Call to Order
Roll Call

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PROCLAMATION
“Domestic Violence Awareness Month” - October, 2005

PRESENTATIONS
Welcome to New Orleans Family
Employee Service Awards

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 July 8, 2005 and August 1, 2005

2. Claim - Fox Transport
Re: Rejecting a claim for $15,891.76 filed for damages allegedly caused when City refuse truck collided with claimant’s truck and trailer at Road 216 and Highway 190 on May 27, 2005.

3. Claim - Hernandez
Re: Rejecting a claim for $75 filed for property damage at 519 N. Fourth Street when sewer blockage in main sewer allegedly caused claimant’s sewer line to back up on June 17, 2005.

4. Claim - Palomares
Re: Rejecting claim for $375 filed for damages allegedly caused when claimant’s vehicle struck a pothole at Prospect Street and Morton Avenue on July 31, 2005.

5. Claim - Anaya
Re: Rejecting claim for $1,235.88 filed for damages allegedly caused when claimant’s vehicle struck two potholes on Henderson Avenue, west of Westwood Street on May 28, 2005.

6. Claim - Vargas
Re: Rejecting claim for $1,959.28 for damages allegedly caused when claimant’s vehicle struck a pothole at Melinda Avenue and South Indiana Street on September 1, 2005.
7. **Claim - Sanchez**
   Re: Rejecting a claim for $820.85 for property damage allegedly caused when Porterville Police Officers forced their way into Unit #C at 1434 N. Cottage Place on July 5, 2005.

8. **Budget Adjustments for the 2005/2006 Fiscal Year**
   Re: Approving increasing the appropriation in the City Council Budget by $9,000 to allow for creation of laptop computer program for the Council and City Manager.

9. **Authorization to Advertise for Bids - Well No. 29 Project (Drilling Phase)**
   Re: Approving Plans and Project Manual, and authorizing bids for drilling a 32” diameter bore hole about 700 feet deep and installing steel casing and gravel envelop for well located on the north side of Henderson Avenue between Porter Slough and Westwood Street.

10. **Authorize Professional Services Master Agreement with Willdan for Engineering & Project Management**
    Re: Approving Agreement to finalize Plans and Project Manual, prepare Engineer’s Estimate, and assist with bidding process for the Rails to Trails Project at a cost not to exceed $48,000, to be funded by a CMAQ grant.

11. **Award of Contract - Skateboard Park Parking Lot**
    Re: Awarding contract to Sierra Range Construction Co. of Visalia in the amount of $100,671.62.

12. **Acceptance of the Porterville Heritage Center**
    Re: Accepting the Project by Zumwalt Construction, Inc. for construction of 10,037 sq. ft. community center, parking lots and associated landscaping.

13. **First Amendment to Agreement Regarding City/County Maintenance of Portions of Castle Avenue and Prospect Street**
    Re: Approving Amendment to Agreement No. 22322 to add portions of Beverly Street and Castle Avenue as a part of the City’s maintained roadway system, which were inadvertently left out of original Agreement.

14. **Appointment of Two (2) Additional Members to the General Plan Advisory Committee**
    Re: Authorizing appointment of Mr. Eric Borba and Mr. Paul Paulin of the Tulare County Farm Bureau to expand Committee to include representatives from the Agricultural industry.

15. **Set Public Hearing for Sewer User Surcharge Fees for Industrial Dischargers**
    Re: Setting November 1, 2005 as the date to consider comments regarding new sewer user surcharge rates.

16. **Reauthorizing the Execution of an Agreement with the County of Tulare to Purchase Tax-Defaulted Properties**
    Re: Adopting resolution restating objection to the sale of a tax-defaulted property and reauthorizing the execution of an agreement to purchase a tax-defaulted property identified as APN 261-052-019-000.
17. Approval for Community Civic Event Burton Middle School - Porterville Area Middle School Band Review
Re: Approving Marching Band Review event to take place on October 4, 2005 from 4:00 p.m. to 6:00 p.m. at North Elderwood Street from Monache Lane to Westfield Avenue.

18. Approval for Community Civic Event Barn Theater - Antique and Collectibles Sale September 24, 2005
Re: Approving sales event for September 24, 2005, from 8:00 a.m. to 4:00 p.m. at the Barn Theater Parking Lot.

19. Open Application Process for Parks and Leisure Services Commission as Well as Library Board of Trustees
Re: Accepting resignation of Jeff Keele, and opening application process for 1 seat expiring October 2007 and 4 seats expiring October 2009 on Parks and Leisure Services Commission, and 1 seat expiring October 2006 and 1 seat expiring October 2008 on the Library Board.

20. Authorization to Roll Delinquent Accounts and Weed Abatement Balances to the Property Tax Rolls
Re: Authorizing County Auditor to place various delinquent accounts, as itemized, on the property tax rolls for collection.

21. Approval of Honor Our Veterans’ Rally
Re: Approving event to take place on November 11, 2005 from 9:00 a.m. to 9:45 a.m. on Main Street near City Hall.

22. Ratification of Travel Plans for Council Representative to Participate in Project Discussions Regarding Success Dam Remediation in Washington, D.C.
Re: Authorizing Mayor West to travel to Washington, D. C. to represent the City of Porterville.

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

PUBLIC HEARING
23. Sierra Meadows Phase 2
Re: Approving Tentative Subdivision Map to divide a vacant 40 acre parcel zoned R-E located on the northwest corner of Gibbons Avenue and South Jaye Street into a 61 lot rural density residential subdivision.

24. Water Conservation Phase III Water System Status
Re: Approving return to Phase I of Water Conservation Plan.

SECOND READING
25. Ordinance 1660, Zone Change 6-2004 (Steve Vang)
Re: Adopting the Ordinance changing R-1 Zone to C-3 Zone at 40 North Kessing Street, and from C-3 to C-3(D) for 356 West Olive Avenue.
SCHEDULED MATTERS
26. "D" Overlay 4-2005 (Terry Schuler)
   Re: Approving Site Review to allow for the development of 3 triplexes, 1 each to be located on
   Parcel 2, 3 and 4 of Tentative Parcel Map 4-2004, for site located on the north side of Grand
   Avenue, approximately 280± feet east of Prospect Street.

27. Environmental Review of the City of Porterville Downtown Parking Project - Phase 2
   Re: Approving Project consisting of addition of 11 parking stalls for users of City Transit Center,
   and closure and abandonment of Oak Avenue between Division and Main Streets for conversion
to pedestrian mall.

Adjourn to a Meeting of the Porterville Public Improvement Corporation

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Porterville Public Improvement Corporation Directors

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
SCHEDULED MATTER
PIC-1. Annual Meeting of the Porterville Public Improvement Corporation
   Re: Approving election of officers, accepting public comment, and approving 2005 Status
   Report for Certificates of Participation Projects.

ORAL COMMUNICATIONS

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

ADJOURNMENT - to the meeting of September 30, 2005, 9:00 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 - JULY 8, 2005
CITY HALL COUNCIL CHAMBERS, 291 N. MAIN ST.
8:30 A.M.

Call to Order at 8:30 a.m.
Roll Call: Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West
Absent: Council Member Irish

Pledge of Allegiance Led by Mayor Pro Tem Cameron Hamilton
Invocation - A moment of silence was observed when nobody came forward.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. OVERHEAD COST ANALYSIS AND FEE STUDY

Recommendation: Review the draft plan and study for City fees and charges prepared by MAXIMUS, Inc.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report and introduced Mr. Dan Edds of MAXIMUS. Mr. Edds attended the meeting via conference call and facilitated an online presentation via WebEx.

Mr. Pyle reviewed the process by which MAXIMUS conducted its research and analysis for the Draft Plan and Fee Study currently before the Council. He indicated that a review of the current volume of services, fees and revenue would be compared with the cost of providing those services so as to identify the level of full cost recovery. Mr. Pyle then referred everyone to Page 8 of the handout entitled “City of Porterville Cost Allocation Plan and User Fee Study, Draft #1.” He noted that the fees, as of June 30, 2004, generated approximately $371,883 in revenue. He pointed out that the actual cost of providing those services totaled approximately $1.46 Million, thereby creating an approximate $1 Million subsidy.

Mr. Pyle indicated that another component included in the Study was a Cost Allocation Plan. He stated that MAXIMUS looked at the cost of overhead on a department by department basis, and advised that staff was still in the process of reviewing and comprehending that quite extensive document. Mr. Pyle noted that throughout the document, MAXIMUS had made recommendations as to proposed changes in how the City calculated some of its fees. For example, Mr. Pyle stated, some of the City’s building fees were based on project value. According to MAXIMUS, that methodology was currently being challenged in the Courts. Mr. Pyle indicated that MAXIMUS recommended a new approach whereby fees were based on square footage rather than value.

Mr. Pyle then referred everyone to the Appendix starting on Page 39 of the Report and requested that Mr. Edds review, via WebEx, the Fee Study beginning with the Planning Division.
Planning Division

Mr. Edds proceeded to review the rate calculation methodology utilized by MAXIMUS. He noted that the number of productive hours – meaning billable hours – was an integral part of the calculation. He explained that billable hours were derived from the standard 2080 hours, less holidays, sick time, vacation time, daily breaks, routine meetings, training, etc., which resulted in 1437 of billable or productive hours available on average per employee. He stated that in his experience, a number like 1437 was quite routine. He stated that there were 3.285 full time equivalent staff members assigned to the service area, which when multiplied by 1437, totaled 4,720 total hours. Also included in that, Mr. Edds explained, was the cost of City-wide overhead, which was in that case $148,000. He stated that this figure captured the cost of all City-wide overhead, including finance, accounting, information technology, cost of utilities, building equipment depreciation, etc. He stated from these figures, an hourly rate of $79 was derived. He emphasized that this figure was somewhat misleading in that it involved tasks other than simply planning activities. Mr. Edds then went on to explain the methodology involved in identifying tasks and assigning time to those tasks, and the procedures for cross checking those figures, which include the utilization factor, projected revenues versus projected expenses, as well as staff review of the data.

Mayor Pro Tem Hamilton questioned whether the costs of unfilled/vacant positions were included in the data, and if so, could the report be used to verify if staffing levels were appropriate. He then voiced concern with no time being attributed to Council Meetings, while Planning Division staff routinely attended Council Meetings.

Mr. Edds responded that while vacant positions were accounted for in the figures, the data would not necessarily be reliable in determining the appropriateness of staffing levels. As to Mayor Pro Tem Hamilton’s concern regarding time attributed to Council Meetings, Mr. Edds stated that this cost was captured in all of the services, but was not visible on the section of the spreadsheet currently viewed.

Mr. Edds next reviewed the methodology employed by MAXIMUS in determining support activities. A discussion ensued as to code enforcement and how the cost of that activity would be covered. It was stated that the cost of code enforcement activity would be covered through the fees in the future so as to ensure sustained recovery of that cost.

Mr. Pyle then referred everyone to the Actual Cost Results Section for the Planning Division and offered a general overview of the spreadsheet, noting that the current fees were an accumulation of fees and costs over a period of time.

In response to Mayor Pro Tem Hamilton’s question regarding how the service labeled P-1 came into play, Community Development Director Brad Dunlap explained that the Airport Development Zone Review Fee pertained to development at the Airport, which was required to be reviewed by the Council. The one identified on the spreadsheet likely represented Enduroquest’s development in the A-D Zone.

Mr. Edds noted that in some instances, MAXIMUS utilized average figures to assign annual quantities to services provided, particularly in cases where certain years were abnormal in activity. A discussion ensued as to circumstances in which fees were eliminated, due to reassignment or elimination of the service.
Mayor Pro Tem Hamilton confirmed with staff that the overhead allocation costs did include benefits and pensions, and questioned how increases and/or decreases in pension plans would be accounted for in the future.

Mr. Pyle indicated that a mechanism called MAXCARS was included in the bid by MAXIMUS, which is one of the reasons why the firm MAXIMUS had been chosen. He explained that MAXCARS would allow the data to be kept up to date. He stated that once the books were closed, audited and adjustments made, the fiscal data would be then run through MAXCARS. Mr. Pyle stated that the program would automatically calculate the required adjustments in the overhead. He indicated by utilizing this program, adjustments would be made 1 year in arrears, pointing out that the current fee and cost adjustments were 15 years in arrears. He commented that he was aware of one County that currently utilized MAXCARS and made adjustments to their fee schedule on an annual basis based on the prior fiscal year. He indicated that staff had planned a conference call in the future with that County to discuss actual implementation of the MAXCARS tool.

**Engineering**

Noting there were no further questions regarding the Planning Division, Mr. Edds moved onto the Engineering Division. He stated that the billable hours calculated for the Engineering Division totaled 1491 hours on average per full time equivalent staff available, which he noted was typical. He pointed out there were 2 additional cost factors in Engineering that were not in Planning, which he identified as support and a prorated amount for the General Plan Update. Mr. Edds indicated that because the City’s Building and Planning Divisions were so closely integrated, MAXIMUS utilized the same hourly rate calculation, with minor changes. A discussion ensued as to the ability of establishing the fee structure to allow for cost recovery of the General Plan Update. It was noted that the resulting hourly rate of $80 per hour for Engineering was comparable to local engineering firm rates.

Mr. Edds agreed with Mr. Pyle’s comments and stated that in fact, across the board, the City of Porterville had the lowest hourly rates that he had ever seen, compared to other jurisdictions throughout California. He continued with his review of the Actual Costs Results Report for the Engineering Division. He explained that as MAXIMUS went through the various fees, it attempted to move cities away from valuation-based fees and more towards fees based on square footage or a flat fee. He reiterated the comments made previously by Mr. Pyle regarding current challenges in the Courts to valuation-based fees and recommended against them. Mr. Edds then discussed the methodology in calculating the flat fees utilized by the Engineering staff.

Mr. Pyle pointed out that in most cases, the cost of providing the service exceeded the revenue collected. He stated that in rare instances, such as with Fee No. PW-20, the service had been broken up into smaller detail to ensure that smaller users were not overcharged and larger users were not undercharged. He indicated that a surplus actually resulted on some of the smaller connections to the water system. He added that many of the fees had not been adjusted in over ten years. Mr. Pyle summarized that currently, the City recovered approximately $95,000 for providing all of the engineering services. He stated that those services actually cost the City approximately $600,000 to provide, leaving a subsidy of approximately $500,000.

In response to a question posed by Council Member Stadtherr, Public Works Director Baldo Rodriguez clarified the difference between Fee No. PW-20: Water Meter Service: 1" or smaller; and
PW-23: Water Meter Installation: 1" or smaller, explaining that PW-20 was much more extensive, in that a new hook-up was actually constructed, as opposed to PW-23 which dealt with only installing a new water meter.

**Police Division**

Mr. Pyle next moved on to the Police Division and indicated that several different hourly rates were calculated in this Division, such as an administrative rate and an operational rate. He stated that the administrative rate calculated out to be $98 per hour, pointing out that Federal, State, and County requirements served to negatively impact the efficiency with which the administrative services were provided.

Mr. Edds added that overhead, as well as more highly compensated personnel also affected that administrative hourly rate of $98. He stated that Police Chief Silver Rodriguez had suggested the elimination of several of the current fees and the addition of some new fees to update the fee schedule to current times. He then referred everyone to Fee No. Police-15 regarding False Alarms, and stated that a correction should be made to reflect an annual quantity of 553 rather than 0. He explained that the Police Department had actually responded to approximately 1,600 false alarms, yet the Department only charged a fee for the third offense. Therefore, he explained, for purposes of determining the annual quantity, 1/3 of 1,600 was calculated, resulting in 553. Mr. Edds explained that the figures reflected in the copies that Council and staff had in their possession had since changed. He stated that the updated data resulted in current revenue of $47,000, with the total cost of service being $155,000, resulting in an approximate subsidy of $108,000.

Mr. Pyle noted that while the fee amounts and cost of service were relatively low, the volume in services such as copying Police Reports provided the greatest impact on revenue.

Mayor Pro Tem Hamilton questioned whether Mr. Edds was aware of any agencies attempting to recoup booking fees. Mr. Pyle elaborated on the process by which Counties charged fees to municipalities for booking individuals into County jails. He pointed out that while in the past the State of California partially reimbursed municipalities for those booking fees, that expenditure had been eliminated in the State’s 2005/2006 Budget.

Mr. Edds responded that, generally speaking, he did see a trend towards cost recovery attempts for many police functions. A discussion ensued as to various services for which Police and Fire Departments were beginning to charge.

Police Chief Silver Rodriguez elaborated on the elimination of Fee No. Police-9, Drunk Driver Accident Investigation Charges. He indicated that pursuant to a recent Court ruling, Departments could no longer charge that fee unless the Officer had actually responded to an actual emergency with personal injuries or property damage, rather than for just a routine traffic stop. As a result, Chief Rodriguez explained, this greatly affected cost recovery attempts for that service. He added that booking fees expenditures for that year were projected to be approximately $124,000.

City Attorney Julia Lew stated that cost recovery for public safety type services was becoming increasingly more difficult. She stated that throughout California, jurisdictions were attempting to recoup costs of various services, including 9-1-1 response and DUI-related activities,
however, there were challenges in the Courts to those attempts. She stated that if this was an area in which the Council wanted additional research, she could provide that.

Council Member Stadtherr observed that charging fees and collecting fees were two separate matters. He then questioned why ambulance services were able to charge fees for transporting accident victims, while the First Responders—Fire Department personnel—performed the majority of the work, yet charged nothing.

Mr. Edds confirmed that Council Member Stadtherr’s scenario was one in which much discussion was currently taking place. He indicated that many jurisdictions were investigating whether cities could recoup any of those costs for Police and/or Fire services in such a scenario. A discussion ensued as to the establishment of a business relationship with local ambulance companies in which the City would bill for time and stabilization efforts.

**Building Division**

Mr. Edds proceeded to the Building Division and reiterated that jurisdictions were moving away from valuation-based fees, which was the recommendation for many of the fees in this Division. He discussed the various mechanical, plumbing and electrical permit fees and the methodology used in calculating actual costs in providing those related services. Mr. Edds added that in his experience, local builders and/or building associations questioned the methodology in determining the proposed fees.

Mr. Pyle indicated that development of fee schedules in this fashion was becoming a trend, particularly moving away from valuation-based fees. It was pointed out that with most of the fees in this category, a subsidy existed.

Mr. Edds then moved onto the Parks & Recreation Division.

**Parks & Recreation Division**

Mr. Pyle pointed out that a full cost recovery approach in a Parks & Recreation program, would likely eliminate recreational opportunities for those who most frequently utilized the programs. He then referred the Council to the Recreation Cost Recovery Rates Sheet in the handout and indicated that Council could use that sheet to direct staff as to its comfort level in recovering costs. Mr. Pyle stated that the direct costs of providing the recreational programs included salaries/benefits of employees at the location of the service, as well as miscellaneous expenses such as soccer balls, paper products, etc. He explained that most of the fees did not cover the cost of any departmental overhead or administration, or any City overhead or administration. He stated that this methodology had been discussed in 1988, and the fees that had been adopted back then had been based on the same methodology. He added that in 1988, subsidy of the pool had been determined to be necessary.

Mr. Edds stated that in looking at costs of recreational programs, MAXIMUS had not attempted to develop detailed costs for specific elements, but rather for general programs. Using the OHV Park as an example, Mr. Edds stated that there was approximately $115,000 in revenue for the Park, and approximately $140,000 of direct program costs, which suggested a cost recovery rate of 83%. He stated that if the Department’s overhead expenses of $43,000 were added, the cost
recovery rate dropped to 63%, and when the City-wide overhead expenses were included, the cost recovery rate dropped further to 52%. He stated that the Council had the opportunity to set a policy as to how recreation staff should price individual components of programs so that a certain established cost recovery rate could consistently be met. Mr. Edds added that many cities viewed recreational programs as needed services in that they provided safe options for children.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Edds clarified that the cost for maintaining the OHV was included in the City overhead cost. A discussion ensued as to how costs were tracked for the various Parks & Recreation facilities. Mr. Edds added that the calculation for Parks overhead was one of the most complex calculations.

In response to a question posed by Council Member Martinez, Mr. Edds indicated that sponsor revenue was included in the calculation. It was also stated that facility maintenance was included in the departmental overhead and City-wide overhead.

As to equipment replacement, Parks & Leisure Services Director Jim Perrine stated that equipment designated as “rolling stock” was included, however buildings and recreational equipment replacement was not built in.

Mr. Pyle suggested that staff could bring each of the fee schedules before the Council by department, rather than bringing the entire massive fee schedule for adoption at once.

Mayor Pro Tem Hamilton commented that he believed that the Council had always understood the necessity of subsidizing recreational programs. He stated that the golf course was the only recreational program for which the Council had attempted to fully recover costs.

Mr. Pyle indicated that in preparing recommendations for the Council as to recreational fees, a test of reasonableness would be employed.

In response to a question regarding the Skate Park posed by Mayor Pro Tem Hamilton, Mr. Pyle indicated that the Park would have an operational budget and separate division so that direct program costs would be able to be determined during the next fee schedule update. He stated that one year of operations would be needed to identify costs. He stated that costs for graffiti removal, maintenance, landscape maintenance, irrigation, concrete maintenance, etc. would be tracked.

At 10:15 a.m., Mr. Edds excused himself from the meeting and terminated the WebEx presentation.

Mr. Pyle indicated that during a recent conversation between staff and Mr. Edds, it was discovered that in building inspection and plan check activities, the Fire Department did not track employee time spent. He stated that the activity actually took the equivalent of approximately one full-time Fire Lieutenant or Fire Captain. He stated that the impact of the one additional fire employee for building safety and inspections would be identified.

At that point, Mr. Pyle concluded the presentation and solicited questions from the Council.
In response to Mayor Pro Tem Hamilton’s question, Mr. Pyle indicated that risk management had been identified as an overhead component in the Cost Allocation Plan. A discussion ensued as to the capabilities of MAXCARS to identify volatile costs, such as fuel.

Mayor Pro Tem Hamilton commented that the analysis was very good. He then requested that staff research ways in which the City could recover some of the costs incurred by the Police Department.

In response to a question posed by Mayor West regarding the Golf Course, Mr. Perrine clarified that the Pro Shop and the golf carts were not a part of the City’s budget for the Golf Course.

Mr. Longley echoed Mr. Pyle’s suggestion that the fee schedules be presented to the Council on a department basis, indicating that the process would likely take several months so as to complete the analysis and notice the public hearings. A discussion ensued as to why staff recommended taking a department by department approach considering the current budget deficit. It was reiterated that because the discussion would consider not only MAXIMUS recommendations, but also what the consumer would actually pay for services, a thorough analysis would be required. Mr. Longley added that a large public response from various community interests was likely, and pointed to the benefit of having more focused discussion by department rather than one all-inclusive meeting.

