processing plant could be implemented within the same time frame as the program could be implemented. It was pointed out that because the plant would not be a “dirty MRF,” significantly less permitting would be required, thereby reducing the time frame for implementation. Staff clarified that all Options presented to the Council, with the exception of the Option No. 1, called for source-separation in a blue container.
COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt Option No. 3 to direct staff to issue an RFP to haulers (including the City) for collection of curbside recycling and issue a second RFP for processing.

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

Disposition: Approved.

The Council recessed for 15 minutes.

18. RIVERVIEW ESTATES PHASE 4 (WOODARD HOMES)

Recommendation: That the Council:
1. Adopt the draft resolution approving the Negative Declaration for Riverview Estates Phase 4 Tentative Subdivision Map; and
2. Adopt the draft resolution approving Riverview Estates Phase 4 Tentative Subdivision Map.

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

The public hearing opened at 8:50 p.m.

• Mike Arndt, Interim Superintendent of Burton School District, came forward and voiced concerns that Mathew Street was only a 3/4 road, yet would need to service both the proposed development and the new Summit Charter Academy. He then reviewed the concerns raised in his letter previously submitted to the City.
• Bob Lewis, 1955 W. Orange Avenue, a resident and Chairman of the Interim Board of Directors of the Summit Charter Academy voiced concern with increased traffic along Orange Avenue due to the proposed development. Citing traffic safety concerns, he then requested that the Council require development of another access way to Olive Avenue prior to approving the proposed residential development.
• Milo Jenkins, 29161 Highway 190, Interim Board Member and future teacher at Summit Charter Academy, voiced safety concerns with the intersection of Olive Avenue and Mathew Street.
• Susanna Stoll, 1908 Memory Lane, Interim Board Member, voiced concerns with Mathew Street being only a 3/4 street and spoke against the proposed subdivision citing safety issues with children due to increased traffic.
• Jim Winton, Winton & Associates, 150 W. Morton Avenue, came forward on behalf of the applicant, Woodard Homes. He stated that the applicant had agreed to all of the conditions required by the City, such as the repair and ongoing maintenance of the adjacent access road. He clarified that Mathew Street was a 3/4 street, which meant there were 2 full lanes of travel way and a parking lane on the east side. He stated that making the street a full street would not increase the travel way, but only add a parking lane on the west side.
• Bob Lewis, 1955 W. Orange Avenue, commented that the gravel access way to which Mr. Winton referred was presently not travelable and would not provide an adequate exit out of the development.

• Greg Shelton, 888 N. Williford Drive, voiced support for approval of the Subdivision, noting that the applicant had met all of the conditions.

The public hearing closed at 9:06 p.m.

In response to Council Member Hamilton’s question regarding Condition 14, City Engineer Mike Reed stated that the applicant’s engineer would be required to provide topography maps for development which would detail the location of each well. He stated that the applicant would be required to abandon the wells pursuant to the procedure designated by the Tulare County Health Department.

Council Member Hamilton commented that he recalled that Burton School District had been identified as the party responsible for fully developing Mathew Street. Staff confirmed that widening the street had been a mitigation measure in the school’s environmental document due to the projected impact that the school would have on the surrounding streets. Mr. Dunlap stated that City staff had in fact voiced concerns to the District early on in the process, but that it was his understanding that the District was not going to widen Mathew Street.

Council Member West commented that the applicant had met all of the City’s criteria and questioned how the Council could refuse it.

Mayor Pro Tem Irish questioned if the School District and Woodard Homes had met to discuss concerns.

• Greg Woodard, Woodard Homes, 1055 West Morton Avenue, came forward and commented that he had not met with the School District as he had just learned of any opposing contingent.

Mayor Pro Tem Irish voiced support for continuing the item so as to allow time for the parties to meet and work out some of the concerns.

Mr. Dunlap stated that staff did not believe the traffic impact from the 17 proposed residential lots would be significant. He stated that staff had concluded that the Subdivision would generate less than 165 daily trips in a 24 hour period, including outbound and inbound. He stated that the project was not of the proportion that would elevate itself to carry the burden of widening the street; however, he stated this was not the case for the Summit Charter Academy. He stated that the projected intensity of pedestrian and vehicular traffic attributed to the school would prove to be substantial. He indicated that staff had been present at a meeting between the School District and developers Nicholson & Smee regarding the proposed residential Subdivision on a lot adjacent to the Academy’s property. He stated that it was his understanding that the two parties had reached an agreement as to the development of Mathew Street and that he had only just heard that evening that there might still be an issue.

• Mike Arndt, Interim Superintendent of Burton School District, came forward and commented that the District was not contesting the Subdivision. He stated that the District had agreed to pay for one-half of the cost of widening Mathew Street, and that Nicholson & Smee had agreed to pay for the cost of a sidewalk. He stated that a substantial amount of funding was still needed to complete the street. He indicated that the School Board was willing to pay for half of the cost for the curbs, gutters and sidewalks, but not the entire cost of the street.
Council Member West questioned the difference in cost of the Nicholson & Smee Subdivision compared to the Woodard Subdivision, pointing out that Mr. Ardnt had suggested that Nicholson & Smee pay for a sidewalk, while proposing that Woodard Homes funded the cost of one-half of a street.

Mayor Martinez confirmed with staff that a meeting between Woodard Homes and Burton School District could be scheduled at the early possible date for all attendees. He voiced concerns with the safety due to traffic and also noted the importance of proceeding quickly for the developer. He then questioned how the development of Mathew Street would fit into the City's Circulation Element.

Mr. Dunlap indicated that Mathew Street was identified as a Collector Street, which indicated it to be a sixty-foot wide street, forty-feet curb to curb.

- Greg Woodard, Woodard Homes, came forward and commented that the School District knew when the property had been purchased that they would need to widen the street, yet the District still purchased the property, yet they now did not want to pay for the widening. He questioned why Woodard Homes should have to pay. He then commented that grant funding was available for installing a signal light at the Olive/Mathew intersection and suggested that if the District widened the street, it could pursue reimbursement from both developers. He stated that it was unfortunate that the District chose a location for its school that was not appropriate for students without counting the cost, but he did not believe Woodard Homes should bear its burden.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving the Negative Declaration for Riverview Estates Phase 4 Tentative Subdivision Map; and adopt the draft resolution approving Riverview Estates Phase 4 Tentative Subdivision Map.

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

Disposition: Approved.

Mayor Martinez encouraged all parties to meet and work out the traffic issues.

19. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the City Council open the public hearing and continue Zoning Ordinance Amendment 01-2005 to June 7, 2005.

City Manager John Longley presented the item, and indicated that staff was currently in discussions with the Building Industry Association and that staff recommended that the public hearing be opened and then continued to June 7, 2005 to allow enough time to complete the discussions.

The public hearing opened at 9:24 p.m.

When nobody came forward, Mayor Martinez noted that the public hearing would be continued until June 7, 2005.
SECOND READINGS

20. ORDINANCE 1667, ZONE CHANGE 1-2005 (CAMARENA)

Recommendation: That the Council give Second Reading to Ordinance No. 1667, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council give second reading to Ordinance 1667, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING Ordinance 1667 ZONE CHANGE 1-2005 FROM C-3 (HEAVY COMMERCIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL), AS AMENDED, FOR THOSE THREE (3) PARCELS LOCATED ON THE WEST SIDE OF SUNNYSIDE STREET, EXTENDING SOUTH OF BELLEVIEV AVENUE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

21. ORDINANCE 1668, ZONE CHANGE 2-2005 (SMEE BUILDERS)

Recommendation: That the Council give Second Reading to Ordinance No. 1668, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council give second reading to Ordinance No. 1668, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2005 FROM M-1 (LIGHT MANUFACTURING) TO RE (ONE FAMILY ESTATE) FOR THAT 40± ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE STREET (UNIMPROVED) AND GIBBONS AVENUE, waive further reading and adopt said ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

22. REQUEST FOR VOTE OF CONFIDENCE FOR MAYOR

Recommendation: To be determined by Council.

City Manager John Longley presented the item and indicated that the item had been placed on the Agenda pursuant to the Mayor’s request at the May 3, 2005 Council Meeting.
Mayor Martinez indicated that he had requested that the item be placed on the Agenda. He stated that evaluation of any position was important and that he had discussed the issue of continuing to serve as Mayor with his family and had received their blessing. He stated that pursuant to the Charter, Mayors serve for a two-year term, but that he also served at the pleasure of the Council. He suggested that future Mayors should also seek a vote of confidence. He stated that he would not take the outcome personally and understood that sometimes change was good, but at the same time, he believed that the community also needed stability. He then reiterated that the Charter called for two-year terms and that the Charter should be changed if that was not the case. Mayor Martinez then commented on what he perceived to be his strengths and weaknesses and stated that he hoped he had served honorably.

Council Member Hamilton requested legal clarification as to a vote of confidence.

City Attorney Julia Lew responded that a vote of confidence was not an affirmative action to either keep or remove a Mayor, and that the Council could legally opt not to proceed with the vote of confidence if the Council so chose.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council not proceed with a vote of confidence.

M.O. 13-051705

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

Disposition: Approved motion for no vote.

23. CONSIDERATION OF REQUEST REGARDING CITY COUNCIL REORGANIZATION

Recommendation: To be determined by Council.

City Manager John Longley presented the item and indicated that two Council Members had requested that the item be placed on the Agenda.

Mayor Pro Tem Irish identified himself as one of those Council Members. He commented that he did not believe the current process was working as it created large egos. He stated that he supported selection of the Mayor on a rotational basis. He then thanked the Mayor for his apology and stated that he believed that he and the Mayor had worked well together during the past year. However, he commented, while he thought Mayor Martinez had done a good job, the position should still be rotated. He then clarified that the previous year, he had agreed to support Mayor Martinez for Mayor on the condition that he only serve for one year. Mayor Pro Tem Irish asserted that Mayor Martinez had agreed to that and that there had been no quid pro quo agreement. He added that he had recently withdrawn his name from consideration of Mayor so as to avoid any misunderstanding as to his motivation. He stated that he currently had no agreements with any of the Council Members.

Mayor Pro Tem Irish moved to nominate Council Member Hamilton as Mayor.

Mayor Martinez stated that in order to proceed with Mayor Pro Tem Irish’s motion, a motion first needed to be made to remove him as Mayor. He then stated that he would accept such a motion, but that he
first wished to dispute the allegation made by Mayor Pro Tem Irish that an agreement had been made in which he had allegedly agreed to serve as Mayor for only one year. He indicated that during that conversation, he had stated that he would consider only serving a year, but that he had never agreed to it.

Council Member West commented that he too understood that Mayor Martinez would only serve as Mayor for one year. He stated that he also supported a rotational system which he believed would eliminate the “peacock dance.”

City Attorney Julia Lew stated that there were two issues at hand: one being the potential removal of the Mayor; and the second being a nomination process for the Mayor Pro Tempore position.

Council Member Hamilton commented that as Council Member Stadtherr’s term as Mayor came to an end the previous year, Mayor Martinez had also sought his support for Mayor, which at that time he had been proud to give.

Mayor Martinez responded that he had not asked Council Member Hamilton for support.

Council Member Stadtherr moved to affirm Mayor Martinez’s position. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council remove Mayor Martinez from the position of Mayor.

M.O. 14-051705

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

Mayor Pro Tem Irish nominated Council Member Hamilton for Mayor.

Council Member Hamilton nominated Council Member West.

Council Member Stadtherr nominated Council Member Martinez.

Council Member Martinez nominated Council Member Stadtherr.

Mayor Pro Tem Irish moved that the Council appoint Council Member Hamilton as Mayor. The motion died for lack of a second.

M.O. 15-051705 MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council appoint Council Member West as Mayor.

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

Mayor Pro Tem Irish stated that he was officially stepping aside as Mayor Pro Tem.

Mayor West nominated Council Member Hamilton for Mayor Pro Tem.
Council Member Martinez nominated Council Member Stadtherr.

M.O. 16-051705 MOVED by Mayor West, SECONDED by Council Member Irish that the Council appoint Council Member Hamilton as Mayor Pro Tem.

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

Disposition: Approved.

The Council recessed for ten minutes.

24. CHARITABLE CAR WASH ORDINANCE

Recommendation: That the City Council:
1. Review the draft ordinance and provide any additional direction; and
2. If the Council desires, that a public hearing be set for the June 7, 2005 Council Meeting, and that it consider the ordinance for first reading at that time.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

Mayor Pro Tem Hamilton commented that the proposed Ordinance covered everything that the Council had requested. He then moved that the Council accept the draft Ordinance as proposed and order it to print.

Council Member Martinez seconded Mayor Pro Tem Hamilton’s motion and stated that he believed the proposed Ordinance would work for Porterville.

City Attorney Julia Lew clarified that due to the fact that a significantly different Ordinance had been considered at the previous public hearing, she recommended that the Council direct staff to set a new public hearing and proceed with the first reading at that time.

Mayor Pro Tem Hamilton withdrew his motion and then moved that the Council direct staff to set a public hearing for June 7, 2005.

Council Member Martinez seconded Mayor Pro Tem Hamilton’s motion.

Council Member Stadtherr suggested that the Council consider adding a sunset clause to the Ordinance in the event the Ordinance was ultimately not as effective as the Council had originally intended.

Council Member Irish clarified with City Attorney Julia Lew that the Council had the opportunity to adjust the Ordinance as needed without including a sunset clause.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council set a public hearing for June 7, 2005. The motion
25. RECONSIDERATION OF BIDS - PUTNAM AVENUE RECONSTRUCTION PROJECT
(FOURTH ST. TO HENRAHAN ST.)

Recommendation: That the City Council, compliant with City policy and practice, reject all bids for the Putnam Avenue Reconstruction Project.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council award the contract to Central Valley Asphalt. The motion carried unanimously.

Disposition: Approved.

26. AUTHORIZATION TO APPROVE SUCCESS DAM SEISMIC REMEDIATION JOINT POWERS AGREEMENT

Recommendation: That the City Council:
1. Direct the Mayor to execute the “Tule River Improvement Joint Powers Project Agreement for the Success Dam Seismic Remediation Project”;
2. Appoint the Public Works Director as the City of Porterville’s representative on the Seismic Remediation Committee;
3. Authorize the City Manager to release the first payment installment in the amount of $6,250 to the Seismic Remediation Committee to cover the City’s 2004/2005 share of expenses related to the Success Dam Remediation Project; and

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Longley added that funding from the Water Fund for the item would be appropriate due to the recharge benefit received from the dam.

Mayor Pro Tem Hamilton questioned why lobbying was necessary if the Federal Government had already agreed to fund the project.

Mr. Longley responded that how and when the project funds were appropriated by Congress could result in significant savings. He suggested that the City would benefit from having a seat at the table, as there were many variables. For example, he indicated, the Corps of Engineers was considering incorporating a weir structure in the roller compacted concrete, and if pursued, the City could appreciate significant savings.

Council Member Irish commented that while he had not been a proponent of the project, he believed that participating in the JPA would benefit the City. He then voiced concern with automatic funding for future
years, and instead proposed that each year, approval for funding should come back to Council. He stated that as long as safeguards for the City were in place, he believed the City should proceed.

Council Member Stadtherr moved that the Council approve staff’s recommendation, amended to direct staff to negotiate a revision in the language of the Agreement to require the annual approval by the Council for appropriation of funds.

In response to a question from Council, Mr. Longley stated that the proposed Agreement pertained more to negotiations at the congressional level for appropriations. He indicated that the appropriation from Congress was potentially approximately $2,000,000 and would occur in a 6 to 10 year period. He stated that the local agencies sought to incorporate language into the legislation that would economize the project and serve the community.

A discussion ensued as to ways in which the Agreement could be revised so as to require annual approval of appropriations by the Council.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Nos. 1 through 3 of staff’s recommendation, and to amend No. 4 to direct staff to negotiate a revision in the language of the Agreement to require the Council’s annual approval for appropriation of funds. The motion carried unanimously.

Disposition: Approved, as amended.

27. S.A.F.E.R. GRANT REQUEST

Recommendation: That the Council authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, but condition the request on the City’s ability to pass a sales tax measure on the November 2005 ballot.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report. Chief Guyton indicated that the staff report included four options for Council’s consideration, and that staff recommended that the Council approve Option No. 2.

Option 1: Authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, with funding to be achieved by increasing the City’s General Fund deficit.

Option 2: Authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, but condition the request on the City’s ability to pass a sales tax measure on the November 2005 ballot.

Option 3: Do not submit the request.

Option 4: To be determined by Council.

Council Member Irish moved that the Council authorize staff to submit a grant request.

Council Member Stadtherr seconded the motion.
In response to Mayor Pro Tem Hamilton’s question, Fire Chief Guyton explained the estimated timeline for the grant application and award process, summarizing that the process could take approximately 6 to 8 months once the process began.

A discussion ensued regarding how the proposed grant funding would affect the sales tax measure efforts for hiring new firefighters. Fire Chief Guyton pointed out that the award of the SAFER Grant would actually downgrade the amount of money necessary for funding the hiring of firefighters, and could be instead used to augment other needed areas or to hire additional personnel.

Council Member Irish clarified that his motion was to approve Option No. 2 set forth in staff’s recommendation.

Council Member Stadtherr seconded the motion.

A discussion ensued as to the potential benefits of adding an additional three 3 firefighters onto the grant request, for a total of 7 firefighters. Mr. Longley indicated that if the sales tax measure did not pass, funding for all 7 firefighters would prove extremely difficult.

Mayor Pro Tem Hamilton moved to amend Council Member Irish’s motion to add an additional 3 firefighters, for a total of 7 firefighters, to the grant request.

Council Member Stadtherr seconded Mayor Pro Tem Hamilton’s motion.

City Manager John Longley recommended against adding the additional 3 firefighters to the grant request, indicating that it would create a quandary if the sales tax measure did not pass.

COUNCIL ACTION:

M.O. 20-051705  MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr to amend Council Member Irish’s motion to add an additional 3 firefighters, for a total of 7, to the grant request. The motion carried unanimously.

M.O. 21-051705  MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve Option No. 2, as amended to add an additional 3 firefighters, for a total 7 firefighters, to the grant request. The motion carried unanimously.

Disposition: Approved, as amended.

28. REPORT REGARDING MEETING WITH JOHNSON CONTROLS

Recommendation: That the City Council authorize the Mayor to sign a Memorandum of Understanding with Johnson Controls, once the MOU has been modified to more clearly reflect that the City of Porterville has no obligation to engage in any of the retrofit projects that may be identified in phase one of this program.

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

In response to Council Member Irish’s question, Mr. Pyle explained that staff time from various departments would be involved to assist Johnson Controls’ staff in assessing all of the components in the City’s systems over the course of approximately 3 weeks, with the results being made available 30 days thereafter.
Mayor Pro Tem Hamilton cautioned that Johnson Controls would likely be seeking upgrades, using the anecdotal reference to free brake inspections in the auto repair industry.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Council Member Irish that the Council authorize the Mayor to sign a Memorandum of Understanding with Johnson Controls, once the MOU has been modified to more clearly reflect that the City of Porterville has no obligation to engage in any of the retrofit projects that may be identified in phase one of the program. The motion carried unanimously.

Council Member Stadtherr stated that if anybody was interested in learning more, Johnson Controls would be making a presentation at Lindsay City Hall at 10:00 a.m. on May 24, 2005.

Disposition: Approved, as amended.

29. APPROVAL OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the Council:

1. Review the proposed modifications to the City Council Procedural Handbook; and
2. Approve the draft resolution adopting the City Council Procedural Handbook as amended; and
3. Adopt the draft resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew added that pursuant to the request of Mayor Pro Tem Hamilton, Section VII, Travel and Meetings, Sub-Section A, was also revised to add:

*When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council Member. If a prior room reservation is not made, the Council Member shall request a room sales tax waiver prior to payment for a room.*

**COUNCIL ACTION:** MOVED by Council Member Martinez, Mayor Pro Tem Hamilton that the Council review the proposed modifications to the City Council Procedural Handbook; Resolution 71-2005 adopt the draft resolution adopting the City Council Procedural Handbook as amended; and adopt the draft resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council. The motion carried unanimously.

Disposition: Approved, as amended.

30. UPDATE ON CERTIFICATES OF PARTICIPATION PROJECTS AND FUNDING

Recommendation: Informational report only.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez noted for the record that Project No. 3 - Orange/Main to Plano and
Project No. 6 - Henderson Piping Project – depicted on the Project Schedule as Projects in Progress – had both actually been completed.

Responding to a question from the Council, Mr. Rodriguez explained that the “COP Share Basic” column on the spreadsheet represented the cost of the project that would be funded by the COP.

Council Member Irish requested that a column be added to the spreadsheet in the future that depicted the original cost estimate for each project. City Manager John Longley confirmed that staff would add such a column.

Mayor Pro Tem Hamilton voiced concern with Project No. 85-9727 - Westwood-Henderson to Westfield depicted on the Schedule as in the design phase, when the Council had identified the project as a priority. It was confirmed by staff that the Westwood-Henderson to Westfield Project was a priority and that funding for the project had yet to be identified.

Council Member Irish cautioned in the event the City pursued COPs in the future, that often times those funds were not directed towards the Council’s intended projects. He commented that the next time the City went out for COPs, he would scrutinize the projected length of proposed projects, noting that the longer the project’s duration, the less the project was funded.

A discussion ensued regarding the various projects, including the status of the work completed to date on the Westwood-Henderson to Westfield Project and the N. Grand Hwy 65 ROW EIR & EIS Project.

In response to a question posed by Mayor Pro Tem Hamilton, Deputy City Manager Darrel Pyle explained the staff had projected approximately $700,000 in Location Transportation Funds (“LTF”) for new projects and that a portion of the LTF went towards debt service on that particular COP issuance. He stated that further details would be provided to the Council at the upcoming Budget Study Session.

Mayor Pro Tem Hamilton commented that the Westwood-Henderson to Westfield Project was a high priority for him.

Disposition: Informational Report Only.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, business address of 197 N. Main Street, requested clarification as to the procedure taken to remove the Mayor and reorganize the Council.
- Joseph D. Guerrero, 332 South F Street, voiced displeasure with the Council’s behavior, and requested that the City Charter be readdressed to allow citizens to choose the Mayor.
- Felipe Martinez, 195 W. Putnam Avenue, requested statistical information on response times for police and fire. City Manager John Longley confirmed that this information would be made available.

**OTHER MATTERS**

- Council Member Irish offered clarification as to the events leading to the Council’s reorganization.
- Mayor Pro Tem Hamilton, voiced support for a noise ordinance.
- Council Member Martinez also voiced support for a noise ordinance and requested clarification by staff.
Community Development Director Brad Dunlap stated that the Zoning Ordinance contained noise standards relative to businesses. He stated that a Noise Element was also a part of the City’s General Plan, but for some reason had never been adopted. A discussion ensued regarding different elements of a noise ordinance.

City Manager John Longley confirmed that staff would prepare a memorandum on the subject and place the item on a future Agenda.

- Council Member Martinez, requested notification be sent to those committees on which he served as Mayor, and voiced support for amending the Charter regarding the rotation of the Mayor. A discussion ensued as to the process for amending the Charter.

**ADJOURNMENT**

The Council adjourned at 10:56 p.m. to the meeting of June 7, 2005 at 6:00 p.m.

________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

______________________________
Kelly E. West, Mayor
CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
JUNE 7, 2005 6:00 P.M.

Call to Order: 6:00 p.m.  
Roll Call:  Council Member Irish, Council Member Martinez (arrived at 7:14 p.m.), Mayor Pro Tem Hamilton,  
Council Member Stadtherr, Mayor West

ORAL COMMUNICATIONS  
None

CLOSED SESSION:
A. Closed Session Pursuant to:  

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION


City Attorney Julia Lew reported that the Council had authorized the acceptance of a Grant Deed in fee for public street and underground utilities purposes for the real property located at APN 261-093-019 from property owners Joe M. and Evalina S. Cruz in the amount of $27,000.

Documentation: Resolution 73-2005  
Disposition: Approved.

Pledge of Allegiance Led by Council Member Stadtherr  
Invocation - One individual participated.

PRESENTATION

Employee of the Month - Mike Reed

Recognition of Mayor Pedro Martinez  
• Noting that Council Member Martinez had not yet arrived due to an excused work-related issue, Mayor West continued the presentation to a future meeting.

ORAL COMMUNICATIONS

• Shirley Hickman, 341 S. Chestnut, spoke in favor of the proposed sales tax measure for public safety and the library and provided the Council with a petition in support thereof.  
• Mark Pitcher, 2522 W. Cricklewood Court, encouraged and thanked the Council for their efforts.
• Cathy Capone, 806 W. Westfield Avenue, voiced support for a tree ordinance, and presented the Council with a petition in support of such an ordinance and a map depicting the location of Porterville’s oak trees.
• Elfrieda Whatley, P.O. 1430, spoke in favor of oak tree preservation.
• Dorothy Broome, 863 S. Crystal St., confirmed with staff that the Dial-A-Ride was open to the public and that it responded to certain County areas. City Manager John Longley indicated that additional information was available if Ms. Broome was interested.
• Dick Eckhoff, Downtown Porterville Association, 180 N. Main Street, requested clarification from staff regarding Item 23.
• Cathy Capone, address on record, requested that the Council explain Items 24 and 25 when those Items were before the Council.
• Jeff Keele, 73 N. Carmelita, voiced support for an oak tree ordinance.
• Jamie Hunt, 302 W. Grand Avenue, spoke in favor of a tree ordinance similar to that in the City of Visalia, and requested enforcement of speed limits in Porterville.
• Dorothy Broome, address on record, clarified with staff the appropriate time for the public to comment on consent calendar items and scheduled matters.