Mayor West agreed that breaking up the fee schedule presentations on a department by department basis was the best way to proceed.

Mr. Longley stated that perhaps staff could begin the presentations earlier than had originally been planned.

Council Member Stadtherr suggested that perhaps January 1, 2006 would be a reasonable target.

Mr. Longley commented that staff could make the date of January 1, 2006 its goal to have completed the review of each of the fee schedules. After some discussion, the following schedule for presenting the fee schedules was decided:

- September 6, 2005: Planning Division
- October 4, 2005: Building Division
- November 1, 2005: Recreation
- December 6, 2005: All remaining schedules

Mayor Pro Tem Hamilton requested that Julia research franchise fees for fire/ambulance services. He then acknowledged staff’s effort in working with MAXIMUS in the preparation of the analysis and thanked everybody involved for their efforts.

Mayor West also thanked staff for their efforts.

Council Member Stadtherr requested that a copy of the spreadsheet be e-mailed to him, which Mr. Pyle confirmed.
Council Member Martinez thanked the Police Department for the fine job its Officers were performing, particularly noting the challenging incident that had occurred that past week.

ADJOURNMENT
The Council adjourned at 10:23 a.m. to the meeting of July 19, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

ATTEST

Kelly West, Mayor
PORTERVILLE CITY COUNCIL MINUTES
SPECIAL MEETING - AUGUST 1, 2005
CITY HALL COUNCIL CHAMBERS
291 N. MAIN ST. - 1:00 P.M.

Call to Order: 1:00 p.m.
Roll Call: Council Member Irish, Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

Pledge of Allegiance Led by Council Member Ron Irish
Invocation - One person participated.

ORAL COMMUNICATIONS
None

PUBLIC HEARING
1. SUBMISSION OF A CITY TRANSACTION AND USE TAX INCREASE PROPOSITION FOR THE NOVEMBER 8, 2005 SPECIAL ELECTION - PORTERVILLE POLICE, FIRE AND EMERGENCY RESPONSE/9-1-1 MEASURE

Recommendation: (1) That the Council consider the inclusion of a citizen’s oversight component in the ballot measure, and
(2) That the Council adopt the draft Resolution as modified above, with Ordinance, placing the measure on the November 8, 2005 ballot.

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

Fire Chief Frank Guyton presented a slide presentation named Community Update on Public Safety Needs. Chief Guyton stated that 130 questionnaires were received from the community, and over 100 participants agreed that the community needed to improve public safety efforts and programs in the City,

The City Manager presented the component of the draft Resolution’s Attachment 2, Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

Mayor West opened the public hearing at 1:14 p.m.

Greg Shelton, 888 N. Williford, came forward and voiced his concern about paying additional taxes for public safety. He stated that one concern was that the money may be diverted and lost down the road.

Dan Dale, 112439 Nancy Avenue, PHD Criminologist with 35 years of law enforcement training and background, came forward. He stated that he had been teaching modern law enforcement as being proactive. He stated that they couldn’t be proactive any longer, because they
were running from call to call. He stated that they needed to be proactive and hire more police and fire officers get ahead of the calls.

Robert DeMattais, President of the Friends of the Library, came forward speaking on behalf of himself. He spoke about ‘robbing Peter to pay Paul’. He stated that was what the State did to the City, and the City did to the Library. Mr. DeMattais spoke regarding the correlation between crime and literacy. He stated that they must protect their children from the problems of criminal activity by restoring the Library budget and renew its varied programs. Mr. DeMattais stated that they owed the tax initiative to their youth, and they needed it to protect their citizens and their community.

Felipe Martinez, 195 W. Putnam, came forward and spoke regarding the need to protect their children from gangs, and how the special funding would help. He stated that they also needed to look at the needs of the senior citizens. Mr. Martinez stated that the City needed to be safe from crime through police protection, and protected from fire, through fire suppression, and the children protected through literacy and youth programs. He stated that they needed to make their community go forward.

Roy Rockholt, President of the Senior Council, stated that he felt the seniors would be willing to pay a little extra for better protection. He stated that the money would be well spent on more police and fire officers.

Dick Eckhoff, Chairman of Downtown Porterville, came forward and presented a statement in which he reviewed the population and needs of Porterville for police and fire. Mr. Eckhoff strongly urged the inclusion of a Citizens Oversight Committee and regular audits. He urged the Council to accept the staff’s recommendation, add the Citizens Oversight Committee component to the ballot measure, and to adopt said resolution placing it on the November ballot.

Dorothy Broome, 862 Crystal, came forward and spoke about the need for the measure and the noticing of the meeting.

Marty McCormick, 222 West Henderson, owner of the Yellow Rose flower shop, came forward and spoke about the aid she had received from Police and Fire. She stated that she owed her business to the Fire Department, and in the last three and a half years the Police Department and Fire Department had always been there to help her. She stated that she realized the need to have someone come when you called, and she was in favor of this tax initiative.

Jennifer Lindgren, 1123 East Jasmine Drive, spoke about what makes a great place to live. She stated that Porterville needed to strive to keep up with modern technology and trends. She stated that the City had been fiscally responsible, but something needed to be done. Mrs. Lindgren stated that students needed the resources of the library and library programs. She asked the Council to do what they felt was right to support the community and make some sacrifices, such as asking for a little more money from the voters. She stated that she would like to see the Council vote to maintain the quality of life they had.

Dick Scearcy, 1452 Linda Vista Avenue, stated that he lived about a mile north of the City limits, but with a business in Porterville. He stated that he derived benefit from the current fire and public safety departments. He summarized that the California lottery could not happen again with this measure—the monies would not be subject to misuse by the State, and any new taxes would be
Mr. Scearcy stated that future Councils could not reduce further general fund expenditures to compensate for the new tax money raised as it was safeguarded by the independent audits and the establishment of an oversight committee. He urged the adoption of the measure to begin to return money to the City. He stated that he could not vote for the measure, but he could work hard to see it passed.

Mayor West asked those in opposition to come forward.

Boyd Leavitt, 457 W. Oak Avenue, came forward and stated that he was not saying he was for or against, but had questions. He asked if Council was acting on the matter that day. He stated that he wished he had a copy of the resolution ahead of time to review. Mr. Leavitt stated that the audience present was not a good sample of the general public, which would contain a section of the unemployed. He asked that the Council not act on this today and have a evening public hearing. Mr. Leavitt stated that he supported fire and police, but was also concerned about the safeguards and 4/5 super-majority ability to change the funding. He stated that the public needed more information before November 8 if the Council wanted their support. Mr. Leavitt stated that the public needs more information, the Council needed to change the ability of a super-majority to use the funds differently, and all the money should go to police and fire with safeguards that the regular budget does not get cut accordingly.

Bob Latour, 326 N. Lindale, came forward in support and urged Council to adopt resolution.

Ruth Smith, 644 Theta Avenue, not in favor or opposed, but with questions. Mrs. Smith questioned why police and fire didn’t get a raise in their budget.

The City Manager explained the budgeting procedure and the changes resulting from State mandated budget changes. He stated that revenues had not been keeping up with expenditures. He also briefly reviewed the proposed budget breakdown for the tax initiative funds.

Mrs. Smith urged the inclusion of the Citizens Oversight Committee.

Mayor West closed the public hearing at 1:53 p.m.

The City Manager stated that there was a typographical error throughout that should say .5%.

Council Member Stadtherr spoke regarding a gang reduction program from Paramount which was done through Parks and Recreation and Community Development. He stated that the proposed Expenditure Plan was tight and he questioned the ability to have a winning program ran by another department. Council Member Stadtherr asked if the Police Chief had reviewed the program from Paramount.

City Manager Longley stated that if there was a legitimate connection to public safety, there was within the measure flexibility to adopt and advance those types of programs. He stated that this would not prevent innovation where it is legitimate to that purpose. He stated that there was no reason that any legitimate program could not be accomplished in the Police Department.

Mayor Pro Tem Hamilton stated that the purpose of the tax initiative was to increase manpower on the street.
Council Member Irish spoke regarding the needs of Police and Fire and the changes in the community and the dissipation of funding over time. He stated that two things concerned him—he would rather have the 4/5 vote be a 5/0 vote, and he would want the Citizen Oversight Committee established with outside audits.

Mayor Pro Tem Hamilton stated that he wanted the public to understand that the Council was bringing something to the people—the people would make the decision on the November 8 ballot. He stated that on the economic side—of every $1,000, it would only be $5,000 more. Mayor Pro Tem Hamilton stated that everyone buying in Porterville would be helping Porterville.

Regarding the paragraph—“The City Council will not use public safety revenue measure funds to replace General Fund dollars budgeted for normal operations at the previous year’s service levels. In the event of an economic emergency, the City Council may only alter this provision by a super majority (4/5th) vote.” Council Member Irish made a motion to change the (4/5th) vote to (5/0) vote. Council discussed the necessity for the paragraph and Mayor Pro Tem Hamilton stated that they should take out the clause period.

Council Member Irish withdrew his motion.

The City Manager explained that the clause was inserted for the event of a financial catastrophe to maintain funding from the previous years when there was a large loss of money, and there was an across the board curtailment.

COUNCIL ACTION
MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that Council remove the above paragraph entirely from the Program Guidelines and Expenditure Plan. The motion carried unanimously.

COUNCIL ACTION
MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that Council accept the resolution as presented, with Resolution 108-2005 the Program Guidelines and Expenditure Plan as amended, with a Citizen Oversight Committee, and the correction of clerical errors. The motion carried unanimously.

ADJOURNMENT
The Council adjourned at 2:15 p.m. to the meeting of August 2, 2005 at 6:00 p.m.

Georgia Hawley, Chief Deputy City Clerk

SEAL

Kelly West, Mayor
SUBJECT: CLAIM - WE ‘R’ DRAYAGE

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: WE ‘R’ DRAYAGE, on behalf of Fox Transport Company, has filed a claim against the City for property damage. They are claiming that on May 27, 2005, a City refuse truck collided with their truck and trailer at the intersection of Road 216 and Highway 190. WE ‘R’ DRAYAGE is claiming damage to the vehicle and the cargo.

The amount being claimed as of the date of this claim is $15,891.76.

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

Attachment: Claim Form

Item No. __________

Attachment: Claim
CLAIM AGAINST: WE "R" WASTE SERVICES
CITY OF PORTERVILLE

Claimant's name: WE "R" WASTE SERVICES
SS#:________________________

Claimant's Telephone No.: 800-924-7499
DOB:________________________

Claimant's address: 8610 HELMS
RANCHO CUCAMONGA CA 91730

Address where notices about claim are to be sent, if different from above: ___________________________________________

Date of incident/accident: 5-27-05

Date injuries, damages, or losses were discovered: 5-27-05

Location of incident/accident: Highway 190 13 miles S of Highway 65

(Use back of this form or attach Diagram if necessary to answer this question in detail.)

What did entity or employee do to cause this loss, damage, or injury? CITY OF PORTERVILLE

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? UNKNOWN

What specific injuries, damages, or losses did claimant receive? SEE ATTACHED DEMAND LETTER

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

SEE DEMAND LETTER

How was this amount calculated (please itemize)? REAL LOSS

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 7-19-05 Signature: Mike Marm

If signed by representative:
Representative's Name: WE "R" WASTE SERVICES
Address: 8610 HELMS
RANCHO CUCAMONGA

Telephone #: 800-924-7499

Relationship to Claimant: Claim Manager
July 18, 2005

City of Porterville
Georgia Hawley
Chief Deputy City Clerk
291 N. Main
Porterville CA 93257

RE: Your claim # FR 89,688
    Our claim # 5-27-05 1357
    Our contractor: Rene Trujillo
    Date of loss: May 27, 2005

Dear Ms. Hawley,

To date we have not received correspondence indicating you have accepted liability for the above captioned incident. From our conversation today, you indicated you would not proceed with this claim until we completed your claim form “B” and submitted it to you.

Attached you will find claim form “B.”

A breakdown of the revised demand is as follows:

One 1995 Great Dane 53’ dry van trailer VIN 1GRAA0626SB009325 $10,500.00
First tow and recovery [move to side of highway] $550.00
Second tow and recovery [move to yard] and storage $1,080.00
Freight charges to return damaged freight to shipper $500.00
Damaged freight [7 rolls of paper] $2,386.76
Loss of use for trailer $650.00
Loss of use for tractor [one day] $225.00

TOTAL $15,891.76

We would appreciate your timely payment of this claim since we are without the use of our trailer.

Regards,

[Signature]

Mike Herman
We R Drayage
Claims Manager
CLAIM - LUPE HERNANDEZ

Administrative Services Department/City Clerk Division

Lupe Hernandez has filed a claim for property damage at 519 N. Fourth Street. Ms. Hernandez is claiming that a blockage in the main sewer line serving her property caused her sewer line to back up.

The amount being claimed as of the date of this claim is $75.00, based on plumber's charges.

That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim
CLAIM AGAINST
CITY OF PORTERVILLE

Claimant's name: Lupe Hernandez
Claimant's Telephone No.: 559- [redacted]
Claimant's address: 519 N Fourth St, Porterville

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 6-17-05
Date injuries, damages, or losses were discovered: 6-18-05
Location of incident/accident: 519 N Fourth St, Porterville

What did entity or employee do to cause this loss, damage, or injury? N/A

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? N/A

What specific injuries, damages, or losses did claimant receive? Had to call out a plumber to find and solve problem. Please see attached plumber report. (Over)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] $233,00

How was this amount calculated (please itemize)? $75.00 charge by city and $158.00 charge by plumber.

Date Signed: Lupe Hernandez Signature: 8-3-05

If signed by representative:
Representative's Name
Address

Telephone #
Relationship to Claimant
plumber had to use cable clear line 95 feet out, way past our small back yard, 40 to 50 feet past city line. We would appreciate reimbursement.

The city was having problems that week on this block. We saw them working on our corner street a couple of days, the same week.
JOB ADDRESS
CUSTOMER NAME: Hernandez
ADDRESS:
OFFICE: Hanford
ZIP:
JOB PHONE: 732-2323
CITY: Visalia
STATE: CA

BILLING ADDRESS IF DIFFERENT
CUSTOMER NAME:
ADDRESS:
OFFICE: Hanford
ZIP:
JOB PHONE: 732-2323
CITY: Visalia
STATE: CA

SERVICE ORDER
SERVICE:
TYPE:

DATE: 6/18/05

PAYMENT
CASH

PLEASE PAY FROM THIS INVOICE

SERVICE AUTHORIZATION
I AGREE THAT INITIAL PRICE QUOTED PRIOR TO START OF WORK DOES NOT INCLUDE ANY ADDITIONAL OR UNFORESEEN TASKS, NOT MATERIALS WHICH MAY BE FOUND TO BE NECESSARY TO COMPLETE REPAIRS OR REPLACEMENTS. I ALSO AGREE TO HOLD MR. ROOTER OR ITS ASSIGNS HARMLESS FOR ANY DAMAGE INCURRED, UNFINISHED OR UNRELIABLE FOR COMPLETION OF STATED WORK TO BE DONE. I HEREBY AUTHORIZE MR. ROOTER TO PERFORM PROPOSED WORK AND AGREE TO ALL AGREEMENTS MADE AS SET FORTH ON THIS DOCUMENT AND FURTHER ACKNOWLEDGE THAT THIS INVOICE IS DUE UPON RECEIPT. AN MONTHLY SERVICE CHARGE OF 5% PER MONTH WILL BE CHARGED ON ALL BALANCES 30 DAYS OR CLOSER FROM THE DUE DATE UNLESS RNS ETERED INTO AGREEMENT. 6/18/05

An Independently Owned and Operated Franchise

AUTHORIZED SIGNATURE

DIAGNOSIS
Clear Main Line

TASK # 1
WARRANTY:
DESCRIPTION OF PRODUCTS AND SERVICES
Cabled Mainline out 45 ft. and could not clear line. Sawer line was only 45 ft. to city main going into backyard. Pulled cable back and used bigger cutter blade and 30 ft. of line over 15 ft. and still did not clear line. Finally cleared line at 9 o'clock out 45 ft. out. 40 ft. past city line for customer. Possible city main backed up. No warranty due to city main backup.

APRIL 19 2005

$158.00

CHARGE

Fuel Surcharge

3.15

$3.15

COMMERCIAL

TASK (S) TOTAL
$158.00

$158.00

RECOMMENDATIONS
Customer Protection Plan Members save money!

APPROVED

DECLINED

CPP

SUB TOTAL

TAX

TOTAL

$158.00

$158.00

$158.00

$158.00

CUSTOMER SIGNATURE

TECHNICIAN SIGNATURE

www.mrrooter.com

Providing a World of Specialty Services

24 Hours a Day • 7 Days a Week...Never An Overtime Charge
Current Charges are due and payable at this time. To prevent a 10% penalty fee, payment for the current charges must be received BEFORE 5:00 PM on the delinquent date. Water may be disconnected for an unpaid previous balance.

**PAYMENT POLICY**

*TOTAL DUE may include an unpaid previous balance.

**ACCOUNT NUMBER**: 02-62400-09
**CUSTOMER NAME**: LUPE HERNANDEZ
**SERVICE LOCATION**: 519 N FOURTH ST
**BILLING DATE**: 07/28/2005
**DELINQUENT DATE**: 08/26/2005

**TOTAL DUE**: 157.32

RETURN THIS STUB WITH YOUR PAYMENT

CITY OF PORTERVILLE, 291 N. MAIN ST., PORTERVILLE, CA 93257

**PAYMENT POLICY**

CURRENT CHARGES ARE NOW DUE AND PAYABLE.
To prevent a 10% penalty fee, payment for current charges must be received BEFORE 5:00 PM on the delinquent date. Water may be disconnected for an unpaid previous balance.

<table>
<thead>
<tr>
<th>Service Period</th>
<th>No. of Days</th>
<th>Service Description</th>
<th>Meter Reading</th>
<th>Usage</th>
<th>Billing Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 05/31</td>
<td>To 06/30</td>
<td>WATER - S/8</td>
<td>402</td>
<td>450</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RES SEWER - SINGLE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>REFUSE - 90 GAL BLACK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>REFUSE - 90 GAL GREEN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>BROKEN LOCK CHARGE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>TAX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>CURRENT CHARGES</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AMOUNT DUE**: 157.32

**LAST PAY DATE**: 07/21/2005

**WATER CONSUMPTION**

This Year: 48
Last Year: 78

NOTICE: IF YOU HAVE A PREVIOUS BALANCE AND IT REMAINS UNPAID, YOUR WATER MAY BE DISCONNECTED.
To prevent water shut-off and the related charges, payment for a previous balance must be received BEFORE 5:00 PM on the due date stated below. If you have already paid the previous balance, please disregard this notice. Thank you!

**AMOUNT DUE**: 157.32

**08/15/2005**

MESSAGES: **PLEASE NOTE**

A REFUSE & SEWER INCREASE ADOPTED JUNE 21, 2005
WILL BE EFFECTIVE JULY 1, 2005. THIS INCREASE WILL BE REFLECTED ON THE AUGUST BILLING.

WATER CONSERVATION!!! IT'S THE RIGHT THING TO DO
FIELD SERVICES DIVISION
EMERGENCY CALL-OUT/RESPONSE REPORT
(After Hour/Weekend)

SUBMIT REPORT TO SUPERVISOR AT 8:00 A.M. FIRST WORKING DAY AFTER EMERGENCY.

Employee Name: Hector Gonzalez
Date: 6-17-05
Time Called: 8:30 A.M. (P.M.)
Time Called: 8:30 A.M. (P.M.)
Time Arrived: 8:45 A.M. (P.M.)

Emergency Description/Location: Sewer backed-up at home. Customer stayed at home. City had cleared sewer line in the afternoon.

COMPLAINANT/CUSTOMER: (If Police Officer, obtain name and badge number.)
Name: Geradlo Hernandez
Phone: 781-458-2
Address: 519 N. 12th
Damage to Property: 
City

Action Taken: Cleared sewer main in area. Found no problem in Septic line. All lines flowing. Customer was upset because I would not clear his sewer lateral and had a hard time with the signing of after hours service charge. Although he eventually signed.
Supplies used from Emergency Room: N/A

Call referred to (Employee Name): Hector Gonzalez

Field Services Employees responding:

<table>
<thead>
<tr>
<th>Name</th>
<th>Start Time</th>
<th>Stop Time</th>
<th>Hrs/Min Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hector Gonzalez</td>
<td>8:30</td>
<td>10:00</td>
<td>1:30</td>
</tr>
</tbody>
</table>

For Office Use only:

<table>
<thead>
<tr>
<th>Overtime Hrs</th>
<th>Amount</th>
<th>Acct. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 hrs</td>
<td>30-3060-03</td>
<td></td>
</tr>
</tbody>
</table>

List equip. & material (Other than emergency room supplies.)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6815</td>
<td>1:30</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Further action required: Bill Customer

cc Report: Lines had been checked earlier in day as per Service Request - not a City problem. Customer advised

POLICE REPORT NEEDED

Supervisor's Signature

Field Services Manager
SUBJECT: CLAIM - OFELIA PALOMARES

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ofelia Palomares has filed a claim for property damage to her vehicle. Ms. Palomares is claiming that her vehicle struck a pothole on Prospect Street at Morton Avenue, which broke and bent her rim and ruined her tire.

The amount being claimed as of the date of this claim is $375.00, based on replacement costs.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim
CLAIM AGAINST CITY OF PORTERVILLE
Claimant's name: Ofelia Palomares
Claimant's Telephone No.: ________
Claimant's address: 224 So. Ohio
Address where notices about claim are to be sent, if different from above: Morton - prospe

Date of incident/accident: 7-31-05
Date injuries, damages, or losses were discovered: Rim / tire no good pop out it
Location of incident/accident: ________________________________

What did entity or employee do to cause this loss, damage, or injury? tire on a bump it pop
What are the names of the entity's employees who caused this injury, damage, or loss (if known)? ________

What specific injuries, damages, or losses did claimant receive? Rem tire broke and bend the rim tire pop

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] $375.00

How was this amount calculated (please itemize)? See Estimate

Date Signed: 6-4-05
Signature: Ofelia Palomares

If signed by representative:
Representative's Name ________________________________
Address ________________________________
Telephone # ________________________________
Relationship to Claimant ________________________________
<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>STOCK NO.</th>
<th>DESCRIPTION</th>
<th>TC</th>
<th>SLS</th>
<th>LABOR</th>
<th>FET</th>
<th>PRICE</th>
<th>TOTAL</th>
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<tr>
<td>1</td>
<td>B (MESSAGE W 1- GAZARO 619 20X8.5</td>
<td></td>
<td>001</td>
<td>225.00</td>
<td></td>
<td>001</td>
<td>150.00</td>
<td>225.00</td>
</tr>
<tr>
<td>1</td>
<td>B (MESSAGE W 1- 225/35R20</td>
<td></td>
<td>001</td>
<td>225.00</td>
<td></td>
<td>001</td>
<td>150.00</td>
<td>225.00</td>
</tr>
</tbody>
</table>

Thank you for shopping at Pacific Tire and Wheel. We appreciate your business. All deposits are non-refundable.

FOR OFFICE USE ONLY

269391

AUDIT CONTROL NO.
SUBJECT: CLAIM - CATALINA ANAYA

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Catalina Anaya has filed a claim for property damage to her vehicle. Ms. Anaya is claiming that her vehicle struck two potholes on Henderson Avenue, west of Westwood Street, which cracked the rim and tore the inside tire, and damaged the alignment.

The amount being claimed as of the date of this claim is $1,235.88, based on repair and replacement costs.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE
Claimant's name: Catalina Amaya SS#: [redacted]
Claimant’s Telephone No.: 559- [redacted] DOB: [redacted]
Claimant’s address: 515 N. Douglas Porterville, Ca. 93257
Address where notices about claim are to be sent, if different from above: 

Date of incident/accident: 5-28-05 9:00 pm
Date injuries, damages, or losses were discovered: 5-28-05 9:00 pm
Location of incident/accident: W. Henderson, Cross street Westwood, Westwood
(Use back of this form or attach Diagram if necessary to answer this question in detail.)

What did entity or employee do to cause this loss, damage, or injury? Driving Westbound on Henderson hit 2 potholes. Impact damaged left front tire & rim. (See Back)
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Cracked rim, tear inside tire & alignment damaged.
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)] $1,235.88

How was this amount calculated (please itemize)? [See Back]
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 6-1-05 Signature: Catalina Amaya

If signed by representative:
Representative's Name
Address

Telephone #
Relationship to Claimant
While driving westbound Henderson the car in front of me was able to swerve out of the way. I did not have enough time to swerve out of way too dark to see road up ahead.

Rims & Tires
$900.00 \quad + \quad$ Replaced stock tires & alignment
$335.88$

Rim is unable to be replaced, discontinued rim.
<table>
<thead>
<tr>
<th>Date</th>
<th>P.O.</th>
<th>S.P.</th>
<th>License #</th>
<th>Make</th>
<th>Year</th>
<th>Odometer</th>
<th>Terms</th>
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<td>05/31/05</td>
<td>KC</td>
<td>5CC7695</td>
<td>HYND</td>
<td>03</td>
<td>945,464</td>
<td>CASH SALE</td>
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</table>

<table>
<thead>
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<th>Item</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extended Price</th>
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<td>20565R15REM</td>
<td>205/65R15 REM MAXXUM 300AA BL 45K</td>
<td>41.95</td>
<td>167.80</td>
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<tr>
<td>4</td>
<td>V</td>
<td>RUBBER VALVE STEM</td>
<td>1.95</td>
<td>7.80</td>
</tr>
<tr>
<td>4</td>
<td>B</td>
<td>COMPUTORIZED SPIN BALANCE</td>
<td>9.95</td>
<td>39.80</td>
</tr>
<tr>
<td>4</td>
<td>TD</td>
<td>PASSENGER TIRE DISPOSAL FEE</td>
<td>1.50</td>
<td>6.00</td>
</tr>
<tr>
<td>4</td>
<td>CAT</td>
<td>CALE. TIRE WASTE TIRE RECYCLING FEE</td>
<td>1.75</td>
<td>7.00</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>FREE ROTATION EVERY 5,000 MILES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>4A</td>
<td>WHEEL COMPUTORIZED ALIGNMENT</td>
<td>6.95</td>
<td>66.95</td>
</tr>
<tr>
<td>4</td>
<td>RH</td>
<td>ROAD HAZARD</td>
<td>6.95</td>
<td>27.80</td>
</tr>
</tbody>
</table>

**Alignment on sale, let us CK your shocks or struts today. Thanks for your business...!**

MONEY EX: 335.88

**TERMS: CASH UNLESS ARRANGEMENTS MADE. ALL PARTS NEW UNLESS OTHERWISE INDICATED. ALL SALES FINAL. NO CASH REFUNDS.**

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY HEREOF: SIGNED ______________________

ACKNOWLEDGE NOTICE OF ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATED PRICE.

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY HEREOF: SIGNED ______________________

TO AVOID ADDITIONAL CHARGES, PAY BY CLOSING DATE OF THE MONTH 696520

All accounts are due and payable by the 10th of the month following purchase. A finance charge of 2% per month for a minimum charge of $1.00 for balances under $50.00 which is an annual percentage rate of 24% will be applied to the unpaid balance of the monthly statement after the 10th of each month. Should an attorney be employed to collect or sue brought to enforce payment of this account the purchaser agrees to pay a reasonable attorney’s fee and costs of suit. All warranty work must be returned to any Carroll’s Tire Warehouse for warranty repairs. It is the customer’s responsibility to return the car to Carroll’s. Minimum warranty 30 days or 1,000 miles.
<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Clerk</th>
<th>Account Forward</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Rim Cracked</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Air leak</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Non-repairable</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Not in stock</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Discontinued Run</td>
<td></td>
</tr>
</tbody>
</table>

Paid

Thank you
5-28-05
9:00 pm
Left front rim
Cracked rim
SUBJECT: CLAIM - RAUL VARGAS

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Raul Vargas has filed a claim for property damage to his vehicle. Mr. Vargas is claiming that his vehicle struck a pothole at Melinda Avenue and South Indiana Street, which cracked the right front tire.

The amount being claimed as of the date of this claim is $1,959.28, based on replacement costs.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Paul Vargas
SS#: __________
Claimant's Telephone No.: (559) _______
DOB: _______
Claimant's address: 361 N Capitola Pl. #2
Address where notices about claim are to be sent, if different from above: __________

Date of incident/accident: 9-1-05
Date injuries, damages, or losses were discovered: 9-1-05
Location of incident/accident: Merinda S Indiana
(Use back of this form or attach Diagram if necessary to answer this question in detail.)

What did entity or employee do to cause this loss, damage, or injury? Put here:

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Front Right

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the
appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must
represent whether it is a "limited civil case" [see Government Code 910(f)]

$2,500.00

How was this amount calculated (please itemize)? See Attached

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 9-1-05 Signature: __________

If signed by representative:

Representative's Name _______________________
Address ___________________________________

Telephone # _______________________
Relationship to Claimant ___________________
<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>20x5.5 Diablo Shockwave</td>
<td>4</td>
<td>2500.00</td>
</tr>
<tr>
<td>20-35 Goodyear</td>
<td>4</td>
<td>2500.00</td>
</tr>
</tbody>
</table>

**Totals:** 2500.00

**Date:** 9-1-05
SUBJECT: CLAIM - MARIA SANCHEZ

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Maria Sanchez has filed a claim for property damage to her property at 1434 N. Cottage Place #C. Ms. Sanchez is claiming that her rental property was damaged on July 5, 2005, when Porterville Police Officers forced their way into the unit. Ms. Sanchez is alleging that the officers caused damage to the doors, fence and walls.

The amount being claimed as of the date of this claim is $820.85, based on replacement costs.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Item No. 7

Attachment: Claim
City of Porterville
Claim Form

Form B
(Please Type or Print)

Claim Against: City of Porterville

Claimant's Name: Maria G. Sanchez

Claimant's Telephone No.: (760) 740-9150

Claimant's Address: 4210 E. Mission Ave., Escondido, CA 92027

Address where notices about claim are to be sent, if different from above:

Date of Incident/ Accident: July 5, 2005, p.m.

Date Injuries, Damages, or Losses were Discovered: July 6, 2005

Location of Incident/Accident: 1434 N. Cottage Pl., Porterville, CA 93257

What did entity or employee do to cause this loss, damage, or injury? Police officer(s) forced their way in unit and fired gun(s) several times, kicked in doors for 2 bedrooms.

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

Unknown

What specific injuries, damages, or losses did claimant receive? Front door kicked in, 2 bedroom doors damaged, smoke damage, fence damaged, wall damage, by shots and use of force, garage damage by bullets.

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [See Government Code 91090] $820.85

How was this amount calculated (please itemize)? 2 statements for work completed: $490.85 and $330.00, see attached copies.

Date Signed: 8-30-05

Signature: Maria G. Sanchez

If signed by representative:

Representative's Name

Address

Telephone #

Relationship to Claimant

Note: Case number assigned to incident is: Case #054856
**Espinosa's Handyman Service**
2545 W. White Chapel Ave.
Porterville, CA 93257
(559) 899-2281

**For Front Entry on Unit**

<table>
<thead>
<tr>
<th>CUSTOMER OR COMPANY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7-2-05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>HUGHES FOR RENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>625 North Main St.</td>
</tr>
<tr>
<td>CITY</td>
<td>PORTERVILLE</td>
</tr>
<tr>
<td>STATE</td>
<td>CA</td>
</tr>
<tr>
<td>ZIP</td>
<td>93257</td>
</tr>
<tr>
<td>SELLER</td>
<td>CASH</td>
</tr>
<tr>
<td>CHARGE</td>
<td>ON ACCOUNT</td>
</tr>
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</table>

<table>
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<th>DESCRIPTION</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>SERVICES 1434 N. COTTAGE # 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>PORTERVILLE, CA. 93257</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>REMOVE EXISTING DOOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>TRUMPS + TRIM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>REPLACE WITH NEW PREHANGING</td>
<td>181.25</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>DOOR 3'-0&quot; X 1'-0&quot;</td>
<td>15.32</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>ADD NEW TRIM</td>
<td>12.25</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>NEW DOOR KNOB + DEAD BOLT (ENTRY)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>CAULKING, TIME-CUPS, PB AND PB</td>
<td>22.16</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:**
TOTAL MATERIALS: 495.05

**RECEIVED BY:**

**PAID**

KEEP THIS SLIP FOR REFERENCE

ORIGINAL
<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SERVICES TO #1434 N.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>COTTAGE ST. PORTERVILLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>925 N. MAIN ST.</td>
<td>PORTERVILLE, CA 93257</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DRYWALL REPAIRS GARAGE/HALL</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>STUD REPAIRS IN GARAGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DOOR JAMBS REPAIRS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>REPLACE 2 DOOR KNOBS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HALLWAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TEXTURE REPAIRS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>PAINT TOUCH-UP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>$ 200</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>$ 300</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL MATERIAL+LABOR</td>
<td>$500</td>
<td></td>
</tr>
</tbody>
</table>

AUG 18 PAID

KEEP THIS SLIP FOR REFERENCE
ORIGINAL
Fax To: City of Porterville  
291 N. Main St.  
Porterville, CA 93257  

Attn: Georgia Hawley

From: Maria G. Sanchez - owner of property

RE: 1434 N. Cottage Pl., Unit C  
Porterville, CA 93257

Faxing: 2 Claim Forms  
2 Statements for work completed.

If you need anymore information, please call me as soon as possible. Thank You.

Maria G. Sanchez  
(760) 740-9150
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2005-06 FISCAL YEAR

SOURCE: Administrative Services

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

The budget adjustment proposed represents the establishment of the lap top computer program to allow greater communication access by the Council and City Manager.

RECOMMENDATION: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED EOY FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>1</td>
<td>Increase the appropriation in the City Council Budget to allow for the creation of the lap top computer program for the Council and City Manager.</td>
<td>Fund Balance</td>
<td>$9,000</td>
<td>$699,797</td>
</tr>
</tbody>
</table>

Modification No: 04-05/06
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PROJECT (Drilling Phase)

SOURCE:  Public Works Department - Engineering Division

COMMENT:  The Plans and Project Manual have been prepared for Well No. 29 Project (Drilling Phase). The well is located on the north side of Henderson Avenue between the Porter Slough and Westwood Street. This is the first phase of the well project and consists of drilling a 32" diameter bore hole about 700 feet deep, installation of steel casing and gravel envelop (gravel pack).

It should be noted that this well site was a necessary property purchase related to the Henderson Avenue Reconstruction Project. The lot has limited development potential due to the narrow shape, lending itself to a suitable municipal well site. The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

The City’s consultant, Dee Jaspar & Associates, has prepared an Estimate of Probable Cost and the amount is $353,177. Funding is provided by developer impact fees and was approved in the 05/06 Annual Budget. The Engineer’s Estimate is attached for review.

RECOMMENDATION:  That the City Council:

1.  Approve the Plans and Project Manual; and

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

3.  Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

ATTACHMENTS:  Locator Map
                Engineer’s Estimate

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Well No 29 wpd

Dir [Signature] Appropriated/Funded  CM [Signature] Acting  Item No. 9
### Engineer's Estimate for the Construction of Well No. 29

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Bid Quantity</th>
<th>Units</th>
<th>Bid Item</th>
<th>Unit Price</th>
<th>Extended Price</th>
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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mob, Demob, &amp; Cleanup</td>
<td>$25,000</td>
<td>$25,000</td>
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<tr>
<td>2</td>
<td>50</td>
<td>LF</td>
<td>Conductor Casing</td>
<td>$350</td>
<td>$17,500</td>
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<tr>
<td>3</td>
<td>650</td>
<td>LF</td>
<td>Pilot Hole Construction</td>
<td>$130</td>
<td>$84,500</td>
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<tr>
<td>4</td>
<td>6</td>
<td>EA</td>
<td>Formation Sampling</td>
<td>$5,000</td>
<td>$30,000</td>
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<tr>
<td>5a</td>
<td>280</td>
<td>LF</td>
<td>Ream Pilot 32&quot; Hole</td>
<td>$48</td>
<td>$13,440</td>
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<tr>
<td>5b</td>
<td>320</td>
<td>LF</td>
<td>Ream Pilot 28&quot; Hole</td>
<td>$45</td>
<td>$14,400</td>
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<tr>
<td>6a</td>
<td>440</td>
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<td>16 5/8&quot; x 5/16&quot; Copper Bearing Blank Casing</td>
<td>$75</td>
<td>$33,000</td>
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<tr>
<td>6b</td>
<td>155</td>
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<td>$13,950</td>
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<tr>
<td>7a</td>
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<td>LF</td>
<td>16 5/8&quot; x 5/16&quot; Copper Bearing Perforated Casing</td>
<td>$120</td>
<td>$14,400</td>
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<tr>
<td>7b</td>
<td>120</td>
<td>LF</td>
<td>20&quot; x 5/16&quot; Copper Bearing Perforated Casing</td>
<td>$160</td>
<td>$19,200</td>
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<td>8</td>
<td>20</td>
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<td>16&quot; Window Section</td>
<td>$400</td>
<td>$8,000</td>
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<td>9</td>
<td>5</td>
<td>LF</td>
<td>20&quot;x16&quot; Taper Section</td>
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<td>10</td>
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<td>LF</td>
<td>4&quot; Gravel Feed Tube</td>
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<td>$490</td>
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<td>11</td>
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<td>LF</td>
<td>2&quot; Sounding Tube</td>
<td>$6</td>
<td>$2,520</td>
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<tr>
<td>12</td>
<td>530</td>
<td>LF</td>
<td>Gravel Envelope (SRI)</td>
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<td>Swabbing &amp; Air Lifting</td>
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<tr>
<td>15</td>
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<td>HRS</td>
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<td>16</td>
<td>24</td>
<td>HRS</td>
<td>Production Testing</td>
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<td>$3,000</td>
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<tr>
<td>17</td>
<td>1</td>
<td>LS</td>
<td>Well Video</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

**Subtotal:** $321,070.0

**10% Contingency:**

**Total Estimate:** $353,177.0

---

**Prepared By:**
Curtis M. Skaggs, Project Engineer

**Reviewed By:**
Michael K. Reed, City Engineer

**Reviewed By:**
Baldermo S. Rodriguez, Public Works Director

**Reviewed By:**
John Longley, City Manager

Date: 9-12-05

Date: 9-14-05

Date: 9-14-05

Date: 9-14-05

9/12/2005
SUBJECT: AUTHORIZE PROFESSIONAL SERVICES MASTER AGREEMENT WITH WILLDAN FOR ENGINEERING & PROJECT MANAGEMENT

SOURCE: Parks & Leisure Services Department

COMMENT: Professional services are needed to finalize the plans and project manual, prepare an engineer’s estimate, and assist with the bidding process for the Rails to Trails Project. With the nature of the construction market it has become more important to have adequate control and precision in construction documents than was previously the norm. Staff has searched for available local firms, and found that their current availability is limited because of heavy workload at the present time. In addition, the Parks & Leisure Services Department has the need for occasional engineering services in order to advance other projects within critical time limitations.

Willdan is a broad based engineering firm with many offices around the state from which assistance can be drawn. Their Visalia office has supplied a scope of services and proposal to assist with the Rails to Trails Project. The services and fee have been negotiated by staff in order to arrive upon the specific tasks needing to be completed to finalize the construction documents, and put the Rails to Trails Project out to bid. Willdan has compiled, and will maintain a schedule to track the progress towards this goal.

Cost of the services is estimated at a not-to-exceed figure of $48,000. The funding for the project is from a CMAQ grant.

The Professional Services Master Agreement has been structured to provide for supplemental services as may be authorized by the Parks & Leisure Services Director from time to time. It is envisioned that these supplemental services would be for similar activities for which the City has the funding secured, but cannot advance the work because of a lack of available staff resources. In such cases, funding for the activities would be budgeted. Examples of the presently foreseen supplemental services include:

- Murry Park Swimming Pool Water Slide
- Landscape & Lighting District Engineering Reports
- OHV Park grant rescope map preparation and design
- Rails to Trails Inspection and/or Construction Management

RECOMMENDATION: Approve the Professional Services Master Agreement with Willdan, and authorize and direct its signing and implementation.

ATTACHMENT: Professional Services Master Agreement with Willdan

ITEM NO.: 10
PROFESSIONAL SERVICES MASTER AGREEMENT

DATE: October 4, 2005

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Willdan, hereinafter referred to as "CONSULTANT".

RECITALS:

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

Project Name: On-Call Engineering and Construction Management services, including the Rails to Trails Project

Description of Project: Rails to Trails Project is a CMAQ funded Class 1 bike and pedestrian trail along the course of the former Tulare Valley Railroad from the Porter Slough to Henderson Avenue, with Class 2 and Class 3 bikeway connections.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Work, in connection with the Rails to Trails Project.
SECTION 2. PAYMENT: In consideration for said services and materials related to the Rails to Trails Project design and preparations for bidding, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Forty Eight Thousand Dollars, ($48,000). For Supplemental Services as may be subsequently authorized by the Parks & Leisure Services Director, CITY shall pay CONSULTANT on a time and materials basis in accordance with the current fee schedule of CONSULTANT, not to exceed fifteen thousand dollars ($15,000) for any single project.

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT for the Rails to Trails Project will be commenced upon execution of this agreement and "Phase 2", of Exhibit "A" shall be completed by November 30, 2005. Other supplemental services as may be assigned, under mutual agreement from time to time, shall provide a designated completion date.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $200 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date specified for each project. Said deduction will not be made if
CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per claim and One Million Dollars ($1,000,000) annual aggregate, if deductible for Errors and Omissions insurance is Two Hundred Thousand Dollars ($200,000) or more, the City may require a Surety Bond for the deductible; and
(iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY’s election), and hold harmless CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be prepared in accordance with the standard of care applicable to CONSULTANT’s profession.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding all work will be performed by CONSULTANT. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.
SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY'S “Conflict of Interest Code”. Said code is in accordance with the Political Reform Act of 1974 requirements.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

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

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

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California.

CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

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

CITY OF PORTERVILLE

By ____________________________
Kelly West, Mayor

Date __________________________

CONSULTANT: WILLDAN

By ____________________________
Doug Wilson, Vice President

Date __________________________
Exhibit “A”, Scope of Work

Phase 1. Preliminary Plans Specifications and Estimates

Gather and review existing information and new survey data to develop engineered construction plans and estimates.

Task 1.1 Winton will provide control, cross sections, and intersection topography of the project area, from South of Olive Avenue to Henderson Avenue along the Henrahan/4th Street alignment.

The control work will consist of tying in existing monumentation necessary to determine the location of the rails to trails property. The monumentation and control would be tied into the City horizontal datum. The cross section and topography will include cross sections along the trail route at intervals not to exceed 100 feet and will include additional features that occur between the cross sections. We have included detailed topography at the locations the proposed trail crosses City Streets. The cross sections and intersection topography will be tied into the City horizontal and vertical datum. We have assumed the City of Porterville will provide legal descriptions or preliminary title reports for the rails to trails property.

Task 1.2 From the survey information developed, HMA will develop plan and profile base sheets for the project.

Task 1.3 While the surveys and plan and profile sheets are being completed, Willdan will complete a constructability review to identify any issues in addition to horizontal and vertical controls that require clarification for a constructible project.

Task 1.4 Utilizing the horizontal controls established and the horizontal alignment on the preliminary plan, Willdan will establish a controlled horizontal alignment. If any conflict with existing features not to be removed is identified, Willdan will resolve the conflicts. The horizontal controls will include the locations of intersections with the existing streets.

Task 1.5 Utilizing the vertical controls and horizontal alignment and the vertical alignment on the preliminary plan, Willdan will establish a controlled vertical alignment.

Task 1.6 Final horizontal alignment and earthwork will be determined. The vertical alignment will be reviewed for any conflicts with ADA requirements.

Task 1.7 Earthwork will be estimated utilizing preliminary vertical alignment and developed cross sections.

Task 1.8 Prepare preliminary estimates of probable costs.

Task 1.9 Prepare 90% completion plan for review with the City.

Deliverables: Phase 1 will produce 90% completion plan for review with the City.
Phase 2. Final Plans Specifications and Estimates

Task 2.1 Prepare Final Plans incorporating any changes recommended by the city.

Task 2.2 Finalize estimates of probable costs of construction.

Task 2.3 Revise Specifications to include changes required by the updated design.

Task 2.4 Send Final Plans to utilities identified by the City.

Deliverables: Phase 2 will produce Final Plans, Specifications, and Estimates

Phase 3. Public Bid Process and Construction Support

Willdan believes continued involvement of the design team during the construction process is a necessary measure to ensure design intent is followed; conflict resolution is expedited, and unexpected difficulties can be quickly identified, addressed, and resolved. This effort is not intended to provide construction observation and management as that effort is beyond the scope of this proposal.

Task 3.1 Assist the City in securing Caltrans approval to advertise.