CONSENT CALENDAR
Items 4 and 10 were removed.

1. CITY COUNCIL MINUTES OF APRIL 19, 2005 AND MAY 3, 2005
Recommendation: That the Council approve the City Council Minutes of April 19, 2005 and May 3, 2005.
Documentation: 01-060705
Disposition: Approved.

2. PURCHASE OF SPECIALIZED EQUIPMENT
Recommendation: That the Council authorize the purchase by negotiation of the specialized equipment, and authorize payment for said equipment upon satisfactory delivery.
Documentation: 02-060705
Disposition: Approved.

3. PORTERVILLE POLICE DEPARTMENT COMMUNICATIONS CENTER UPGRADE
Recommendation: That the City Council approve the expenditure of $173,793.61 in funds from the Porterville Police Department 2004-2005 Fiscal Year budget.
Documentation: M. O. 03-060705
Disposition: Approved.

5. ACCEPTANCE OF THE WELL NO. 28 (PHASE ONE) PROJECT
Recommendation: That the City Council:
1. Accept the Well No. 28 Project (Phase One) as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 0% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
6. ACCEPTANCE OF THE WATER MAIN (F-GIBBONS-MAIN) PROJECT

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

7. ACCEPTANCE OF IMPROVEMENTS - NEW EXPRESSIONS, PHASE THREE SUBDIVISION (ENNIS HOMES, INC.- BRIAN ENNIS)

Recommendation: That the City Council:
1. Accept the public improvements of New Expressions, Phase 3 Subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

8. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - PRELIMINARY ENGINEERING FOR JAYE STREET/TULE RIVER BRIDGE REHABILITATION AND WIDENING PROJECT

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

9. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT APN 245-040-017 - TENANTS PEDRO M. AND MARIA GALVEZ

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $18,675.90 to Pedro M. and Maria Galvez, tenants.

Documentation: M.O. 04-060705
Disposition: Approved.

Documentation: M.O. 05-060705
Disposition: Approved.

Documentation: M.O. 06-060705
Disposition: Approved.

Documentation: Resolution 74-2005
Disposition: Approved.

Documentation: M.O. 07-060705
Disposition: Approved.
11. TRANSIT CENTER LEASES

Recommendation: That the Council:
1. Approve the Leases with Sierra Management and Orange Belt Stages; and
2. Authorize the Mayor to execute the Leases which will go into effect July 1, 2005.

Documentation: M.O. 08-060705
Disposition: Approved.

12. APPROVAL OF CITY SPONSORSHIP FOR THE “NUTRITION ON THE GO” PROGRAM TO BE ADMINISTERED BY FOOD LINK

Recommendation: That the Council approve sponsorship of the “Nutrition on the Go” Program, and appoint the Director of Parks and Leisure Services as agent of the City for this purpose.

Documentation: M.O. 09-060705
Disposition: Approved.

13. CONSIDER COMMITTEE ATTENDANCE RECORDS - PARKS AND LEISURE SERVICES

Recommendation: That the Council consider committee attendance records and file for reference when the terms of appointment elapses.

Documentation: M.O. 10-060705
Disposition: Approved.

14. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Set a Public Hearing for July 5, 2005, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 11-060705
Disposition: Approved.

15. 100% ATTENDANCE PROGRAM

Recommendation: That the City Council approve the proposed modifications to the 100% Attendance Program, effective for the calendar year ended December 31, 2005.

Documentation: M.O. 12-060705
Disposition: Approved.

16. STATUS REPORT OF $458,000 RESERVE BUDGETED FOR GENERAL FUND DEBT COVERAGE
Recommendation: That the City Council accept the status report on the reserve, and allow for the maintenance of the reserve into the next Fiscal Year.

Documentation: M.O. 13-060705
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council approve Items 1 through 3, 5 through 9, and 11 through 16. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - ANNUAL MAINTENANCE OF THE TULE RIVER PARKWAY, AND ROADWAY MEDIAN ISLANDS

Recommendation: That the Council authorize the Purchasing Agent to advertise for separate bids for Annual Maintenance of the Tule River Parkway and Annual Maintenance of Median Islands.

Council Member Irish commented that Council and staff had previously discussed experimenting with the use of artificial grass in City median islands so as to eliminate maintenance. He requested that staff identify potential locations for such an experiment and move forward with the project.

Mayor Pro Tem Hamilton suggested the staff use as a test site the grassy area in North Park – the park located at Main Street and Henderson Avenue where the statute of the farmer was located.

Mr. Longley requested that staff be allowed to formulate a location based on a cost analysis, and then indicate to Council via memorandum how the City would proceed.

Mayor Martinez agreed with the suggestion of North Park as a potential location, and also suggested the grassy areas where the “Welcome to Porterville” signs were located.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council authorize the Purchasing Agent to advertise for separate bids for Annual Maintenance of the Tule River Parkway and Annual Maintenance of Median Islands. The motion carried unanimously.

Disposition: Approved.

10. AIRPORT HANGAR PURCHASE - ACCEPTANCE OF LOAN

Recommendation: That the City Council:
1. Authorize the acceptance of the loan from CalTrans;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to begin escrow, with the City paying normal and customary escrow fees;
4. Authorize staff to make payment to Art Coulter in the amount of $118,000, less customary fees; and
5. Authorize staff to record all documents with the County Recorder.
Council Member Irish questioned the possibility of borrowing from City funds versus borrowing from the California Department of Transportation.

City Manager John Longley confirmed that staff would prepare a memorandum with the pros and cons of borrowing from City funds versus CalTrans, and bring the item back at the next Council Meeting. A discussion then ensued as to the City’s current portfolio performance.

Disposition: Continued.

PUBLIC HEARING

17. SEWER RATE AND TREATMENT PLANT FEE INCREASE

Recommendation: That the City Council:
1. Open the Public Hearing and accept public comments;
2. Adopt a resolution increasing the Sewer monthly rates as shown in Table A6; and
3. Adopt a resolution to amend Exhibit “H” - Connection Fees to include the Treatment Plant Fees.

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

The Public Hearing opened at 7:41 p.m. and closed at 7:42 p.m. when nobody came forward to speak.

In response to a question posed by Council Member Stadtherr, Deputy City Manager Darrel Pyle stated that the Council would receive an overview as to how the related Funds worked in conjunction with one another.

Mr. Rodriguez confirmed that the City had received a check in the approximate amount of $736,000 for the CIEDB loan, and that another draw would be made in the approximate amount of $400,000 in the near future.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft Resolution increasing the Sewer monthly rates as shown in Table A6. The motion carried unanimously.

Resolution 75-2005

Resolution 76-2005 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft Resolution amending Exhibit “H” - Connection Fees to include the Treatment Plant Fees. The motion carried unanimously.

Disposition: Approved.

18. CHARITABLE CAR WASH ORDINANCE

Recommendation: That the Council:
1. Hold a Public Hearing to receive public input; and
2. Consider the ordinance for first reading and publication.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The Public Hearing opened at 7:45 p.m.
• Arni Gonzales, 59 North Third Street, voiced support for the current Ordinance and stated that the City need not worry about charitable car washes, but rather the City should be concerned with those individuals operating car washes that didn’t meet the legal standards. He then voiced concern with City requirements.

The Public Hearing closed at 7:48 p.m.

Council Member Irish moved that the City approve the draft Ordinance for first reading. Council Member Stadtherr seconded the motion.

Mayor Pro Tem Hamilton confirmed with City Attorney Julia Lew that the property owner, as a sponsor of a charitable car wash, would assume any liability. He then voiced concern with placing too tight of restrictions of the number of locations per year.

A discussion ensued as to the inability of the City to limit the operation of charitable car washes to only compliant commercial car wash locations. Ms. Lew confirmed that the City could limit the number of charitable car washes held at a specific location, as long as that number was reasonable.

Mayor Pro Tem Hamilton suggested that the City should remove the restriction on the number of charitable car washes that a specific location could hold, if that location was a compliant commercial car wash. Ms. Lew confirmed that the City could exempt compliant commercial car washes from the location requirement. She stated that if the Council so chose, the Ordinance could be amended that evening for first reading.

Council Member Irish suggested that the Council could also adjust the Ordinance if in the future it found that the limit of 4 car washes per year for each charitable organization was too restrictive. A discussion ensued as to the proposed restrictions.

In response to a scenario posed by Mayor West, City Attorney Julia Lew clarified that the proposed Ordinance prohibited charitable car washes on residential properties. She stated that the Ordinance did not address individuals washing their own vehicles at their residences. Ms. Lew added that the Ordinance did address as a safety issue the solicitation of customers from public right of ways.

Council Member Irish suggested that the location limit be increased to 4 car washes per year, with compliant commercial car washes being exempt from that limitation.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s suggestion.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that Council Member Irish’s motion be amended to increase the location limit from three per year to four per year and to exempt compliant commercial car washes from that location limitation. The motion carried unanimously.

Ms. Lew indicated that the Ordinance would be amended as follows:

Page 4, Section 15-100, Sub-Section A4, shall read: "The number of charitable car washes by the charitable organization applying for said permit exceeds four in a calendar year or the number of charitable car washes held at a particular location exceed four per calendar year. The location requirement shall not pertain to licensed commercial car washes.”
Page 6, Section 15-130, Sub-Section A9, shall read: “Shall not be conducted at any commercial property which has held four prior car washes (excluding licensed commercial car wash locations) in the calendar year.”

Ordinance1669 MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the Ordinance, as amended, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 TO 15-170 TO CHAPTER 15, ENTITLED “CHARITABLE CAR WASH PERMIT PROCEDURE” for first reading. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

M.O. 16-060705 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council waive further reading of the Ordinance. The motion carried unanimously.

Disposition: Approved, as amended.

19. WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Continue with Phase II of the Water Conservation Plan; and
2. Continue the Public Hearing to July 19, 2005, to consider moving into Phase III of the Water Conservation Plan.

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

The Public Hearing opened at 8:00 p.m.

- Dorothy Broome, address on record, questioned whether the rates would automatically increase after the public hearings were held on the matter.

City Manager John Longley clarified that there was no automatic rate increase and indicated that the purpose of the item was to allow the Council to monitor water usage throughout the warmer months and, if the Council so chose, to enact stricter measures of conservation.

- Pete McCracken, 657 Village Green, voiced support for also analyzing average daily temperatures along with water usage.

The Public Hearing closed at 8:05 p.m.

Council Member Stadtherr suggested that the public hearing be continued to July 5, 2005 rather than July 19, 2005, so as to provide a shorter review period during the peak months of summer.

Mayor Pro Tem Hamilton commented that he would not have a problem with bringing the item back earlier as suggested by Council Member Stadtherr.
Council Member Martinez agreed and commented that he believed the City could do a better job in educating the public about water conservation. He stated he was pleased with the Latino radio spots conducted by Mr. Rodriguez the previous year and requested that staff again pursue the radio campaign again that year. He then confirmed with staff that a large amount of the water consumption went towards landscaping and swimming pools. He requested that the City work with local nurseries who might be willing to host a class on lawn watering and water conservation. He also requested that tips on water conservation be added to the City’s website. A discussion ensued as to ways in which the City might be able to get the water conservation message out to the community. Council Member Martinez commented that the City might learn from the conservation techniques of La Barca, Mexico and suggested that there should be a more significant difference between Phase I and Phase II. He added that the City might also consider promoting water conservation on the sides of City buses as a part of the transit advertising program recently discussed.

Mayor West confirmed with staff that the City routinely sent out water conservation notices and tips in its utility billing, and also promoted conservation in person at customer service counters.

Council Member Irish commented that the contingency from Australia visiting the Porterville area were amazed at the level of waste. He added that he was informed that in Australia, new homes must be built with gutters so as to capture rain water for storage.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council direct staff to continue with Phase II of the Water Conservation Plan and continue the Public Hearing to July 5, 2005 to consider moving into Phase III of the Water Conservation Plan. The motion carried unanimously.

Disposition: Approved.

20. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the City Council:
   1. Adopt the draft Resolution approving the Negative Declaration of Environmental Impact prepared for Zoning Ordinance Amendment 01-2005;
   2. Approve the proposed Zoning Ordinance Amendment and give first reading to the draft Ordinance; and
   3. Waive further reading of the draft Ordinance approving Zoning Ordinance Amendment 1-2005 and order the Ordinance to print.

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

The public hearing opened at 8:17 p.m.

- Pete McCracken, address on record, voiced concern with the proposed Ordinance affecting future Zone Changes and/or General Plan Amendments.
- Greg Shelton, address on record, voiced concern with the cost of constructing a block wall, and spoke in favor of a triggering mechanism for payment of a fee, similar to that utilized for the reimbursement of concrete improvements. He then questioned whether the proposed Ordinance would apply to City parks.
• Bob Keenan, Executive Vice President of the Building Industry Association of Tulare and Kings Counties, came forward and requested that the item be continued so as to allow time for a meeting to take place. He then voiced concern with the fairness of the Ordinance as currently proposed.
• Jim Winton, business address of 150 West Morton Avenue, agreed with Mr. Keenan’s comments and spoke in favor of continuing the matter. He requested that he have an opportunity to speak on the issue in the event the Council did not continue the matter.
• Greg Woodard, Woodard Homes, 1055 West Morton Avenue, voiced concern with the cost of constructing a block wall and requested clarification as to why the issue was before the Council.

The public hearing closed at 8:30 p.m. It was noted moments later that the public hearing should not be closed, but instead continued until July 19, 2005.

Mayor Pro Tem Hamilton commented that there needed to be a consensus as to what was good for the builder, the City, and the residents, noting that the residents ought to come first. He stated that the meeting that took place the previous Friday between local developers and the City proved to be beneficial and suggested that another meeting should take place. This approach, he proposed, would minimally impact staff time.

City Manager confirmed that staff would calendar a meeting between the local building industry and the Council’s Development Committee.

City Attorney Julia Lew clarified that the Council would need a motion to continue the public hearing.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to continue the public hearing until July 19, 2005. The motion carried unanimously.

Disposition: Continued.

The Council recessed for ten minutes.

SCHEDULED MATTERS
21. PROVIDE DIRECTION ON DEVELOPMENT OF AN OAK TREE PRESERVATION ORDINANCE

Recommendation: That the Council provide direction on whether the Parks and Leisure Services Commission should undertake efforts towards development of an Oak Tree Preservation Ordinance for recommendation to the City Council.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report. Mr. Perrine then turned the floor over to Jeff Keele, Vice-Chairman of the Parks and Leisure Services Commission.

Mr. Keele indicated that the Commission was willing to look into the matter, however, would not expend energy on the project if the Council did not wish them to do so. In response to a question from Mayor Pro Tem Hamilton, Mr. Keele indicated that no particular group had lobbied for the Ordinance.

A discussion ensued as to the number of oak trees that had been removed in the City due to new development within the last ten years. Staff estimated that approximately five trees had been removed and confirmed that the tree that had been removed due to the development of The Home Depot had been removed to
make way for a street that would be used in the future. Community Development Director Brad Dunlap indicated that The Home Depot had volunteered to save as many trees on the property as was possible.

Mayor Pro Tem Hamilton requested clarification on the development incentives identified in the staff report. Mr. Perrine explained that rather than taking a punitive approach to the prohibition of removing trees, staff instead proposed an incentive-based program for tree preservation. He stated that research showed that often times a punitive approach resulted in the loss of trees due to developers removing the trees prior to the adoption of such an Ordinance. Reward incentives, Mr. Perrine surmised, often proved to be more beneficial.

A discussion ensued as to whether property owners were protected by the Fifth Amendment of the Constitution from an Ordinance prohibiting the removal of certain trees on privately-owned property. City Attorney Julia Lew clarified that the City could place such restrictions for tree preservation on property owners if a valid public purpose existed. She confirmed that the City could legally require the preservation of a tree on privately-owned property and not assume any liability for that tree.

Mayor West questioned whether local developers had worked with the City in the past regarding the preservation of trees, to which staff responded in the affirmative. Mayor West commented that while he did not like to see the beautiful oak trees destroyed, he believed in private property rights. He stated that the City should continue with its current program in working with the local developers to voluntarily protect the trees.

Council Member Irish commented that he would rather see the preservation of trees self-administered rather than through action of the Council.

Mayor Pro Tem Hamilton voiced concern with offering incentives, such as decreased lot sizes, suggesting that this was not the direction in which the City ought to go. He confirmed with staff that trees were planted with new developments, but that the City did not currently have a City-wide tree planting program. A discussion then ensued regarding the water usage of oak trees and the history of oak trees in the Central Valley. Mayor Pro Tem Hamilton suggested that orange trees had more historical significance in the area than did oak trees.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council direct the Parks and Leisure Services Commission to study the issue of oak tree preservation and bring back a recommendation for an Ordinance to the Council.

M.O. 18-060705

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

Disposition: Denied.

22. CONSIDER SKATE PARK DESIGN CONCEPT

Recommendation: That the Council authorize the design of the Skate Park in accordance with one of the two design concept options, along with the required additional design services.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report which included two design concepts for the Council’s consideration - Concept J and Concept L. Mr. Perrine indicated that Concept J provided a significant amount of streetscape design elements and an open-ended bowl to provide greater visibility. Concept L, he stated, was fashioned after the Orange Cove
project currently under construction and incorporated less of the streetscape elements. Mr. Perrine indicated that staff recommended Concept J, stating that it offered greater balance between the two different types of skating.

Mayor West commented that Concept J appeared to cater more to a wide range of ages, whereas Concept L seemed to cater to older skaters. He stated that Concept J offered a better balance.

Council Member Stadtherr pointed out that Concept J provided the open-ended bowl for increased visibility, whereas Concept L did not. He stated that he believed that the youth had requested both streetscape and bowl elements, both of which were incorporated into Concept J.

Mayor Pro Tem Hamilton voiced support for Concept J.

Council Member Martinez confirmed with staff that the open landscape area depicted in Concept J would likely remain a flat landscaped area with shade trees.

Council Member Irish voiced concern with the proposed location of the spectator seating in Concept J, pointing out that it would obstruct the view of the bowl from the street. Mr. Perrine confirmed that staff would likely relocate the seating, and then secure the seating unit so as to keep it stationary.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to proceed with Skate Park Concept J. The motion carried unanimously.

Disposition: Approved.

23. ESTABLISHMENT OF BANNER POLICY

Recommendation: That the City Council approve the Banner Policy and Banner Standards as provided in the staff report.

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

Mayor Pro Tem Hamilton questioned the necessity of requiring the applicant to submit of a copy of its By-Laws or Articles of Incorporation, as set forth in the third bullet in No. 2 of the proposed Banner Policy. A discussion ensued regarding the relevance of that requirement if the applicant had already provided its tax ID number proving non-profit status. It was suggested that the applicant could instead be required to provide a copy of the IRS exemption letter, rather than a copy of its By-Laws or Articles of Incorporation.

City Manager suggested that the section in question could be revised to add the option of providing the IRS tax exemption letter.

Mayor Pro Tem Hamilton then pointed to No. 5 in the proposed Banner Policy and commented that language should be added to more clearly define the restriction on general religious messages to mean proselytizing messages. He cited as an example the “International Food Court” sponsored by a local church. He voiced concern that as the Policy was currently written, such events would not be able to be advertised.

City Attorney Julia Lew commented that the language pertaining to religious messages in No. 5 was not meant to preclude the advertising of such church-sponsored events. She stated that No. 5 could be revised to place the restriction on only proselytizing religious messages.
In response to Mayor West’s question as to No. 9 of the proposed Banner Policy, staff indicated that the City would manage the installation and removal of the banners. Mr. Longley stated that the work might subsequently be delegated to some other organization, however it would be managed by the City. He then confirmed that in the event of delegation, that organization would be required to provide proof of insurance.

In response to Mayor Pro Tem Hamilton’s question, the Council agreed that the language set forth in the third bullet of No. 2 should be revised. City Attorney Julia Lew suggested that rather than specifically identifying By-Laws or Articles of Incorporation as the required proof, the City could instead require “proof of tax-exempt status.” Ms. Lew stated that she would recommend the more generic terminology as it would provide more flexibility to the City.

The Council agreed with Ms. Lew’s recommendations.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the Banner Policy and Banner Standards, as amended to revise No. 2, bullet No. 3 to replace “A copy of the organization’s By-Laws or Articles of Incorporation” with “Proof of tax-exempt status,” and to revise No. 5 to limit the restriction on general religious messages to only those that proselytize. The motion carried unanimously.

City Manager John Longley indicated that staff would provide a copy of the revised language to the Council.

Disposition: Approved, as amended.

24. PUBLIC NOTIFICATION GUIDELINES FOR PROPOSED CONSTRUCTION PROJECTS

Recommendation: That the City Council adopt the “Public Notification Guidelines For Proposed Construction Projects” as described herein and direct staff to commit said guidelines to policy form and direct staff to implement said policy on all future construction projects.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the Public Notification Guidelines For Proposed Construction Projects, and direct staff to commit said Guidelines to policy form and to implement said policy on all future construction projects. The motion carried unanimously.

Disposition: Approved.

25. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE HILLSIDE/EASTSIDE WATER DEVELOPMENT PROJECT

Recommendation: That the City Council adopt the draft Resolution approving a Negative Declaration for the City of Porterville Hillside/Eastside Water Development Project.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.
• Cathy Capone, address on record, commented that she had attempted to view the Agenda online, however the file was too large to download. She voiced support for the City addressing the issue of aesthetics, noting the unpleasant appearance of water tanks on hillsides. She then voiced concern with potential damage to petroglyphs and/or hieroglyphs on Rocky Hill.

Mayor Pro Tem Hamilton confirmed with staff that the Study had included the issue of aesthetics. Mr. Dunlap stated that the Resource Management Agency had raised the issue of aesthetics and that staff had already addressed the issue through a combination of berms, trees, shrubs and groundcovers to camouflage the tank, as well as with painting the tank a color that would blend in with the surrounding hillside.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council adopt the draft Resolution approving a Negative Declaration for the City of Porterville Hillside/Eastside Water Development Project. The motion carried unanimously.

Disposition: Approved.

26. STUDY SESSION - ACCEPTANCE OF CITY-WIDE OVERHEAD COST ALLOCATION PLAN AND FEE STUDY

Recommendation: That the Council set a date and time for the review of the final overhead cost allocation plan and fee study.

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

Mr. Pyle indicated that staff might have the initial draft document for Council’s review that could be distributed to the Council on the upcoming Friday. He stated that an appropriate date for the Study Session would fall after the second meeting in June so as to allow the Council and staff enough time to review the entire document. He stated that staff would then take the recommendations that arose from the Study Session to Maximus for incorporation into the final document that would be brought to Council for adoption at a regular Council Meeting.

A discussion ensued regarding possible dates for the Study Session. City Attorney Julia Lew clarified that in the event the Council first needed to check their calendars, the meeting date could be set without having a Brown Act meeting.

City Manager John Longley stated that staff could arrange with the Council a date for the Study Session.

Disposition: Direction given to staff.

ORAL COMMUNICATIONS
• Greg Shelton, address on record, commended the Council on the efficiency of the meeting that evening.
• Felipe Martinez, 195 W. Putnam Avenue, voiced concern with police and fire response times and questioned whether the seven additional firefighters and police officers sought in the sales tax measure would be enough.

OTHER MATTERS
• Mayor Pro Tem Hamilton requested that the Council honor Mr. Howard Smith, to which the Council agreed; and reiterated that the 100% funds designated for public safety would go toward public safety.
• Council Member Martinez informed the Council of his upcoming engagements at Richgrove Elementary and the Sister City Association Meeting in L.A.; requested that the Council extend an invitation to the Association to hold a future meeting in Porterville, to which the Council agreed; suggested that the Council also honor Ms. Marlene Marquez and Mr. Pat Hayes; requested that another Employees Day be held at the Porterville Pool;
• Council Member Stadtherr requested that staff look into making online access to the Council Agenda more manageable. City Manager John Longley confirmed that staff would prepare a Memorandum for the Council.
• Council Member Martinez suggested that glass alcohol bottles be prohibited at City Parks. A discussion ensued after which Mr. Longley indicated that staff would research options and provide an analysis to the Council.
• Council Member Irish suggested that staff research options for possibly allowing charitable card games within Porterville. City Attorney Julia Lew commented that casino nights for non-profit organizations were becoming legally challenging. She indicated that she could research the matter.

**ADJOURNMENT**
The Council adjourned at 9:40 p.m. to the meeting of June 10, 2005 at 8:30 a.m.

Patrice Hildreth, Deputy City Clerk

SEAL

__________________________
Kelly E. West, Mayor
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - MEADOW BREEZE, PHASE TWO SUBDIVISION (Nicholson & Smee, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, Nicholson & Smee, LLC (Daryl Nicholson & Gary Smee), has submitted the final map for the subject single family residential project. The developer is requesting Council approval of the final map in conformance with Section 21-27 of the Subdivision Ordinance, prior to completing the construction of the required public improvements.

The developer has submitted the required guarantee to the City to complete all necessary public improvements on the project. A subdivision agreement between the developer and the City has been signed by the developer, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No 10-2005. The improvement plans, specifications, dedications, and the final map have been approved by the Public Works Director and City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of Meadow Breeze, Phase Two Subdivision;
2. Accept all offers of dedication and vacation shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map
Meadow Breeze
Phase Two

PLACE MAP No. 4407, PM. 45/50
CARFIGHER TYPE OF EQUITABLE
PLANS FOR PARCEL A, TO BE ROUNDED TO NEXT .01 FT.
SCALE: 1" = 80'
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - TEMPORARY DESIGNATION OF MORTON AVENUE AND MATHEW STREET AS A 4-WAY STOP INTERSECTION

SOURCE: Public Works Department - Engineering Division

COMMENT: The Henderson Reconstruction Project is expected to begin on July 18, 2005. The initial stages of construction will consist of underground work which includes water, sewer, and storm drain installation, plus the removal and replacement of the Porter Slough bridge.

Traffic circulation in this area will be impacted significantly for the two substantial subdivisions that use Balmayne Drive, Balmoral Drive and Mathew Street as their ingress and egress from Henderson Avenue and Morton Avenue. A locator map identifying these locations is attached to give Council a better understanding of the situation.

As mentioned above, the project includes substantial underground pipe construction. Henderson Avenue will be closed to through traffic but, in all likelihood, local traffic will choose to ingress and egress Henderson Avenue using Balmayne Drive and Balmoral Drive during this stage of construction. However, during the demolition of Henderson Avenue for street reconstruction purposes, it will be much more difficult to access Henderson Avenue. The vast majority of all traffic will enter and exit their respective subdivisions from Mathew Street at the Morton Avenue intersection.

Public Works recommends that the intersection of Morton Avenue and Mathew Street be temporarily converted to a 4-way stop intersection. This modification will allow traffic to exit from the two subdivisions onto Morton Avenue in an orderly manner. Upon acceptance of the completed Henderson Avenue Street Reconstruction Project, the intersection will revert back to its current designation as a through street for east and west bound traffic.

RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Morton Avenue and Mathew Street as a temporary 4-way stop intersection;

Dir ___ Appropriated/Funded ___ CM ___ Item No. ___
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control devise, namely a temporary 4-way stop, at the intersection of Morton Avenue and Mathew Street;

3. Authorize the City Engineer to install or cause to be installed stop signs at the Morton Avenue and Mathew Street intersection to create a 4-way stop intersection when the Henderson Avenue Reconstruction Project begins; and

4. Upon City Council's acceptance of the completion of the Henderson Avenue Reconstruction Project, remove the stops signs on Morton Avenue for east and west bound traffic at Mathew Street.

ATTACHMENTS: Resolution
Locator Map
RESOLUTION NO. _________

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, per Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change be made to Section 21 of Traffic Resolution No. 10-2001:

A. Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

21-144. The intersection of Morton Avenue and Mathew Street.

BE IT FURTHER RESOLVED that upon acceptance of the completion of the Henderson Avenue Reconstruction Project, the intersection will revert back to its current designation as a through street for east and west bound traffic on Morton Avenue.

__________________________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Deputy City Clerk
SUBJECT: REIMBURSEMENT FOR CONSTRUCTION OF MASTER PLAN FACILITIES - HOLY CROSS CHURCH

SOURCE: Public Works Department - Engineering Division

COMMENT: The Holy Cross Church located at the southwest corner of Newcomb Street and North Grand Avenue is requesting a reimbursement for the cost of constructing Storm Drain Master Plan facilities. The facilities constructed consist of the installation of 1,717 lineal feet of reinforced concrete pipe, storm drain structures, asphalt trench patching and other items of work related to the master plan facility. Limits of work are generally between Castle Avenue and the North Grand Avenue/Newcomb Street intersection.

Section 19A-11 and 19A-12 of the Municipal Code of the City of Porterville states that revenues raised by payment of acreage fees be placed in a separate and special account and such revenues shall be used to reimburse developers who have been required to install master plan facilities. A cost breakdown for the subject improvements follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization</td>
<td>$ 4,095.00</td>
</tr>
<tr>
<td>Traffic Control</td>
<td>4,680.00</td>
</tr>
<tr>
<td>Reinforced Concrete Pipe</td>
<td>92,559.00</td>
</tr>
<tr>
<td>5 Storm Drain Manholes</td>
<td>15,210.00</td>
</tr>
<tr>
<td>Trench Patch</td>
<td>44,500.00</td>
</tr>
<tr>
<td>Temporary Facilities/Clean Up</td>
<td>920.00</td>
</tr>
<tr>
<td>Change Order for Extra Work</td>
<td>15,276.60</td>
</tr>
<tr>
<td>Engineering &amp; Surveying Services</td>
<td>4,945.00</td>
</tr>
<tr>
<td>Bonding &amp; Supervision</td>
<td>7,992.00</td>
</tr>
<tr>
<td>Total</td>
<td>$190,177.60</td>
</tr>
</tbody>
</table>

These facilities were constructed in conjunction with said development and were necessary for the orderly development of the area. Funding for this project is available from Storm Drain Developer Fees.

RECOMMENDATION: That City Council approve the reimbursement to Holy Cross Church per Section 19A-11 and 19A-12 of the City of Porterville Municipal Code.

ATTACHMENT: Locator Map
SUBJECT: RATIFICATION OF CONGESTION MITIGATION AIR QUALITY (CMAQ) PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: On April 27, 2005, Public Works was informed by Tulare County Association of Governments (TCAG) that a $770,000 grant awarded to the City to replace five fuel inefficient refuse trucks could not be honored. The Federal Government informed all State Council of Governments (COGs) that the use of CMAQ funds could not be used in the manner described above.

TCAG staff asked the City to submit a list of replacement projects for TCAG’s review and consideration. Public Works provided the replacement list in an accelerated manner so as not to place the funds in jeopardy. On June 20, 2005, the TCAG Board acted on and approved the projects submitted by the City. A formal application must now be submitted on each project. The application must document and the City Engineer must affirm in writing, that air quality will improve as a result of the project.

The purpose of this staff report is to ask Council to ratify the projects submitted to TCAG on June 2, 2005. Regrettably, this action is after the fact. Public Works was motivated to move quickly with the list of replacement projects so as not to jeopardize the $770,000 grant. The projects, project costs and reasons for their selection are as follows:

1. Traffic Signal @ Olive Avenue and Mathew Street
   Construction Cost - $285,000

   The City recognized that Mathew Street would and has become a principal corridor to Olive Avenue. This traffic signal was designed approximately 3 years ago but, right of way issues and ultimately lack of funding, postponed its construction. Mathew Street is currently a 3/4 street and must be widened to full width status before CMAQ funds can be utilized. It is staff’s opinion that this intersection warrants a traffic signal and the CMAQ grant presents an opportunity to fund this construction.

2. Traffic Signal @ Newcomb Street and Westfield Avenue
   Design, Right of Way and Construction Costs - $272,000
   Approximately 2 years ago traffic counts revealed that Westfield Avenue at Newcomb Street could not be considered the minor street. Westfield Avenue and Newcomb Street equally share the traffic volume which led to the installation of 4-way stop signs. This intersection warrants a traffic signal and the CMAQ grant presents an opportunity to fund this construction.
3. Roundabout @ Main Street and College Avenue  
   Design, Right of Way and Construction Costs - $125,000  

   Public Works has been aware of traffic congestion problems at this  
   intersection but has not had the resources to effect any improvements.  
   Staff’s preliminary investigation suggests that a 3-way stop intersection will  
   greatly reduce the efficiency of the intersection. A traffic signal may  
   significantly impact traffic exiting the College parking lot and may also  
   significantly impact traffic exiting the Highway 190 off ramp.  

   In addition, staff has discussed extending Poplar Avenue from Jaye Street  
   to Main Street to provide a second avenue to relieve traffic away from the  
   Jaye Street corridor. If this project becomes a reality, Caltrans will insist  
   that the new Main Street and Poplar Avenue intersection be a signalized  
   intersection. A traffic signal at this location and one at Main Street and  
   College Avenue would create significant timing and movement problems.  

4. Newcomb Street Shoulder Stabilization (Sidewalk)  
   Design and Construction Costs - $200,000  

   This principal arterial from Morton Avenue to Olive Avenue lacks sidewalk  
   along the east and west sides of the street. Pedestrian traffic will greatly  
   benefit by the installation of sidewalk and the CMAQ grant presents an  
   opportunity to fund this construction.  

RECOMMENDATION: That City Council:  

1. Authorize the Mayor to execute the attached resolution  
   formally ratifying the projects presented in the staff report;  

2. Direct the Public Works Director to transmit the executed  
   resolution to the Tulare County Association of  
   Governments; and  

3. Direct the Public Works Director to prepare and submit a  
   formal application for each project for the purpose of  
   securing the necessary funds to design and construct the  
   projects identified herein.  

ATTACHMENTS: Locator Map  
Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE
APPROVING THE RATIFICATION OF
CONGESTION MITIGATION AIR QUALITY (CMAQ) PROJECTS

WHEREAS, the City of Porterville was notified by Tulare County Association of Governments (TCAG) that the CMAQ Grant for the replacement of five fuel inefficient refuse trucks could not be honored due to a ruling by the Federal Government; and
WHEREAS, the City of Porterville was also notified by TCAG to provide a replacement list in an accelerated manner so as not to jeopardize these CMAQ funds in the amount of $770,000; and
WHEREAS, that on June 20, 2005, the TCAG Board approved the projects submitted by the City and a formal application must be submitted for each project; and
WHEREAS, TCAG requires City Council’s approval and ratification of the replacement projects for the awarded CMAQ grant;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville, to approve the ratification of the following projects for the awarded CMAQ grant:

1. Traffic Signal at Olive Avenue and Mathew Street;
2. Traffic Signal at Newcomb Street and Westfield Avenue;
3. Roundabout at Main Street and College Avenue; and
4. Newcomb Street Shoulder Stabilization (Sidewalk).

______________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Deputy City Clerk
SUBJECT: HOMELAND SECURITY GRANTS / M.O.U.

SOURCE: FIRE DEPARTMENT / AIRPORT

COMMENT: The U.S. Department of Justice and the California Office of Homeland Security have provided yearly funding to enhance the capabilities of State and local agencies to respond to incidents of terrorism involving chemical, biological, radiological, nuclear and/or explosive devices. This funding is passed through from the Tulare County Health and Human Service Agency, Office of Emergency Services to various fire service agencies, law enforcement and emergency medical service agencies for the purchase of preparedness equipment, training, planning and exercises. In order to receive this funding, the Tulare County Board of Supervisors has signed grant assurances required by the Office of Homeland Security. In turn, the Office of Emergency Services is requiring that all subgrantees comply with the same grant assurances.

Attached is a Memorandum of Understanding between the County of Tulare and the City of Porterville to comply with the grant assurances.

The M.O.U. was reviewed by the City Attorney.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to sign the M.O.U.

ATTACHMENTS: 1. M.O. U.
MEMORANDUM OF UNDERSTANDING  
OFFICE OF EMERGENCY SERVICES  

Office of Domestic Preparedness and  
State Homeland Security Grant Programs  
Funding for Equipment, Planning, Administration, Training and Exercises  

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into by and between Tulare County/Health and Human Services Agency ("COUNTY") and the City of Porterville ("SUBGRANTEE").  

COUNTY and SUBGRANTEE have entered into this MOU with reference to the following circumstances:  

A. The State Domestic Preparedness Program and California State Homeland Security Grant Program (SHSGP) is providing funding through federal grants from the Department of Homeland Security to enhance the capabilities of state and local first responders by allowing the purchase of advanced types of equipment, as well as addressing other critical homeland security needs, including administration, planning, training and exercise related costs.  

NOW, THEREFORE, based on the foregoing recitals, which the parties agree to be true and correct, it is mutually agreed between both parties:  

I. This MOU applies to all Office of Domestic Preparedness Equipment Grants from Federal Fiscal Year (FFY) 1999 through FFY 2002 and all State Homeland Security Grant Programs beginning in FFY2003, funded through the County to the subgrantee.  

II. Amendments or modification to the terms of this MOU must be made in writing, and approved by all parties hereto, in order to maintain compliance with changes pursuant to federal or state laws, regulation, or policies affecting pertinent regulations or funding.  


IV. Procurement of equipment shall imply at a minimum with federal requirements including:  
A. OMB Circular A-102  
B. Title 28, CFR, Part 66.36  
C. DOJ Financial Guide, Part III, Chapter 10  

V. The SUBGRANTEE certifies that it:  
A. Has the legal authority to apply for federal assistance and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Office of Domestic Preparedness (ODP) and the Department of Homeland Security (DHS) and subgranted through the State of California and Tulare County Health and Human Services Agency (HHSA), Emergency Services.  

B. Assures that grant funds shall be used only for allowable purposes at fair and reasonable costs.
C. Will give the federal government, the Comptroller General of the United States, the State of California and Tulare County HHSA, through any authorized representatives, access to and the right to examine all records, books, paper or documents related to these awards; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives; and will retain all such records for 3 years after termination of this MOU.

D. Will provide progress reports and such other information as may be required by the awarding agency.

E. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

F. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties, and will comply with any and all conflict of interest laws and regulations.

G. Will comply with all federal statues relating to nondiscrimination. These include but are not limited to:
   a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
   b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
   c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) which prohibits discrimination on the basis of handicaps;
   d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
   e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
   f. The comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
   g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U>S>C> 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
   h. Title VII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
   i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
   j. Title 28, CFR, Part 35;
   k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
   l. The requirements on any other nondiscrimination statute(s), which may apply, to the application.
H. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

I. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

J. Will comply with environmental standards which may be prescribed pursuant to the following:
   a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 910190) and Executive Order (EO) 11514;
   b. notification of violating facilities pursuant to EO 11738;
   c. protection of wetlands pursuant to EO 11990;
   d. evaluation of flood hazards in floodplains in accordance with EO 11988;
   e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
   f. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
   g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and

K. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers systems.


M. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8507.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

N. Has requested through the State of California and Tulare County HHSA, federal financial assistance to be used to perform eligible work approved in the SUBGRANTEE'S application for federal assistance. Will, after the receipt of
federal financial assistance, through the State of California and Tulare County HHSA, agree to the following:

a. Promptly return to the State of California and/or Tulare County HHSA all the funds received, which exceed the approved, actual expenditures as accepted by the federal, state or local government.

b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of $100 per federal fiscal year.

O. Will comply with the intergovernmental Personnel Act of 1970 (42 U.S.C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F)

P. Will comply with provision of the Hatch Act (5 U.S.C. §1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Q. Will comply with P.L 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

R. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

S. Will comply with the minimum wage and maximum hour provision of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

T. Will comply, as applicable with the provisions of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act

U. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12889, "Debarment and Suspension."

V. Agrees that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering
into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;

2. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

W. Agrees that equipment acquired or obtained with grant funds:

1. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representative of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the SUBGRANTEE.

2. Is consistent with the needs as identified in the Terrorism Annex to the State's Emergency Plan, and will be deployed in conformance with that plan.

3. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

X. Agrees that funds awarded under these grants will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.

Y. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-87 and A-133k, E.O. 12372 and Uniform Administrative Requirements for Grants and cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66, that govern the application acceptance and use of Federal funds for this federally-assisted project.
Z. Will comply, and assure the compliance of all its subgrantees and contractors, with the non discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, order, circulars or regulations.

AA. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies, Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 64, Flood plain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

BB. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency’s (EPS) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

CC. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.

DD. Will, in the event of a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.

EE. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.

FF. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.

GG. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

HH. Understands that failure to comply with any of the above assurances may result in suspension termination or reduction of grant funds.
VI. TERMINATION:

A. Without Cause: County will have the right to terminate this MOU without cause by giving thirty (30) days prior written notice of intention to terminate pursuant to this provision, specifying the date of termination. County will pay to the SUBGRANTEE the compensation earned for work performed and not previously paid for to the date of termination. County will not pay lost anticipated profits or other economic loss. The payment of such compensation is subject to the restrictions on payment of compensation otherwise provided in this MOU, and is conditioned upon receipt from SUBGRANTEE of any and all plans, specifications and estimates, and other documents prepared by SUBGRANTEE in accordance with this MOU. No sanctions will be imposed.

B. With Cause: This MOU may be terminated by either party should the other party:
   1. be adjudged a bankrupt, or
   2. become insolvent or have a receiver appointed, or
   3. make a general assignment for the benefit of creditors, or
   4. suffer any judgment which remains unsatisfied for 30 days, and which would substantively impair the ability of the judgment debtor to perform under this MOU, or
   5. materially breach this MOU.

For any of the occurrences except item (5), termination may be effected upon written notice by the terminating party specifying the date of the termination. Upon a material breach, the MOU may be terminated following the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within FIVE (5) days of written notice specifying the breach. If the breach is not remedied within that FIVE (5) day period, the non-defaulting party may terminate the MOU on further written notice specifying the date of termination. If the nature of the breach is such that it cannot be cured within a 5 day period, the defaulting party may, submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent shall not be unreasonably withheld, the defaulting party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate upon written notice specifying the date of termination. County will pay to the SUBGRANTEE the compensation earned for work performed and not previously paid for to the date of termination. County will not pay lost anticipated profits or other economic loss, nor will the County pay compensation or make reimbursement to cure a breach arising out of or resulting from such termination. If the expense of finishing the SUBGRANTEE scope of work exceeds the unpaid balance of the MOU, the SUBGRANTEE must pay the difference to the County. The payment of such compensation is subject to the restrictions on payment of compensation otherwise provided in this MOU, and is conditioned upon receipt from SUBGRANTEE of any and all plans, specifications and estimates, and other documents prepared by SUBGRANTEE by the date of termination in accordance with this MOU. Sanctions taken will be possible rejection of future proposals based on specific causes of non-performance.

C. Effects of Termination: Expiration or termination of this MOU shall not terminate any obligations to indemnify, to maintain and make available any records
pertaining to the MOU, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities. Where SUBGRANTEE’S services have been terminated by the County, said termination will not affect any rights of the County to recover damages against the SUBGRANTEE.

D. Suspension of Performance: Independent of any right to terminate this MOU, the authorized representative of COUNTY for which SUBGRANTEE’S services are to be performed, may immediately suspend performance by SUBGRANTEE, in whole or in part, in response to health, safety or financial emergency, or a failure or refusal by SUBGRANTEE to comply with the provisions of this MOU, until such time as the cause for suspension is resolved, or a notice of termination becomes effective.

VII. TERM: This MOU shall commence on the date of COUNTY signature and continue until otherwise terminated under the provisions of paragraph VI.

VIII. INDEMNIFICATION: SUBGRANTEE shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by SUBGRANTEE or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by SUBGRANTEE under Government Code sections 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.
The undersigned represents that he/she is authorized by the above name applicant to enter into this agreement for and on behalf of the said applicant.

**SUBGRANTEE (County)**

Applicant's Name: 

Address: 

Signature of Authorized Agent: 

Printed Name of Authorized Agent: 

Title: ______________________ Date: ______________________

**COUNTY OF TULARE / HEALTH AND HUMAN SERVICES AGENCY**

Name: HHSA / COMMUNITY SERVICES

Address: 5957 South Mooney Boulevard, Visalia, CA 93277

By: 

Printed Name of Authorized Agent: Terrence Curley

Title: Assistant Agency Director, Community Services Date: ______________________

**COUNTY**

Name: COUNTY OF TULARE

Address: 

By: 

Printed Name of Authorized Agent: C. Brian Haddix

Title: County Administrative Officer Date: ______________________

Approved as to Form
County Counsel

By ______________________ Date 4-26-05
SUBJECT: ADOPTION OF ANNUAL APPROPRIATION LIMIT

SOURCE: Department of Finance - Administration

COMMENT: Article XIII - B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2005/06 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for 2005/06 is $34,813,941. Budgeted tax proceeds subject to limitation are $20,170,712. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolution adopting the appropriation limit of $34,813,941 for the 2005/06 fiscal year.

ATTACHMENTS: Draft Resolution
Worksheets
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING THE APPROPRIATION LIMIT FOR THE 2005/06 FISCAL YEAR

WHEREAS, Article XIII - B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year, and

WHEREAS, the State of California has presented the guidelines for the consumer price index, the per capita personal income, and the population data for local governments to compute the appropriation limit;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville the appropriation limit for the 2005/06 fiscal year is $34,813,941 as computed on the attached worksheet.

Adopted and approved this 5th day of July, 2005.

______________________________
Kelly E. West, Mayor

ATTEST:

______________________________
John R. Longley, Jr., City Clerk
## CITY OF PORTERVILLE
### APPROPRIATION LIMIT DOCUMENTATION
#### FISCAL YEAR 2005/06

### PROCEEDS OF TAXES CALCULATION

<table>
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<tr>
<th>[1]</th>
<th>PROCEEDS OF TAXES</th>
<th>OTHER THAN TAXES</th>
<th>TOTAL ESTIMATED REVENUES</th>
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<td><strong>32,635,212</strong></td>
<td><strong>52,805,924</strong></td>
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### APPROPRIATION LIMIT CALCULATION

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**PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT**

<p>| [2] | Per State Department of Finance (per capita personal income). |
| [3] | Per State Department of Finance (population growth of City or County, whichever is greater). |</p>
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<tr>
<th></th>
<th>GENERAL</th>
<th>GAS TAX</th>
<th>LTF</th>
<th>SAFETY</th>
<th>ZALUD</th>
<th>ESTATE</th>
<th>CDBG</th>
<th>TRANSIT</th>
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<td>OTHER TAXES</td>
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* Source: City of Porterville 2005-2006 Annual Budget.
SUBJECT: Airport Lease – Lot 46A

SOURCE: Fire Department / Airport Division

COMMENT: Donald and Loretta Swenson currently own a hangar on lot 46A at the Porterville Municipal Airport. They have extended a purchase option of their private hangar to Mr. Robert Baranek. Mr. Baranek is requesting Council authorization to assume the existing lease between the City of Porterville and Mr. & Mrs. Swenson dated July 1, 1992.

RECOMMENDATION:

That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. & Mrs. Swenson to Mr. Robert Baranek.

Attachment: 1) Locator Map
2) Assignment of Lease Agreement
3) Lessor’s Consent to Assignment of Lease Agreement
4) Request to Transfer Letter from Mr. & Mrs. Swenson
5) Request to Transfer Letter from Mr. Robert Baranek
ASSIGNMENT OF LEASE
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 5th day of July, 2005, by and between Mr. Donald Swenson and Mrs. Loretta Swenson, 1681 W. Bellevue, Porterville, California, owners of the hangar on lot 46A at the Porterville Municipal Airport, as the Assignor, and Mr. Robert Baranek, 310 S. Chestnut, Porterville, California, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective July 5, 2005, Assignor hereby assigns, transfers and conveys to Assignee all of their right, title, and interest as Lessee, in, to and under a certain Lease Agreement dated July 1, 1992 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Mr. Robert Baranek, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

An airport hangar known as No. 46A, and containing a total area of approximately 3,220 square feet, and establishing an original Lease terminating May 31, 2007.

2. Effective July 5, 2005, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

6. There is a $150 transfer/assumption fee.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:

BY: Donald Swenson
Mr. Donald Swenson

ASSIGNOR:

BY: Loretta Swenson
Mrs. Loretta Swenson

ASSIGNEE:

BY: Robert Baranek
Mr. Robert Baranek
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT  
(PORTERVILLE MUNICIPAL AIRPORT)

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 5th day of July 2005.

City of Porterville

By: ______________________________
    Kelly E. West
    Mayor, City of Porterville

    "LESSOR"

Attest: ____________________________
    John Longley, City Clerk

Approved as to Form:

By: ______________________________
    Julia Lew, City Attorney
June 7, 2005

Don & Loretta Swenson are selling hangar #44A to Robert Baranek, 310 S. Chestnut, Porterville, CA.

Gerald R. Swenson
Loretta Swenson

784-5703
June 22, 2005

Mr. Frank Guyton, Airport Manager  
City of Porterville Fire Station  
40 West Cleveland  
Porterville, California 93257

Subject: Assumption of Existing lease of Don Swenson’s (for Hanger 46-A)

Dear Mr. Guyton:

I am in the process of purchasing Hanger 46-A from Don Swanson. He presently has a lease from the City of Porterville, which I would like to assume.

I am in the planning stages of purchasing a rv Kitplane from Van’s Aircraft and will use the hanger to build and store the experimental aircraft.

I have enclosed a copy of a quotation from Bill White Insurance Agency for Liability Insurance.

Your consideration of this request would be appreciated.