Task 3.2 Assist City staff in finalizing the bid documents and in issuing the bid notice. Participate in the prebid meeting if such a meeting is held. Assist in the preparation of addendums as required.

Task 3.3 Provide a point of contact for the City (and Contractors as desired) to request clarifications and corrections. Responses to requests for clarification are assumed to be formulated into official addendums.

Task 3.4 Provide continuing design support during construction by participating in problem resolutions and providing technical response to ambiguous or change conditions.

Task 3.5 Construction Management is not a portion of this project but Willdan is available and is willing to negotiate construction management services if desired by the City.

Deliverables: Addendums (if any)

Items not included

This project does not include the following:

* **Environmental Clearances.** We assume environmental clearances have already been secured.

* **Utility Coordination.** Utility coordination has previously been completed

* **Verification of the bridge design.** Harbour has designed the structure and will be responsible for the design. This project will verify the details are adequate to build the new deck.
SUBJECT: AWARD OF CONTRACT – SKATEBOARD PARK PARKING LOT

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 8, 2005, staff received four (4) bids for the Skateboard Park Parking Lot Project. The project consists of the construction of 24 parking stalls, which is the “base” project, and an “add alternate” for 7 more parking stalls. The parking lot will provide parking for patrons of the proposed skateboard park located in Veterans Park.

The estimated probable cost is $115,309 with the “add alternate”. Funding is from the skateboard park grant, additional park impact revenues available from last years budget, and the Noon Rotary Club pledge towards the skate park.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sierra Range Construction Co. Visalia, CA</td>
<td>$100,671.62</td>
</tr>
<tr>
<td>2. Black Stone Asphalt Construction Inc. Bakersfield, CA</td>
<td>$118,831.00</td>
</tr>
<tr>
<td>3. PCS Construction Pleasant Hill, CA</td>
<td>$128,950.00</td>
</tr>
<tr>
<td>4. Central Valley Asphalt Lindsay, CA</td>
<td>$159,305.00</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Skateboard Park Parking Lot Project to Sierra Range Construction Co. in the amount of $100,671.62;

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

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

ATTACHMENT: Locator Map
City of Porterville's Proposed Skateboard Park Parking Lot
SUBJECT: ACCEPTANCE OF THE PORTERVILLE HERITAGE CENTER

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Zumwalt Construction, Inc. has completed construction of the Porterville Heritage Center per plans and specifications. The project consisted of the construction of a 10,037 square foot community center, parking lots, and associated landscaping.

City Council authorized expenditure of $2,971,000. Final construction cost is $2,769,155.43.

Zumwalt Construction, Inc., requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, less any funds due to the City for liquidated damages and provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: FIRST AMENDMENT TO AGREEMENT REGARDING CITY/COUNTY MAINTENANCE OF PORTIONS OF CASTLE AVENUE AND PROSPECT STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 17, 2005, City Council resolved a jurisdictional issue between the City and County by executing an agreement whereas the City assumes maintenance responsibilities for small portions of Castle Avenue and Prospect Street currently outside the City limits. The agreement stemmed from the construction of the new PUSD middle school at the northwest corner of Prospect Street and Castle Avenue. Initially, the district designed the public improvements to meet City Standards, thinking that the school site would be annexed as part of the island annexations prior to construction starting.

Recently, it was discovered that staff inadvertently left a portion of Beverly Street out of the agreement. About 480 feet of the school site, north of Castle Avenue, fronts Beverly Street. The north half of Castle Avenue between Beverly Street and Lowery Street was also left out of the agreement. It is also understood that these street segments will soon be annexed with the first cycle of island annexations. Staff is anticipating a December 2005 completion of the first island annexation wave.

Attached is a map that illustrates the street segments fronting the new PUSD middle school and those portions currently in the County. The County is requesting an amendment to Agreement No. 22322 to include the herein described portion of Beverly Street and Castle Avenue as part of the City's maintained roadway system. The amendment, titled "First Amendment to Agreement Regarding Portions of Prospect Street and Castle Avenue" is attached for Council's review.

RECOMMENDATION: That City Council:

1) Approve the First Amendment to Agreement No. 22322 as written; and

2) Authorize the Mayor to sign the agreement with the County.

ATTACHMENT: Agreement Amendment w/ Locator Map

P:\pubwork\Engineering\Council Items\First Amendment to Castle & Prospect Agreement.wpd

Dir Appropriated/Funded CM

Item No. 13
FIRST AMENDMENT TO AGREEMENT REGARDING PORTIONS OF PROSPECT STREET AND CASTLE AVENUE
CITY OF PORTERVILLE

THIS FIRST AMENDMENT TO AGREEMENT is entered into as of
between the COUNTY OF TULARE, referred to as COUNTY
and the CITY OF PORTERVILLE, referred to as CITY, with reference to amending
Tulare County Agreement No. 22322.

WHEREAS, the parties provided in Agreement No. 22322 for mutually
acceptable changes in terms by a supplemental agreement; and

WHEREAS, the parties have determined that the limits for the applicability of
Agreement No. 22322 need to be changed and expanded.

ACCORDINGLY, IT IS AGREED:

1. All references to the affected roadway right of ways in Agreement No. 22322
shall be amended to be:

Right of way for Prospect Street (Road 236) between Castle Avenue (Avenue
168) and the County/City limit line south of North Grand Avenue (Avenue
170) hereafter known as Prospect Street; right of way for Castle Avenue
(Avenue 168) between Beverly Street (Road 234) and Prospect Street (Road
236) hereafter known as Castle Avenue; and Beverly Street (Road 234)
between Castle Avenue (Avenue 168) and a point approximately 480 feet
north of the centerline of Castle Avenue (Avenue 168) hereafter known as
Beverly Street (see attachment “A”).

2. Except as modified by this First Amendment, all terms and conditions of
Agreement No. 22322 shall remain in full force and effect.

3. This agreement shall become effective as of the date first above written. THE
PARTIES, having read and considered the above provision, indicate their
agreement by their authorizing signatures below.

/ / 
/ / 
/ / 
/ / 
/ / 
/ /
COUNTY OF TULARE

BY ____________________________
Chairman, Board of Supervisors

ATTEST: C. Brian Haddix,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By ____________________________
Deputy Clerk

Approved as to Form County Counsel

By ____________________________

CITY OF PORTERVILLE

BY ____________________________
Kelly West, Mayor

ATTEST: Georgia Hawley
Chief Deputy City Clerk

BY ____________________________

Approved as to Form

BY ____________________________
City Attorney
CITY COUNCIL AGENDA: SEPTEMBER 20, 2005

SUBJECT: APPOINTMENT OF TWO (2) ADDITIONAL MEMBERS TO THE GENERAL PLAN ADVISORY COMMITTEE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On November 16, 2004, the City Council authorized the distribution of a Request For Proposal (RFP) for consulting services to update the City’s General Plan. In addition, the Council approved the establishment of a General Plan Update Advisory Committee (GPUAC) to provide public input throughout the update process. Staff identified a number of organizations that are stakeholders in the community and represent a broad cross-section of the community. The GPUAC was envisioned to be advisory to the process and the City Council, and would be represented by individuals appointed by the organizations, not suggested or recommended by staff or the Council.

At the April 19, 2005 City Council meeting, Council approved the GPUAC.

At the Committee’s initial meeting on August 8, 2005, it was noted there were no representatives from the Agricultural industry. The Tulare County Farm Bureau was contacted and they recommended two members who are District Directors for the Porterville area: Mr. Eric Borba and Mr. Paul Paulin.

RECOMMENDATION: That the City Council appoint the additional two individuals to the General Plan Update Advisory Committee as proposed.
SUBJECT: SET PUBLIC HEARING FOR SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGERS

SOURCE: Public Works Department - Field Services Division

COMMENT: Chapter 25 of the City of Porterville Municipal Code deals with water, sewer, and sewage disposal. Article IV of Chapter 25 is the section involving the requirements and surcharges for sewage discharges. In accordance with Section 25-60 and 25-62, sewage discharges above the normal concentrations of 175 mg/L for Total Suspended Solids (TSS) and 250 mg/L for Biochemical Oxygen Demand (BOD) are considered industrial discharges. These discharges are subject to a surcharge in addition to other sewer service fees.

As part of the sewer user fee review by the City's consultant in 2003, it was determined that the Sewer User Surcharge Rate for Industrial Dischargers should be increased in line with other sewer user fees. On February 3, 2004, the council approved the Sewer User Surcharge Rate increase for the 2003/2004 and 2004/2005 fiscal years (10% and 6% respectively) with the third year to be considered later.

At the City Council meeting of June 7, 2005, the Council approved the third year 6% rate increase for sewer and the 7% treatment plant fee increase recommended in the consultants report. The Sewer User Surcharge Fees For Industrial Dischargers were omitted from the resolution and need to be increased to remain consistent with other sewer user fees.

RECOMMENDATION: That the City Council set a public hearing for November 1, 2005, to consider comments on the attached resolution setting new sewer user surcharge rates for industrial dischargers.

ATTACHMENT: Resolution

P:\pubworks\Engineering\Council Items\Set Public Hearing for Sewer User Surcharge Fees for Industrial Dischargers.wpd

Item No. 15
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
SETTING SEWER USER SURCHARGE FEES
FOR INDUSTRIAL DISCHARGERS

WHEREAS, in accordance with provisions of Chapter 25, Section 25-60(a) and Section 25-62(a) of the Code of the City of Porterville, Total Suspended Solids (TSS) exceeding 175 mg/L and Biochemical Oxygen Demand (BOD) exceeding 250 mg/L are subject to a surcharge, and

WHEREAS, the City wishes to provide an incentive for industries to pretreat their discharges, and

WHEREAS, the City of Porterville needs to recover reasonable costs, as determined by the City's consultant for the treatment and disposal of high strength industrial wastes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville adopt the following surcharge rates effective December 1, 2005:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Average Monthly Load Levels</th>
<th>Rate per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD</td>
<td>250 to 1200 mg/L</td>
<td>$0.33</td>
</tr>
<tr>
<td>BOD</td>
<td>above 1200 mg/L</td>
<td>$1.65</td>
</tr>
<tr>
<td>TSS</td>
<td>175 to 500 mg/L</td>
<td>$0.46</td>
</tr>
<tr>
<td>TSS</td>
<td>above 500 mg/L</td>
<td>$2.30</td>
</tr>
</tbody>
</table>

PASSED AND ADOPTED, this ____ day of ________________.

__________________________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

____________________________
By Georgia Hawley, Chief Deputy City Clerk
SUBJECT: REAUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF TULARE TO PURCHASE TAX-DEFAULTED PROPERTIES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the March 1, 2005 City Council meeting, Council authorized the execution of an agreement with the County of Tulare to purchase certain tax-defaulted properties. On June 24, 2005, Staff received notification from the Tulare County Tax Collector stating that the State Controller’s Office was withholding approval of the purchase of parcel 261-052-019-000 due to the absence of two elements vital to the authorization review. Those elements are (1) a detail of the intended use of the parcel; and (2) the agency’s mission statement. The State Controller’s Office correspondence indicated that the City had the opportunity to resubmit a new application with the additional information.

A new application has been prepared for the purchase of parcel 261-052-019-000, with the intended use as future street improvements, which may include a highway interchange. Funds are available in the impact fee accounts for the proposed street improvement parcel.

To move forward with the purchase of the parcel for future street improvements, a new Resolution restating the objection to the sale of said tax-defaulted property and the execution of an agreement with the County of Tulare to purchase said tax-defaulted property must be adopted by City Council.

RECOMMENDATION: That the City Council:

1) Adopt a Resolution restating the objection to the sale of a tax-defaulted property and reauthorizing the execution of an agreement to purchase a tax-defaulted property identified as Parcel 261-052-019-000; and

2) Authorize the Mayor to sign all necessary documents to complete the transaction.

ATTACHMENTS: 1) Draft Resolution
2) Resolution 3-2005
3) Application to Purchase Tax-Defaulted Property from County
4) Agreement with the County of Tulare

Item No. 16
RESOLUTION NO. ______-2005


WHEREAS, the City of Porterville (the “City”), is a charter city organized and existing pursuant to the Constitution of the State of California; and

WHEREAS, in accordance with the California Revenue and Taxation Code, the City Council of the City of Porterville wishes to enter into a purchase agreement to purchase the tax-defaulted property for the specified price as identified in Exhibit “A” of this Resolution, for the public purpose of future street improvements, which may include a highway interchange.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City of Porterville restates its objection to the Tax Collector’s Public Auction Sale of the tax-defaulted property identified in Exhibit “A”, as is required by the appropriate provisions of the California Revenue and Taxation Code, and as was resolved in Resolution No. 3-2005 of the City Council of the City of Porterville.

2. The City of Porterville reauthorizes the City to submit an Application to the County of Tulare to purchase the specified tax-defaulted property from the County, authorizes the Mayor to sign the Agreement with the County to purchase the specified tax-defaulted property, and authorizes the Mayor to execute all other documents to complete the transaction(s).

________________________________________
Kelly West, Mayor

ATTEST:

______________________________
John Longley, City Clerk
City of Porterville

ATTACHMENT
ITEM NO. 1
EXHIBIT A

TAX-DEFAULT PROPERTY OF INTEREST TO THE CITY OF PORTERVILLE

<table>
<thead>
<tr>
<th>Description</th>
<th>First Year Delinquent</th>
<th>Default Number</th>
<th>Purchase Price**</th>
</tr>
</thead>
<tbody>
<tr>
<td>261-052-019-000</td>
<td>June 30, 1999</td>
<td>993624</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

That portion of Lot 14 of Price Garden Acres, in the County of Tulare, State of California, as per map recorded in Book 17, Page 20 of Maps, Tulare County Records, and that portion of Poplar Avenue, described as follows:

Beginning at the intersection of the Southerly prolongation of the West line of said lot with the South line of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof, said intersection bears along said South line, South 89°55'04" East, 717.41 feet from the Southwest corner of said Section, said Southwest corner being at coordinates Y-261 388.19 feet and X-1 995 154.21 feet; thence (1) along said Southerly prolongation and said West line, North 2°22'26" West, 152.37 feet to the north line of the South half of said Lot; thence (2) along said North line South 89°02'31" East, 75.71 feet to the East line of the West half of said Lot; thence (3) along said East line, South 1°55'11" East, 126.15 feet to the South line of said lot; thence (4) at right angles from last said South line, South 0°04'56" West 26.16 feet; thence (5) along a line parallel with and 93 feet Northerly measured at right angles from the centerline of the Department of Public Works Survey from 0.6 miles West of Route of 129 (now Route 65) to hospital Road, Road VI-TUL 127-B (now 06-TUL-190), South 89°22'30" West 73.60 feet to said Southerly prolongation of said West line; thence (6) along said Southerly prolongation, North 2°22'26" West, 2.07 feet to the point of beginning. Excepting any interest in and to that portion of Poplar Avenue lying Westerly of the above describe course (1) which would be appurtenant to said Lot 14.

**Purchase price reflects the base minimum bid. The actual price for the property will include the administrative cost of the sale.
RESOLUTION NO. 3-2005


WHEREAS, the City of Porterville (the "City") is a charter city organized and existing pursuant to the Constitution of the State of California; and

WHEREAS, in accordance with the California Revenue and Taxation Code, the City Council of the City of Porterville wishes to enter into a purchase agreement(s) to purchase the tax-defaulted properties as identified for the specified prices, and to be used for the public purposes described, in the list of properties attached to this Resolution as Exhibit "A."

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City of Porterville hereby objects to the Tax Collector’s Public Auction Sale of the tax-defaulted properties identified in Exhibit "A," as is required by the appropriate provisions of the California Revenue and Taxation Code.

2. The City of Porterville hereby authorizes the City to submit an Application to the County of Tulare to purchase the specified tax-defaulted properties from the County, authorizes the Mayor to sign an agreement with the County to purchase the above-described properties, and authorizes the Mayor to execute all other documents necessary to effectuate the transaction(s).

Pedro Martinez, Mayor, City of Porterville

ATTEST:

John Longley, City Clerk, City of Porterville

ATTACHMENT
ITEM NO. 2
### Exhibit A
**Tax-default Properties of Interest to City of Porterville**

<table>
<thead>
<tr>
<th>#</th>
<th>APN</th>
<th>Property Address</th>
<th>Title to be Acquired</th>
<th>Price **</th>
<th>Public Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>097</td>
<td>243-150-067-000</td>
<td>no situs address</td>
<td>Fee</td>
<td>$ 17,600</td>
<td>Storm drain</td>
</tr>
<tr>
<td>103</td>
<td>251-102-009</td>
<td>549 Douglas Street</td>
<td>Fee</td>
<td>$ 7,900</td>
<td>Water well</td>
</tr>
<tr>
<td>106</td>
<td>260-114-016</td>
<td>148 S. Chess Terrace</td>
<td>Fee</td>
<td>$ 2,600</td>
<td>Water well</td>
</tr>
<tr>
<td>110</td>
<td>261-052-019-000</td>
<td>no situs address</td>
<td>Fee</td>
<td>$ 1,500</td>
<td>Street improvement</td>
</tr>
<tr>
<td>112</td>
<td>261-280-002</td>
<td>662 S. Plano</td>
<td>Fee</td>
<td>$ 11,000</td>
<td>Water well, street improvement &amp; recreational trail</td>
</tr>
<tr>
<td>115</td>
<td>262-210-007-000</td>
<td>no situs address</td>
<td>Fee</td>
<td>$ 4,500</td>
<td>Recreation trail</td>
</tr>
<tr>
<td>117</td>
<td>263-200-008-000</td>
<td>no situs address</td>
<td>Fee</td>
<td>$ 3,600</td>
<td>Valley Elderberry Longhorn Beetle (V.E.L.B.) Mitigation</td>
</tr>
<tr>
<td>118</td>
<td>263-210-001</td>
<td>1853 E. Springville Dr.</td>
<td>Fee</td>
<td>$ 4,000</td>
<td>V.E.L.B. Mitigation</td>
</tr>
<tr>
<td>119</td>
<td>263-210-002</td>
<td>no situs address</td>
<td>Fee</td>
<td>$ 2,100</td>
<td>V.E.L.B. Mitigation</td>
</tr>
<tr>
<td>120</td>
<td>268-051-017</td>
<td>1170 W. Brown Ave.</td>
<td>Fee</td>
<td>$ 1,900</td>
<td>Water well</td>
</tr>
</tbody>
</table>

**This reflects the base price. The actual price for each property will additionally include the administrative costs of the sale.**
Application to Purchase Tax-Defaulted Property from County

This application is to be completed by eligible purchasing entities to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Please complete the following sections and supply supporting documentation accordingly. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: CITY OF PORTERVILLE

2. Corporate Structure – check the appropriate box below and provide the corresponding information:
   - [ ] Nonprofit – provide Articles of Incorporation
   - [ ] Public Agency – provide mission statement (if redevelopment agency, also provide agency survey map)

B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity’s corporate structure and the intended use of the parcel:

Category A: Parcel is currently scheduled for a Chapter 7 tax sale
- [ ] No Purchase – State / county / taxing agency registering objection to preserve lien only
- [ ] Purchase by State / county / tax agency / revenue district / redevelopment agency / special district to preserve its lien
- [ ] Purchase by State / county / tax agency / revenue district / redevelopment agency / special district for public purpose
- [ ] Purchase by nonprofit for low-income housing or to preserve open space

Category B: Parcel is not currently scheduled for a Chapter 7 tax sale
- [ ] Purchase by State / county / taxing agency / revenue district / redevelopment agency / special district for public purpose
- [ ] Purchase by nonprofit to use parcel(s) for low-income housing or to preserve open space

C. Property Detail

Provide the following information. If more space is needed for any of the criteria, consolidate the information into a separate "Exhibit" document and attach accordingly:

1. County where the parcel(s) is located: TULARE

2. List each parcel by Assessor’s Parcel Number: 261-052-019-000

3. State the purpose and intended use for each parcel: Future street improvements, which may include a highway interchange

D. Acknowledgement Detail

Provide the signature of the purchasing entity’s authorized officer

Authorized Signature ____________________________ Mayor ____________________________
Title ____________________________ Date ____________________________

AGF-16 (SCO 8-16)
AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND THE COUNTY OF TULARE
FOR THE PURCHASE OF TAX-DEFAULTED PROPERTY

This Agreement is made this _______ day of __________, 2005, by and between
the Board of Supervisors of Tulare County, State of California ("SELLER"), and the City of
Porterville, a Chartered City, as a Taxing Agency ("PURCHASER"), pursuant to Division 1,
Part 6, Chapter 8, of the California Revenue and Taxation Code.

The real property situated within said County, hereinafter set forth and described in this
agreement is tax-defaulted and is subject to the power of sale by the tax collector of said county
for the nonpayment of taxes, pursuant to provisions of law.

It is mutually agreed as follows:

1. That as provided by Section 3800 of the California Revenue and Taxation Code, the
   cost of giving notice of this agreement shall be paid by PURCHASER, and

2. That the PURCHASER agrees to pay One Thousand Five Hundred Dollars
   ($1,500.00) for the real property described in Exhibit "A" within 14 days after the
date this agreement becomes effective. Upon payment of said sum to the tax
collector, the tax collector shall execute and deliver a deed(s) conveying title to said
property to PURCHASER.

3. That PURCHASER’s intended use of said property is for future street improvements,
   which may include a highway interchange.

If all or any portion of the parcel listed in Exhibit "A" is redeemed prior to the effective
date of this Agreement, this Agreement shall be null and void as to that individual parcel. This
agreement shall also become null and void and the right of redemption restored upon the
PURCHASER’s failure to comply with the terms and conditions of this agreement.
The undersigned hereby agree to the terms and conditions of this agreement and are duly authorized to sign for said agencies.

ATTEST:  

CITY OF PORTERVILLE (PURCHASER)

____________________________  

John Longley, City Clerk  Kelly West, Mayor  

(seal)

ATTEST:  

TULARE COUNTY BOARD OF SUPERVISORS (SELLER)

____________________________  

Clerk  Connie Conway, Chair

Pursuant to the provisions of Section 3775 of the Revenue and Taxation Code, the governing body of the City of Porterville hereby agrees to the sale price as provided in this agreement.

ATTEST:  

CITY OF PORTERVILLE

____________________________  

John Longley, City Clerk  Kelly West, Mayor  

(seal)

Pursuant to the provisions of Section 3775 of the Revenue and Taxation Code, the Controller agrees to the selling price hereinbefore set forth and pursuant to the provisions of Section 3795 approves the foregoing agreement this ___________ day of ____________, 2005.