Sincerely,

Robert Baranek
SUBJECT: AUGUST 2, 2005 CITY COUNCIL MEETING TO BE HELD AT PORTERVILLE MEMORIAL AUDITORIUM, FRANK “BUCK” SHAFFER THEATRE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City is initiating two (2) annexation measures to facilitate the logical and orderly growth of the City in conformance with the General Plan and adopted Sphere of Influence. The items to be heard on August 2, 2005 will consider approval of two Mitigated Negative Declarations and the public interest to be served or advantaged by proposed prezoning and annexation of twelve (12) unincorporated “islands” located throughout the City of Porterville and the proposed annexation of approximately 87 acres of land in the City of Porterville (Gibbons & Indiana).

Due to the overwhelming public response to the Island Annexation public meeting on February 3, 2005, the Community Development Department has scheduled the August 2, 2005 City Council meeting to be held at the Porterville Memorial Auditorium, Frank “Buck” Shaffer Theatre. Over 2000 public hearing notices were mailed to individuals affected by these annexations. The Porterville Memorial Auditorium, Frank “Buck” Shaffer Theatre has a capacity of 1763 people. The cost to rent the building is $575.00, which will be charged to the Community Development Department.

RECOMMENDATION: That the City Council ratify the location change to the Porterville Memorial Auditorium, Frank “Buck” Shaffer Theatre for the August 2, 2005 City Council meeting at the standard time.
SUBJECT: AUTHORIZATION TO NEGOTIATE FOR SITE CLEANUP AT 216 EAST ORANGE AVENUE

SOURCE: PUBLIC WORKS

COMMENT: The previous tenant that had occupied the residence at 216 East Orange Avenue has vacated the property leaving only the remains of the residence previously destroyed by fire. In preparing for the demolition and the removal of the structure, tests indicated the presence of asbestos among the building materials. The Public Works Director has contacted two firms to obtain quotes for the cleanup and removal of the building debris. It is estimated that the total cost of demolition and clean up will not exceed $10,000, and may require the use of both contractors.

RECOMMENDATION: That the City Council authorize the Public Works Director to negotiate with Bowen Engineering and Robert Volmer Excavation for the asbestos removal, demolition and cleanup at 216 East Orange Avenue for a cost not to exceed $10,000.
PUBLIC HEARING


SOURCE: Administrative Services, Finance Division

COMMENT: This is the date and time that was set at the June 21, 2005, City Council meeting for the public hearing to consider the levy of assessments for the Business Improvement Area of the City of Porterville.

In accordance with Section 36534 of Chapter 3 of the California Streets and Highways Code, notice of the public hearing was published once in the local newspaper not less than seven days before the public hearing.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing to receive comments on the report of the Advisory Board; and

2. Adopt a resolution confirming the report of the Advisory Board which shall constitute the levy of an assessment for the fiscal year 2005/2006.

ATTACHMENTS: Advisory Board Fiscal Year Report
Draft Resolution

DD ☑ Appropriated/Funded ☑ CM ☑ Acting Item No. 10
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONFIRMING THE REPORT
OF THE ADVISORY BOARD OF THE BUSINESS IMPROVEMENT
AREA OF THE CITY OF PORTERVILLE

WHEREAS, by Resolution No. 80-2005, passed June 21, 2005, the Council of the City of Porterville declared its intention to levy and collect assessments within the Business Improvement Area for the Fiscal Year 2005/2006, and set the hour of 7:00 p.m. on the 5th day of July 2005, in the Council Chambers of said City as the time and place for the hearing required by Section 36534, Chapter 3 of the California Streets and Highway Code, and

WHEREAS, such public hearing has been held at said new time and place, and any written or oral protest was received, and

WHEREAS, the City Council, having accepted the report of the Advisory Board including the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the levy of assessment, and the proposed boundaries of the area and any benefit zones within the area, and

WHEREAS, the City Council made no changes in any of those matters provided in the report.

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

SECTION 1: The City Council hereby confirms the report of the Advisory Board of the Business Improvement Area of the City of Porterville as originally filed.

SECTION 2: The confirmation of such report shall constitute the levy of an assessment for the fiscal year 2005/2006.

__________________________________________
Kelly E. West, Mayor

ATTEST:

JOHN LONGLEY, City Clerk

By ________________________________

Georgia Hawley, Deputy City Clerk
STATE OF CALIFORNIA)  
COUNTY OF TULARE  

I, John Longley, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 5th day of July, 2005.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

JOHN LONGLEY, City Clerk

By ____________________________
Georgia Hawley, Deputy City Clerk
SUBJECT:  CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP (CONTOUR DEVELOPMENT INC.)

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT:  The applicant is requesting approval of the Canyon Springs Estates Tentative Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases for that site located on the northeast corner of Morton Avenue and Hillcrest Street.

The site is rectangular in shape extending north and south. The south portion fronts on Morton Avenue. The west portion fronts on Hillcrest Street. The subject site has a gentle sloping hill extending upward from Hillcrest Street to the east with a grade of 1% to 15%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986, indicates the subject site 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 two (2) cul-de-sacs which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from Henderson Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street). Ingress and egress from the west portion of the site onto Hillcrest Street will be by two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site onto Morton Avenue (developed four (4) lane arterial street) will be by a local street 60 feet wide.

Construction of a six (6) foot block wall and landscaping along the Morton Avenue, Hillcrest and Henderson Avenue frontages of the project will be required. Said area shall 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.

On May 24, 2005, 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 May 31, 2005 to June 21, 2005. The only agencies that responded were As of this date, the only agencies that responded were from the Tulare County Association of Governments and Porterville Unified School District.
RECOMMENDATION:  That the City Council:

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

(2)  Adopt the draft resolution approving Canyon Springs Estates Tentative Subdivision Map.

ATTACHMENT:

1.  Complete Staff Report
CITY COUNCIL AGENDA JULY 5, 2005

STAFF REPORT

TITLE: CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Brent Baillio
Contour Development, Inc.
14502 Brook Hollow
San Antonio, TX 78232

AGENT: Hal Lore
Peters Engineering Group
55 Shaw Avenue
Clovis, CA 93611

PROJECT LOCATION: The northeast corner of Morton Avenue and Hillcrest Street.

SPECIFIC REQUEST: The applicant is requesting approval of the Canyon Springs Estates Tentative Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases

PROJECT DETAILS: The site is rectangular in shape extending north and south. The south portion fronts on Morton Avenue. The west portion fronts on Hillcrest Street. The subject site has a gentle sloping hill extending upward from Hillcrest Street to the east with a grade of 1% to 15%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986, indicates the subject site 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 two (2) cul-de-sacs which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from Henderson Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street). Ingress and egress from the west portion of the site onto Hillcrest Street will be by two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site onto Morton Avenue (developed four (4) lane arterial street) will be by a local street 60 feet wide.

Construction of a six (6) foot block wall and landscaping along the Morton Avenue, Hillcrest and Henderson Avenue frontages of the project will be required. Said area shall 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.
GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: County - Rural residential uses.
South: City - Morton Avenue and vacant land.
East: City - Citrus trees and a hillside.
West: City - Hillcrest Street, City retention basin and Jasmine Ranch (single family residential subdivision).

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 May 31, 2005 to June 21, 2005. As of this date, the following agencies responded:

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 June 14, 2005
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 June 21, 2005
Alta Vista Elementary School No response
Tulare County Farm Bureau No response

COMMENT: Tulare County Association of Governments

The Tulare County Association of Governments Traffic Impact Study Guidelines indicates that a focused traffic study is recommended if ether phase is developed. The Focused Traffic Study would analyze any impacts to the intersection along Henderson Avenue, Hillcrest Street, Morton Avenue and Grand Avenue.
STAFF RESPONSE:

The Environmental Initial Study has addressed the areas of transportation and circulation as follows:

6.a Eventual development of the complete 230 ± lot subdivision is anticipated to result in additional daily trips. Based of the Circulation Element of the General Plan, 9.55 daily trips would be generated per unit, for a total of 2,196.5 average daily trips.

All the interior streets within the proposed subdivision are designed to be 60 feet wide, with the exception off two (2) cul-de-sac streets which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from Henderson Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street). Ingress and egress from the west portion of the site onto Hillcrest Street will be by two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site onto Morton Avenue (developed four (4) lane arterial street) will be by a local street 60 feet wide.

The Morton Avenue project recently reconstructed this street extending east to Conner Street (developed two (2) lane local street) and south to Olive Avenue (Developed two (2) lane arterial). The Morton Avenue project also reconstructed this street to the west toward Leggett Street (developed two (2) lane collector street) and extended it further west to Plano Street (developed four (4) lane arterial street). At the intersection of Leggett Street and Morton Avenue, controlled signal lights have been installed.

The Porterville Circulation Element of the General Plan indicates the following:

Four (4) lane arterials have the capacity to carry 25,000 ADT. Two (2) lane arterials have the capacity to carry 12,500 ADT. Two (2) lane collectors have the capacity to carry 12,500 ADT.

No traffic counts have been conducted in this area. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant.

6.b Required improvements along the Henderson Avenue and Hillcrest Street and the interior street will be required to be designed and improved to City Standards which are intended to avoid hazardous situations. Existing curb, gutter and sidewalk exist along the Morton Avenue frontage.

6.e Careful design of the site’s future development circulation patterns and conformance to the City’s development standards and Circulation Element of the General Plan will provide partial mitigation. Subsequent development will be required to design and install proper and necessary traffic circulation facilities for both vehicular and pedestrian traffic. Therefore, hazards or barriers for pedestrians or bicyclist will diminish.
Additionally, the Low Density Residential designation of the General Plan allows for a density of 2/7 family units per acre. The site will be developed to a density of 3.57 units per acre. Therefore, no Traffic Impact Study will be required.

COMMENT: Porterville Unified School District

1. The access for this development is designated to be off of Hillcrest Street. Bus access to this development will be very limited, as Hillcrest Street is currently not a through street and, thus, does not provide an adequate turn-around area for school bus transportation vehicles. To pick up students from this development, school buses would have to either conduct a three-point turn around or drive through the development to eventually exit the area. For safety purposes, the School District takes every step possible to avoid school buses from having to back up, especially in potentially congested areas. Therefore, a three-point turn around would not be a desirable alternative. School buses driving through the development would require navigating small residential streets and having to drive additional distances, which would raise the cost of operation, as well as creating excessive engine emissions. One alternative to address this issue would be to create a traffic circle at the intersection of Contour Avenue and Hillcrest Street.

Staff Response:

The applicant/agent has agreed to provide a bus turnout along Morton Avenue. The construction of the turnout would allow for the bus to stop out of the lane of traffic. The lots designated for this turnout would be between Canyon Street and Hillcrest Street. The location will be determined based on the consensus of the school district and City Engineer. The location any closer to the Hillcrest and Morton Intersection may cause a traffic hazard.

A turn out could also be provided along Hillcrest Street. However, a traffic circle at the intersection of Contour Avenue and Hillcrest is not feasible. If the bus turnout was constructed on Hillcrest Street, the bus could still continue to Henderson Avenue and go north to a proposed temporary turnaround at the northwest corner of the proposed site, or turn on Geringer Street and proceed east through the proposed subdivision an exit on Contour Avenue, or Bellevue Avenue to Hillcrest or Canyon Street and exit on Morton Avenue.

COMMENT: Porterville Unified School District

2. The lack of available city recreational facilities, such as local parks, would cause additional impact upon our existing school grounds for recreational purposes. Students generated from this development, based upon the proposed design, would not have facilities available and would be forced to go to the nearest schools (John J. Doyle Elementary School and Granite Hills High School) for their open-area recreational needs. This not only would impact the operational costs for school facility maintenance, but would, also, cause additional safety concerns for students having to travel this distance to meet their recreational needs.
Staff Response:

The City Council has expressed their desire to include “pocket parks” within new subdivision. Since no ordinance has been established as of this date, Staff can only request that “pocket parks” be implemented in all new proposals. As a result, the applicant/agent has agreed to provide a “pocket park” for that area designated as Lot 77 and Lot 78. These two (2) lots will be included in the Landscape and Maintenance District. The negotiation to install the play equipment for a tot-lot will be required between the effected parties.

COMMENT: Porterville Unified School District

3. The impact on facilities to the School District generated from a development this size would be significant. The School District uses a generation factor of .7 students per new household. A development of 230 homes would generate 161 students. In accordance with the School District’s 2004 Developer Fee Justification Study, the cost of constructing facilities per new student is $13,607. This development would generate a need for $2,109,337 in school facilities. The School District currently assesses a fee of $2.24 per square foot for new development. Based upon the average home size of 1,500 square feet, income generated from this development would be $772,800, leaving a difference of $1,419,537 needed to adequately meet the needs of students this development is projected to generate.

Staff Response:

The comment has been noted.

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 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

The Subdivision Review Committee, on June 22, 2005, 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.
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 May 24, 2005, 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: June 22, 2005

DATE ACCEPTED AS COMPLETE: June 22, 2005

RECOMMENDATION: That the City Council:

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

(2) Adopt the draft resolution approving Canyon Springs Estates Tentative Subdivision Map.

ATTACHMENTS:

1. Canyon Springs Estates Tentative Subdivision Map
2. Conceptual grading plan
3. Environmental Initial Study
4. Negative Declaration
5. Letter dated June 14, 2005 from the Tulare County Association of Governments
7. Draft Environmental Resolution
8. Draft Resolution of Approval
CITY OF PORTERVILLE

ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Canyon Springs Estates

2. Lead Agency Name and Address: City of Porterville
   P.O. Box 432
   Porterville, CA 93258

3. Contact Person and Phone Number: Bradley D. Dunlap

4. Project Location: Generally the northeast corner of Morton Avenue and Hillcrest Street.

5. Project Sponsor’s Name and Address: Contour Development Inc.
   14502 Brook Hollow
   San Antonio, TX 78232

6. General Plan Designation: Low Density Residential

7. Zoning: EXISTING: City R-1 (One-Family Zone)

8. Description of the Project: (SEE ATTACHED LOCATOR MAP 3a)
   The subdivision of a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases (see page 3b).

9. Surrounding Land uses and Setting:

   North: County - Rural residential uses.
   South: City - Morton Avenue and vacant land.
   East: City - Citrus trees and a hillside.
   West: City - Hillcrest Street, City retention basin and Jasmine Ranch (single family residential subdivision).

   The subject site has been utilized for dry farming (oat hay). The site is rectangular in shape extending north and south. The south portion fronts on Morton Avenue. The west portion fronts on Hillcrest Street. The subject site has a gentle sloping hill extending from Hillcrest Street to the east with a grade of 1% to 15%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986 indicates the subject site is located in Flood Zone C (areas of minimal flooding).

   The site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.

   Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these framing practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. There are no known cultural, historical, archeological, or scenic aspects peculiar to the area of the project.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.

<table>
<thead>
<tr>
<th>Land use and Planning</th>
<th>Biological Resources</th>
<th>X</th>
<th>Aesthetics</th>
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</thead>
<tbody>
<tr>
<td>Population and Housing</td>
<td>Energy and Mineral Resources</td>
<td></td>
<td>Cultural Resources</td>
</tr>
<tr>
<td>X Geological Problems</td>
<td>Hazards</td>
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<td>Recreation</td>
</tr>
<tr>
<td>X Water</td>
<td>Noise</td>
<td></td>
<td>Mandatory Findings of Significance</td>
</tr>
<tr>
<td>X Air Quality</td>
<td>Public Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation and Circulation</td>
<td>X</td>
<td>Utilities and Service Systems</td>
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</table>

DETERMINATION: (To be completed by the Lead Agency).

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect(s) on the environment, but the effect(s) (1) has/have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. If the effect is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" and will not be mitigated. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (1) have been analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards and (2) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.

I find the proposed project could have a significant effect on the environment. Action to be determined by the Environmental Review Committee.

Signature: Bradley D. Dunlap, AICP  
Printed Name: Bradley D. Dunlap, AICP  
City of Porterville  
For: Porterville  

Date: 5/24/05
EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited for each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries that will not be mitigated by incorporation of mitigation in the project when the determination is made, an EIR is required.

4. "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). Earlier analyses are discussed in Section 17 at the end of the checklist.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
CHECKLIST

1. LAND USE AND PLANNING -- Would the proposal:
   a. Conflict with general plan designation or zoning?
      
      Discussion: Porterville’s General Plan designates the subject area for Low Density Residential Uses (2 to 7 d.u. per acre) and the site is located within the R-1 (One Family Residential) Zone.

      The project proposes the division of a vacant 67.42± acre parcel into a 230 lot single family residential subdivision in two (2) phases. The proposed subdivision would have a gross residential density of approximately 3.57 units/acre.

      The subdivision as proposed is consistent with the policies and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices.

      Source: 1 &12

   b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?
      
      Discussion: The project as proposed will not conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project. Therefore, no impact will occur.

      Source: 1, 3 &4

   c. Be incompatible with existing land use in the vicinity?
      
      Discussion: The proposed project will allow for development as supported by the General Plan and Zoning Ordinance. Therefore, the project will not be incompatible with the existing land uses in the vicinity.

      Source: 1, 2, &30

   d. Affect agricultural resources or operations (e.g. impact to soils or farmlands, or impacts from incompatible land uses)?
      
      Discussion: The subject site has been used for dry land farming. The area to the north has rural residential uses. The area to the south is vacant. The area to the west has a retention basin and Jasmine Ranch (single family residential subdivision). The area to the east has citrus trees and a hillside. It is not anticipated the proposed project will affect the agricultural resources or operations of the site to the east. Therefore, the impact is less than significant.

      Source: 1 &30
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

Discussion: *The project as proposed will not disrupt or divide the physical arrangement of the established community in this area.*

Source: 1 & 30

2. **POPULATION AND HOUSING -- Would the proposal:**

a. Cumulatively exceed official regional or local population projections?

Discussion: *Based on the historical growth pattern, it is expected that Porterville’s population will continue to grow at about 2.5% annually. The project as proposed will not cause any substantial increase in local population projections.*

Source: 1 & 3

b. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or major infrastructure)?

Discussion: *Infrastructure is located in Hillcrest Street and Morton Avenue. The proposed project will facilitate development envisioned by the General Plan and Zoning Ordinance. Therefore, the project as proposed will not induce substantial growth in this area.*

Source: 1 & 3

c. Displace existing housing, especially affordable housing?

Discussion: *The project as proposed will not require the removal of any existing housing.*

Source: 1, 3 & 30

3. **GEOLOGIC PROBLEMS -- Would the proposal result in or expose people to potential impacts involving:**

a. Fault rupture?

Discussion: *No faults are known to exist in this area. Therefore, the project will not expose people to hazards from fault rupture.*

Source: 7
b. Seismic ground shaking?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>No Impact</th>
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<tr>
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Discussion: No faults are known to exist in this area. Therefore, the project will not expose people to hazards from seismic ground shaking.

Source: 7

c. Seismic ground failure, including liquefaction?

<table>
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<tr>
<th>Potentially Significant Impact</th>
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<th>No Impact</th>
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<tr>
<td>_____</td>
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Discussion: No faults are known to exist in this area. Therefore, the project will not expose people to hazards from seismic ground failure.

Source: 7

d. Seiche, tsunami, or volcanic hazard?

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<tr>
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<th>No Impact</th>
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<td>_____</td>
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Discussion: The City of Porterville is not located in an area subject to Seiche, tsunami, or volcanic hazards. Therefore, the project will not create any seiche, tsunami or volcanic hazard to this area.

Source: 7

e. Landslides or mudflows?

<table>
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<tr>
<th>Potentially Significant Impact</th>
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<th>No Impact</th>
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<tr>
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Discussion: The subject site has a gently sloping hill extending from Hillcrest Street to the east with a grade varying from 1% to 15%. This is not sufficiently steep to cause a landslide or mudflow.

Mitigation: In general, downhill slopes shall be incorporated into the downhill lot as they are most affected by the maintenance of slopes. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence.

Source: 7

f. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?

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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>No Impact</th>
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Discussion: Future development of the site with single family residential uses would result in ground disturbance through leveling, grading, etc., and absent proper control measures, could contribute to minor soil erosion during construction. Additionally, development on previously undisturbed soil with high expansion potential would create areas of impermeability which will contribute to increased storm water runoff.

Mitigation: In general, downhill slopes shall be incorporated into the downhill lot as they are most affected by the maintenance of slopes. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence.
Additionally, the following condition will be added in the resolution of approval for the tentative map as follows:

The applicant/developer is hereby notified that an approved Conceptual Grading Plan is on file with the City of Porterville. Grading Plan(s) not following the scheme of the approved Conceptual Grading Plan require Public Works Department and Community Development Department approval dug the master plan development review. For the purposes of this condition, master plan development review is defined as a combined grading/improvement plan that illustrates lot grades, curb grades, pipeline inverts, fire hydrants, street light, etc. for full build out (all phases) of the proposed development.

Additional mitigation measures include the enforcement of a 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 California Building Code, etc., will be required.

Source: 7

g. Subsidence of the land? _______  _______  _______  _______  X

Discussion: Development of the site with a single family residential subdivision will not effect the subsurface soil structure and therefore will not contribute to any subsidence of land.

Source: 4 & 7

h. Expansive soils? _______  X  _______  _______  _______

Discussion: 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 & private improvements.

MITIGATION:

Mitigation measures include the enforcement of the 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, etc., will be required.

Depending on the soils report, an engineered foundation design would be required. As an alternative, the removal of native soil could be replaced with non-expansive material.

Source: 4, 22 & 29

i. Unique geologic or physical features? _______  _______  _______  X

Discussion: There are no unique geological or physical features in this area, therefore, the proposed project will have no impact.

Source: 4, 7 & 30
4. WATER -- Would the proposal result in:

a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?  
   
   Discussion: Such patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these aforementioned features are constructed. The installation of the curbs, gutters and drop inlets to allow water to be channeled into the existing storm drain line will prevent any future drainage problems in this area. Based on the topography, construction of streets and drainage will be required for each phase pursuant to the scheme of the approved Conceptual Grading Plan.

   Mitigation: 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 monitored and maintained free of heavy concentration of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Drainage patterns shall account for the steep slope, as well as the capture of all uphill storm water. Storm drains and basins shall be sized to accommodate for all anticipated drainage.

   Source: 1 & 4

b. Exposure of people or property to water related hazards such as flooding?

   Discussion: The site is rectangular in shape extending north and south. The south portion fronts on Morton Avenue. The west portion fronts on Hillcrest Street. The subject site has a gentle sloping hill extending from Hillcrest Street to the east with a grade varying from 1% to 15%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986 indicates the subject site is located in Flood Zone C (areas of minimal flooding). In general, downhill slopes shall be incorporated into the downhill lot as they are most affected by the maintenance of slopes. Vegetation, to include trees, shrubs, ground cover and/or other slope stabilization to the satisfaction of the City Engineer shall be installed prior to the issuance of a certificate of occupancy for each residence. Therefore, no impact will occur.

   Source: 1, 4 & 26

c. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?

   Discussion: The site is within the boundaries of the City's Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces. Demands on the City's water supply from the unconfined aquifer will be commensurate with the magnitude and type of future development occurring on the 67.42± acre site.
MITIGATION

Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

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.

It is not anticipated that the ultimate development of the 67.42± acre site, as described, will not significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer.

Source: 4, 7 & 26

d. Changes in the amount of surface water in any water body?  

Discussion: Drainage from the subject site will not be directed to any water body. Therefore, no impact will occur.

Source: 4, 17 & 22

e. Changes in currents, or the course or direction of water movements?

Discussion: Drainage from the subject site will not be directed to any water body. Therefore, no impact will occur.

Source: 4, 7 & 26

f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?

Discussion: The site is within the boundaries of the City’ of Porterville’s Water Master Plan. Development of the site was anticipated and adequate water supplies have been identified.

It is anticipated that any future development of the site for residential uses should not substantially reduce the amount of water otherwise available for public water supplies. Therefore, no change in the quantity of ground water or the substantial loss of groundwater recharge capability will occur.

Source: 4, 7 & 26
g. Altered direction or rate of flow of groundwater?

Discussion: Future development of the site with residential uses would not require any cuts or excavations other than minor grading, therefore, the direction of flow of groundwater will not be altered.

Source: 1 & 4

h. Impacts to groundwater quality?

Discussion: Future development of the site with residential uses would not require any cuts or excavations other than minor grading. No uses are proposed which could cause the discharge of pollutants into the groundwater.

Source: 1 & 4

i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?

Discussion: Ultimate development of the site is not anticipated to significantly deplete groundwater supplies or reduce public water supply from the City's unconfined groundwater aquifer, therefore, the impact is less than significant.

Source: 1 & 4

5. AIR QUALITY -- Would the proposal:

a. Violate any air quality standard or contribute to an existing or projected air quality violation?

Discussion: Future development of the site with residential uses will require equipment to be utilized in regard to the project and vehicular trips will be generated by construction crews during the construction stage of the project. Overall impacts to air quality form buildout as proposed by the General Plan is discussed in the Environmental Impact Report certified upon adoption of the current Land Use Element of the General Plan.

Mitigation: 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 Developer will implement Regulation VIII of the SJVAPCD including:

   a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.
b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 mph. If winds or gusting exceed 20 mph, vehicular activity will be required to cease.

c. One or more of the following means of dust control should be employed after the completion of earth grading operations:
   i. Seeding and watering of new vegetation.
   ii. Hydro mulching or spreading of soil binders.
   iii. Maintenance of the site’s soil surface crust through repeated soakings.

2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and Nox emissions.

3. Limit engine idling at the project site.

4. Trees should be carefully selected and located to shade the residential 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.

5. 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.

5. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

6. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electrical barbeques.

7. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.

8. Awnings or other shading mechanism for windows should be installed.

9. Ceiling fans should be installed.

10. Energy efficient windows (double pane and/or coated) should be installed.

11. High-albedo (reflecting) roofing material should be installed.

12. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.

b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.
c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

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.

Source: 24

b. Expose sensitive receptors to pollutants? 

Discussion: The proposed site has a portion of a developed single family residential subdivision to the west (Jasmine Ranch) and a single family residential dwelling to the southeast. The mitigation measures identified above will provide adequate protection for these residential uses.

Source: 24

c. Alter air movement, moisture, or temperature, or cause any change in climate?

Discussion: The project as proposed, will not alter air movement, moisture, temperature and change in the climate will not occur.

Source: 24

d. Create objectionable odors?

Discussion: The project as proposed, will not create any objectionable odors.

Source: 24

6. TRANSPORTATION/CIRCULATION -- Would the proposal result in:

a. Increased vehicle trips or traffic congestion?

Discussion: Eventual development of the complete 230 ± lot subdivision is anticipated to result in additional daily trips. Based of the Circulation Element of the General Plan, 9.55 daily trips would be generated per unit, for a total of 2,196.5 average daily trips.

All the interior streets within the proposed subdivision are designed to be 60 feet wide, with the exception off two (2) cul-de-sac streets which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from Henderson Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street). Ingress and egress from the west portion of the site onto Hillcrest Street will be by two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site onto Morton Avenue (developed four (4) lane arterial street) will be by a local street 60 feet wide.

The Morton Avenue project recently reconstructed this street extending east to Conner Street (developed two (2) lane local street) and south to Olive Avenue (Developed two (2) lane arterial). The Morton Avenue project also reconstructed this street to the west toward Leggett Street (developed two (2) lane collector street) and
extended it further west to Plano Street (developed four (4) lane arterial street). At the intersection of Leggett Street and Morton Avenue, controlled signal lights have been installed.

The Porterville Circulation Element of the General Plan Indicates the following:

Four (4) lane arterials have the capacity to carry 25,000 ADT. Two (2) lane arterials have the capacity to carry 12,500 ADT. Two (2) lane collectors have the capacity to carry 12,5000 ADT.

No traffic counts have been conducted in this area. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant. (designated

Source: 1, & 2

b. Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Discussion: Required improvements along the Henderson Avenue and Hillcrest Street and the interior street will be required to be designed and improved to City Standards which are intended to avoid hazardous situations. Existing curb, gutter and sidewalk exist along the Morton Avenue frontage. Therefore, the impact is less than significant.

Source: 1 & 2

c. Inadequate emergency access or access to nearby uses?

Discussion: The subject site and adjacent uses have access to public streets for emergency access.

Source: 1, 2 & 12

d. Insufficient parking capacity on-site or off-site?

Discussion: Eventual development of the site will require on-site parking in conformance with the Porterville Zoning Ordinance. Therefore, no impact will result in insufficient parking capacity on-site.

Source: 1, 2 & 12

e. Hazards or barriers for pedestrians or bicyclists?

Discussion: Careful design of the site’s future development circulation patterns and conformance to the City’s development standards and Circulation Element of the General Plan will provide partial mitigation. Subsequent development will be required to design and install proper and necessary traffic circulation facilities for both vehicular and pedestrian traffic. Therefore, hazards or barriers for pedestrians or bicyclist will diminish.

Source: 1, 2 &12
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>f. Conflicts with adopted policies supporting alternative transportation (e.g. bus stops, bicycle racks)?</td>
<td>[ ]</td>
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</tr>
</tbody>
</table>

*Discussion: The project as proposed will not conflict with adopted policies supporting alternative transportation.*

*Source: 1, 2 & 31*

g. Rail, waterborne or air traffic impacts? | [ ] | [ ] | [ ] | [X] |

*Discussion: The project as proposed will not impact any rail, waterborne or air traffic since they do not exist in this area.*

*Source: 1 & 2*

### 7. BIOLOGICAL RESOURCES -- Would the proposal result in an impact on:

#### a. Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals or birds)?

| [ ] | [ ] | [ ] | [X] |

*Discussion: The site has historically been used for agricultural purposes, mainly the growing of wheat and grain. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.*

*Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these farming practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. There are no known cultural, historical, archeological, or scenic aspects peculiar to the area of the project.*

*City staff conducted an on-site inspection. No endangered, threatened or rare species or habitats were observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.*

*Source: 4, 5, 15 & 30*

#### b. Locally designated species (e.g. heritage trees)?

| [ ] | [ ] | [ ] | [X] |

*Discussion: The site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.*

*Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these farming practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife.*
City staff conducted an on-site inspection. There are no known designated species (e.g. heritage trees) existing on this site. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

Source: 4, 5, 15 & 30

c. Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?  

Discussion: The site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.

Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these farming practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife.

City staff conducted an on-site inspection. No endangered, threatened or rare species or habitats were observed. As such, no impact to locally designated natural communities will occur.

d. Wetland habitat (e.g. marsh, riparian and vernal pool)?  

Discussion: The site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.

Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these farming practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. There are no known cultural, historical, archeological, or scenic aspects peculiar to the area of the project.

City staff conducted an on-site inspection. No endangered, threatened or rare species or habitats were observed. As such, no impact to wetland habitat will occur.

Source: 4, 5, 15 & 30

e. Wildlife dispersal or migration corridors?  

Discussion: The site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.
North: County - Rural residential uses.
South: City - Morton Avenue and vacant land.
East: City - Citrus trees and a hillside.
West: City - Hillcrest Street, City retention basin and Jasmine Ranch (single family residential subdivision).

As a result of the aforementioned uses in this area, it is not anticipated that any wildlife dispersal or migration corridors exist in this area. As a result of the proposed project, will not disrupt any wildlife dispersal or migration corridors in this area.

City staff conducted an on-site inspection. No endangered, threatened or rare species or habitats were observed. As such, no impact to locally wildlife dispersal or migration corridors will occur.

Source: 4, 5, 15 & 30

8. ENERGY AND MINERAL RESOURCES -- Would the proposal:

a. Conflict with adopted energy conservation plans?

Discussion: The project as proposed will not conflict with adopted energy conservation plans. Therefore, no change to exiting conservation plans and policies is proposed.

Source: 4

b. Use non-renewable resources in a wasteful and inefficient manner?

Discussion: The project will not directly require any non-renewable resources. Appropriate energy conservation measures as required by the California Building Code will apply, therefore, no impact will occur.

Source: 4

c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

Discussion: There are no known mineral resources of value on the subject site, therefore, no impact will occur.

Source: 4
9. **HAZARDS -- Would the proposal result in:**

a. A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?

   Discussion: No hazardous substances are known to exist on the subject site and none are expected to be stored in association with the anticipated residential development.

   Source: 7

b. Possible interference with an emergency response plan or emergency evacuation plan?

   Discussion: The project as proposed will not interfere with an emergency response plan or emergency evacuation plan. Therefore, no impact will occur.

   Source: 7
c. The creation of any health hazard or potential health hazard?

   Discussion: All uses and future uses on the site must be in conformance with the Porterville Zoning Ordinance. The project as proposed will not create an potential health hazard. Therefore, no impact will occur.

   Source: 7
d. Exposure of people to existing sources of potential health hazards?

   Discussion: All uses and future uses on the site must be in conformance with the Porterville Zoning Ordinance. The project as proposed will not create an potential health hazard. Therefore, no impact will occur.

   Source: 7
e. Increased fire hazard in areas with flammable brush, grass or trees?

  Discussion: All uses and future uses on the site must be in conformance with the Porterville Zoning Ordinance and must comply with the City of Porterville weed abatement program. Therefore, no impact will occur.

   Source: 7
10. **NOISE -- Would the proposal result in:**

a. Increase in existing noise levels?  
   ![Table Entry]
   
   *Discussion:* Future development of the site with residential uses will create some noise during the construction stage of the project. This noise would cease once the construction is completed. Additionally, compliance with Section 3.3.2 of the Noise Element of the General Plan will be required. A modest increase in noise will also occur due to the additional traffic generated by the proposed subdivision. Therefore, the impact is less than significant.

   *Source:* 6

b. Exposure of people to severe noise levels?  
   ![Table Entry]
   
   *Discussion:* Future development of the site with residential uses will create some noise during the construction stage of the project. This noise would cease once the construction is completed. Additionally, compliance with Section 3.3.2 of the Noise Element of the General Plan will be required. A modest increase in noise will also occur due to the additional traffic generated by the proposed subdivision. Therefore, the impact is less than significant.

   *Source:* 6

11. **PUBLIC SERVICES -- Would the proposal result in impacts to:**

a. Fire protection?  
   ![Table Entry]
   
   *Discussion:* The subject site is within the service area of the Porterville Fire Department. Sufficient capacity exists to serve the area.

   *Source:* 1, 2, 3, 5, 7 & 8

b. Police protection?  
   ![Table Entry]
   
   *Discussion:* The subject site is within the service area of the Porterville Police Department. Sufficient capacity exists to serve the area.

   *Source:* 1, 2, 3, 5, 7 & 8

c. Schools?  
   ![Table Entry]
   
   *Discussion:* The proposed residential project has the potential to increase enrollment within the Porterville Unified School District. School fees will be collected to assist in the funding of future capital improvements that may become necessary within those school districts, however, the potential impact on enrollment from 230 additional single family residences is less than significant. Therefore, the impact is less than significant.

   *Source:* 1, 2, 3, 5, 7 & 8
d. Maintenance of public facilities, including roads?  

Discussion: The proposed streets and public facilities will be maintained by the City Field Services Division. There is currently sufficient capacity to account for such maintenance, therefore, no impact will occur.

Source: 1, 2, 3, 5, 7 & 8

e. Other governmental services?  

Discussion: The project will not require the need for any additional governmental services.

Source: 1, 2, 3, 5, 7 & 8

12. UTILITY AND SERVICE SYSTEMS -- Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

a. Power or natural gas?  

Discussion: Electricity and natural gas exists at the site.

Source: 1 & 3

b. Communications systems?  

Discussion: Telephone lines exist at the site.

Source: 1 & 3

c. Local or regional water treatment or distribution facilities?

Discussion: Water supply and distribution systems are designed to accommodate development of the subject site.

Source: 21 & 28

d. Sewer or septic tanks?

Discussion: A 10" sewer line exists in Morton Avenue and Hillcrest Street.

In 1994, the Water Treatment Plant increased it's capacity from 4 million gallons per day to 8 million gallons per day. Current use is 4.6 million gallons per day. At this rate, sufficient capacity is available to handle a population of 71,300 (22 years at 2.5% growth per year).

Source: 17, 20 & 21

e. Storm water drainage?

Discussion: An 18 " storm drain line exists at the corner of Morton Avenue. A drop inlet is located on the north side of Morton Avenue approximately 300± feet east of Hillcrest Street.
The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Periodic future increases in the amount of water that will be generated into the drainage system will, therefore, occur as the site ultimately develops with single family residential uses, due to the creation of many acres of impervious surfaces. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces.

Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

Source: 17, 20 & 21

f. Solid waste disposal? _______ _______ _______ X

Discussion: The subject site is within the service area of the Porterville refuse service area. Sufficient capacity exists to serve the area. Therefore, no impact will occur.

Source: 17, 20 & 21

g. Local or regional water supplies? _______ _______ X _______

Discussion: A 16" water line exists in Hillcrest Street and Morton Avenue. Current water production capacity is 15,331 gpm. The current demand during the highest use month is approximately 14,000 gpm.

The City adopted an addendum EIR for the City’s Water Master Plan in February 2001 which called for the construction of seven new wells with a 1,000 gpm capacity each by the end of 2005. Based on the City's adopted Water Master Plan, mitigation measures have been addressed. One of those wells was constructed in 2002. Two more wells are currently under preliminary review for construction.

Continued implementation of the adopted Sewer and Water Master Plans will insure adequate service as development occurs with the Urban Development Boundary.

Source: 1, 4 & 21

13. AESTHETICS -- Would the proposal:

a. Affect a scenic vista or scenic highway? _______ _______ _______ X

Discussion: There are no scenic vistas or scenic highways in the vicinity of the subject site.

Source: 1 & 5

b. Have a demonstrable negative aesthetic effect? _______ _______ _______ X

Discussion: Development of the subject site is expected to commensurate to surrounding developed areas. No negative aesthetic effects will occur.

Source: 1 & 5
c. Create light or glare?

Discussion: New sources of light and glare will result from subsequent street lighting, and residential dwellings to be installed/developed.

Mitigation: Future development of the subject site will require the installation of low profile exterior lighting which will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street light and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.

Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced as follows:

“No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.”

Source: 1, 5 & 12

14. CULTURAL RESOURCES -- Would the proposal:

a. Disturb paleontological resources?

Discussion: No paleontological sites, or resources are known to exist on the site and it is unlikely that such will be discovered at the time of any future construction.

Source: 4, 30, 35 & 36

b. Disturb archaeological resources?

Discussion: Should such resources be uncovered during subsequent construction, work will be halted and the requirements of Supplementary Document “J” of the California Environmental Quality Act Guidelines shall be implemented.

Source: 4, 30, 35 & 36

c. Affect historical resources?

Discussion: No archeological or historical sites, structures, objects or buildings are known to exist on the site and it is unlikely that such will be discovered at the time of any future construction.

Source: 4, 30, 35 & 36
d. Have the potential to cause a physical change which would affect unique ethnic cultural values?

Discussion: No archeological or historical sites, structures, objects or buildings are known to exist on the site and it is unlikely that such will be discovered at the time of any future construction.

Source: 4, 30, 35 & 36

e. Restrict existing religious or sacred uses within the potential impact area?

Discussion: No religious or sacred sites, structures, objects or buildings are known to exist on the site and it is unlikely that such will be discovered at the time of any future construction; as previously conducted surveys indicate that Native American habitation sites were located in the eastern sector of the City's urban area along the base of the Sierra Nevada foothills.

Source: 4 & 30

15. RECREATION -- Would the proposal:

a. Increase the demand for neighborhood or regional parks or other recreational facilities?

Discussion: City parks and other recreation facilities will be sufficient to accommodate the recreational needs stemming from subsequent residential development of the site with development of Master Planned facilities. However, the following mitigation measures will ultimately be necessary to accommodate City growth in the aggregate as future development occurs.

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.

Source: 5 & 8

b. Affect existing recreational opportunities?

Discussion: The subject site is not currently used for recreational activities.

Source: 5 & 8
16. **MANDATORY FINDINGS OF SIGNIFICANCE** — Would the proposal:

a. Does the project 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?

Discussion: The site has historically been used for agricultural purposes, mainly the growing grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.

Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these farming practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife.

*City staff conducted an on-site inspection. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.*

Source: 1, 30 & 35

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

Discussion: The proposed residential subdivision will allow for the implementation of development as designated by the General Plan and anticipated by a variety of master plans and other associated documents. As such, no impact will occur.

Source: 1 & 33
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)

Discussion: Development of the subject site is anticipated in the Land Use Element, Circulation Element, Water, Sewer, Storm Water Mater Plans. Appropriate infrastructure has been programmed into each of these documents to accommodate the incremental effects of any future development of the site with single family residential uses.

Source: 1 & 33

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion: Future development of the subject site will be required to comply with the standards of the Porterville Zoning Ordinance which is designed to ensure compatible development and adequate protection to neighboring land uses.

Source: 1 & 33

17. EARLIER ANALYSES (See Attached).

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:

a) Earlier analysis used. Identify earlier analyses and state where they are available for review.
b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

Authority: Public Resources Code Sections 21083 and 21087.
18. SOURCE REFERENCES

1. Land Use Element of the Porterville General Plan (1998)
2. Circulation Element of the Porterville General Plan (1999)
3. Housing Element of the Porterville General Plan (1992)
5. Open Space Element of the Porterville General Plan (1998)
7. Safety Element of the Tulare County General Plan (1998)
9. Airport Master Plan (1990)
10. Porterville Strategic Plan (1992)
15. Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16. Porterville Redevelopment Housing Strategic Plan (1994)
17. City of Porterville Storm Drainage Master Plan (2001)
20. City of Porterville Sewer Master Plan (2001)
21. City of Porterville Water Master Plan (2001)
23. San Joaquin Valley Air Pollution Control District Attainment Plan
24. San Joaquin Valley Unified Air Pollution Control District Regulation VII
25. Aerial photo records - City of Porterville
26. FEMA Flood Insurance Panels No. 065066 0865 B, September 29, 1986
27. 1990 Census Data/Tract and Block Group Maps
28. Existing Infrastructure and Facilities Capacity
30. On-site field inspection
31. City of Porterville Transit Development Plan
32. Emergency Services Plan - Tulare County Operational Area
33. City of Porterville Urban Water Management Plan
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Contour Development Inc.
14502 Brook Hollow
San Antonio, TX 78232

PROJECT TITLE: Canyon Springs Estates Tentative Subdivision Map

ADDRESS/LOCATION: Northeast corner of Hillcrest Street and East Morton Avenue.

PROJECT APPLICANT: Contour Development Inc.

PROJECT DESCRIPTION: The Tentative Subdivision Map for Canyon Springs Estates to divide a 67.42 ± acre vacant parcel zoned City R-1 (One Family Residential) Zone into 230 single family residential lots in two (2) phases.

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

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

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

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

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

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

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

On May 24, 2005, 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: May 24, 2005

Approved: ____________
Bradley D. Dunlap, Environmental Coordinator

Word\ Negdec Canyon Springs

ATTACHMENT
ITEM NO. 4
June 14, 2005

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

RE: Canyon Springs Estates  

Dear Mr. Dunlap:  

Thank you for the opportunity to comment on the above referenced project. The project description discloses that the application is for the subdivision of approximately 67.42 acres into a 230 lot single-family residential subdivision to be developed into two phases.  

The Tulare County Association of Governments Traffic Impact Study Guidelines indicates that a focused traffic study is recommended if either phase is developed. The focused traffic study would analyze any impacts to the intersections along Henderson Avenue, Hillcrest Street, Morton Avenue, and Grand Avenue.  

Should you have any questions regarding this matter, please give me a call.  

Sincerely,  

[Signature]  
Scott Cochran  
TCAG Planner  

SC:ke
June 21, 2005

Brad Dunlap, City Engineer
City of Porterville
291 No. Main Street
Porterville, CA 93257

RE: Canyon Springs Estates Development

Dear Mr. Dunlap:

We are in receipt of Notice of Intent to Adopt a Negative Declaration of Environmental Impact for Canyon Springs Estates Tentative Subdivision Map located at the northeast corner of Morton Avenue and Hillcrest Street.

After reviewing the site plan and checklist, the Porterville Unified School District must raise concerns with this development and its impact upon the operation of the School District. Upon initial review, there appears to be three areas of concern:

1. The access for this development is designed to be off of Hillcrest Street. Bus access to this development will be very limited, as Hillcrest Street is currently not a through street and, thus, does not provide an adequate turn-around area for school bus transportation vehicles. To pick up students from this development, school buses would have to either conduct a three-point turn around or drive through the development to eventually exit the area. For safety purposes, the School District takes every step possible to avoid school buses from having to back up, especially in potentially congested areas. Therefore, a three-point turn around would not be a desirable alternative. School buses driving through the development would require navigating small residential streets and having to drive additional distances, which would raise the cost of operation, as well as creating excessive engine emissions. One alternative to address this issue would be to create a traffic circle at the intersection of Contour Avenue and Hillcrest Street.

2. The lack of available city recreational facilities, such as local parks, would cause additional impact upon our existing school grounds for recreational purposes. Students generated from this development, based upon the proposed design, would not have facilities available and would be forced to go to the nearest schools (John J. Doyle Elementary School and Granite Hills High School) for their open-area recreational needs. This not only would impact the operational costs for school facility maintenance but would, also, cause additional safety concerns for students having to travel this distance to meet their recreational needs.

3. The impact on facilities to the School District generated from a development this size would be significant. The School District uses a generation factor of .7 students per new household. A development of 230 homes would generate 161 students. In accordance with the School District's 2004 Developer Fee Justification Study, the cost of constructing facilities per new student is $13,607. This development would generate a need for $2,192,337 in school facilities. The School District currently assesses a fee of $2.24 per square foot for new development. Based upon the average home size of 1,500 square feet, income generated from this development would be $772,800, leaving a difference of $1,419,537 needed to adequately meet the needs of students this development is projected to generate.
The Porterville Unified School District requests that the developer of this project address these three areas prior to approval of this subdivision map by the City of Porterville.

Should you have any questions, I may be reached at 793-2455.

Sincerely,

[Signature]

John Shavely, Ed.D.
Superintendent
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
CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 67.42± ACRE
VACANT SITE LOCATED ON THE NORTHEAST CORNER OF MORTON AVENUE AND
HILLCREST STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 5, 2004, conducted a public hearing to consider approval of Canyon Springs Estates Tentative Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases for that site located on the northeast corner of Morton Avenue and Hillcrest Street; and

WHEREAS: On May 24, 2005, 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 May 31, 2005, to June 21, 2005. At the end of that period, the only agencies that responded were as of this date, the only agencies that responded were from the Tulare County Association of Governments and Porterville Unified School District.

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.
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 50 in the proposed resolution of approval for Canyon Springs 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 site has historically been used for agricultural purposes, mainly the growing of grains. As such, agricultural land use practices have relied on and depended on the utilization of cultivation, irrigation, and spraying operations, which means that the soils in this area have been frequently plowed, tilled, disced, or graded, and in some instances, excavated and ripped.

Pesticides, insecticides, and rodenticides are commonly used for rodent, varmint, and pest control. Herbicides are also used to prevent weeds and grasses from competing for irrigation water. Over the years, these framing practices have eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. There are no known cultural, historical, archeological, or scenic aspects peculiar to the area of the project.

City Staff conducted an on-site inspection. The subject site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Canyon Springs Estates Tentative Subdivision Map as described herein.

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By _______________________________________
Georgia Hawley, Chief Deputy City Clerk
## Attachment A

### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<tbody>
<tr>
<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading,</td>
<td>City of Porterville</td>
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<td>3.f Erosion, changes in</td>
<td>development related conditions of approval requiring erosion control plans, and the</td>
<td>the Uniform Building Code, etc., will be required.</td>
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<td>topography or unstable</td>
<td>conservation of vegetation, with soil disturbances to be limited to dry seasons.</td>
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<td>soil conditions from</td>
<td>In addition, conformance with the City Storm Drain Master Plan, and requirements</td>
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<td>excavation, grading or</td>
<td>relative to grading, the Uniform Building Code, etc., will be required.</td>
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<td>fill.</td>
<td>Depending on the soils report, an engineered foundation design would be required.</td>
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<td>3.h Expansive soils</td>
<td>As an alternative, the removal of native soil could be replaced with non-expansive</td>
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<td></td>
<td>material.</td>
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<td><strong>Water</strong></td>
<td>Mitigation measures include the enforcement of a site development plan or the development related conditions of approval requiring erosion control plans and the conservation of vegetation, with soil disturbance to be limited to dry seasons. 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). Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td><strong>Air Quality</strong></td>
<td>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.</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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1. The City will implement Regulation VIII of the SJVUAPCD including:
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<tr>
<td><strong>Air Quality</strong></td>
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<tr>
<td>5. a (continued)</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
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<td>Mitigation Measures</td>
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| **Air Quality**  | **2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.**  

3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.  

4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.  

5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues. | | |
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| Air Quality       | 6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.  
                      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.  
                      8. Limit engine idling at the project site.  
                      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.  
                      10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.  
                      11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawn mowers. |            |                    |
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<tr>
<td>Air Quality 5.a (continued)</td>
<td>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121. 13. House units should be oriented to maximize passive solar cooling and heating when practicable. 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. a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace. b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre. 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>Air Quality</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td>5.a (continued)</td>
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<tr>
<td>Utilities and Service</td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001).</td>
<td>The City of Porterville and the affected utility companies.</td>
<td>The City of Porterville and the affected utility companies.</td>
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<td>Systems</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
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<td>12.e Storm water drainage.</td>
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<tr>
<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
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RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 67.42± ACRE
VACANT SITE LOCATED ON THE NORTHEAST CORNER OF MORTON AVENUE AND
HILLCREST STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of July 5, 2004, conducted a public hearing to consider approval of Canyon Springs Estates Tentative
Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a
230± lot single family residential subdivision to be developed in two (2) phases for that site located
on the northeast corner of Morton Avenue and Hillcrest Street; and

WHEREAS: On May 24, 2005, 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 June 22, 2005, 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 3.57 d.u./acre.

   All the interior streets within the proposed subdivision are designed to be 60 feet
   wide, with the exception of two (2) cul-de-sac streets which will be 50 feet wide.
   Ingress and egress from the north portion of the subject site will be from Henderson
   Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street).
   Ingress and egress from the west portion of the site onto Hillcrest Street will be by
two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site
onto Morton Avenue (developed four (4) lane arterial street) will be by a local street
60 feet wide.

ATTACHMENT
ITEM NO. 8
2. That the site is physically suitable for the type and density of the proposed development.