STEVE WESTLY, CALIFORNIA STATE CONTROLLER

By ________________________________
Agreement between City of Porterville and County of Tulare
For the Purchase of Tax-Defaulted Property

Exhibit “A” (revised 9/20/05)

<table>
<thead>
<tr>
<th>Description</th>
<th>First Year Delinquent</th>
<th>Default Number</th>
<th>Purchase Price**</th>
</tr>
</thead>
<tbody>
<tr>
<td>261-052-019-000</td>
<td>June 30, 1999</td>
<td>993624</td>
<td>$1,500</td>
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</table>

That portion of Lot 14 of Price Garden Acres, in the County of Tulare, State of California, as per map recorded in Book 17, Page 20 of Maps, Tulare County Records, and that portion of Poplar Avenue, described as follows:

Beginning at the intersection of the Southerly prolongation of the West line of said lot with the South line of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof, said intersection bears along said South line, South 89°55’04” East, 717.41 feet from the Southwest corner of said Section, said Southwest corner being at coordinates Y-261 388.19 feet and X-1 995 154.21 feet; thence (1) along said Southerly prolongation and said West line, North 2°22’26” West, 152.37 feet to the north line of the South half of said Lot; thence (2) along said North line South 89°02’31” East, 75.71 feet to the East line of the West half of said Lot; thence (3) along said East line, South 1°55’11” East, 126.15 feet to the South line of said lot; thence (4) at right angles from last said South line, South 0°04’56” West 26.16 feet; thence (5) along a line parallel with and 93 feet Northerly measured at right angles from the centerline of the Department of Public Works Survey from 0.6 miles West of Route of 129 (now Route 65) to hospital Road, Road VI-TUL 127-B (now 06-TUL-190), South 89°22’30” West 73.60 feet to said Southerly prolongation of said West line; thence (6) along said Southerly prolongation, North 2°22’26” West, 2.07 feet to the point of beginning. Excepting any interest in and to that portion of Poplar Avenue lying Westerly of the above describe course (1) which would be appurtenant to said Lot 14.

**Purchase price reflects the base minimum bid; final price will include administrative costs of sale.
CITY OF PORTERVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

MISSION STATEMENT

OUR MISSION IS TO SERVE AND RESPOND TO THE NEEDS OF THE PORTERVILLE COMMUNITY FOR A BETTER QUALITY OF LIFE THROUGH VISIONARY PLANNING, DESIGN, AND DEVELOPMENT — NOW AND INTO THE FUTURE.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - BURTON MIDDLE SCHOOL - PORTERVILLE AREA MIDDLE SCHOOL BAND REVIEW

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: Burton Middle School is requesting approval to hold Porterville Area Middle School Band Review, on Tuesday, October 4, 2005, from 4:00 p.m. to 6:00 p.m. This event is a marching band review with Bartlett Middle School, Pioneer Middle School, Rockford School and Burton Middle School as participants. North Elderwood Street from Monache Lane to Westfield is the event location.

The following street closure/usage is requested:

STREET:
North Elderwood Street from Monache Lane to Westfield Avenue.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit “A.” The application, agreement, exhibit “A,” request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Burton Middle School, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

ATTACHMENT: Community Civic Event application and agreement, request for street, sidewalk and parking lot closure/usage, vendor list, exhibit A, map, outside amplifier permit.

D.D. Appropriated/Funded C.M. Acting Item No. 17
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date:  9-7-05                  Event date:  10-4-05

Name of Event:  Porterville Area Middle School Band Review

Sponsoring organization:  Burton Middle School  PHONE # 559-781-2671
Address:  1155 N. Elderwood St., Porterville, CA 93257

Authorized representative:  Dave Hutchings, Principal  PHONE # 559-333-5692
Address:  1155 N. Elderwood St., Porterville, CA 93257

Event chairperson:  Donna Striegleder  PHONE # 559-781-2671

Location of event (location map must be attached):  N Elderwood St, from Monache Lane to Westfield (no intersections closed)

Type of event/method of operation:  Middle school marching band review

Nonprofit status determination:  Public schools

City services requested (any fees associated with these services will be billed separately):
Barricades (quantity):  90' (street width x2)  Street sweeping  Yes      No  ✓
Police protection  Yes      No  ✓  Refuse pickup  Yes      No  ✓
Other:  

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

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

    Bus Lic Spvr
    Pub Works Dir
    Comm Dev Dir
    Field Svcs Mgr
    Fire Chief
    Parks Dir
    Police Chief
    Risk Manager
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Burtun Middle School
(Name of organization)

9-8-05
(Date)
CITY OF PORTERVILLE

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

Name of event: Porterville Area Middle School Band Review

Sponsoring organization: Burton Middle School

Event date: 10-4-05 Hours: 4 PM - 6 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Elderwood</td>
<td></td>
<td>Monache Lane</td>
<td>Westfield</td>
<td>Marching band review</td>
</tr>
</tbody>
</table>

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<tr>
<th>Sidewalks</th>
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<th>From</th>
<th>To</th>
<th>Activity</th>
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</table>

Parking lots and spaces | Location | Activity |
|------------------------|----------|----------|
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Area Middle School Band Review

Sponsoring organization: Burton Middle School

Location: 1155 N. Elderwood St., Porterville, CA Event date: 10-4-05

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burton Middle School</td>
<td>1155 N. Elderwood</td>
<td>781-2671</td>
<td>marching band</td>
</tr>
<tr>
<td>Bartlett Middle School</td>
<td>355 N. &quot;G&quot; St.</td>
<td>782-7100</td>
<td>&quot;</td>
</tr>
<tr>
<td>Pioneer Middle School</td>
<td>255 E. College</td>
<td>782-7200</td>
<td>&quot;</td>
</tr>
<tr>
<td>Rockford School</td>
<td>14983 Road 208</td>
<td>784-5406</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

3 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BURTON MIDDLE SCHOOL

PORTERVILLE AREA MIDDLE SCHOOL BAND REVIEW

OCTOBER 4, 2005

Business License Supervisor:  
S. Perkins  
No requirements.

Public Works Director:  
B. Rodriguez  
Provide traffic control, dispose of trash after event.

Community Development Director:  
B. Dunlap  
No comments.

Field Services Manager:  
B. Styles  
No comments.

Fire Chief:  
F. Guyton  
Maintain emergency access.

Parks and Leisure Services Director:  
J. Perrine  
No comments.

Police Chief:  
S. Rodriguez  
Street closure requires council approval; use adequate barricades/warnings for motorists/pedestrians.

Risk Manager:  
D. Pyle  
See attached.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Burton Middle School
Event: Porterville Area Middle School Band Review
Event Chairman: Donna Steigleder
Location: N. Elderwood Street from Monache Lane to Westfield.
Date of Event: October 4, 2005
Time of Event: 4:00 p.m. to 6:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE

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

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

1. Name and home address of the applicant:

   Burton Middle School                      Phone # 589-781-2671
   1155 N. Elderwood St., Porterville, CA 93257

2. Address where amplification equipment is to be used:

   1155 N. Elderwood St.                      Phone # 589-781-2671

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

   Dave Huchingon/Drane Steigleder

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

   Porterville Area Middle School Band Review

5. Dates and hours of operation of amplification equipment:

   10 - 4:05, 4 - 6 pm

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

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

DAVE HUGHINGSON
Applicant

Chief of Police

9/8/05
Date

9-14-05
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc:

3/27/01
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
BARN THEATER - ANTIQUE AND COLLECTIBLES SALE
SEPTEMBER 24, 2005

SOURCE: Administrative Services - Finance Division

COMMENT: The Barn Theater is requesting approval to hold a sales event on the parking lot at the Barn Theater on Saturday, September 24, 2005, from 8:00 a.m. to 4:00 p.m. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement an Exhibit "A" of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Request for street, sidewalk and parking lot closure/usage, Exhibit "A".

D.D. Appropriated/Funded C.M. Item No. 18
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: August 22, 2005 Event date: September 24, 2005

Name of Event: Shabby Chic and Collectibles Sale

Sponsoring organization: Barn Theater
Address: P.O. Box 108, Porterville 93258

Authorized representative: Terry Manning
Address: P.O. Box 876, Springville 93265

Event chairperson: Joan Givan

Location of event (location map must be attached):
Barn Theater parking lot

Type of event/method of operation: Sale of used items

Nonprofit status determination: 501(c)(3)

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

Barricades (quantity): Yes ___ No ___
Police protection: Yes ___ No ___
Other: Refuse pickup: Yes ___ No ___

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

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

Approve Deny

Bus Lic Spvr

Pub Works Dir

Comm Dev Dir

Field Svcs Mgr

Fire Chief

Parks Dir

Police Chief

Risk Manager
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Barn Theater

(Name of organization)

Y.R. Manning

(Signature)

8-22-05

(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Shabby Chic and Collectibles Sale**

Sponsoring organization: **Barn Theater**

Location: **Barn Theater Parking Lot**  Event date: **9-24-05**

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

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<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tr>
<td>Barn Theater</td>
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<td>collectibles sale</td>
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CITY OF PORTERVILLE

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

Name of event: Shabby Chic and Collectibles Sale

Sponsoring organization: Barn Theater

Event date: 9-24-05

Hours: 8 AM - 4 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<th>Street Name</th>
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<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barn Theater parking lot</td>
<td>collectibles sale</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BARN THEATER

SHABBY CHIC AND COLLECTIBLES SALE

SEPTEMBER 24, 2005

Business License Supervisor:  
S. Perkins

No requirements.

Public Works Director:  
B. Rodriguez

No comments.

Community Development Director:  
B. Dunlap

Only as a fund raiser for Barn Theater.  
(non-commercial). City Council approval for 
use of site.

Field Services Manager:  
B. Styles

No comments.

Fire Chief:  
F. Guyton

No comments.

Parks and Leisure Services Director:  
J. Perrine

Clean up following the event.

Police Chief:  
S. Rodriguez

Ensure safe ingress/egress of vehicles, 
while protecting persons visiting the sale.

Risk Manager:  
D. Pyle

See attached.

EXHIBIT "A," Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Barn Theater
Event: Shabby Chic and Collectibles sale
Event Chairman: Terry Manning
Location: Barn Theater parking lot
Date of Event: September 24, 2005
Time of Event: 8:00 am to 4:00 pm

RISK MANAGEMENT: Conditions of Approval

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

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an "admitted" insurer in the State of California.
COUNCIL AGENDA: SEPTEMBER 20, 2005

SUBJECT: OPEN APPLICATION PROCESS FOR PARKS & LEISURE SERVICES COMMISSION AS WELL AS LIBRARY BOARD OF TRUSTEES

SOURCE: Parks & Leisure Services Department

COMMENT: An application process is normally conducted for consideration by the City Council of reappointment or new appointments. Terms of appointment to the Parks & Leisure Services Commission are four years. Members are allowed to request reappointment to a second four-year term at the conclusion of their initial term. Several current members have been appointed to serve the remainder of terms, which have become vacant, and are then eligible to request appointment to their first four-year term. Vice-chair Jeff Keefe has also recently submitted his resignation for a seat that has a term through October 2007.

The following seats are vacant or have terms of appointment expiring in October 2005, but are eligible for reappointment:
- Jeff Keefe - term expires October 2007
- Greg Shelton
- Maria Roman
- Tom O'Sullivan
- Joe Ruiz

Terms of appointment to the Library Board of Trustees are three years. Members are allowed to request reappointment to a second three-year term at the conclusion of their initial term. Several current members have been appointed to serve the remainder of terms, which have become vacant. Staff has received notification that Michelle Pengilly has changed her residency to a location outside of the City, thereby vacating a seat, which has a term expiring in October 2006. One seat, occupied by Joe Moreno has a term expiring in October 2005. Mr. Moreno is eligible to be reappointed.

RECOMMENDATION: That the City Council accept the resignation of Jeff Keefe, and open the application process for:
- One seat on the Parks & Leisure Services Commission expiring October 2007
- Four seats on the Parks & Leisure Services Commission expiring October 2009
- One seat on the Library Board of Trustees expiring October 2006
- One seat on the Library Board of Trustees expiring October 2008

ATTACHMENTS: Request for Appointment Form
Commission and Board Attendance Summaries

ITEM NO.: 19
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: ___________________________________________ (Please Print)

Appointment to: ___________________________________________ (Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: ___________________________________________

Mailing Address: ___________________________________________

Name of Business: _________________________________________

☐ Own ☐ Operate

Business Address: _________________________________________

Telephone: Home ___________________________________________

Work _______________________________________________________

FAX _____________________________________________________

E-mail ____________________________________________________

City of Porterville resident: ☐ Yes ☐ No

Registered Voter: ☐ Yes ☐ No

Page 1 of 2
Qualifications: ____________________________________________

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

☐ Resume attached
☐ Letter of request attached

Submitted By: _______________________________ Date
________________________________________________________________________

Received by: _______________________________________________________

Forwarded to: City Clerk ☐ Date: _______________________________
                City Council ☐ Date: _______________________________
                City Manager ☐ Date: _______________________________
                Applicable Dept. ☐ Date: _______________________________

Tentative Council Mtg Date: _______________________________

Page 2 of 2
### Commissioners Record of Attendance

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**Term began Nov '03**

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**Resigned Jan '05**

**Resigned June '05**

**Resigned Jan '05**

**Resigned August '05**

**Term began April '05**

**Term began April '05**

**Term began April '05**

**Term began August '05**

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**X = Attended meeting**

**E = Excused Absence**
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_X = Attended Meeting  
_E = Excused Meeting_

No Meetings are held during the months of June, July and August
SUBJECT: AUTHORIZATION TO ROLL DELINQUENT ACCOUNTS AND WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

SOURCE: Administrative Services

COMMENT: At the request of the County Auditor, staff has prepared a draft Resolution for Council consideration which will authorize the County Auditor to place delinquent utility account balances and uncollected weed abatement charges on the property tax rolls. In future years, this process will coincide with the annual Landscape Maintenance District process.

Authorization to utilize this collection method is identified in the City Code under various sections depending upon the nature of the account. The City Charter, Section 45, provides for the overall authority to roll delinquent assessments to the property tax rolls. Code Section 12.3.4 through 12.3.12 provides for weed abatement balances to be rolled to property taxes for collections. Code Sections 13-14, 25-8, and 25-37 provide for this collection mechanism for delinquent refuse, water, and sewer charges respectively.

RECOMMENDATION: That the Council approve the attached draft Resolution authorizing the County Auditor to place these delinquent items on the property tax rolls for collection.

ATTACHMENT: Draft Resolution.
RESOLUTION NO. ___-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE PLACEMENT OF SPECIAL ASSESSMENT LIENS ON THE
TULARE COUNTY TAX ROLLS FOR FISCAL YEAR 2005-2006.

WHEREAS, City of Porterville City Charter Section 45, Taxes and assessments to constitute a lien; foreclosure, sets forth the City’s ability by Council action to constitute liens on assessed property for all taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection; and

WHEREAS, City Code Section 12.3.4, Nuisance and Authority to abate, sets forth the procedure for all weed, nuisance and hazard abatements in the City of Porterville, with Porterville City Code Section 12.3.12, Collection on tax roll, thereafter setting forth the procedure for placement of delinquent assessments on the Tulare County Tax Rolls; and

WHEREAS, City Code Section 13-14, Charges for collection; time and manner of payment, allows for all unpaid bills for solid waste service charges to be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of such charges and the name and address of the customer liable therefor. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the customer or afterwards, and before the lien expires, acquired by him. The lien has the force, priority, and effect of and shall be regarded as a judgement lien, which may be extended, if unpaid, by the recording of a renewal certificate before the expiration of ten (10) years of the previously recorded certificate; and

WHEREAS, the Porterville City Council, having duly received and considered evidence and documentary concerning the delinquent accounts proposed to be placed on the Fiscal Year 2005/2006 County of Tulare Tax Rolls concerning the necessity for the placement of the contemplated tax liens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the submittal of the following liens, attached hereto as Exhibit “A”, to the Tulare County Auditor for placement on the property tax rolls for collection.

APPROVED AND ADOPTED this 20th day of September, 2005.

________________________________________
Kelly West, Mayor

ATTEST:
John Longley, City Clerk
**MISCELLANEOUS ITEMS TO ADD TO 2005/06 PROPERTY TAXES**

**FIRE SERVICES:**

<table>
<thead>
<tr>
<th>Address</th>
<th>Amount</th>
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<tr>
<td>261080040 148 DATE AVE LP</td>
<td>5,371.14</td>
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**SEWER CONNECTION AGREEMENT:**

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<tr>
<td>251223002 CEBALLOS, ROBERTO &amp; ELVIRA</td>
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<tr>
<td>252301028 FERNANDEZ, MARCOS</td>
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<tr>
<td>262240063 JCH FAMILY LIMITED PARTNERSHIP</td>
<td>483.49</td>
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**WATER CONNECTION AGREEMENT:**

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<tr>
<td>246070031 RIOS, SARA F</td>
<td>673.65</td>
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<tr>
<td>262034006 ALMANZA, IRMA</td>
<td>198.62</td>
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<tr>
<td>251240002 GALINDO, RODRIGO</td>
<td>844.69</td>
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<tr>
<td>251262002 SNOW, ROBERT G &amp; GERTRUDE M (TRS)</td>
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<tr>
<td>251192013 RAMIREZ, JORGE &amp; IRMA</td>
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<td>251262007 VALDEZ, MANUEL &amp; LETICIA</td>
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<td>5,148.45</td>
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**CURB/GUTTER/SIDEWALK AGREEMENT:**

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<tr>
<td>251281045 CEBALLOS, DAVID &amp; GLORIA</td>
<td>1,742.71</td>
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<tr>
<td>252102001 KESTER, MICHAEL G &amp; RANDI B</td>
<td>1,138.48</td>
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<tr>
<td>251102018 GARCIA, MANUEL &amp; MARIA A</td>
<td>882.07</td>
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<td>3,763.26</td>
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**UNPAID UTILITY BILL:**

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<tr>
<td>251251002 MISSION BELL COMMUNITY HOMES LLC</td>
<td>30,991.44</td>
</tr>
<tr>
<td>Assessee</td>
<td>Parcel Number Address</td>
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<tr>
<td>------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>TK Theater</td>
<td>253-182-009 36 E. Mill Ave. (Porter Theater) account #01-000001</td>
</tr>
<tr>
<td>William Gneikow</td>
<td>261-190-004 261-190-005 261-190-006 261-190-007 Williams &amp; Corona Dr. account #01-000096</td>
</tr>
<tr>
<td>Garland &amp; Rosemary Gifford</td>
<td>254-040-025 east side Conner at Morton account #01-000097</td>
</tr>
<tr>
<td>Richard &amp; Margaret Hardaway</td>
<td>269-120-006 2100 block of Jaye account #01-000116</td>
</tr>
<tr>
<td>James Oakley</td>
<td>252-301-016 252-301-029 east side Indiana, south of Putnam account #01-016595</td>
</tr>
<tr>
<td>George &amp; Louett Goga</td>
<td>247-290-009 247-290-010 247-290-011 vacant lot - west side of Main, north of Henderson account #01-017143</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12</td>
</tr>
</tbody>
</table>
SUBJECT: APPROVAL OF HONOR OUR VETERANS RALLY

SOURCE: Parks & Leisure Services Department

COMMENT: The Parks and Leisure Services Department is requesting the approval to hold a rally to honor our Veterans in the past and present.

The rally is scheduled to take place on Veteran’s Day, November 11, 2005, from 9:00 a.m. to 9:45 a.m. The announcer’s platform in front of City Hall will be the staging area for the rally. The ceremony will consist of guest speakers in recognition of our Veterans, and to show support of our troops in the Gulf War.

RECOMMENDATION: That the City Council approve the event, date, time and location.
SUBJECT: Ratification of Travel Plans for Council Representative to Participate in Project Discussions Regarding Success Dam Remediation in Washington, D. C.

SOURCE: City Manager's Office

Since the last meeting of the Council, the desire to lobby for Success Dam has been renewed. A significant factor regarding this is the impact of the hurricanes and the probable large impact they will have on Corps of Engineers funding. The report presented at the last meeting was:

The City Manager received a telephone call from Congressman Nunes' Office regarding the importance of the City's participation in upcoming discussions with the Office of Management and the Budget regarding the commitment of monies to support the remediation of Success Dam.

Porterville is the center of population served by the dam, so the City's participation is critical. The Congressman's Office also indicated that the participation of an elected official is important.

Councilmember Ron Irish has been the City's representative on the Success Dam Enlargement Project and the Success Dam Remediation Project. Mayor Kelly West has expressed an interest in attending on behalf of the City of Porterville.

The City Manager's Office is now in the process of making arrangements for travel and lodging on behalf of a representative of the City Council for the week of September 26, 2005.

It has been a practice of the City Council that whenever out-of-state travel is proposed that it should be presented and approved at a City Council meeting. Therefore, ratification of the travel is requested.

RECOMMENDATION:

It is the City Manager's recommendation that at the request of Mayor West, that he be authorized to travel to Washington, D.C. to participate in discussions and negotiations regarding the structural remediation of Success Dam.
CITY COUNCIL AGENDA: SEPTEMBER 20, 2005

PUBLIC HEARING

SUBJECT: SIERRA MEADOWS PHASE 2

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Sierra Meadows Phase 2 Tentative Subdivision Map to divide a vacant 40 acre parcel zoned R-E (Residential Estate) into a 61 lot rural density residential subdivision for that site located on the northwest corner of Gibbons Avenue and South Jaye Street. The R-E zone requires lots to consist of no less than 12,500 square feet in an area with a minimum of 100 feet in width. The proposed lots are designed with a minimum of 20,000 square feet in area.

On May 3, 2005, the Porterville City Council approved by City Council Resolution 60-2005 a Mitigated Negative Declaration for General Plan Amendment 1-2005 (b), Zone Change 2-2005 and a conceptual plan for a 61-lot rural residential subdivision (Sierra Meadows Phase 2).

General Plan Amendment 1-2005 (b) changed the Land Use Designation of the General Plan from Industrial to Rural Density Residential.

Zone Change 2-2005 changed the zoning from M-1 (Light Manufacturing) to RE (One Family Estate) Zone contingent upon approval of General Plan Amendment 1-2005 (b)

ENVIRONMENTAL: On March 21, 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 were transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from March 29, 2005 to April 19, 2005. The only agency that responded was the Tulare County Health and Human Services Agency. Those comments were addressed in conditions of approval for the tentative subdivision map. The City Council considered the environmental record and approved a Negative Declaration pursuant to Resolution 60-2005.

The full length of the easterly portion of the proposed subdivision, contiguous with South Jaye Street and the full length of the southerly portion of the proposed subdivision contiguous with Gibbons Avenue will have a block wall and landscaping and 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.