The vacant site is rectangular in shape extending north and south. The south portion fronts on Morton Avenue. The west portion fronts on Hillcrest Street. The subject site has a gentle sloping hill extending upward from Hillcrest Street to the east with a grade of 1% to 15%. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986, indicates the subject site is located in Flood Zone C (areas of minimal flooding).

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 50 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 rural residential uses to the north, a partially developed single family residential subdivision to the west, orange grove to the east and vacant land 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. 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 Canyon Springs Estates Tentative Subdivision Map subject to the following conditions:

1. The required improvements for Hillcrest Street and Henderson Avenue will be required to continue as off-site improvements to the Hillcrest/Henderson intersection.

2. The site grading plan shall be designed so that slopes between Lots shall be a part of the downhill lot. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence.

3. The developer/applicant shall provide a minimum of one (1) tree for every lot and an additional tree for every corner lot, or payment in lieu.

4. All concrete block walls shall match one of the colors in the color palate approved by the City Council and maintained by the Community Development Department.

5. Construct a wall and provide landscaping along the Morton Avenue, Hillcrest and Henderson Avenue frontages of the project. If the subdivision is not redesigned as described, similar improvements shall be provided along Grand Avenue as well. Said area shall 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. Unless another standard is proposed and approved, the wall(s) shall include articulation at intervals of approximately 160 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 320 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.

6. The required twelve (12) foot side yard setback for all reverse corner lots to include six (6) foot fences shall be shown on the final map. As currently designed, Lots 138, 167, and 205 are reverse corner lots.

7. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for

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 streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). The Circulation Element has designated Hillcrest Street as an arterial street (right of way width = 84 feet). Twenty-four (24) feet of additional right of way shall be dedicated to the City of Porterville along the development’s westerly boundary, where it fronts Jasmine Ranch Subdivision. A transitional dedication from 24 feet to 17 feet is necessary for that portion of the proposed development south of Jasmine Ranch Subdivision. Seventeen (17) feet of additional right of way shall be dedicated along the remainder of the proposed development south of the transition. Transitional designs shall be curvilinear in accordance with the AASHTO geometric design policies.

10. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking along the south side of Henderson Avenue between Hillcrest Street and the easterly boundary of the proposed development. (C.C. Sec. 21-23). Off-site dedications will be necessary to construct these improvements. The City may exercise eminent domain procedures, if necessary, to acquire the off-site right of way.

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

12. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.

13. 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.

14. 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.

15. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
   c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

16. 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.

17. 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.

18. 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.

19. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.
20. 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.).

21. 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.

22. 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.).

23. 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.

24. 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.

25. 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 recommends contained in the Preliminary Soils Report;

e. Lot corners are marked;
f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

26. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

27. 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 developer/applicant 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.

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

29. 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.

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 (2) 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.

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. 16000 lumen street lights along the east side of Hillcrest Street are required and 5800 lumen street lights are required along the internal subdivision streets. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision.

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 (2) water system pressure zones. The master plan defines Rocky Hill Zone 1 as those areas between the 520 and 580 contours, which encompasses the westerly portion of the proposed tentative subdivision map. The area between 580 and 640 contours is Rocky Hill Zone 2, which is the central part of the proposed tentative subdivision map. The developer/applicant has various options available to service the proposed development. Some of those options are as follows:
   a. Construct City Water Master Plan improvements necessary to supply all pressure zones of the proposed development. These improvements are reimbursable in accordance with C.C. Section 25-32.3.
   b. Construct and dedicate a community booster pump system that will serve the proposed development only.
   c. Construct booster pump system that will draw water from the proposed Rocky Hill Zone 1 Tanks, which is scheduled for construction during the summer of 2005, to supply the entire development. In this option, some or all of the booster pump system may be reimbursable, if it becomes an integral part of the City’s Master Plan.

37. The water system, in whatever capacity it may be, shall be capable of providing: 1) 1,000 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure for a dwelling unit less than 3,600 square feet: 2) 1,500 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure
38. It should be noted that the City is currently seeking consultant services to design the proposed Rocky Hill Zone I Tanks. A task associated with the design services is to review all proposed eastern hillside developments on file with the City and determine the most feasible method of implementing the Water Master Plan.

39. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: The proposed development is in a Zone B, exempt from the special flood hazard requirements. However the ditch running through a portion of the property has been identified on the FEMA maps and must be addressed by installing pipe through the subdivision or by some other means approved by the City Engineer. Implementation of the Storm Drain Master Plan will resolve this issue.

40. 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 (2) bona fide bidders. The bids must be approved by the City prior to construction.

41. Comply with latest applicable codes.

42. When any portion of a 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.

43. 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.

44. Fire hydrants spacing shall be as follows: In Residential development, one (1) hydrant shall be installed at every 500 feet intervals.

45. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

46. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code.

47. "The applicant/developer is hereby notified that an approved Conceptual Grading Plan is on file with the City of Porterville. Grading Plan(s) not following the scheme of the approved conceptual Grading Plan require Public Works Department and Community Development
Department approval during the master plan development review. For the purposes of this condition, master plan development review is defined as a combined grading/improvement plan that illustrates lot grades, curb grades, pipeline inverts, fire hydrants, street lights, etc. for full build out (all phases) of the proposed development."

48. 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.

49. Install fire hydrants at the following locations:
   a. At the corner or Lot 72
   b. Between Lots 56 & 57
   c. Corner of Lot 223
   d. Between Lots 130 & 131
   e. Corner of Lot 135
   f. Between Lots 143 and 144
   g. Between Lots 180 & 181

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
COUNCIL AGENDA: JULY 5, 2005

PUBLIC HEARING

SUBJECT: VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (Nicholson & Smee, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of sanitary sewer pipeline, domestic water pipeline, storm drain pipeline and public street easements described in Document No. 2000-0037339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder. These easements were necessary for the orderly development of Castle Wood, Phase 2 Subdivision and Orchard Ridge, Phase 9 Subdivision, which are next to the easterly and southerly boundary of the subject development. These easements are no longer needed due to the construction of the public improvements for Meadow Breeze, Phase Two Subdivision, currently under construction. The City has authority to vacate these easements under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

These easements are specifically in favor of the City of Porterville. Therefore, it is not necessary to notify the utility companies of the proposed easement vacations. Required utility company easements will be conveyed as a part of the Final Map for Meadow Breeze, Phase Two Subdivision. If there are no objections to the proposed vacation, Section 66434(g) of the Subdivision Map Act allows the City Clerk, as directed by City Council, to officially record the vacation by stating so on the Final Map. The Final Map recordation, in effect, eliminates the need to record a Resolution of Vacation. The developer is requesting acceptance of the Final Map during Scheduled Matters of this City Council Meeting, July 5, 2005.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing; and


ATTACHMENT: Resolution
Document No. 2000-0037339
Document No. 2002-0069651 w/ Locator Map

Dir _____ Appropriated/Funded _____ CM _____ Item No. 12
RESOLUTION NO. 78-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS DEDICATED AS PARCEL C OF DOCUMENT No. 2000-0037339 AND DOCUMENT No. 2002-0069651

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

That it is the intention of the Council of the City of Porterville to vacate, abandon, and close to public use those certain sanitary sewer pipelines, domestic water pipelines, storm drain pipelines and public street easements in the City of Porterville, County of Tulare, State of California, and known generally as easements no longer necessary due to the orderly development Meadow Breeze, Phase Two Subdivision, of which easements are generally located within the proposed Brian Avenue public right of way between Salisbury Street and Mathew Street.

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

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

SECTION 4: Notice is further given that on Tuesday, the 5th day of July, 2005, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said easements way.

______________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of June, 2005.

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

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<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
Grant of Easement

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
DOCUMENTARY TRANSFER TAX IS $_______

[ ] unincorporated area  [ ] City of _______
[ ] Parcel No. _______
[ ] computed on full value of interest or property conveyed, or
[ ] computed on full value less value of sum or encumbrances remaining at time of sale, and

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

WALL FAMILY PROPERTIES, a California General Partnership

hereby GRANTS to CITY OF PORTERVILLE, a Municipal Corporation

the following described real property in the City of Porterville

County of Tulare, State of California:

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


WALL FAMILY PROPERTIES, A
CALIFORNIA GENERAL PARTNERSHIP

Dated May 25, 2000

STATE OF CALIFORNIA
COUNTY OF Tulare ) S.S.

on May 25, 2000 before me,

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

Jeffrey Lee Ward, J.D., David Wall

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

WITNESS my hand and official seal.

Signature

By: _____________________________

Jeffrey Lee Ward, J.D.

David Wall

COUNTY COMMISSIONER

DAWN A. MCMASTERS

Commissioner 6 126446

Notary Public - California

Tulare County

My Comm. Expires: May 22, 2023
EXHIBIT "A"

PARCEL A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

See Exhibit "A" Attached Hereeto and Made a Part Thereof.

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

Virginia R. Gurrola, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)  
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 6th day of June, 2000.

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

AYES:  COUNCILMEN:  Irish, Wilson, Leavitt

NOES:  COUNCILMEN:  None

ABSENT:  COUNCILMEN:  Woods, Gurrola

ABSTAIN:  COUNCILMEN:  None

C. G. HUFFAKER, City Clerk

By, Georgia Hasley, Deputy City Clerk
EXHIBIT "A"

PARCEL A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
Dedication of Easement

APN 245-010-004

The undersigned grantor declares that the Documentary Transfer Tax is $None-easement only

\[\text{X} \text{ Incorporated Area of the City of Porterville} \]

Computed on full value of the interest or property conveyed, or is

Computed on the full value less the value of liens or encumbrances remaining at the time of sale, and

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

WALL FAMILY PROPERTIES, a California general partnership

Hereby GRANT (S) to

CITY OF PORTERVILLE

The following described real property in the County of Tulare, State of California.

An easement as described in Exhibit "A" attached hereto and made a part hereof

Dated July 8, 2002

STATE OF CALIFORNIA
COUNTY OF TULARE

On July 9, 2002, before me,
The undersigned, a Notary Public in and for said County
and State, Personally appeared

Jeff L. Wall and Fred L. Wall

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

WITNESS my hand and official seal.

Signature of Notary

WALL FAMILY PROPERTIES, a California general partnership

By: [Signature]

By: [Signature]

JAYNE WILLIS
COMM. 1280019
NOTARY PUBLIC - CALIFORNIA
TULARE COUNTY
My Comm. Expires Nov.4, 2004

Order: 3 Comment:
EXHIBIT "A"

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and stormdrain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California described as follows.

Beginning at a point in the South line of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North 1/2;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North 1/2;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning.
RESOLUTION NO. 143-2002

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Dedication of Easement Deed from Wall Family Properties, a California general partnership, for real property located in the City of Porterville, County of Tulare, State of California, as described in Exhibit “A” attached hereto and made a part hereof.

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

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Clerk

STATE OF CALIFORNIA)

(CS
COUNTY OF TULARE )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of September, 2002.

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

AYES: COUNCILMEN: West, Joyner, Gurrola, Hamilton, Woods
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None
ABSTAIN: COUNCILMEN: None

JOHN LONGLEY, City Clerk

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

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and storm drain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North ½ of the Northwest ¼ of the Northeast ¼ of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California described as follows.

Beginning at a point in the South line of the North ½ of the Northwest ¼ of the Northeast ¼ of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North ½;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North ½;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning.
PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - ORANGE AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Orange Avenue Reconstruction Project. The concrete improvements include curbs, gutters, sidewalks, drive approaches and water services in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $15,000 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of "reimbursement fee" with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of these two projects. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council's reference.
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, Drive Approaches and Water Services; and

3. Authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution
Locator Map
Reimbursement Spreadsheet
RESOLUTION NO. ____-2005

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IMPLEMENTING
DEVELOPMENT CHARGES FOR
CONSTRUCTION OF CURB, GUTTER, SIDEWALK
DRIVE APPROACH AND WATER SERVICE IMPROVEMENTS
IN CONNECTION WITH THE ORANGE AVENUE RECONSTRUCTION PROJECT

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter, driveways and water services) to serve properties with the Orange Avenue Reconstruction Project, shown on the locator map (Exhibit “A”) attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit “B”, which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk, drive approaches and water services, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit “B”; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City’s obligations with regard to the Certificates of Participation Fund used to fund the Orange Avenue Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of development with regard to the properties listed. “Development” shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder’s Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

ADOPTED this ________ day of ________________, 2005.

______________________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

______________________________________________
By Patrice Hildreth, Deputy City Clerk
### Orange Avenue Reconstruction Project
Reimbursement for City Installed Improvements

<table>
<thead>
<tr>
<th>APN</th>
<th>Owner Address</th>
<th>Curb</th>
<th>Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Water Ser.</th>
<th>Total</th>
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<td>61-150-015</td>
<td>Gomez, Rauben Torres</td>
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<td>Olera, Luther &amp; Mary B.</td>
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<td>Padilla, Alberta c/o Alice Guzman</td>
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<td>61-166-001</td>
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<td>$53,669.85</td>
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</tbody>
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**Totals:**
- Curb Gutter $8,170.90
- Sidewalk $6,674.80
- Driveway $10,031.45
- Water Service $7,927.04
- Total $20,732.19
PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - INDIANA STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Indiana Street Reconstruction Project. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $15,000 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of these two projects. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and

3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution
Locator Map
Reimbursement Spreadsheet
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IMPLEMENTING
DEVELOPMENT CHARGES FOR
CONSTRUCTION OF CURB, GUTTER, SIDEWALK
AND DRIVE APPROACH IMPROVEMENTS
IN CONNECTION WITH THE INDIANA STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties with the Indiana Street Reconstruction Project, shown on the locator map (Exhibit “A”) attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit “B”, which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit “B”; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City’s obligations with regard to the Local Transportation Fund used to fund the Indiana Street Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of development with regard to the properties listed. “Development” shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder’s Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

ADOPTED this __________ day of ______________, 2005.

________________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Deputy City Clerk
## Indiana Street Reconstruction Project

**Reimbursement for City Installed Improvements**

<table>
<thead>
<tr>
<th>APN</th>
<th>OWNER</th>
<th>Owner Address</th>
<th>Curb\Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>251-190-025</td>
<td>Gerry Milinich</td>
<td>225 El Cielo Dr.</td>
<td>$4,680.00</td>
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<td>Forrest &amp; Bobbie L Martin</td>
<td>272 N. Indiana St.</td>
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<td>$877.50</td>
<td>$0.00</td>
<td>$977.50</td>
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<td>252-311-011</td>
<td>Lila Holzam (TR)</td>
<td>789 W. Thurman Ave.</td>
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<td>$726.32</td>
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<td>252-312-002</td>
<td>Hector J. Godinez</td>
<td>246 N. Indiana St.</td>
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<td>Evelyn Crawley</td>
<td>332 N. Indiana St.</td>
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<td>$0.00</td>
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</tbody>
</table>

**Totals**

- Curb\Gutter: $12,401.99
- Sidewalk: $2,029.95
- Driveway: $0.00
- Total: $14,431.94
PUBLIC HEARING

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2005 began in May. In June, letters were mailed to restaurants requesting that water only be served upon request. Letters were also mailed to large apartment complexes urging conservation and to avoid watering landscapes between 5 am to 10 am and 5 pm to 10 pm. Utility bill notices with conservation tips and avoid watering between 5 am to 10 am and 5 pm to 10 pm will also be delivered. The City promoted May as water awareness month and provided water conservation information and water saving kits to the public during the Porterville Fair. A media campaign began in late May with newspaper and radio messages and web site information provided.

The water system status is marginally improved from last year. Mild weather in May & June reduced water demands as compared to prior years. Well yields show some improvement. One small well was successfully rehabilitated and returned to active status. Well 27 is complete and in operation.

Phase III of the water conservation plan provides for a 20% rate increase on residential and landscape accounts to encourage conservation during times of severe water supply shortage.

RECOMMENDATION: That City Council:

1. Continue with Phase II of the Water Conservation Plan; and

2. Continue this Public Hearing to August 2, 2005, to consider moving into Phase III of the Water Conservation Plan.

ATTACHMENT: Production Graph
Monthly Production 2003 - 2005
(Primary Water System)
COUNCIL AGENDA - JULY 5, 2005

SUBJECT: SECOND READING - ORDINANCE NO. 1654, ZONE CHANGE NO. 4-2004 (TERRY SCHULER)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1654 approved Zone Change No. 4-2004. It was a change of zone from City R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to City C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand Avenue. The ordinance was given a First Reading on June 15, 2004, and has been printed. Pursuant to Ordinance 1654, Tentative Parcel Map 4-2004 has also been recorded prior to this Second Reading.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1654, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1654

Item No. 16
ORDINANCE NO. 1654

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 4-2004 BEING A CHANGE OF ZONING FROM R-4 (D)
(MULTIPLE FAMILY RESIDENTIAL - “D” OVERLAY SITE REVIEW) TO C-2 (D)
(CENTRAL COMMERCIAL - “D” OVERLAY SITE REVIEW) FOR PROPOSED
PARCEL 1 OF TENTATIVE PARCEL MAP 4-2004 CONSISTING OF .96± ACRES FOR
THAT SITE LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET
AND GRAND AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of June 15, 2004, conducted a public hearing to consider Zone Change 4-2004, being
a change of zone from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2
(D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel
Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect
Street and Grand Avenue; and

WHEREAS: In conjunction with General Plan Amendment 4-2004(b) and Zone Change
4-2004, a scheduled public hearing will be conducted before the Porterville Parcel Map
Committee for Tentative Parcel Map 4-2004 which proposes to divide a 5.1± acre vacant site
into four (4) parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24±
acres, Parcel 3 - 0.24± acres and the remainder parcel consists of 3.37± acres; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-
2004(b) to change the Land Use Element designation from High Density Residential to General
Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for
that site located on the northeast corner of Prospect Street and Grand Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the
City of Porterville, and the laws of the State of California, has determined that the public interest
would best be served by approval of the proposed Zone Change 4-2004; and

WHEREAS: The City Council made the following findings in support of the approval
of Zone Change 4-2004:

1. The Land Use Element of the General Plan allows for Neighborhood and
   Central Commercial uses for this site.

2. That the proposed zoning will conform with the Land Use designation of the
   General Plan in a simultaneous action from High Density Residential to
   General Commercial.

3. All uses listed in Article Seven and Article Eight of the Porterville Zoning
   Ordinance are allowed uses in the C-2 (D) Zone.
4. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.

5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 4-2004, is hereby re-zoned from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand Avenue; and

Section 3: That Tentative Parcel Map 4-2004 reflecting proposed Parcel 1 from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) shall be recorded prior to the second reading of the ordinance.

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

____________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________________
Georgia Hawley, Deputy
ZONE CHANGE NO. 4-2004

PROPOSED CHANGE
R-4 (D) TO C-2 (D)

CITY COUNCIL
ORDINANCE NO. 1654

EXHIBIT "A"
SUBJECT: CONSIDER ADOPTION OF A NOISE ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: When the City Council Adopted the Noise Element of the General Plan in 1987, it included a draft noise ordinance proposed for adoption. For reasons unknown to Staff, the draft ordinance was not adopted. Recently, a number of issues pertaining to noise have arisen and enforcement has been problematic due to the lack of enforceable standards. A member of the City Council requested that Staff bring this item to the Council for review to determine whether to pursue adoption of the draft ordinance. Staff indicated that upon development of the updated Noise Element to be completed with the comprehensive General Plan Update a new or revised ordinance may be necessary.

Staff has reviewed the draft ordinance and would recommend that the Council consider amending a few provisions prior to adoption. Following is a brief discussion of the issue areas that Staff believes should be addressed:

Section 0.00.030 Noise Measurement Criteria

Staff needs to research whether the National Bureau of Standards NBS is still the applicable criteria for ensuring that this is the preferred noise meter calibrating methodology.

Section 0.00.060 Noise Source Exemptions

The draft ordinance includes a list of exemptions from the noise level standards outlined in the draft ordinance. The Council may want to consider whether the full extent of the exemptions outlined in this section will provide the desired level of control over noise sources. It is Staff’s understanding that the primary reason for exploring the adoption of the draft ordinance is a result of noise generated from public parks and other public facilities that could include the fairgrounds as provided for in subparagraph A. In addition, subparagraph E provides an amortization period of 12 months for lawfully established commercial or industrial uses with noise sources stemming from equipment, and other mechanical systems installed prior to the effective date of this ordinance. The only concern with this is that the City does not have the staff to go around and establish what uses are in compliance or in violation. Therefore, it would be as simple to adopt the ordinance without an amortization period and continue to respond to these situations on a complaint basis for at least the first year.

Section 0.00.080 Waste and Garbage Collection Equipment

Staff would recommend coordinating the operational timeframes and noise ratings associated with this section to operations of the Field Services Division.
Section 0.00.110 Variances

Staff would recommend deleting this paragraph due to the fact operational characteristics are more closely associated with the use and not an actual development standard. Variances generally apply to deviations from development standards not aspects of use; granting a use variance is not considered legal practice. If someone has a legitimate case for a variation from a noise development standard, the Zoning Ordinance is already set up to account for the variance process. However, this would generally require these standards to be codified within the Zoning Ordinance.

In addition to the draft ordinance provisions for regulating noise sources, there are a number of provisions currently in the municipal code and zoning ordinance. These existing provisions are attached in Attachment B for reference. It does not appear that the existing provisions cover all the potential noise sources to be regulated. Therefore, it would appear that a noise ordinance would be beneficial to the City to protect the community’s health, safety and general welfare against the establishment and proliferation of excessive noise sources.

RECOMMENDATION: That the City Council:

1. Direct Staff on how to proceed with the outlined issues.

2. Set a public hearing for the adoption of the draft noise ordinance with amendments on August 16, 2005.
CHAPTER 18, Article IV

DRAFT COMMUNITY NOISE CONTROL ORDINANCE

Sections:

0.00.010 Purpose.
0.00.020 Definitions.
0.00.030 Noise measurements criteria.
0.00.040 Exterior noise standards.
0.00.050 Interior noise standards.
0.00.060 Noise source exemptions.
0.00.070 Air conditioning and refrigeration.
0.00.080 Waste and garbage collection equipment.
0.00.090 Electrical substations.
0.00.100 Warning signs in places of public entertainment.
0.00.110 Variances.
0.00.120 Violation-Enforcement.

0.00.010 Purpose.

The City Council declares and finds that excessive noise levels are detrimental to the public health, safety and welfare and contrary to the public interest as follows:

A. By interfering with sleep, communication, relaxation and the full use of one’s property; and

B. By contributing to hearing impairment and a wide range of adverse physiological and psychological stress conditions; and

C. By adversely affecting the value of real property.

It is the intent of this chapter to protect persons from excessive levels of noise within or near a residence, school, church, hospital or public library and to warn persons of the hazards of excessive noise in places of public entertainment.

0.00.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

A. “Ambient noise level” means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing
level of environmental noise at a given location for a specific time of the day or night.

B. “A weighted sound level” means the sound level in decibels as measured with a sound level meter using the “A” weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dBA.

C. “Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

D. “Cumulative period” means an additive period of time composed of individual time segments, which may be continuous or interrupted.

E. “Decibel” means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

F. “Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short-term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

G. “Fixed noise source” means a device, machine or combination thereof which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

H. “Hospital” means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

I. “Impulsive noise” means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

J. “Intruding noise level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

K. “Mobile noise source” means any source other than a fixed noise source.

L. “Noise disturbance” means any sound which violates the quantitative standards set forth in this chapter.

M. “Residential property” means a parcel of real property which is developed and used either in whole or in part for residential purposes.
N. “School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

O. “Pure tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

P. “Sound level meter” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

0.00.030 Noise Measurement Criteria.

Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the “A” weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) (Staff would need to confirm these standards are still applicable in the industry.) reference calibration levels shall be performed immediately prior to recording noise level data.

Exterior noise levels shall be measured from the nearest residential, school, hospital, church or public library property line to the noise source, within fifty feet of the affected residence, school, hospital, church or public library. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

0.00.040 Exterior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected residence, school, hospital, church or public library to exceed the noise level standards as set forth in the following table:
### Noise Level Standards, dBA

<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative Number of minutes in any one-hour time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>55</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

#### 0.00.050 Residential Interior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City, to operate or cause to be operated within a dwelling unit, any source of sound or to allow the creation of any noise which causes the noise level when measured inside another dwelling unit to exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative Number of minutes in any one-hour time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>45</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>55</td>
<td>45</td>
</tr>
</tbody>
</table>
B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

0.00.060 Noise Source Exemptions.

The following activities shall be exempted from the provisions of this chapter.

A. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events.

B. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work.

C. Noise sources associated with construction, whether private or public, within 500 feet of the uses mentioned in Section 0.00.040, paragraph A, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday.

D. Noise sources associated with the maintenance of residential property provided such activities take place between the hours of 6:00 a.m. and 9:00 p.m. on any day except Saturday or Sunday, or between the hours of 7:00 a.m. and 9:00 p.m. on Saturday or Sunday.

E. Noise sources associated with a lawful commercial or industrial property caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; that this exemption shall expire 12 months after the effective date of this chapter.

F. Noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses.

G. Noise sources associated with seasonal agricultural packing operations provided that noise levels produced by such operations do not exceed the exterior noise
level standards set forth in Section 0.00.040 when measured as provided in Section 0.00.030 for a cumulative period of more than 90 days out of the year.

H. Any activity to the extent regulation thereof has been preempted by state or federal law.

0.00.070 Residential Air Conditioning and Refrigeration Systems.

Notwithstanding the provisions of Section 0.00.040 where the intruding noise source when measured as provided in Section 0.00.030 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level when measured as provided in Section 0.00.030 shall not exceed fifty (50) dBA.

0.00.080 Waste and Garbage Collection Equipment.

Notwithstanding the provisions of Section 0.00.040, the collection of waste or garbage from residential property by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before 6:00 a.m. or after 7:00 p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standards:

A. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter;

B. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter.

Staff needs to check noise levels and hours of operation with Field Services.

0.00.090 Electrical Substations.

Notwithstanding the provisions of Section 0.00.040, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 0.00.030.

0.00.100 Warning signs in places of public entertainment.

It is unlawful for any person to operate or permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined by using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: “WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT.”
0.00.110 Variances

Staff recommends omitting this section as it appears to be more specifically a function of the use rather than the development. A variance from an aspect of use is not legal.

A. The owner or operator of a noise source for which it has been determined violates any of the provisions of this chapter may file an application for variance from strict compliance with any particular hazardous condition or a nuisance and strict compliance would be unreasonable in view of all the circumstances. The owner or operator shall set forth all actions taken to comply with such provisions, and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

B. Upon receipt of the application and within thirty (30) days, the City Clerk shall refer the request to the City Council for action thereon in accordance with the provisions of this chapter. In the event the variance is approved, reasonable conditions may be imposed which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation.

C. Factors which the City Council must consider shall include but not be limited to the following:

1. Uses of property within the area affected by the noise;
2. Factors related to initiating and completing all remedial work;
3. Age and useful life of the existing noise source;
4. The general public interest, welfare, and safety.

D. The City Council may grant variances from provisions of this chapter subject to such terms, conditions and requirements as may be deemed reasonable to achieve compliance with the provisions and intent of this chapter.

0.00.120 Violation-Enforcement.

The violation of any of the provisions of this chapter shall be an infraction punishable as provided in Section——— of this code. The provisions of this chapter may also be enforced by an injection issued out of the Court of jurisdiction. Any violation of the provisions of this chapter shall be deemed to be a public nuisance.

The Police Department shall enforce the provisions of this chapter. Right of entry for inspection shall be as provided in Section——— of this code.
Attachment B
Existing Code Provisions for Noise

**Zoning Ordinance**

**Article 26, Section 2618.** Performance Standards

[Noise ]

No use may generate noise that is in violation of the City's Noise Standards contained in the Noise Element of the General Plan or other standards as may be adopted by the City Council. (Ord. No. 1589, § 2, 1-16-01)

**Municipal Code**

**Chapter 3, Article III, Section 3-12.** Sound Trucks and Sound Amplifying Equipment

Noncommercial use –

(a) No person shall use, or cause to be used, any vendor vehicle with its sound amplifying equipment in operation for any purpose in the city before filing a registration statement with the city police department in writing. Political sound trucks and special events approved by the city council as community events shall be exempt from this requirement but shall otherwise comply with the California Vehicle Code.

(b) This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of the applicant.

(2) Address of place of business of applicant.

(3) License number and motor number of the sound truck to be used by applicant.

(4) Name and address of person who owns the vehicle or sound truck.

(5) Name and address of person having direct charge of vehicle or sound truck.

(6) Names and addresses of all persons who will use or operate the vehicle or sound truck.

(7) The purpose for which the vehicle or sound truck will be used.

(8) A general statement as to the section or sections of the city in which the vehicle or sound truck will be used.

(9) The proposed hours of operation of the sound amplifying equipment or sound truck.
(10) The number of days of proposed operation of the sound amplifying equipment or sound truck.

(11) A general description of the sound amplifying equipment which is to be used.

(12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:

a. The wattage to be used.

b. The volume in decibels of the sound which will be produced.

c. The approximate maximum distance for which sound will be thrown from the sound truck. (Ord. Code, § 7431.2; Ord. No. 1531, § B1, 6-18-96)

**Chapter 4, Section 4-13. Noise**

No person shall operate any aircraft in flight or on the ground in such a manner as to cause unnecessary noise as determined by applicable federal, state or local laws and regulations. (Ord. No. 1194)

**Chapter 5, Section 5-4.4. Noisy dogs**

It shall be unlawful for any person to keep upon any property within the City of Porterville under his ownership, occupation or control, other than in a lawful animal hospital, kennel or pet store any dog or other animal, which by continuous barking, whining, or other noise, unreasonably disturbs the peace, comfort or quiet of any other person within the City of Porterville. (Ord. No. 1015, § A, 3-7-72)

**Chapter 18, Article I, Section 18-9. Radios, record players, etc. – used in such manner so as to disturb peace in neighborhood**

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

The operation of any such instrument, phonograph, juke box, machine or device in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code, § 6311)
Chapter 18, Article I, Section 18-14. Outside amplifiers; permit required

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

Chapter 20, Article I, Section 20-6. Unnecessary Noise

It shall be unlawful for any person to sound or cause or permit to be used or sounded, in or upon any public street any bell, siren, chime, gong, horn, whistle or other alarm, except when necessary to give warning, or when authorized by permit from the chief of police to do so. (Ord. Code, § 9181)

Chapter 20, Article II, Section 20-35. Control of Noise, Dust and Debris

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the administrative authority, or in case of an emergency as otherwise provided in this article, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. (Ord. No. 684, § 27)
SUBJECT: HOMELESSNESS ISSUE PAPER

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the discussion of the adoption of the Five Year Consolidated Plan and 05/06 Action Plan at the May 3, 2005 City Council meeting, questions were raised by the City Council regarding the City’s programs and funding for addressing homelessness.

After much discussion by staff to inform the Council of the City’s involvement in the regional Continuum of Care and the restrictions of the funding sources in regards to the City’s assistance, staff was directed to bring back an issue paper on the subject to the Council outlining the problem, the programs available and any options that might be available to the Council.

RECOMMENDATION: Discussion item only

Attachments: 1. 2003 Homeless Survey Results for Porterville
2. Table of Homeless Service Providers

DD_____ Appropriated/Funded_____ CM_____ Item No. 18
City of Porterville
Issue Paper on Homelessness

As is well known, not only in Porterville, but in every city and county throughout the country, homelessness is a chronic condition and an extremely complicated and complex issue to address, mainly due to the high percentage of mental illness and substance abuse that accompanies homelessness. Solutions are not easy to find and the problem must be attacked in an systematic and strategic manner. This is the main reason that the Department of Housing and Urban Development (HUD) began to require cities and counties to belong to a Continuum of Care (CoC) and develop a Continuum of Care Plan in order to be eligible to receive funding for agencies within their jurisdictions. As defined by HUD “a Continuum of Care Plan is a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.”

In light of this mandate, this paper will attempt to outline the history of the City’s involvement in the CoC, the actions that have been and are being taken to address homelessness, and what options might be available for the City to pursue. Much of the following information is taken from the most recent (2003/2004) Consolidated Annual Performance and Evaluation Report (CAPER) and the adopted 2005 Consolidated Plan and 2005/06 Action Plan.

History of Continuum of Care

In a county wide collaborative effort during 1999-2000, City of Porterville staff provided input into the development of a draft Continuum of Care Plan for the homeless in Tulare County, spearheaded by the City of Visalia. The development of the CoC was based on input from service providers and representatives from throughout the County. A working core group of representatives met for several months to identify the issues and develop strategies to address those issues.

This Continuum was expanded further in 2000-2001 when an effort was organized for a regional group encompassing Kings and Tulare counties. In 2002, the regional Continuum group adopted a strategic plan to carry out its identified mission, “To build and sustain an integrated CoC system for homelessness that promotes quality of life by improving access to health, education, employment and other supportive services connected to or as part of varied levels of homeless support in our communities.” The Strategic Plan identifies the goals and objectives of the CoC and integrates Best Practices and Model Programs into the strategies. During the last two years, Community Services and Employment Training (C-SET) continued to serve as the administering agency for the Continuum as long as a small percentage of funding was provided by the Continuum.

The City of Porterville has been one of the only cities within the regional CoC to consistently have representation at the meetings, financially support the CoC, and to be active in the various committees of the CoC. Staff has been extremely instrumental in facilitating progress within the CoC and serving in different capacities to insure that the CoC remain viable. This is definitely a difficult task since there are no real designated funds for the administration of the CoC, even
though it is a mandated requirement, and the active participants from the agencies spread throughout the two county region all have other jobs and participate in the CoC in the time that is allowed by their positions. The CoC has applied for other grants for the administration of the CoC and have worked with the applicant agencies in the current round of funding to have them commit a percentage of their administration allowed for their programs to be dedicated to the administration of the CoC. The Executive Committee of the CoC is constantly reviewing options for funding assistance for the administration of the CoC since this is the main ingredient that is needed to reach the next level of development for the CoC. There needs to be a full time, or at least half time employee, to dedicate time directly for the CoC and facilitate the coordination of all the agencies involved.

The CoC holds monthly general meetings with the members, which include non profit organizations, governmental agencies, and homeless or formerly homeless individuals. The main committees of the CoC also meet at least monthly and report directly to the general meeting. In the spring of 2003 and again in January of 2005, a point in time survey of the homeless in the two counties was conducted in order to provide some substantive information regarding the number and the characteristics of the homeless in the area. In 2003, the CoC volunteers interviewed 163 homeless in Porterville (Attachment No. 1). The 2005 survey results are still being tabulated by a professor at the College of Sequoias and those results should be available in the near future.

Accomplishments of Continuum of Care

Over the most recent past, the primary role of the Continuum of Care was to bring public attention to the problem of housing and homelessness in Kings and Tulare County and to assist CoC members in their efforts to secure additional funding for emergency and transitional housing. Efforts over the past year to highlight the issue of homelessness include providing a presentation at Congressman Devin Nunes’ Housing Conference in March 2004; participating in the Central California Mental Health Housing Conference in April 2004; giving power point presentations to City Councils, Boards of Supervisors and to community and faith-based organizations, and the hosting of the first Housing Conference on Homelessness in October 2004. The City of Porterville even went further and, in coordination and sponsorship with local agencies, held a summit on homelessness specifically targeted to the Porterville area in January 2005. These activities were all meant to further raise the level of public awareness, increase participation in the work of the CoC and to call the community to action to address the ever growing problems associated with homelessness within Kings and Tulare Counties.

In addition, the CoC focused attention on affecting local public policy and worked with all local governmental jurisdictions within Kings and Tulare Counties to include strategies and objectives relating to addressing the need for eradicating homelessness within the new housing elements adopted by each in 2003. For the first time, addressing the housing needs of the homeless is a part of every local jurisdiction’s housing element.

The City continues to cooperate with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. Further, the City continues to participate in HUD’s Take Ten Program to Help Homeless People by
supplying the phone number of a local contact to HUD’s toll-free phone line. This program’s intent is to allow the local contact to receive calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

In addition, the City of Porterville works with local profit and nonprofit organizations, the Tulare County Housing Authority (TCHA), and the County of Tulare to strengthen reciprocal transfer of information and to maximize efforts directed to assist low- to moderate- income families of the community. Further, the City conducts an on-going evaluation of its delivery system, and those of the agencies it works with, to see if improvements can be made. Together with the TCHA, the City encourages the maintenance of adequate Section 8 Certificates/vouchers within the City in proportion to the City’s growing, very low income resident population. In 2003, five hundred and sixty nine (569) households were assisted with Section 8 vouchers and certificates (over $3 million dollars in the Porterville area).

**Homeless Service Providers for Porterville**

There are a number of support services and facilities for homeless person, or those threatened with homelessness, in Porterville or accessible to Porterville residents. The following agencies provide these services:

* Tulare County Health and Human Services: In 2003, this agency received 747 applications and assisted 548 requests county-wide for housing assistance from families who are already homeless or in danger of becoming so. In Porterville alone, the Social Services Department received 124 applications and assisted 111 cases or 20% of the total requests in the County and expended $85,754 over the year to help these people. The Department places their clients in the Central Valley Family Crisis Center, the Tulare County Emergency County Shelter, and local motels. The Department may also assist in acquiring permanent housing, paying the first month’s rent and deposits. This is a once in a lifetime benefit for eligible recipients.

* Central Valley Family Crisis Center, previously known as the Porterville Mission Project, Mary Baker Women’s Shelter(Domestic Violence Shelter): The Domestic Violence shelter provided housing to a total of 525 clients (un-duplicated count), both women and children, in 2003. The shelter currently has 38 beds, four of which are cribs, and averages over 31 clients a night. Approximately fifty-nine percent (59%) were victims of domestic violence and forty-one percent (41%) were street homeless. Among the homeless population, sixty four percent (64%) had drug/alcohol issues and almost thirty percent (30%) suffered from a mental illness. Children (under the age of 18) make up the majority (55%) of those served. The total clients served decreased from last year because the maximum stay went from 60 days to 90 days. The increased stay time means that there are fewer beds available for new clients because existing clients stay 30 days longer.

In addition to the Domestic Violence Shelter, the Mission Project also operates a Transitional Housing Shelter. This program consists of six, two-bedroom apartments in the City of Porterville, each of which can provide housing to thirty six (36) individuals. This program provides counseling in budgeting, finances, job search, parenting, and
domestic violence prevention. Clients are allowed to stay in the shelter for a maximum of one year. The goal of the program is to facilitate permanent housing for clients.

The Central Valley Family Crisis Center is in the process of finalizing plans for a new larger shelter and additional transitional units.

**Porterville Area Coordinating Council (PACC):** PACC is a private, nonprofit organization sponsored by the Porterville Area Ministerial Association. Their mission is to help those in need with housing and basic need requirements. Of the 150 to 200 requests for assistance each month, PACC is able to assist approximately half of those cases. Expenditures for emergency housing average between $500 to $1000 a month. PACC also administers energy assistance grants with the average expenditure of $75. Many of the other local agencies refer the homeless to PACC for assistance.

**El Granito Foundation:** El Granito Foundation is a private nonprofit organization whose mission is to help those in need. They have 6 beds available for emergency shelter. They also provide financial assistance for housing, outreach, food and clothing, legal assistance, job placement assistance, education in living skills, case management, transportation, substance abuse treatment, and are advocates for the homeless.

**American Red Cross:** The primary purpose of the American Red Cross is to assist disaster victims. The organization previously had an office in Porterville and also assisted walk-in clients, many of them homeless. However, three years ago, the Porterville office was consolidated with the Visalia office, and therefore, services to the homeless in Porterville is nearly non-existent.

**St. Vincent de Paul:** St. Vincent de Paul provides food, clothing and financial assistance to homeless persons, but does not provide emergency shelter.

**Community Services and Employment Training (CSET):** This nonprofit organization’s mission is to seek to strengthen youth, families, and communities through education, employment training, youth development, mentoring, leadership building, job creation, environmental stewardship and other strategies that support self-reliant families and caring communities. CSET administers Federal Emergency Management Act (FEMA) emergency housing assistance in Tulare County. CSET provides financial assistance to persons in danger of eviction for failure to pay rent and to homeless persons who cannot make the first rental payment. CSET also sponsors a home weatherization program that assists homeowners to improve their energy efficiency, which saves money on their utility bills. In addition, CSET has resources to assist low-income families once a year with utility payments.

**PAAR Center:** The PAAR Center typically assists 53 men and women at any one time. The PAAR Center serves primarily homeless substance abusers. The facility has a 63 bed capacity. The average stay at the Center is 60-90 days. Approximately 24 new clients enter the Center each month.

**Daybell-Brooks Transitional Center:** The Daybell-Brooks Transitional Center is a shelter
for homeless single men located just east of the downtown business district of Porterville. The center is designed to provide counseling and financial assistance to its clients. The facility has a seven bed capacity.

Helping Hands: This is a volunteer based soup kitchen housed in the basement of a local church building in the downtown area. In 2003, Helping Hands served 69,602 mid day meals to those in need including many homeless, utilizing 18,080 volunteer hours.

Porterville Rescue Mission: This program was incorporated in August 2001 offering hope, comfort, and help to the homeless and those in need. It operates a food pantry that serves over 700 families per month. As of July 2004 the pantry has distributed over 552,520 pounds of food to 7,264 families (33,694 individuals). In PY 2003, the Porterville Rescue Mission served 19,669 individuals either in the food pantry, community closet or guidance center. It served 1,730 Sunday meals and had 15,300 volunteer hours.

A table (Attachment No. 2) is attached for your reference which provides a list of these service providers and facilities within Porterville and includes a brief description of the services the organization provides. These facilities serve a variety of homeless persons, including battered women and children, persons with mental and/or physical disabilities, individuals, and needy families.

Other City Assistance

The housing assistance programs provided by the City, lenders, and other governmental agencies increase the access to permanent housing. In particular, the City’s first time low income homebuyer program and the Redevelopment assistance for the Casas Buena Vista subdivision provide programs that can increase the access to affordable permanent housing even for the very low income. The tax credit multi family projects (4 developments with 320 units) and HOME projects such as the St. James Place increase the availability of affordable rental units for the lower income households.

In terms of activities to prevent homelessness, the main focus of the City is to pursue economic development projects that will create jobs and work with the job development agencies in providing training for the underemployed and unemployed in order to make them employable for those jobs. The City also provides the public with information and/or referrals regarding housing issues that could lead to homelessness. In being an active participant with the Continuum of Care, the City works with the service agencies to implement the strategies for prevention of homelessness that are outlined in the adopted Strategic Plan.

The major objectives of the Strategic Plan for the Continuum which are also found in Exhibit 1 in the application for McKinney/Vento federal funding, are outlined below. These also represent the objectives of the City as the City continues its participation and its active support of the efforts of the Continuum and all those organizations that provide the necessary support services for the Homeless and prevention of homelessness.
Continuum of Care Strategies as detailed in Exhibit 1

Preventive Strategies:

The Continuum of Care (CoC) prevention strategies focus on effective discharge planning, with an emphasis on requiring foster care programs, in-patient mental health hospitals, hospitals and correctional facilities to provide discharge planning services to clients to ensure that they have access to housing and other needed support services, including respite care, upon discharge. Action steps include convening a working group with stakeholders to examine the discharge planning policies and systems within corrections facilities and each County’s human service agencies and identifying initiatives to improve those policies and systems; identifying best practices and agency-specific initiatives to improve discharge planning; identifying “cross-cutting” initiatives to improve policies and practices across multiple County agencies. In addition, due to the number of prisons located within the region, the CoC has adopted a plan to develop a Continuum-wide, multi-system community re-entry plan that includes housing.

Outreach and Assessment

The CoC’s plan calls for enhancing and developing outreach to and engagement of chronically homeless persons who are mentally ill, substance abusers, and dually diagnosed and service resistant, and at-risk populations such as youth runaways, ex-offenders, veterans, victims of domestic violence and those with health risks such as HIV/AIDS. The CoC is working on developing and implementing a long-term outreach program which is both linguistically and culturally competent, linked to a common intake, assessment, and cross-case management effort to identify people now left unserved and underserved. The specific action steps identified by the CoC to accomplish this are 1) identifying unmet needs, 2) utilizing the expertise of advocates and others to implement creative and intensive outreach strategies to reach and assess the needs of homeless people who are living in encampments or on the street, including those with serious mental health issues, substance abuse issues, multiple diagnoses, or due to a lifestyle choice, 3) sending program staff to shelters, soup kitchens, and other locations where homeless people congregate, 4) holding mainstream programs more accountable for serving homeless people, 5) providing information and referral to isolated rural areas and those highly at risk of becoming homeless (i.e., at-risk youth, ex-offenders, victims of domestic violence, dually diagnosed individuals, mentally ill individuals, substance abusers, those with health problems and those who are unemployed or with economic hardships), 6) providing outreach satellite services to youth who are homeless or at risk of becoming homeless, including youth who are aging out of foster care, 7) supporting continued outreach efforts by mainstream service providers (Social Security Administrations, Veterans Administration, Food Stamp Administration) and work to expand this outreach to target people who are homeless, including conducting outreach at sites where homeless people congregate, 8) creating an Outreach Coalition with outreach workers from homeless service programs and mainstream service agencies which serve people who are homeless to facilitate the sharing of resources and information, assist in tracking clients, and provide mutual support, and 9) providing education and training for
outreach workers on effective and culturally appropriate outreach practices and available resources for referrals.

**Emergency Housing**

The CoC recognizes the great need for additional emergency housing and has set as a goal the creation of a new emergency shelter targeted at meeting the needs of the chronically homeless. The CoC will work with area agencies to develop plans to increase the number of beds available for emergency housing, such as Michael’s House, Kings County Action Organization, Kings View Counseling, Visalia Rescue Mission, and Central Valley Family Crisis Center.

**Transitional Housing**

The CoC has recognized the need to develop additional transitional housing programs designed to be effective for the population served, linked to permanent housing. Specifically, it identified certain subpopulations within the homeless population which have greater need of such housing. These subpopulations are those who are chronically mentally ill, with substance abuse issues and/or HIV/AIDS; parolees; families, including single fathers with children; victims of domestic violence; youth aging out of foster care; migrant workers; and those with physical disabilities. Identified action steps include 1) identifying land, building, and funds for development of new transitional housing, 2) supporting initiatives to require mainstream systems to contribute to the funding of these programs, 3) creating mechanisms for identifying and tracking underserved populations, 4) developing relationships with the farming community, labor organizations that support agricultural workers and local governments to support funding of transitional housing for migrant workers, and 5) developing interagency memoranda to improve coordination between providers of transitional housing and those of permanent, affordable housing to facilitate placement of people leaving transitional housing into permanent housing.

**Permanent Housing**

The plan calls for the creation of new housing and service opportunities designed for those with serious mental illnesses, multiple diagnoses, substance abuse and other ongoing service needs that cannot be met through traditional housing and social services. Best practices have been identified for replication including 1) designing a program to the needs of the population, and, and individualizing a case plan to each individual or family to ensure success, 2) providing intensive support services focused on ensuring the success of clients on the path to self-sufficiency, and 3) collaborating by both mainstream and homeless-specific housing and service providers to serve clients as effectively and economically as possible. Identified action steps are to 1) develop new stable housing units in which appropriate support services are available, 2) implement a “housing first” approach for families with multiple issues, and 3) implement a continuum-wide strategy for the role of Safe Havens.
Discharge Planning Policy

The CoC’s five year strategic plan’s prevention strategies focus on effective discharge planning, with an emphasis on requiring foster care programs, in-patient mental health hospitals, hospitals and correctional facilities to provide discharge planning services to clients to ensure that they have access to housing and other needed support services, including respite care, upon discharge. Action steps include convening a working group with stakeholders to examine the discharge planning policies and systems within corrections facilities and each County’s human service agencies and identifying initiatives to improve those policies and systems; identifying best practices and agency-specific initiatives to improve discharge planning; identifying “cross-cutting” initiatives to improve policies and practices across multiple County agencies. In addition, due to the number of prisons located within the region the CoC has adopted a plan to develop a Continuum-wide, multi-system community re-entry plan that includes housing.

The plan works with the discharge process in facilities of corrections, hospitals, mental health services, foster care programs, in-patient care providers, and group homes to ensure access to housing and support services.

Discharge planning services begin with the Initial Interview/Assessment of the client’s status, support systems, personal recovery, psychological, employment/means of support, legal, health, living, spiritual, and safety needs. Working with this client centered base, the facility begins developing with the client his/her view and desires for the future. Dealing with the realities and building upon the individual’s strengths, the program works with the client and provides the tools that will be needed for a safe, productive and recovery based life geared to the client’s goals. During this process the client is empowered to the best of their potential to look at alternatives, deal with reality, and establish a solid but flexible plan for discharge that will provide for a safe, supportive environment and systems for a positive fulfilling life.

The plan provides for all the basic areas of personal needs of a safe housing and living environment, mental and physical health care, and recovery based supportive systems with positive growth potential. As appropriate, the plan works with family, community, and professional systems to support the individual while providing or setting up systems for follow-up and aftercare.

Funding Resources and Options Available

One of the most important sources of funding for homeless projects is the federal McKinney/Vento program that is awarded on a competitive basis even though a prorata share of funds is allocated by jurisdiction. This is the funding that can only be applied for through a CoC. The Kings/Tulare CoC has received funding in three application rounds including over $500,000 for the Central Valley Family Crisis Center and over $600,000 for Alternative Services which are both based in Porterville.

The CoC recently completed the application for the 2005 round of McKinney/Vento funding for
homeless projects. This is an exhaustive and complex application that requires the CoC to hire a consultant to write the required Exhibit 1 and to pull all the individual agency applications together for the package. There is a review and ranking committee consisting of persons outside of the CoC that read each agency’s application and interviews them. The applicants are then ranked and given priority status for the final application submittal. Permanent Housing projects are given a high priority since there is a bonus available for such projects. The prorata need established by HUD for the Kings/Tulare CoC for 2005 is $1,288,688 which includes the bonus funds available. Agencies applying for this round of funding include El Primer Paso, formerly the Tulare County Hispanic Commission, Family Services of Tulare County, Partners for Youth Vision, and United Way of Tulare County as the lead agency for the development of the Homelessness Management Information System (HMIS) that is also required by HUD to be implemented by the CoC’s. Awards of these funds will not be announced until the end of the year.