DD APPROPRIATED/FUNDED CM ITEM NO. 23
RECOMMENDATION: That the City Council:

1. Adopt the already approved resolution supporting the Negative Declaration for General Plan Amendment 1-2005 (b), Zone Change 2-2005 and the conceptual plan for the 61 lot rural residential subdivision;

2. Adopt the draft resolution approving Sierra Meadows Phase 2 Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: SEPTEMBER 20, 2005

PUBLIC HEARING - STAFF REPORT

TITLE: Sierra Meadows Phase 2

APPLICANT: Smee Builders
2220 N Leila Street
Visalia, CA 93291

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

PROJECT LOCATION: Northwest corner of South Jaye Street (unimproved) and Gibbons Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of Sierra Meadows Phase 2 Tentative Subdivision Map to divide a vacant 40 acre parcel zoned R-E (Residential Estate) into a 61 lot rural density residential subdivision for that site located on the northwest corner of Gibbons Avenue and South Jaye Street. The R-E zone requires lots to consist of no less than 12,500 square feet in area with a minimum of 100 feet in width. The proposed lots are designed with a minimum of 20,000 square feet in area.

PROJECT DETAILS: On May 3, 2005, the Porterville City Council approved by City Council Resolution 60-2005 a Mitigated Negative Declaration for General Plan Amendment 1-2005 (b), Zone Change 2-2005 and a conceptual plan for a 61-lot rural residential subdivision (Sierra Meadow Phase 2).

General Plan Amendment 1-2005 (b) changed the Land Use Designation of the General Plan from Industrial to Rural Density Residential.

Zone Change 2-2005 changed the zoning from M-1 (Light Manufacturing) to RE (One Family Estate) Zone contingent upon approval of General Plan Amendment 1-2005 (b).

GENERAL PLAN LAND USE DESIGNATION: Rural Density Residential.

SURROUNDING AREA ZONING AND LAND USE:

North: City - Ponding basin, vacant land rural residential uses.
South: County - Gibbons Avenue, Saint Anne's Cemetery, rural residential uses and vacant land.
East: City - Pasture and Wal-Mart Distribution Center truck staging area.
West: City - Sierra Meadows 56-lot rural estate single family subdivision under construction.
The Subdivision Review Committee, on September 14, 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.

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.

All internal streets within the subdivision are 60 feet wide. Ingress and egress to South Jaye Street will be from Melinda Avenue, which also has two streets connecting to it from the south, which allows for ingress, and egress to Gibbons Avenue to the south or west on Yates Avenue extending east and west in the middle of the subdivision to Indiana Street to the west.

Jaye Street (located to the east of the proposed subdivision) is a four-lane arterial street and Gibbons Avenue (located south of the proposed subdivision) is a four-lane arterial street. The Circulation Element of the Porterville General Plan indicates that two lane collector streets have the capacity of 12,500 ADT. No traffic counts have been conducted for this area since the location of the proposed subdivision was annexed into the City Limits of Porterville on December 5, 1995.

South Jaye Street (unimproved) is located on the east side of the subject site. South Jaye Street is intended to extend north from the intersection of Gibbons Avenue across the Porter Ditch and connect with the developed portion of South Jaye Street at this point. From this point, South Jaye Street extends north to State Highway 190. The Land Use and Circulation Element of the General Plan designates South Jaye Street as an Arterial Street.

The Wal-Mart Distribution Center is located east and adjacent to subject development and generates a substantial portion of the traffic on Gibbons Avenue. The traffic to this location arrives from both the east (Main Street and Gibbons Avenue) and west (Indiana Street and Gibbons Avenue). Access to the proposed subdivision will be from South Jaye Street and Gibbons Avenue. Traffic from this subdivision can also enter or exit through an internal street in the developing Sierra Meadows Subdivision to the west and onto Indiana Street. The traffic generated on Gibbons Avenue from the proposal can also enter and exit on Gibbons Avenue to South Main Street to the east and Indiana Street to the west.

On February 2, 2004, the Manager of the Wal-Mart Distribution Center indicated that there are three (3) shifts at the Wal-Mart Distribution Center. The first shift, 5:00 a.m. to 3:30 p.m. has 681 employees. The second shift 3:30 p.m. to 10:00 p.m. has 375 employees. The third shift 10:00 p.m. to 7:30 a.m. has 34 employees. As truck traffic is directed north along a different route, staff has assumed that an average of two trips per day per employee is being generated onto roads which will be shared by the proposed subdivision. This yields 2,715 ADT for the uses combined. While there are other smaller contributors to traffic in this area, it is clear that the adjacent roads will continue to operate at LOS A following development of this site with a rural estate single-family subdivision. Further, the vehicle trips produced as a result of the development will be distributed in multiple directions on the existing and future street system.
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 March 21, 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 were transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from March 29, 2005 to April 19, 2005. The only agency that responded was the Tulare County Health and Human Services Agency. Those comments were addressed in conditions of approval for the tentative subdivision map.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: June 3, 2004

DATE ACCEPTED AS COMPLETE: August 8, 2005

RECOMMENDATION: That the City Council:

1. Adopt the already approved resolution supporting the Negative Declaration for General Plan Amendment 1-2005 (b), Zone Change 2-2005 and the conceptual plan for the 61 lot rural residential subdivision;

2. Adopt the draft resolution approving Sierra Meadows Phase 2 Tentative Subdivision Map.

ATTACHMENTS:
1. Sierra Meadows Phase 2 Tentative Subdivision Map
2. Negative Declaration
3. City Council Resolution 60-2005 (EXHIBIT “A”)  
4. Draft Resolution approving Sierra Meadows Phase 2 Tentative Subdivision Map
NEGATIVE DECLARATION

Community Development Department

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

PROJECT APPLICANTS: Smee Builders
2220 N. Leila Street
Visalia, CA 93291

PROJECT TITLE: General Plan Amendment 1-2005 (b) (Formerly 2-2005) and Zone Change 2-2005.

ADDRESS/LOCATION: The 40± acre vacant site located on the northwest corner of South Jaya Street and Gibbons Avenue.

PROJECT APPLICANT: Smee Builders

PROJECT DESCRIPTION: General Plan Amendment 1-2005 (b), proposes to change the Land Use Designation of the General Plan from Industrial to Rural Density Residential.

Zone Change 2-2005 proposes to change the present zoning for the site from M-1 (Light Manufacturing) to RE (One Family Residential Estate) Zone.

A 61 lot single family rural estate residential subdivision map is also proposed for the site. Although the map is conceptual, it was addressed in the environmental study.

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

On March 21, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

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

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

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

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

5. Mitigation measures _X_ were, _____ were not made a condition of the approval of the project.

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: March 21, 2005

Approved: Bradley D. Dunlap, Environmental Coordinator

Word: Negdec ZC 2-2005

ATTACHMENT ITEM NO. 2
RESOLUTION NO. 60-2005

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 GENERAL PLAN
AMENDMENT 1-2005 (B) (FORMERLY 2-2005) AND ZONE CHANGE 2-2005 FOR THAT
40± ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE
STREET (UNIMPROVED) AND GIBBONS AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of May 3, 2005, conducted a public hearing to consider General Plan Amendment 1-2005 (b) and
Zone Change 2-2005 for that 40± acre vacant site located on the northwest corner of South Jaye
Street (unimproved) and Gibbons Avenue; and

WHEREAS: General Plan Amendment 1-2005 (b), proposes to change the Land Use
Element of the General Plan from Industrial to Rural Density Residential; and

WHEREAS: Zone Change 2-2005 proposes to change the present zoning form M-1 (Light
Manufacturing) to RE (One Family Estate) Zone contingent upon approval of General Plan
Amendment 1-2005 (b); and

WHEREAS: A conceptual plan for a 61-lot rural residential subdivision (similar to Sierra
Meadows under development to the west) is attached to the staff report. Prior to the applicant/agent
submitting any tentative subdivision map for processing, General Plan Amendment 1-2005 (b), and
Zone Change 2-2005 would have to be approved; and

WHEREAS: A reconnaissance-level field survey was conducted on November 3, 2002 by
Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal
species occur on an area which includes the subject site (area between State Highway 190 to the
north, Gibbons Avenue to the south, Indiana Street to the west and South Main Street to the east)
or if habitats for such species are present in the project area. This reconnaissance-level field study
was conducted in conjunction with the FEIR (July 2002) prepared for the Jaye Street and Gibbons
Avenue Street Project. No Elderberry shrubs, Valley Oaks trees, wetland habitat, or Kit Fox dens
were found to exist on the subject site. The biological study was included by reference into the Initial
Study for this project; and

WHEREAS: City staff is currently processing an unusually large number of General Plan
Amendments. State law prohibits the amendment of any required element of the General Plan more
than four times in any calendar year. For this reason, on April 19, 2005, the City Council opened the
public hearing for General Plan Amendment 1-2005 (a) (formerly 1-2005 and Zone Change 1-2005)
and continue those items to the meeting of May 3, 2005, so they could consider taking action
concurrently with General Plan Amendment 1-2005 (b) (formerly 2-2005 and Zone Change 2-2005).
WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

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

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

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

4. That the Negative Declaration prepared for this project was made available for public review and comment for a twenty (20) day review period from March 29, 2005 to April 19, 2005. The only agency that responded was the Tulare County Health and Human Services Agency. Those comments will be addressed in conditions of approval for the tentative subdivision map.

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

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

   The reconnaissance-level field survey conducted on November 3, 2002 by Quad Knopf biologist James W. Jones, Jr., in conjunction with the FEIR (July 2002) prepared for the Jaye Street and Gibbons Avenue Street Project, determined that there were no Elderberry shrubs, Valley Oak trees, wetland habitat, or Kit Fox dens located on the subject site.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.
8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for General Plan Amendment 1-2005 (b) and Zone Change 2-2005, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

ADOPTED this 3rd day of May, 2005.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

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

<table>
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<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use &amp; Planning 1.a</td>
<td>A noise study was conducted by Quad Knopf for Sierra Meadows located adjacent to the west side of the subject site in regard to future noise created by truck traffic. The mitigation measures that were implemented to comply with the City Noise Element of the General Plan were as follows: * Block walls, landscaping, orientation of the dwellings to include windows, setbacks from the property lines facing on Indiana Street and Gibbons Avenue. Additionally, two (2) story houses were discouraged along these streets, etc. These same type of conditions will be imposed on submittal of a tentative subdivision map. The block wall along the east side of the subject site with intense landscaping such as trees and other vegetation will provide a landscape screen and more pleasing aesthetic buffer between the two (2) uses. Additionally, South Jaye Street, a designated Arterial Street, will allow for the transition between industrial and residential development across an arterial street rather than a block wall.</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<td>-----------------------------</td>
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<td>----------------------------------------------------------------------------</td>
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<tr>
<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>3.f</td>
<td>Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
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</tr>
<tr>
<td>3.h</td>
<td>Expansive soils</td>
<td></td>
<td></td>
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<tr>
<td>Water</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>4.a</td>
<td>Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
<td></td>
<td></td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California, CARB, SJVUAPCD, City of Porterville</td>
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</table>


<table>
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<th>Mitigation Measures</th>
<th>Monitoring</th>
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<tr>
<td>Air Quality</td>
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<td></td>
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</tr>
<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>
<td></td>
<td></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>Potential Impact</td>
<td>Mitigation Measures</td>
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<td>Air Quality</td>
<td>2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.</td>
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<td>5. a (continued)</td>
<td>3. Limit engine idling at the project site.</td>
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<td>4. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
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<td>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.</td>
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<td>6. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
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<td>Potential Impact</td>
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<td><strong>Air Quality</strong> 5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>9. Awnings or other shading mechanism for window should be installed.</td>
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<td>10. Ceiling fans should be installed.</td>
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<td>11. Energy efficient windows (double pane and/or coated) should be installed.</td>
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<td>Potential Impact</td>
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<td>Air Quality 5.a (continued)</td>
<td>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:</td>
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<td></td>
<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
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<td>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</td>
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<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
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<td>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>Potential Impact</td>
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| Noise            | A noise study was conducted by Quad Knopf for Sierra Meadows located adjacent to the west side of the subject site in regard to future noise created by truck traffic. The mitigation measures that were implemented to comply with the City Noise Element of the General Plan were as follows:  
  * Block walls, landscaping, orientation of the dwellings to include windows, setbacks from the property lines facing on Indiana Street and Gibbons Avenue. Additionally, two (2) story houses were discouraged along these streets, etc. These same type of conditions will be imposed on submittal of a tentative subdivision map.  
  The block wall along the east side of the subject site with intense landscaping such as trees and other vegetation will provide a landscape screen and more pleasing aesthetic buffer between the two (2) uses. Additionally, South Jaye Street, a designated Arterial Street, will allow for the transition between industrial and residential development across an arterial street rather than a block wall. | City of Porterville | City of Porterville |
<table>
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<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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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). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the affected utility companies.</td>
<td>The City of Porterville and the affected utility companies.</td>
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<td>Systems 12.e</td>
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<td>Storm water drainage.</td>
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<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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<td>13.c</td>
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<td>Create light and glare.</td>
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STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
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 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 3rd day of May, 2005.

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

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<thead>
<tr>
<th>Council:</th>
<th>WEST</th>
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<th>HAMILTON</th>
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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. ___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR SIERRA MEADOWS PHASE 2 TENTATIVE SUBDIVISION MAP FOR THAT 40 ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE STREET AND GIBBONS AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 20, 2005, conducted a public hearing to consider approval of Sierra Meadows Phase 2 Tentative Subdivision Map, being a division (in one phase) of a vacant 40 acre parcel zoned R-E (Residential Estate) into a 61 lot rural density residential subdivision for that site located on the northwest corner of South Jaye Street and Gibbons Avenue;

WHEREAS: On March 21, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project consisting of General Plan Amendment 1-2005 (b), Zone Change 2-2005 and a conceptual plan for a 61-lot rural residential subdivision (Sierra Meadow Phase 2). The Initial Study and proposed Mitigation Measures were transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from March 29, 2005 to April 19, 2005. The only agency that responded was the Tulare County Health and Human Services Agency. Those comments were addressed in conditions of approval for the tentative subdivision map; and

WHEREAS: On May 3, 2005, the Porterville City Council approved by City Council Resolution 60-2005 a Mitigated Negative Declaration for General Plan Amendment 1-2005 (b), Zone Change 2-2005 and a conceptual plan for a 61-lot rural residential subdivision (Sierra Meadow Phase 2); and

WHEREAS: General Plan Amendment 1-2005 (b), changed the Land Use Designation of the General Plan from Industrial to Rural Density Residential; and

WHEREAS: Zone Change 2-2005 changed the zoning from M-1 (Light Manufacturing) to RE (One Family Estate) Zone contingent upon approval of General Plan Amendment 1-2005 (b); and

WHEREAS: The Subdivision Review Committee on September 14, 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 Rural Density Residential development (0-2 d.u./acre). The proposed subdivision will be developed to a density of 1.52 d.u./acre.

   The Circulation Element of the General Plan designates Gibbons Avenue as an Arterial street and South Jaye Street as an Arterial street. Dedications and improvements necessary to comply with these designations are included as conditions of approval.

2. That the site is physically suitable for the type and density of the proposed development.

   The site is generally level. The soil is not highly expansive and therefore will not create any barriers to development.

3. That the Negative Declaration originally prepared and approved 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 9 of City Council Resolution 60-2005 requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to City Council Resolution 60-2005, approved on May 3, 2005.

5. The Initial Study originally 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 Rural Density Residential uses. Adjacent land uses on three sides are also designated for compatible residential and agricultural uses. The fourth side is adjacent to planned industrial uses, which will be separated from the residences by a required concrete block wall, landscaping and South Jaye Street. Conditions of approval are included to ensure adequate development standards are met.
7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance without exception. The development standards of the R-E (Residential Estate) 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 Sierra Meadows Phase 2 Tentative Subdivision Map subject to the following conditions:

1. Comply with the mitigation measures contained in City Council Resolution 60-005, which were incorporated into the Mitigated Negative Declaration approved for General Plan Amendment 1-2005(b), Zone Change 2-2005 and the conceptual plan for the 61 lot rural residential subdivision (Sierra Meadows Phase 2).

2. After reviewing both the environmental and mitigation for impacts on noise for the South Jaye Street Project, and the conditions imposed on Sierra Meadows Phase 1 due to the noise study, Staff has determined that no noise study will be required for the South Jaye Street frontage. Due to this determination, the following conditions will mitigate any potential impact to the proposed project:

   a. Limitation to single-story construction for lots backing or siding onto Gibbons Avenue and South Jaye Street.

   b. A minimum of a 7.5 foot tall block wall shall be installed along the side yard facing South Jaye Street through the curb return for lot 21, so there is no line of sight from the center of the lot adjacent to the roadway.

   c. A minimum of a 7.5 foot tall block wall shall be installed along the full length of the westerly and southerly property lines of the well adjacent to lot 21. The limits of the wall on the southerly property line shall be between the southwest well property corner and the proposed block wall on Jaye Street.

   d. A minimum of a 7.5 foot tall block wall shall be installed along the rear yard and side yard facing Melinda Avenue to a point of 133 feet from the rear property line for Lot 22.

   e. A minimum of a 6 foot 8 inch (6’ 8””) tall block wall shall be installed along the side yard facing Gibbons Avenue through the curb return for Lot 1 so there is no line of sight from the center of the lot adjacent to the roadway.
f. A minimum of a 6 foot 8 inch (6’ 8”) tall block wall shall be installed along the rear yard and side yard facing (un-named street) to a point of 133 feet from the rear property line for Lot 37.

g. A minimum of a 6 foot 8 inch (6’ 8”) tall block wall shall be installed along the rear yards of lots 30 through 36.

h. A 20 foot wide landscaping strip with a minimum of 7.5 foot tall block wall with dense landscaping of trees (varieties of full canopies) will be required along the full frontage of the proposed subdivision fronting on South Jaye Street. The five foot (5’) of dedication required on the west side of South Jaye Street can be included in the 20 foot wide landscaping strip.

i. A minimum rear yard setback of 133 feet is required for all habitable portions of the dwellings proposed for Lots 22 through 37. Uninhabited portions of these proposed dwellings (garages, storage sheds etc.) are not restricted to this setback.

j. Dwellings on Lots 1 and 21 shall be designed so that the roof line is parallel to the adjacent roadway, so that they have limited window openings, and are finished with materials of a Sound Transmission Class of 15 or greater such as stucco, stone, or equal.

k. The Community Development Director may approve alternative means of noise mitigation provided the alternatives meet or exceed the adopted measures as determined by a qualified professional.

3. 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.

4. The block walls to be constructed along the full frontage of South Jaye Street and Gibbons Avenue will be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti-free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:

a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.
b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:
   i. A minimum planting of six (6) feet in width to a minimum of 24 inch change of plane on the Gibbons Avenue frontage only. South Jaye Street frontage to remain at 20 feet.
   ii. A section of semi-open fence, except where such a feature would interfere with required sound protection.

5. One (1) street tree is required for every lot and two (2) for every corner lot.

6. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.
   d. A new residential development is defined as any single or multi-family housing unit, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.

7. Condition 9 of City Council Resolution 60-2005, approving the aforementioned zone change and general plan amendment, stated the following:

    The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

9. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.

10. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). Both Jaye Street and Gibbons Avenue are designated arterial streets, requiring an ultimate right of way width of 84 feet. Additional right of way shall be dedicated for an STAA truck turning radius at the northwest corner of Jaye Street and Gibbons Avenue.

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

14. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

15. 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.

16. 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.
17. 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.

18. 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.

19. 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.

20. The City is requesting that developer/applicant grant approval to explore the feasibility of converting the agricultural well on Jaye Street to a municipal well. If the proves to be a viable convert the agricultural well to a municipal site, the City may approach the owner with an option to purchase property large enough to house such a facility (about 6400 S.F.). Acquisition of property will be in accordance with the City’s adopted Property Acquisition Procedures.

21. 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.

22. 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.).

23. 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.

24. 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.).

25. 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 washout 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.

26. 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.

27. 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.

28. 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.

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

30. 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.

31. 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.

32. 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.

33. The developer/applicant shall construct two (2) City standard barricades at the end of all dead end streets.

34. 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.

35. 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).

36. Prior to acceptance of improvements, the developer/applicant shall provide streetlights 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. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision. 5800 lumen streetlights shall be installed along the local streets and 16000 lumen streetlights shall be installed along the arterial streets.

37. 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.

38. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

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

40. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

41. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

42. Hydrants shall be installed at the following: NW corner of lots 22, 37, 49, and 61, between lots 40/41, 52/53, 15/16, SE corner of lot 43, NE corner of lot 44, and the corner of Gibbons and Jaye.
Kelly West, Mayor

ATTEST:
John Longley, City Clerk

By _______________________
    Georgia Hawley, Chief Deputy City Clerk
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 landscape 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 were also 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 and will continue through the month of September.

The water system status is marginally improved from last year. Mild weather in May & June reduced water demands as compared to prior years. Although the extended 100+ degree days in July moderately affected the water system, particularly in the early evening hours, the system continued to show reduced water demands through the month of August as compared to recent years. September is showing a continued reduction in demand as well. Water conservation awareness has been successful. However, Porterville residents are encouraged to continue their conservation efforts and use water wisely.

With normal water supplies available for this time of year, staff recommends returning to Phase I of the Water Conservation Plan.

RECOMMENDATION: That City Council:

1. Return to Phase I of the Water Conservation Plan; and

2. Continue Phase I Water Conservation efforts.

ATTACHMENTS: Production Graph
                Water Conservation Plan

P:\pub\work\Engineering\Council Items\Water Conservation Phase II Status for 9-20-05.wpd

Dir Appropriated/Funded CM

Item No. 24
Monthly Production 2003 - 2005
(Primary Water System)
WATER CONSERVATION PLAN

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REVISED BY:
   Baldomero S. Rodriguez, Public Works Director
   Bryan B. Styles, Field Services Manager
   Richard Bartlett, Water Utilities Superintendent
   Wyndi Bruman, Water Systems Specialist
   Judith May, Clerical Assistant III

Adopted by City Council:
PREFACE

The City of Porterville water system is municipally-owned with more than 12,000 service connections, 99% of which are metered, serving a population of over 41,000, with approximately 5,000 served outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the City, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

Storage capacity represents over six million gallons within the distribution system and three hillside reservoirs, two with a capacity of three-million gallons and one with a capacity of three hundred thousand gallons.

A telemetry system controls the operation of 17 of the City’s 26 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in three phases with each phase defined in terms of the available water supply:

Phase I: Applies during periods when a normal water supply is available.