Currently, the CoC is also actively involved in the Frequent Users of Health Service’s Initiative of which Kaweah Delta Hospital Foundation is one of six collaborative partnerships in the state. The Initiative is a five- year, $10 million joint project of The California Endowment and the California HealthCare Foundation focused on promoting a more responsive system of care that addresses patients’ needs, improves outcomes, and decreases unnecessary use of emergency rooms and avoidable hospital stays. “Frequent users” are often chronically ill, under- or uninsured individuals who repeatedly use emergency rooms and hospitals for medical crises that could be prevented with more appropriate ongoing care. They often have multiple psychosocial risk factors, such as mental illness, alcohol/substance use disorders and homelessness, and they lack social supports, which affects their ability to get continuous, coordinated care and services.

The Initiative supports innovative approaches that address frequent user patients’ multiple needs through multidisciplinary care, data sharing, adoption of best practices and engagement of patients in the most appropriate setting. The Foundations created the Initiative to encourage such approaches and stimulate the development of a cost-effective, comprehensive, coordinated delivery system for health and social services.

After meeting with the staff of the Foundations, they have pledged their support and technical assistance for targeted areas of concern, one of which is efforts to develop supportive housing capacity within the county. The CoC is in communication with them to take advantage of this offer of assistance.

The City has historically taken the approach of supportive assistance to the homeless service providers in the community, helping them in whatever way they need in their direct applications for grants from state and federal sources. Since the City has not been in the position to own and manage housing facilities, funding has not been applied for directly by the City for such facilities. Most of the housing projects and programs that the City does administer are targeted to the permanent housing element on the Continuum scale and the emergency and transitional housing have been left to the non profit agencies to own and operate.

While Community Development Block Grant funds can be used very effectively in homeless
programs, there are restrictions, such as the limitation of 15% of the grant funds for public service projects which is where assistance to any nonprofit for operational funds would be allocated. This is definitely a problem for Porterville since those funds are currently allocated to the running of the Youth Center and there are no discretionary funds available in the public service category. Additionally, there are limited discretionary CDBG funds available for other uses since a large percentage of the current entitlement allocation is being used for debt service on the Section 108 loan utilized for the construction of the Heritage Center. The City, through the public participation process, determined that continuation of the Murry Park Improvement Project and the Business Assistance Program are the programs to receive this discretionary funding. In order to use these CDBG funds for housing, and specifically, homeless projects, an amendment to both the Consolidated Plan and the Action Plan would have to be adopted.

In order to have a better understanding of what CDBG funds could be used for, HUD has provided a list of examples of using CDBG funds to assist in providing shelter, whether emergency, transitional, or permanent. These examples include, but are not limited, to the following:

1. Rehabilitation of a vacant building to be used as a group home to serve the chronically homeless
   - Acquisition of a building by a grantee and disposition of the property by donation to a nonprofit entity which will own the property and develop permanent rental units
   - Clearance of a site on which an emergency shelter will be constructed
   - Moving a house to another site where it will be used for transitional or permanent housing
   - Homeownership assistance through payment of closing costs and downpayment as well as homeownership counseling (City already administers this program)
   - Acquisition and rehabilitation of an apartment building for use as permanent affordable housing for the homeless
   - Extension of water and sewer lines to a new group home
   - Conversion of an abandoned public school to a facility providing both shelter and services to the homeless
   - Local matching share under another Federal program for CDBG-eligible activities that assist the homeless, E.g., HUD’s Shelter Plus Care Program

Competitive HOME funds are also available to the City through the State program, however, these funds can not be used for emergency shelters and the City would need a developer or Community Housing Development Organization (CHDO) to partner with for an application for transitional or permanent housing. One of the real barriers and challenges for the City is that
there are hardly any CHDO’s available that work in this area. There is a real need to build capacity in the existing organizations so that they are qualified to apply for these funds that require a great amount of technical assistance to administer.

Another hindrance to the City for directly applying for other grants is that many of those require matching funds and/or leverage, and those resources are not readily available. An additional concern for any project is the prevailing wages that may be triggered by the City’s assistance.

As cities and counties struggle to find funding resources to deal with the homeless issue, new and creative ideas spring forth. In Santa Clara County, the officials are looking at a tax measure to build and maintain housing for the chronically homeless population as part of the plan to end homelessness in 10 years. As one of the County officials noted, “You not only need money the first time, but you need it every year. We can’t solve this problem with a bake sale mentality”. This task force has determined that the best way to serve the chronically homeless population is with a “housing first” model that provides housing without requiring troubled residents to seek treatment for the hallmarks of homelessness such as drug and alcohol addiction and mental illness.

There are new efforts springing forth to also combat homelessness such as the nine foundations, nonprofit organizations, and financial institutions that have joined forces to create the “Partnership to End Long-Term Homelessness” and are pledging funds to create 150,000 “supportive housing” units across the nation within ten years.

Summary

In summary, the City is very committed to the goals and strategies adopted by the Kings/Tulare Continuum of Care and will continue to be an active participant in working with the CoC and the individual agencies to end homelessness in the community. Staff will also continue to research new funding resources and work closely with the existing service agencies to assist in providing additional funds for their projects.
### Kings/Tulare County Continuum of Care Survey Results

**Location:** Porterville  
**Total number of surveys:** 163

#### Survey Language (163)

<table>
<thead>
<tr>
<th>Language</th>
<th>Count</th>
<th>Percent</th>
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<tbody>
<tr>
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<td>40-49</td>
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<td>70+</td>
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#### Sex (162)

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<td>50%</td>
</tr>
<tr>
<td>Female</td>
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#### Ethnicity (163)

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<tr>
<td>Native American</td>
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</tr>
<tr>
<td>White</td>
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<tr>
<td>Asian/Pacific Islander</td>
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<td>Hispanic/Latino</td>
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</tr>
<tr>
<td>Multi-Cultural</td>
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<tr>
<td>Other</td>
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#### Primary Language (163)

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<thead>
<tr>
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<tr>
<td>English</td>
<td>130</td>
<td>80%</td>
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<tr>
<td>Spanish</td>
<td>31</td>
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</tr>
<tr>
<td>Hmong</td>
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<td>0%</td>
</tr>
<tr>
<td>Lao</td>
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<td>0%</td>
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<tr>
<td>Other</td>
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#### Highest Level of Education (163)

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<tr>
<td>High School/GED</td>
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<td>44%</td>
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<tr>
<td>Some College</td>
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<tr>
<td>College Degree</td>
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</tr>
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<td>Never Attended School</td>
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#### How Long Homeless (154)

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<td>1 mo. or &lt;</td>
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</tr>
<tr>
<td>2-6 mo.</td>
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<td>26%</td>
</tr>
<tr>
<td>7-12 mo.</td>
<td>32</td>
<td>21%</td>
</tr>
<tr>
<td>13-24 mo.</td>
<td>24</td>
<td>16%</td>
</tr>
<tr>
<td>25-36 mo.</td>
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<td>7%</td>
</tr>
<tr>
<td>37+ mo.</td>
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<td>18%</td>
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#### Homeless Before (161)

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</tr>
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<td>92</td>
<td>57%</td>
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<tr>
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<td>69</td>
<td>43%</td>
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#### Employed (161)

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<th>Percent</th>
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<td>Yes</td>
<td>26</td>
<td>16%</td>
</tr>
<tr>
<td>No</td>
<td>135</td>
<td>84%</td>
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#### If no, Length Unemployed (96)

<table>
<thead>
<tr>
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<th>Count</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>&lt;3 mo.</td>
<td>12</td>
<td>13%</td>
</tr>
<tr>
<td>3&lt;6 mo.</td>
<td>10</td>
<td>10%</td>
</tr>
<tr>
<td>6&lt;9 mo.</td>
<td>5</td>
<td>5%</td>
</tr>
<tr>
<td>9&lt;12 mo.</td>
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<td>2%</td>
</tr>
<tr>
<td>12&lt;18 mo.</td>
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<td>15%</td>
</tr>
<tr>
<td>18&lt;24 mo.</td>
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<td>3%</td>
</tr>
<tr>
<td>24&lt;36 mo.</td>
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<td>11%</td>
</tr>
<tr>
<td>36&lt;48 mo.</td>
<td>10</td>
<td>10%</td>
</tr>
<tr>
<td>48&lt;60 mo.</td>
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<td>2%</td>
</tr>
<tr>
<td>&gt;60 mo.</td>
<td>28</td>
<td>29%</td>
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#### Veteran (163)

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<th>Percent</th>
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<td>Yes</td>
<td>23</td>
<td>14%</td>
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<tr>
<td>No</td>
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<td>86%</td>
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#### Ex-Offender (162)

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<td>58</td>
<td>36%</td>
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<tr>
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<td>104</td>
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#### DV Victim (within last 6 mo.) (163)

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<tr>
<td>No</td>
<td>134</td>
<td>82%</td>
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#### Current Housing (162)

<table>
<thead>
<tr>
<th>Housing</th>
<th>Count</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Emergency Shelter</td>
<td>18</td>
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<tr>
<td>Transitional Housing</td>
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</tr>
<tr>
<td>Relative/Friend</td>
<td>44</td>
<td>27%</td>
</tr>
<tr>
<td>Street/Car</td>
<td>15</td>
<td>9%</td>
</tr>
<tr>
<td>Motel/Hotel</td>
<td>16</td>
<td>10%</td>
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<tr>
<td>Other</td>
<td>53</td>
<td>33%</td>
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#### Previous Housing (162)

<table>
<thead>
<tr>
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<tbody>
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<td>Kings County</td>
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</tr>
<tr>
<td>Tulare County</td>
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<td>83%</td>
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<tr>
<td>Another County</td>
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<tr>
<td>Out of State</td>
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<td>6%</td>
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<tr>
<td>Out of Country</td>
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#### Homeless w/Spouse (Partner) (158)

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percent</th>
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<td>32%</td>
</tr>
<tr>
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<td>108</td>
<td>68%</td>
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### Children living w/you

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<tr>
<td>2</td>
<td>21 37%</td>
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<td>3</td>
<td>6 11%</td>
</tr>
<tr>
<td>4</td>
<td>3 5%</td>
</tr>
<tr>
<td>5</td>
<td>1 2%</td>
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<tr>
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### Children w/ family or friends

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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4 21%</td>
</tr>
<tr>
<td>2</td>
<td>7 37%</td>
</tr>
<tr>
<td>3</td>
<td>5 28%</td>
</tr>
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<td>4</td>
<td>1 5%</td>
</tr>
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<td>5</td>
<td>0 0%</td>
</tr>
<tr>
<td>&gt;5</td>
<td>0 0%</td>
</tr>
<tr>
<td>Yes</td>
<td>2 11%</td>
</tr>
</tbody>
</table>

### Children w/CPS or CWS

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0 0%</td>
</tr>
<tr>
<td>2</td>
<td>0 0%</td>
</tr>
<tr>
<td>3</td>
<td>0 0%</td>
</tr>
<tr>
<td>4</td>
<td>0 0%</td>
</tr>
<tr>
<td>5</td>
<td>0 0%</td>
</tr>
<tr>
<td>&gt;5</td>
<td>0 0%</td>
</tr>
<tr>
<td>Yes</td>
<td>0 0%</td>
</tr>
</tbody>
</table>

### Children in foster care

<table>
<thead>
<tr>
<th>All Affirm</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 50%</td>
</tr>
<tr>
<td>2</td>
<td>0 0%</td>
</tr>
<tr>
<td>3</td>
<td>1 50%</td>
</tr>
<tr>
<td>4</td>
<td>0 0%</td>
</tr>
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<td>5</td>
<td>0 0%</td>
</tr>
<tr>
<td>&gt;5</td>
<td>0 0%</td>
</tr>
<tr>
<td>Yes</td>
<td>0 0%</td>
</tr>
</tbody>
</table>

### Other

<table>
<thead>
<tr>
<th>All Affirm</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 25%</td>
</tr>
<tr>
<td>2</td>
<td>0 0%</td>
</tr>
<tr>
<td>3</td>
<td>0 0%</td>
</tr>
<tr>
<td>4</td>
<td>1 25%</td>
</tr>
<tr>
<td>5</td>
<td>0 0%</td>
</tr>
<tr>
<td>&gt;5</td>
<td>0 0%</td>
</tr>
<tr>
<td>Yes</td>
<td>2 50%</td>
</tr>
</tbody>
</table>

### Disabled (161)

<table>
<thead>
<tr>
<th>Yes</th>
<th>81 50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>80 50%</td>
</tr>
</tbody>
</table>

If yes, what type of disability?

<table>
<thead>
<tr>
<th>Physical</th>
<th>47 41%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental</td>
<td>35 30%</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>0 0%</td>
</tr>
<tr>
<td>Substance Abuse</td>
<td>14 12%</td>
</tr>
<tr>
<td>Dual Diagnosis</td>
<td>7 6%</td>
</tr>
<tr>
<td>Post Traum. Stress Di</td>
<td>12 10%</td>
</tr>
<tr>
<td>Other</td>
<td>1 1%</td>
</tr>
</tbody>
</table>

### Size house/apt. needed (160)

<table>
<thead>
<tr>
<th>Studio</th>
<th>14 9%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>63 39%</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>52 32%</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>24 15%</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>6 4%</td>
</tr>
<tr>
<td>5 bedroom</td>
<td>1 1%</td>
</tr>
</tbody>
</table>

### Services Needed (163)

<table>
<thead>
<tr>
<th>Food/Hot Meal</th>
<th>144 88%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care</td>
<td>109 67%</td>
</tr>
<tr>
<td>Dental Care</td>
<td>113 69%</td>
</tr>
<tr>
<td>Vision Care</td>
<td>94 58%</td>
</tr>
<tr>
<td>Sub. Abuse Treat.</td>
<td>38 23%</td>
</tr>
<tr>
<td>Mental Health Care</td>
<td>58 36%</td>
</tr>
<tr>
<td>Job Training</td>
<td>96 59%</td>
</tr>
<tr>
<td>Transportation</td>
<td>116 71%</td>
</tr>
<tr>
<td>Education</td>
<td>82 50%</td>
</tr>
<tr>
<td>Life Skills Training</td>
<td>64 39%</td>
</tr>
<tr>
<td>Housing Assistance</td>
<td>127 78%</td>
</tr>
<tr>
<td>Case Management</td>
<td>55 34%</td>
</tr>
<tr>
<td>Legal</td>
<td>59 36%</td>
</tr>
<tr>
<td>Child Care</td>
<td>36 22%</td>
</tr>
</tbody>
</table>

### Services Unable to Access (163)

<table>
<thead>
<tr>
<th>Food/Hot Meal</th>
<th>39 24%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care</td>
<td>80 49%</td>
</tr>
<tr>
<td>Dental Care</td>
<td>96 59%</td>
</tr>
<tr>
<td>Vision Care</td>
<td>85 52%</td>
</tr>
<tr>
<td>Sub. Abuse Treat.</td>
<td>22 13%</td>
</tr>
<tr>
<td>Mental Health Care</td>
<td>47 29%</td>
</tr>
<tr>
<td>Job Training</td>
<td>84 52%</td>
</tr>
<tr>
<td>Transportation</td>
<td>90 55%</td>
</tr>
<tr>
<td>Education</td>
<td>71 44%</td>
</tr>
<tr>
<td>Life Skills Training</td>
<td>49 30%</td>
</tr>
<tr>
<td>Housing Assistance</td>
<td>115 71%</td>
</tr>
<tr>
<td>Case Management</td>
<td>43 26%</td>
</tr>
<tr>
<td>Legal</td>
<td>50 31%</td>
</tr>
<tr>
<td>Child Care</td>
<td>27 17%</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Tulare County Health</td>
<td>5957 S. Mooney Blvd Visalia,</td>
</tr>
<tr>
<td>and Human Services</td>
<td>CA 93277</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Porterville Area Coordinating</td>
<td>368 E. Date Porterville, CA</td>
</tr>
<tr>
<td>Council (PACC)</td>
<td></td>
</tr>
<tr>
<td>Porterville Rescue Mission</td>
<td>P.O. Box 2041 Porterville,</td>
</tr>
<tr>
<td></td>
<td>CA</td>
</tr>
<tr>
<td>El Granito Foundation</td>
<td>227 E. Oak Porterville, CA</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Central California Family</td>
<td>770 N. Main St, Porterville,</td>
</tr>
<tr>
<td>Crisis Center</td>
<td>CA</td>
</tr>
<tr>
<td>PAAR Center</td>
<td>184 W. Bellevue Ave.</td>
</tr>
<tr>
<td>Daybell-Brooks Transitional</td>
<td>245 N. 3rd Porterville, CA</td>
</tr>
<tr>
<td>Shelter</td>
<td></td>
</tr>
<tr>
<td>St. Vincent de Paul</td>
<td>1309 S. Main St. Porterville,</td>
</tr>
<tr>
<td></td>
<td>CA</td>
</tr>
</tbody>
</table>


*e represents emergency housing and t represents transitional housing

Attachment No. 2
SUBJECT: STREET INFRASTRUCTURE IMPROVEMENTS FOR THE JAYE STREET AND STATE HIGHWAY 190 AREA

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In the Community Development Department’s priority projects list included in the recently adopted 2005/06 budget, Staff identified as a priority project, the evaluation and prioritization of circulation improvements in the Jaye Street/SH 190 and SH 65 area. The improvements are necessary to accommodate targeted growth and development in the southern and central portion of the City. The development of critical infrastructure improvements in the area, has the potential to achieve multiple benefits which will be discussed later in this report.

Infrastructure Development Factors

While evaluating potential traffic impacts associated with multiple developments in the vicinity of Jaye Street and SH 190, and when carrying out the City’s Economic Development activities, a number of factors became obvious. First, there is critical infrastructure lacking in key areas that will restrict quality growth. Second, areas planned for development and currently experiencing high levels of interest are outpacing the City’s capacity to keep pace. Finally, if the City does not respond with a pro-active strategy, the City stands the potential of losing out on development resulting from long term burdens incurred by not responding. The following factors play a key role in whether the most beneficial and timely projects are constructed.

1. Caltrans has stringent regulations on the design and placement of Freeway interchanges. Essentially these standards limit Porterville to a total of two to the east of SH 65. One at Main Street and the other at the extension of Holcomb further east to align with the access road to the state hospital. Any additional interchanges to provide access from SH 190 to local streets would have to be placed between Plano Street and Holcomb, much of which is not currently in the City. There are no established streets that would provide a logical connection and extend to the north and south.

2. The land uses that have developed over the decades did not allow for a strongly connected system of streets through the use of frontage roads along the freeways. In many areas, to establish a system of interconnecting frontage roads a substantial number of properties would need to be acquired with significant costs incurred.

3. Negotiations with the railroad, Army Corps of Engineers, Department of Fish and Game (and other agencies), and the community college district would be critical to achieving the necessary system.
4. The areas on the northwest, southwest and southeast corners of the SH 190 and SH 65 interchange are faced with limited long-term options for access to the highways. If the Caltrans regulations remain in effect without exception, the Jaye/SH 190 intersection would become a grade separated overpass, as would SH 190 and Newcomb, and SH 65 and Scranton Avenue due to their close proximity to the 190/65 interchange. As a result of the Caltrans criteria, the nearest full access interchange from the state highways would be at Main Street on the east, Teapot Dome on the south and Westwood on the west.

Current List of Identified Capital Improvement Projects

Following is a list of Capital Projects that are in the Ten Year Plan which are slated to begin in fiscal year 2005/06 but are partially or completely unfunded at this time. Those projects identified in bold are projects located in the subject area that are critical. The entire list of unfunded or partially unfunded projects has been provided to provide context and show the full magnitude of the need for resources.

1. “A” Street Recon. & Storm Drain (Additional funds)  $ 7,700
2. Indiana – Putnam to Olive – Street (Additional funds)  $ 27,500
3. Jaye Street Bridge Design – (Additional funds)  $ 38,500
4. Jaye – 190 to Springville – (Additional funds)  $ 179,300
5. Prospect St. Recon. – (Additional funds)  $ 11,550
6. Westwood St. – Henderson past Slough – Street  $ 440,000
7. Airport Industrial Development – Storm Drain  $ 1,364,000
8. Gibbons – Main to Indiana – Street Project  $ 2,318,800
9. Gibbons – Main to Indiana – Storm Drain  $ 419,100
10. Indiana Low Water Crossing – Street Project  $ 2,337,500
11. Jaye – 190 to Gibbons – Street Project  $ 2,624,050
12. Jaye – 190 Intersection Improvements (City)  $ 275,000
14. Poplar Road (North) – Connects to Main St. – Street  $ 550,000
15. Olive/Mathew – Signal  $ 285,000
16. Jaye/Olive – Signal  $ 220,000
17. Jaye/Orange – Signal  $ 220,000

TOTAL  $11,565,840
SUBJECT AREA:  $ 9,495,090

Note: There are additional unfunded projects in the Ten Year Capital Project Plan that are proposed in future fiscal years that total approximately $15,000,000. (Each project has been increased by 10%, to cover any inflation, from the cost in the Ten Year Capital Project Plan)

Potential Construction Project (Mitigation Measure for Jaye/SH 190 Intersection)

In looking at potential mitigation opportunities in the project area, a mitigation concept has been discussed that has the potential of resolving a potentially significant congestion concern at the intersection of South Jaye Street and South Poplar Road. Staff and the City’s consultants have been studying the traffic volumes and mitigation measures
necessary to maintain a functioning intersection at Jaye Street and SH 190, which is complicated by the location and function of South Poplar Road at Jaye Street. City staff has explored various options for addressing this traffic challenge and have considered a number of options. Staff is looking for direction from Council on preferable options to consider in the mitigation.

1. Rerouting Poplar Avenue to the South immediately east of Lone Oak Estates and extending it to Montgomery Avenue where it would elbow to the east and connect to Jaye Street. Existing Poplar Avenue would be converted to a cul-de-sac at the service Station.

2. This alternative would generally be the same as number one, but instead of elbowing to the east at Montgomery, it would extend south to a point approximately parallel with the northerly edge of the WalMart Distribution Facility and then elbow to the east to connect to Jaye Street.

3. The third alternative would be to construct a roundabout at the connection between Montgomery Avenue and Jaye Street. This would accommodate the various roads connecting in one location and would allow Poplar Avenue to continue to tie into Jaye Street with all vehicles routed to the south into the traffic circle and then redirected to the north to queue into the Jaye Street/SH 190 intersection.

These alternatives are shown on exhibits attached to this report and displayed on the screen for assistance in clearly understanding the options. After initial evaluation, Staff is leaning toward the roundabout option as it is the least invasive to the residential neighborhood to the west. The roundabout will need to be designed to accommodate interstate truck traffic. Prior to spending a concerted amount of time on this, Staff is looking for direction from the Council on the use of a roundabout in this application.

**Funding Options**

Rather than simply pointing out the need for resources necessary for achieving the construction of the necessary infrastructure, staff has provided a number of options for the City Council to consider. Following are several possible funding options:

1. Refinance of the current Certificates of Participation – This would generate approximately $1,700,000 and maintain the current level of debt service.

2. Transportation Impact Fees (TIF) – The approximate amount of TIF generated from Riverwalk Market Place, and Porterville Commercial Center will be $2,950,000, that generated from newly proposed subdivisions along Gibbons, Jaye, and Indiana will be $250,500, and that from the Holiday Inn Express will be $167,900 for a total of $3,368,400. The TIF generated from these projects could be directed to specific capital projects, however, it is unlikely that all the fees will be paid at one time or even during the same fiscal year. Timing would be difficult
but certain projects may be viable. Also, the City would need to restrict participation in the development fee payment plan if resources are to be directed to improvements in the project area.

3. Certificates of Participation (COP) – Lease financing for major public improvements, which involve the sale of bonds or COP’s to raise funds to do the projects, which are still secured by a lease with the city. The last COP issuance was at a variable interest rate between 4.40% and 6.00% and generated more than $20,000,000 with an annual debt service of approximately $1,300,000.

4. California Infrastructure & Economic Development Bank (CIEDB) – Issue tax-exempt bonds to provide financing for public infrastructure that promotes economic growth. The sewer CIEDB issuance was at a fixed rate of 2.98%.

Options one and two could generate approximately $5,068,400, which would leave a deficit of approximately $6,497,440 to fund the projects for fiscal year 2005/06 and an additional deficit of approximately $15,000,000 to fund the additional unfunded projects in the 10 year CIP for future years. However, a significant amount of sales and property tax revenues would be generated by the improvements and would substantially bolster the City’s revenues. This area of benefit can be explored further if the Council so desires.

RECOMMENDATION: That the City Council

1. Direct Staff to refinance the existing Certificates of Participation to extend funding for the underfunded projects;

2. Direct Staff to scope out the cost of a new Certificates of Participation Issuance for additional infrastructure improvements described above;

3. Authorize Staff to move forward with the analysis of using a roundabout as the preferred mitigation strategy for the Jaye Street and South Poplar connection, with Alternative No. 1 and the second option.

ATTACHMENTS:

1. Alternatives 1, 2, and 3