Phase II: Applies during periods when there is a water supply shortage.

Phase III: Applies during periods when there is a severe water supply shortage.
Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the City of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program. The City can implement a program that does not involve specified water days or hiring water "watchmen", two concepts commonly employed in non-metered communities.
CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City’s water resource management program. Efforts to that end include:

NEW WELLS:

Over the past five years two new wells have been added to the City water system in order to serve the needs of the community. Four additional wells are planned for completion within the next few years.

TELEMETRY SYSTEM:

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off-peak usage hours for later use by consumers. This system was designed for use by the City’s most efficient and productive wells with additional energy cost savings.

RESERVOIRS:

The City currently operates and maintains three hillside reservoirs - two (2) with a capacity of three-million-gallons and one (1) with a capacity of 300,000 gallons. The two largest reservoirs are usually filled during off-peak hours and then release water during the high usage hours. The reservoirs increase the City’s ability to maintain system pressure during peak demand and fire flow situations. Site acquisition has been accomplished for the City’s third proposed three-million gallon reservoir.

METERIZATION PROGRAM:

With over 99% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

UTILITY BILLING NOTICE:

The City’s computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (i.e., additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.
WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

NEW WATER LINE TESTING:

The City requires full pressure and leak testing of all newly constructed water lines.

FIRE HYDRANT TESTING:

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.
PHASE I

Applies during periods when a normal water supply is available

The effectiveness of any voluntary plan ultimately depends on the public's awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City's Water Conservation Plan.

ACTIONS BY THE CITY:

I. Public information Program

   A. Distribution of suggestions for residential, commercial and industrial water conservation and awareness.

   B. Coordination of public information with the local news media.

   C. City participation in Water Awareness Month (May).

   D. Lawn and Landscape Watering Guides will be made available upon request.

   E. City staff will coordinate with local nurseries to compile a list of low-water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents.

   F. Coordination with local schools to encourage young people to become aware of local water issues and conditions.

II. Project Review Committee

   A. The City's Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project.

   B. City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high-water use landscapes.
III. City Landscapes and Watering Schedules

A. City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible.

B. All new landscaping projects undertaken by the City will incorporate conservation design.

IV. Retrofit Bathroom Facilities

Water saving kits which contain toilet water conservation and low-flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.

V. Fire Hydrant Testing

The City’s fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City’s fire protection service.

**ACTIONS BY THE GENERAL PUBLIC:**

The general public will be encouraged to utilize those water conservation measures contained within the City’s public information program.
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue “Waste of Water” notices to consumers identified as misusing water.
ACTIONS BY THE GENERAL PUBLIC:

I. Conservation Efforts:

The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. Restaurants:

Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. Lawn and Landscaping Watering:

All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. Vehicle Washing and Sidewalk Hosing:

A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

B. Per Section 25-5 of the City Municipal Code, “The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.”
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

ACTIONS BY THE GENERAL PUBLIC:

A. Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

B. Sidewalk and driveway washing will be prohibited.
SUBJECT: SECOND READING - ORDINANCE 1660, ZONE CHANGE NO. 6-2004 (STEVE VANG)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1660 approved Zone Change No. 6-2004. It was a change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for 40 North Kessing Street, and from C-3 (Heavy Commercial) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for 356 West Olive Avenue. The ordinance was given First Reading on February 1, 2005, and has been printed. The required Lot Line Adjustment has been completed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1660 and adopt said ordinance.

Attachment: Ordinance No. 1660

Item No. 25
ORDINANCE NO. 1660

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

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

WHEREAS: As a result of the hearing, the Porterville City Council continued the public
hearing until January 18, 2005, and directed that prior to consideration of the zone change, review
of a “D” Overlay Site Review for 40 N. Kessing Street and 356 W. Olive Avenue would be required.

WHEREAS: Staff sent a notice to the property owners within 300 feet of the subject site to
advise them that an open meeting would be held by the Project Review Committee regarding the
proposed “D” Overlay Site Review 5-2004 on January 5, 2005; and

WHEREAS: On January 5, 2005, the Project Review Committee reviewed the proposed site
plan, building elevations, color schemes, etc., for the conversion of the existing duplex to a
commercial use for the site located at 40 N. Kessing Street as part of the continued public hearing
for Zone Change 6-2004. Due to changes requested by the Committee and a request by neighboring
property owners, the Committee requested that the item be brought back to ensure that the
appropriate changes had been made; and

WHEREAS: On January 12, 2005, the Project Review Committee reviewed the amended
site plan, building elevations, color schemes, etc. It was determined that the “D” Overlay Site
Review 5-2004, in conjunction with the continued public hearing for Zone Change 6-2004, could
now be brought back to City Council for review. No members of the public attended the Project
Review Committee (PRC) meeting of January 5, 2005. However, at the PRC meeting of January 12,
2005, one member of the public attended and provided written comments that have been
incorporated into the public record; and

WHEREAS: In order to allow time for the comments from the January 12, 2005 Project
Review meeting to be incorporated into the staff reports and resolutions, Staff requested that the
public hearing for Zone Change 6-2004 be continued until February 1, 2005. As a result of that
request, on January 18, 2005, the City Council directed Staff to prepare an agenda item for “D”
Overlay Site Review 5-2004 in conjunction with the continued public hearing for Zone Change 6-
2004 and present it to City Council for review on February 1, 2005; and
WHEREAS: On February 1, 2005, the Porterville City Council, at its regularly scheduled meeting, conducted a continued public hearing to consider a proposal to change the existing zoning from R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 356 W. Olive Avenue; and

WHEREAS: In conjunction with Zone Change 6-2004, “D” Overlay Site Review 5-2004 will allow for future development of the subject site to be in conformance with the Zoning Ordinance.

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

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

1. The Land Use Element of the General Plan designates those parcels with frontage on Olive Avenue as “Heavy Commercial”. Once the parcel (40 N. Kessing Street) is re-configured pursuant to a Lot Line Adjustment, to include Olive Avenue frontage, the land use designation will support the C-3 (D) (Heavy Commercial with a “D” Overlay Site Review).

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

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

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

5. That this zoning designation will ensure that any future development of the subject site, both 40 North Kessing Street and 356 West Olive Avenue will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

6. A Lot Line Adjustment will incorporate the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site into two (2) parcels which will provide frontage on Olive Avenue for both commercial parcels. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.

7. One of the conditions for approval for “D” Overlay Site Review 5-2004 by the City Council, a six (6) foot concrete block wall will be required to be constructed along
full length of the north and east property lines of 40 N. Kessing Street and continued south along the east property line of 356 W. Olive Avenue to the end of an existing trash enclosure in line with the south property line of the existing residential use to the east.

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

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

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

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

Section 4: Once the second reading of the zone change has been read, any future expansion of the existing commercial business located at 356 W. Olive Avenue and proposed conversion of the existing duplex to a commercial use would require a modification to “D” Overlay Site Review 5-2004; and

Section 5: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Kelly West, Mayor

ATTEST:
John Longley, City Clerk

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

PROPOSED CHANGE

R-1 TO C-3 (D)

C-3 TO C-3 (D)

CITY COUNCIL
ORDINANCE NO. 1660

EXHIBIT "A"
CITY COUNCIL AGENDA: SEPTEMBER 20, 2005

STAFF REPORT

TITLE:  “D” OVERLAY SITE REVIEW 4-2005

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a “D” Overlay Site Review to allow for the development of three (3) triplexes, one each to be located on Parcel 2, 3 and 4 of Tentative Parcel Map 4-2004. The site is located on the north side of Grand Avenue, approximately 280± feet east of Prospect Street. The subject site is within the R-4 (D) (Multiple Family Residential - Design Review Overlay) Zone.

PROJECT DETAILS: Parcels 2 and 3 are rectangular in shape, and extend north from the street. Both parcels consist of 10,500± square feet and front on Grand Avenue. The triplex will be located on the west side of Parcel 2 and one triplex will be located on the east side of Parcel 3. The northerly unit of each of these two triplexes will be a two (2) story structure. A common ingress and egress will allow vehicular access to both of the triplexes from Grand Avenue. Landscaping is proposed along the front, between and to the rear of both parcels. The buildings will have a stucco finish, brown composition roof and light brown in color.

Parcel 4 is rectangular in shape, and extends north from the street. This parcel consists of 12,750± square feet and fronts on Grand Avenue. The triplex will be located on the west side of the parcel. The northerly unit of this triplex will be a two (2) story structure. The proposed ingress and egress to this site is also from Grand Avenue. Landscaping is proposed along the front, to the rear and along the full length of the east property line of the subject site. The building will have a stucco finish, brown composition roof and light brown in color.

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

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 4-2005 subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report.

DD  Appropriated/Funded AP CM 20

ITEM NO. 26
CITY COUNCIL AGENDA: SEPTEMBER 20, 2005

STAFF REPORT

TITLE: "D" OVERLAY SITE REVIEW 4-2005

OWNER/APPLICANT: Terry Schuler
P.O. Box 211
Porterville, CA 93258

PROJECT LOCATION: North side of Grand Avenue, approximately 280± feet east of Prospect Street.

SPECIFIC REQUEST: The applicant is requesting approval of a “D” Overlay Site Review to allow for the development of three (3) triplexes, one each to be located on Parcel 2, 3 and 4 of Tentative Parcel Map 4-2004. The site is located on the north side of Grand Avenue, approximately 280± feet east of Prospect Street. The subject site is within the R-4 (D) (Multiple Family Residential - Design Review Overlay) Zone.

PROJECT DETAILS: Parcels 2 and 3 are rectangular in shape, and extend north from the street. Both parcels consist of 10,500± square feet and front on Grand Avenue. One triplex will be located on the west side of Parcel 2 and one triplex will be located on the east side of Parcel 3. The northerly unit of each of these two triplexes will be a two (2) story structure. A common ingress and egress will allow vehicular access to both of the triplexes from Grand Avenue. Landscaping is proposed along the front, between and to the rear of both parcels. The buildings will have a stucco finish, brown composition roof and light brown in color.

Parcel 4 is rectangular in shape, and extends north from the street. This parcel consists of 12,750± square feet and fronts on Grand Avenue. The triplex will be located on the west side of the parcel. The northerly unit of this triplex will be a two (2) story structure. The proposed ingress egress to this site is also from Grand Avenue. Landscaping is proposed along the front, to the rear and along the full length of the east property line of the subject site. The building will have a stucco finish, brown composition roof and light brown in color.

GENERAL PLAN DESIGNATION: High Density Residential

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.
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 three (3) vacant site parcels with a multiple family residential uses is consistent with the General Plan’s High Density Residential land use designation and R-4 (D) (Multiple Family Residential - Design Review Overlay) Zone. Additionally, this will in-fill a site that has been vacant for several years.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: July 18, 2005

DATE ACCEPTED AS COMPLETE: August 19, 2005

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 4-2005 subject to conditions of approval.

ATTACHMENTS:

1. Site Plan, interior layout and elevations (Exhibit “A”)
2. Parcel Map Committee Resolution 485
3. Notice of Exemption
4. Draft Resolution of Approval
RESOLUTION NO. 485

TENTATIVE PARCEL MAP 4-2004

A RESOLUTION OF THE PARCEL MAP COMMITTEE OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE
PARCEL MAP 4-2004 LOCATED AT THE NORTHEAST CORNER OF GRAND AVENUE
AND PROSPECT STREET

WHEREAS: The Parcel Map Committee of the City of Porterville, conducted a public
hearing on August 11, 2004, to consider a tentative parcel map to divide a 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
Parcel 4 - 0.29± acres  Remainder parcel consists of 3.37± acres.

WHEREAS: The Parcel Map Committee received testimony from all interested parties
relative to the tentative parcel map; and

WHEREAS: The Parcel Map Committee made the following findings in its review of the
proposed tentative parcel map:

1. That the Negative Declaration prepared for this project was made available for public
review and comment. The 20 day review period was from May 8, 2004 to May 27,
2004.

2. 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 11 in the proposed resolution of approval for Tentative
Parcel map 4-2004 and associated projects.

3. That a notice of public hearing for Tentative Parcel Map 4-2004 was made available
public review and comment. The 20 day review period was from July 12, 2004 to
July 31, 2004. No comments were received.
4. That the proposed parcelization conforms to the land use designation of the General Plan.

City Resolution 84-2004 approved the General Plan Amendment 4-2004(b) which changed the designation of the Land Use Element from High Density Residential to General Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004.

5. That the design or improvements of the proposed project is consistent with the existing zoning.

The Porterville City Council also gave the first reading of the Draft Ordinance for Zone Change 4-2004. Section 3 of the ordinance stated the following:

“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”.

6. That the site is physically suitable for the type of development being proposed.

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will re 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). Prior to any future development in the R-4 (D) zoned parcels and the C-2(D) zoned parcel, approval via a “D” Overlay Site Review by the City Council will be required.

7. 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 vicinity.

Condition 11 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to City Council Resolution 82-2004.

8. That the Parcel Map Committee is the decision-making body.
NOW, THEREFORE, BE IT RESOLVED: That the Parcel Map Committee of the City of Porterville does hereby approve Tentative Parcel Map 4-2004 subject to the following conditions:


2. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. 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.

3. At the time of approval of the Final Map the developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or that established by the City Council, along with dedication of right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to property lines, as well as dedication of property required disabled ramp(s) (Section 21-23). Dedicate required utility easements.

4. The developer/applicant shall comply with Appendix Chapter 33 of the California Building Code (CBC) including the provision of "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the start of grading. The developer/applicant shall provide the items indicated below:

   a. Grading Plans and Specifications that addresses all applicable items within Appendix Chapter 33 of the CBC and piping of the open ditch shown on the Tentative Parcel Map. The pipe shall be designed to handle the current service area under peak flow situations.

Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
5. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:

a. Simultaneous recording of a separate legal instrument or placement of a statement on the Final Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction of curb, gutter, sidewalk, wheelchair ramp(s), sewer, water, connection pavement (half street if necessary to match existing grades), 9500 lumen street light, piping of the open ditch along the east line of proposed parcel 4 and the west line of the proposed Remainder Parcel, well abandonment (if any), curing of leaks in irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the individual parcels are issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements properly function."

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

7. The developer/applicant shall install one 9500 lumen street light on a Marbelite pole at the southeast corner of proposed Parcel 1 that complies with Southern California Edison Company specifications. The street light shall be erected as a part of the development of Parcel 1 or Parcel 2, whichever comes first. Use of wood poles is prohibited without prior written approval of the City Engineer.

8. Prior to recording the final map, the developer/applicant shall provide, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, provide a surety for construction of said improvements. If not, construction of required improvements may be deferred in accordance with Section 66411.11 of the Government Code.

9. Prior to recording the final map, 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 cure any leaks in irrigation pipes crossing the subject parcel, if in the opinion of the City Engineer, such leaks may interfere with the development of the subject site. Easements shall be provided for irrigation pipes across parcels created, if such pipes will continue in use.
10. 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.

11. 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.

MOVED BY COMMITTEE MEMBER Mike Reed, SECONDED BY COMMITTEE MEMBER Loran Blasdell, AND CARRIED BY THE FOLLOWING VOTE:

AYES: Reed, Blasdell and Rouda
NOES: None
ABSTAIN: None
ABSENT: None

DATED: August 11, 2004

ATTEST: 

Randall S. Rouda, Associate Planner
Chairman, Parcel Map Committee
NOTICE OF EXEMPTION

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

X Tulare County Clerk
County Civic Center
Visalia, CA 93291

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

Terry Schuler
P.O. Box 211
Porterville, CA 93258

“D” Overlay Site Review 4-2005.
Project Title

North side of Grand Avenue, approximately 280± feet east of Prospect Street.
Project Location (Specific)

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

Approval of a “D” Overlay Site Review 4-2005 to allow for the construction of three (3) triplexes, one of each to be located on Parcels 2, 3 and 4 of Tentative Parcel Map 4-2004.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Terry Schuler, P.O. Box 211, Porterville, CA 93258
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

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

In-fill development.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:
1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the projected?
Yes: ________

Date Received for filing: ________
Signature: ________

Community Development Director
Title

UNoticeExemptionDoverlay4-2005

ATTACHMENT
ITEM NO. 3
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 4-2005 TO ALLOW THE DEVELOPMENT OF THREE (3) TRIPLEXES, ONE OF EACH ON PARCELS 2, 3 AND 4 OF TENTATIVE PARCEL MAP 4-2004 FOR THAT SITE LOCATED ON THE NORTH SIDE OF GRAND AVENUE, APPROXIMATELY 280± FEET EAST OF PROSPECT STREET IN THE R-4(D) (MULTIPLE FAMILY RESIDENTIAL - DESIGN REVIEW OVERLAY) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 20, 2005, reviewed the site plans for a proposal for three (3) triplexes, one each on Parcels 2, 3 and 4 of Tentative Parcel Map 4-2004. The site is located on the north side of Grand Avenue, approximately 280± feet east of Prospect Street in a R-4(D) (Multiple Family Residential - Design Review Overlay) Zone.

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

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

2. The proposed development is consistent with the site’s intended use.

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

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 4-2005 under the Supplemental “D” Overlay Zone regulations subject to the following conditions:

1. A reciprocal ingress/egress easement will be required between Parcels 2 and 3 of Parcel Map 4-2004.

2. The conditions outlined in Parcel Map Committee Resolution 485 will apply to the proposed project.
3. One (1) street tree for every 35 linear feet of street frontage will be required. Additionally, landscaped areas shall have an automatic watering system.


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

6. The developer/applicant shall comply with Appendix Chapter 33 of the California Building Code (CBC) including the provision of "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the start of grading. The developer/applicant shall provide the items indicated below:

   a. Grading Plans and Specifications that addresses all applicable items within Appendix Chapter 33 of the CBC and piping of the open ditch shown on the Tentative Parcel Map 4-2004. The pipe shall be designed to handle the current service area under peak flow situations.

   b. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).

7. The developer/applicant shall construct drainage facilities as required to serve the property and in accordance with Condition No. 5 (a) of Resolution No. 485 for Tentative Parcel Map 4-2004 (Ord. No. 1306).

8. The developer/applicant shall construct street paving (half street, if necessary to match existing grades), curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the
full frontage of all parcel being developed in accordance with Condition No. 5 (a) of Resolution No.485 for Tentative Parcel Map 4-2004, except where they exist and are in good condition in the opinion of the City Engineer. Condition No. 5(a) is reiterated as follows:

a. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:

Simultaneous recording of a separate legal instrument or placement of a statement on the Final Map, if appropriate, that reads as follows:
"In accordance with Section 66411.1 of the Government Code, the construction of curb, gutter, sidewalk, wheelchair ramp(s), sewer, water, connection pavement (half street if necessary to match existing grades), 9500 lumen street light, piping of the open ditch along the east line of proposed parcel 4 and the west line of the proposed Remainder Parcel, well abandonment (if any), curing of leaks in irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the individual parcels are issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements properly function."

These frontages do not exist and are required between Prospect Street to the southeast corner of Parcel 4 due to phased development chosen by the developer. Construction of sidewalk for Parcel 1 (northeast corner of Prospect Street and Grand Avenue) is deferred until such time as a permit or other grant of approval for development of the individual parcels are issued. A Civil Engineer shall prepare public improvement plans for the herein described improvements and submit to the City Engineer for approval.

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

10. The developer/applicant shall one 9500 lumen streetlight on a Marbelite pole at the southeast corner of proposed Parcel 1 that complies with Southern California Edison Company specifications. The streetlight shall be erected as part of the development of Parcel 1 or Parcel 2, whichever comes first. Use of wood poles is prohibited without prior written approval of the City Engineer.
11. Prior to recording the final map, the developer/applicant shall provide, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds," etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, provide a surety for construction of said improvements. If not, construction of required improvements may be deferred in accordance with Section 66411.11 of the Government Code.

12. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lot(s) for those parcels sharing access rights.

13. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

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

15. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

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

17. The developer/applicant shall install all required refuse container enclosures according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot. Trash cans are an acceptable alternative.

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

19. The proposed triplexes are considered “R-1” occupancy. Upon submittal of a building permit the following will be required:

   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
b. Compliance with access laws (both State and Federal) is required.

c. Compliance with all applicable codes is required.

d. Soils compaction test will be required.

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

20. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code. Fire flow for this project as proposed will be 1750 GPM.

21. All interior driveways will be required to be “Fire Lanes” and must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1

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

________________________
Kelly West, Mayor

ATTEST:
John Longley, City Clerk

By ______________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE
DOWNTOWN PARKING PROJECT – PHASE 2

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: City Staff, in conjunction with the City’s on-call transit consulting team, have completed
the preparation of a combined CEQA Initial Study/Negative Declaration and NEPA
Categorical Exclusion for the City of Porterville Downtown Parking Project-Phase 2.
The project will be funded with “Section 5307” Federal Transit funds programmed by
the City and therefore must be authorized by the Federal Transit Authority (FTA), and
comply with the National Environmental Policy Act (NEPA). The document has been
transmitted to FTA for approval of the Categorical Exclusion.

The project will involve the demolition of an existing building on additional City-owned
property (adjacent to the Phase 1 lot) and the reconstruction of said property with more
public parking to facilitate convenience of use by public transit users at the adjacent City
Transit Center. The proposed project consists of two primary elements:
1. Expansion of the Phase 1 parking lot through the addition of eleven (11) parking
   spaces for users of the adjacent City Transit Center.

2. Closure and abandonment of Oak Avenue between Division and Main Streets for
   conversion to a pedestrian mall, along with intersection improvements at Oak
   Avenue and Hockett Street, and Oak Avenue and Division Street to provide safer
   pedestrian connections to Main Street (downtown uses) for transit users.

Element No. 1 involves the redevelopment of a City-owned retail lot adjacent to Oak
Avenue and Division Street (known as Assessor Parcel Number APN 252-200-20) to
facilitate designated parking for transit users. This parcel contains an existing building
(approximately 7,200 ± sq. ft) that will be demolished and redeveloped with 20
additional parking spaces that will integrate with the existing Phase 1 parking lot.
Eleven (11) of the stalls within Phase 2 (under the building footprint) will be exchanged
with 11 of the most westerly Phase 1 stalls, in order to designate parking stalls closest to
the Transit Center to best serve transit users. Appropriate signage will be used to denote
spaces for transit use only. The redevelopment will also involve removal of building
debris, site preparation for paving and installation of parking (such that traffic
circulation integrates with the adjacent Phase 1 lot), signs, landscape planters (including
irrigation), sidewalk and curbs, and vintage lighting.
In addition, Element No. 1 will include on-street improvements on Oak Avenue. The segment of Oak Avenue between Hockett and Division Streets is a 60 ± ft. wide, two-way street with on-street parallel parking on both sides of the street. The proposed improvements along this section will include replacement of parallel parking with diagonal parking along the north side of Oak Avenue, curb, gutter and sidewalk improvements along the north side (improvements along the south side of the street were completed as part of Phase 1), and intersection improvements at all street crossings to improve pedestrian use and safety. Decorative street pavers or stamped concrete will be utilized to designate pedestrian crossings and the strategic placement of landscape planters will be used as necessary to help direct pedestrian flow to designated crosswalks. All street crossings will be designed to integrate with the existing paved crossing located on the western leg of the Oak Avenue/Hockett Street intersection. Landscape planters (including irrigation), vintage lighting and street furniture will also be installed along this segment.

Element No. 2 involves the closure and abandonment of the portion of Oak Avenue between Division Street and Main Street for conversion to a pedestrian mall. The segment of Oak Avenue between Division and Main Streets is a sub-standard width at 33 ft. (according to Assessor Map), but functions as a two-way local street without on-street parking. There are many safety issues associated with this street segment. Blind corners, associated with narrow street widths, lack of adequate sidewalk widths, and adjacent structures, force vehicles traveling westbound on Oak Avenue to creep out into the intersection with Division before visibility is provided. Also, Oak Avenue west of Main Street does not align itself with Oak Avenue east of Main Street, creating a short jog. Short jogs are inherently problematic with regards to traffic circulation. This particular short jog is bisected by a cross walk, creating further hazards with regards to pedestrian safety. The project proposes to close and abandon this portion of Oak Avenue to vehicular traffic and convert it to a pedestrian mall, in order to alleviate traffic hazards and to provide pedestrians with better and safer access to Main Street.

The pedestrian mall will be at street grade and will include provisions for drainage, landscaping (with irrigation) for shade, signage, vintage lighting, benches, trash receptacles and physical controls (bollards) to prohibit vehicle access at Main Street and Division Street. The design of the pedestrian mall will mimic the standards set forth in the Downtown Porterville Architectural Design Guidelines for the Redevelopment Project Area No. 1, which was the guiding plan for the Main Street streetscape improvement project. Alternative 2-way access between Division and Main Streets is available via Mill Avenue, located 340+/- feet north of Oak Avenue.

Hockett Street is a two-lane, one-way, northbound local street between Olive Avenue on the south and Oak Avenue on the north, with widths varying between 52 and 80 ft. according to the APN map. Street parking is not permitted within this segment. The north-bound left lane of Hockett ends just south of the Transit Center where it becomes a left turn only lane, directing traffic to an alley running just south of the City Transit Center. North of Oak Avenue, Hockett becomes a two-way street. Division Street
(within the project vicinity) is a two-way north/southbound alley that functions primarily as an access road to adjacent properties. Due to its narrow width of 32 ± ft. on-street parking is not permitted on Division Street. No modification is intended for this street.

Since the most controversial aspect of this project has been the closure of Oak Avenue between Main Street and Division Street, the Council has the option to approve Element No. 1 without approving Element No. 2 (Oak Avenue conversion to pedestrian mall). The recommendations provided for in this report account for this option.

The combined CEQA Initial Study/NEPA Categorical Exclusion prepared for the project concluded that the proposed project, if approved, will result in beneficial effects to aesthetics, air quality, land use and planning, and transportation/traffic. In addition, the proposed project will not have any significant adverse effects, or will have less than significant adverse effects, on the environment. Due to the lack of significant environmental impacts to the project site from the proposed action, no mitigation measures are required.

Notice of the proposed action has been sent to all interested agencies and otherwise distributed as required by law. Responses were received from the Tulare County Association of Governments (TCAG), the California Regional Water Quality Control District, the San Joaquin Valley Air Pollution Control District (SJVAPCD), the Downtown Porterville Association, and Richard and Jennett Huddleston. TCAG voiced their support for the City's efforts to make Porterville a "more walkable community". The California Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District noted requirements to comply with existing regulations. The SJVAPCD also commended the City for "providing improvements that facilitate and encourage both pedestrian and transit usage". The Downtown Porterville Association noted current safety issues within the project area, voiced concerns of downtown business owners, provided suggestions for additional project features, and provided overall project support. Richard and Jennett Huddleston commented on the proposed closure of Oak Avenue. These comments are herein noted.

Through public comment and outreach meetings with the Downtown Merchants the following features have been added to the project scope: signage to be located on Main Street, listing businesses located within the pedestrian mall, and additional signage along Main Street directing both northbound and southbound traffic to additional parking east and west of Main Street. The project promotes public safety and security and will foster an atmosphere conducive to public gatherings and outdoor events in the downtown area while focusing on long-term planning and the best future uses of the downtown area.

The Draft Resolution approving the Negative Declaration includes findings acknowledging the City’s regulatory responsibilities and intent to comply.
ENVIRONMENTAL: On July 22, 2005, the Environmental Coordinator made a preliminary determination that a Negative Declaration and Categorical Exclusion would be appropriate for the proposed project. The combined Initial Study/Categorical Exclusion has been transmitted to interested agencies, groups, individuals and the State.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution approving a Negative Declaration for the City of Porterville Downtown Parking Project—Phase 2.
2. Direct Staff to proceed with working drawings and specifications in preparation for the award and construction of this project; or
3. Direct Staff to prepare an agenda item requesting approval of a Resolution of Intent to Abandon a portion of Oak Avenue, and set a public hearing in relation thereto; and
4. If Council should decide against the abandonment and closure of Oak Avenue, direct Staff to proceed with working drawings and specifications in preparation for the award and construction of Element No. 1 of this project (parking lot improvements), as well as intersection and street improvements along Oak Avenue between Hockett and Division Streets.

ATTACHMENTS:

1. Letter dated August 8, 2005, from the Tulare County Association of Governments
2. Letter dated August 24, 2005, from the California Regional Water Quality Control Board
3. Letter dated August 24, 2005, from the San Joaquin Valley Air Pollution Control District
4. Letter dated September 9, 2005, from the Downtown Porterville Association
5. Letter dated June 25, 2005, from Richard and Jennett Huddleston
6. Draft Environmental Resolution
7. Draft Initial Study and Notice of Intent to Adopt a Negative Declaration and Categorical Exclusion, available for public review at the City of Porterville - Community Development Department.
August 8, 2005

Linda Clark, Administrative Analyst
City of Porterville
291 North Main Street
Porterville, CA 93257

Re: Downtown Parking Project – Phase 2

Dear Ms. Clark:

The Tulare County Association of Governments (TCAG) has reviewed the initial study and environmental assessment for the above referenced project. TCAG supports the City of Porterville’s effort to make the City a more “walkable community. Should you have any questions regarding our comments, please give me a call.

Sincerely,

Scott Cochran
Regional Planner, TCAG

SC:ke

ATTACHMENT
ITEM NO. 1
24 August 2005

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

PROPOSED NEGATIVE DECLARATION AND ENVIRONMENTAL ASSESSMENT,
DOWNTOWN PARKING PROJECT – PHASE 2, SCH# 2005081032, PORTERVILLE,
TULARE COUNTY

Your request for comments on the Proposed negative Declaration and Environmental
Assessment for the Downtown Parking Project – Phase 2 was received on 10 August 2005. The
projected project includes redevelopment of a City-owned retail lot southwest of Oak Avenue
and Division Street to add an additional 20 parking spaces to the Phase 1 parking project. The
expansion will require removal of a vacated retail building. The proposed project includes the
closure of Oak Avenue between Division and Main Streets for conversion to a pedestrian mall.

Regulations published in the Federal Register on 8 December 1999 expanded the storm water
program to include small municipal separate storm sewer systems (MS4) (serving a population of
less than 100,000 and located in an urbanized area). Such small MS4s must obtain an NPDES
Phase II municipal permit by March 2003 and comply with its terms for storm water management
and control. The Phase II storm water minimum requirements include public education and
outreach, public involvement and participation, illicit discharge detection and elimination,
pollution prevention and good housekeeping in municipal operations, construction site urban
runoff control, and post-construction management in new development and redevelopment.
Since the City of Porterville has submitted an application to obtain an NPDES Phase II permit,
these minimum requirements should be incorporated into development projects as appropriate.

If construction associated with the project will disturb one acre or more, compliance with the
National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for
Discharges of Storm Water Associated With Construction Activity will be required for potential
discharges to surface waters, including ephemeral and intermittent drainages. Before
construction begins, the City must submit a Notice of Intent (NOI) to comply with the permit, a
site map, and an appropriate fee to the State Water Resources Control Board and a Storm Water
Pollution Prevention Plan (SWPPP) must be prepared. The SWPPP must contain at a minimum
all items listed in Section A of the General Permit including descriptions of measures 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, riparian buffers, etc.) best

California Environmental Protection Agency

ATTACHMENT
ITEM NO. 2

Recycled Paper
management practices (BMPs) that will be implemented to prevent pollutants from discharging with storm water into waters of the United States.

Thank you for the opportunity to comment on this Proposed Negative Declaration and Environmental Assessment. If you have any questions regarding our comments, please call me at (559) 445-6046.

LISA GYMER
Environmental Scientist

cc: State Clearinghouse, Sacramento
**Project Title:** City of Porterville downtown Parking Project - Phase 2  

**Land Appraiser:** City of Porterville  
**Contact:** Bradley D. Gunley, Community Development Director  
**Address:** 111 N. Main St.  
**Phone:** (559) 782-7460  
**City:** Porterville, Ca.  
**County:** Tulare  

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**Local Type:**  
- General Plan Update  
- General Plan Amendment  
- General Plan Element  
- Community Plan  

**Receiving Agency:**  
- KOA (City/County)  
- DPR  
- Other:  

**State Clearing House**  
- Public Hearing  
- Other:  

**Development Type:**  
- Residential  
- Commercial:  
- Institutional  
- Special  

**Water Facilities Type:**  
- Municipal  
- Other:  

**Project Purpose:**  
- Redevelopment  
- Redevelopment  
- Transportation:  
- Other:  

**Public Hearing:**  
- Public Hearing  
- Other:  

**Project Summary:**  
Reconstruction of additional parking spaces, closure of a street and addition of landscaping, lighting and street furniture.  

---

**State Clearinghouse Contact:**  
(510) 445-0013  
**State Review Began:** 8-8-2005  
**SCH Compliance:** 1-6-2005  

---

Please note State Clearinghouse Number (SCH#) on all Comments  
**SCH#: 2005081032**  

Please forward late comments directly to the Lead Agency  
**AQMD/ACPD 37**  
(Responsible Agent: 8/13)  

---

**Project Sent to the Following State Agencies:**  
- Resources  
  - Resources  
  - Resources  
  - Resources  
  - Resources  
- State Consumer Svs  
- General Services  
- Cal EPA  
- ARB - Airport Projects  
- ARB - Transportation Projects  
- ARB - Major Industrial Projects  
- Integrated Waste Mgmt Bd  
- SWRCB: Wq Quality  
- SWRCB: Wq Quality  
- Wq Quality  
- Wq Quality  
- Reg. WQCB # 4F  
- Toxic Sub Ctr-CTC  
- Ybka/Ctr Corrections  
- Corrections  
- Independent Cmm  
- Energy Commission  
- NARC  
- Public Utilities Cmm  
- State Lands Cmm  
- Tahoe Rgel Plan Agency  

---
August 24, 2005

Ms. Linda A. Clark  
Administrative Analyst  
291 North Main Street  
Porterville, CA 93257

Subject: City of Porterville Downtown Parking Project – Phase 2  
Negative Declaration/Environmental Assessment

Dear Ms. Clark,

The staff of the San Joaquin Valley Air Pollution Control District (District) have reviewed the City of Porterville Downtown Parking Project – Phase 2 Negative Declaration/Environmental Assessment (Project). As noted in the Negative Declaration/Environmental Assessment (ND/EA) certain aspects of the project will require compliance with District rules and regulations. As the entire San Joaquin Valley Air Basin is designated non-attainment for ozone and fine particulate matter (PM10 and PM2.5), a concerted effort should be made to reduce project-related emissions as outlined below:

1. **Rule 4002** (National Emission Standards for Hazardous Air Pollutants). As noted in the ND/EA, one existing building will be demolished; therefore, this activity will be subject to Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Brian Dodds at (559) 230-5962, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin has been enclosed.

2. **Regulation VIII** (Fugitive PM10 Prohibitions) is a series of rules (Rules 8011-8081) designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, demolition, road construction, bulk materials storage, earth-moving operations, etc. Current District rules can be found at http://www.valleyair.org/rules/1ruleslist.htm. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earth-moving activities (see section 6.4.2). A template of the District’s Dust Control Plan is available at: http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf

3. **Rule 4101** (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. The City of Porterville should contact the District’s Small Business Assistance Office at (559) 230-5888 to receive additional information/instructions.

4. **Rule 4102** (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

ATTACHMENT  
ITEM NO. 3
5. **Rule 4641** (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

6. To determine if the project is subject to permit requirements or for further information, the City of Porterville is encouraged to contact the District’s Small Business Assistance Office at (559) 230-5888.

There are a number of measures that can be incorporated into the construction phase of the project to provide additional reductions to construction emissions. The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider:

From Table 6-4 of the District’s *Guide to Assessing and Mitigating Air Quality Impacts 2002* (GAMAQI) which can be found at: [http://www.valleyair.org/transportation/ceqa_guidance_documents.htm](http://www.valleyair.org/transportation/ceqa_guidance_documents.htm)

**Use of Alternative fueled or catalyst equipped diesel construction equipment.**
- The City of Porterville should identify a minimum of catalyst-equipped diesel construction equipment that will be used for this project. Low-sulfur diesel should be used in place of regular diesel when possible. Alternative fuel may not be readily available in the project area. If biodiesel is used, the City or its contractor(s) should use only CARB certified fuels as not all biodiesels or biodiesel blends will result in reduced NOx emissions. According to the EPA’s website, biodiesel use generally results in an increase in NOx emissions. The California Air Resources Board (CARB) has certified specific biodiesels for NOx reduction. Only biodiesels that have been certified by CARB should be used. For more information on biodiesel or other types of alternative fuels, please call Mr. Chris Acree, Air Quality Specialist, at (559) 230-5829. The applicant should calculate the associated emission reductions from implementing this mitigation measure.

**Minimize idling time (e.g., 10 minute maximum)**
- City of Porterville could require a contractor to institute idling limits to prevent unnecessary diesel emissions. Engines should be shut off when not in use, including during breaks and lunches.

**Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use**
- The City of Porterville should specify the conditions of reduced hours or reduced amount of equipment. Hours can be reduced under certain circumstances such as during levels of high ambient air pollution or during peak travel on nearby roads.

**Construction equipment should have engines that are Tier II (if available as certified by the Air Resources Board).**
- The City of Porterville could require a contractor to utilize Tier I and Tier II (2.5 gram) engines which have significantly less PM and NOx emissions compared to uncontrolled engines. Onsite equipment should be equipped with 1998 or newer engines. Engines built after 1998 are cleaner Tier II engines. To find engines certified by the Air Resources Board, see [http://www.arb.ca.gov/msprog/offroad/cert/cert.php](http://www.arb.ca.gov/msprog/offroad/cert/cert.php). This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.

- Off road trucks should be equipped with on-road engines when possible.

- Light Duty Cars and Trucks should be alternative fueled or hybrids.
See www.fueleconomy.gov, http://www.eere.energy.gov/cleancities/index.html (Clean Cities Program) and www.driveclean.ca.gov as resources to find alternative fueled or hybrid vehicles.

Lastly, we commend the City of Porterville for providing improvements that facilitate and encourage both pedestrian and transit usage. District staff is available to meet with you to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,

[Signature]

Hector R. Guerra
Senior Air Quality Planner
Central Region
September 9, 2005

To: Porterville City Council

Re: Singer Parking Project

Gentlemen:

Although currently there is enough parking in Downtown Porterville for all businesses, the location of available parking relative to need is poor. The area bounded by Division, Mill, Second and Garden has the lowest ratio of spaces to need. The problem in this area is exacerbated by the presence of Good Shepherd and the Glenwood Hotel. Downtown Porterville is solidly in favor of additional parking in this area.

Oak Avenue from Division to Main is possibly the most dangerous block in Downtown. The offset intersection with Main, compounded by the three crosswalks across Main, (two marked and legal, one not), creates a traffic hazard. The substandard width sidewalks, with lack of handicap access, and the high curbs and blind corners on Division create an extremely dangerous pedestrian situation.

Despite this, some Downtown business owners have reservations regarding the conversion of Oak Avenue between Division and Main.

The first concern is the increased circling distance caused by the closure. The Downtown Board feels that the additional parking spaces and improved pedestrian safety more than balance that increase. In addition, if Downtown and the City can work with the owners of the Glenwood to require the residents to use the back lot parking, these additional spaces will be effectively transferred to Main Street, which will minimize the circling.

The second is the possibility of loitering and litter in and general fouling of the walkway. Properly maintained high visibility landscaping, nighttime lighting, increased patrols by the Police Department, and rapid response to complaints regarding the area can keep that under control.
The conversion of this stretch of Oak to a pedestrian walkway will increase the "pedestrian friendliness" of the area, a situation imperative to the rejuvenation of Downtown. It will add an additional green spot to Downtown Porterville, complementing the Centennial Park across from City Hall. It will provide a second location for activities during Downtown promotions and can be used alone for a variety of mini events.

In closing, Downtown Porterville Association encourages the following provisions be included in the Oak Avenue conversion:

- Provide adequate trash receptacles in the Walkway
- Provide and maintain Walkway landscaping conducive to easy observation
- Provide for increased police patrols to minimize loitering, littering and vandalizing
- Provide signage areas on Main Street for the use of businesses located on the Walkway
- Work with the owners of the Glenwood to require their tenants to utilize off-street parking
- Provide signage on Main Street indicating location of off-street parking
- Create a streamlined procedure for approval of mini events in the Walkway

Downtown Porterville Association feels that the advantages of converting Oak Avenue between Division and Main greatly outweigh any disadvantages, and encourages the City of Porterville to proceed.

Sincerely,

Dick Eckhoff, Chairman
Downtown Porterville Association, Inc.
To the City of Porterville,

Re: Closing of Oak Street

I am opposed to Oak Street becoming a Park Situation.
I believe it would hinder businesses located in this area. The only street would be quiet for access to main street (nearer on the north or closer on the south).

Hence, I believe it might even cause more graffiti on this side street - where the police cannot patrol our area. Also, I believe it would encourage gang vandalism. I really think it would be very destructive to our businesses.

Thank

Richard & Janice Huddleston

PS. I am unable to attend the meeting because I cannot close the store in the middle of the workday.
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION FOR THE CITY OF PORTERVILLE
DOWNTOWN PARKING PROJECT – PHASE 2

WHEREAS: On July 29, 2005, the City of Porterville circulated an Initial Study and Notice of Intent to Adopt a Negative Declaration pursuant to CEQA and Categorical Exclusion pursuant to NEPA; and

WHEREAS: Comments regarding the project were received from three agencies, prior to the close of the public comment period and from two public groups/individuals during the project development process, none of which identified significant environmental impacts; and

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

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 20, 2005 considered the potential environmental impact of the proposed City of Porterville Downtown Parking Project—Phase 2; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That the Initial Study was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved Negative Declaration and Categorical Exclusion was evaluated in light of the prepared environmental Initial Study, with comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that no significant impacts are associated with the proposed project.

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

4. That the Negative Declaration and Categorical Exclusion prepared for the City of Porterville Downtown Parking Project – Phase 2 was transmitted to the State Clearinghouse and interested agencies, groups and individuals for review and comment. The review period ran for thirty (30) days from July 29, 2005 to August 29, 2005.

5. That the Tulare County Association of Governments, the California Regional Water Quality Control Board, the San Joaquin Valley Air Pollution Control District, the Downtown Porterville Association, and Richard and Jennett Huddleston provided
written comments with regards to the project. The Tulare County Association of Governments voiced their support for the City’s efforts to make Porterville a “more walkable community”. The California Regional Water Quality Control Board noted the requirement to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements for storm water management (including potential discharges of storm water associated with construction activities). The San Joaquin Valley Air Pollution Control District (SJVAPCD) noted the requirement to comply with District Regulation VIII (construction management to reduce fugitive dust), Rule 4002 (asbestos identification and removal), Rule 4101 (applies to visible emissions), Rule 4102 (applies to public nuisance), and Rule 4641 (applies to cutback, slow cure, and emulsified asphalt, paving and maintenance operations). The SJVAPCD also commended the City for “providing improvements that facilitate and encourage both pedestrian and transit usage”. The Downtown Porterville Association noted current safety issues within the project area, voiced concerns of downtown business owners, provided suggestions for additional project features, and provided overall project support. Richard and Jennett Huddleston commented on the proposed closure of Oak Avenue.

The City of Porterville will comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District, and all applicable air quality and storm water requirements associated with this project.

6. That the Initial Study prepared for the project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for the City of Porterville Downtown Parking Project-Phase 2.

_________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By_________________________
Patrice Hildreth, Deputy City Clerk
CEQA INITIAL STUDY (IS)/
NEGATIVE DECLARATION (ND)

AND

NEPA ENVIRONMENTAL ASSESSMENT (EA)/
CATEGORICAL EXCLUSION (CE)

PROJECT:
DOWNTOWN PARKING PROJECT—PHASE 2

June 2005

Prepared for the
City of Porterville
291 North Main Street
Porterville, California 93257
559.782.7448

Prepared by
TPG Consulting, Inc.
222 North Garden Street, Suite 100
Visalia, California 93291
559.739.8072
PROJECT TITLE

The proposed project is the Downtown Parking Project—Phase 2.

LEAD AGENCY/PROJECT APPLICANT AND CONTACT PERSONS

The Lead Agency for the preparation of this combined CEQA Initial Study (IS)/Negative Declaration (ND) and NEPA Environmental Assessment (EA)/Categorical Exclusion is the City of Porterville. The key contact persons are as follows:

Lead Agency/Project Applicant:

City of Porterville
291 North Main Street
Porterville, CA 93257
(559) 782-7448
Contact: Linda A. Clark, Administrative Analyst

Environmental Consultants:

TPG Consulting, Inc.
222 N. Garden Street, Suite 100
Visalia, CA 93291
(559) 739-8072
Contact: Charles F. Clouse, Principal
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INTRODUCTION

The proposed Downtown Parking Project—Phase 2 is proposed to be funded with “Section 5307” Federal Transit funds programmed by the City and therefore must be authorized by the Federal Transit Authority. This project also requires a discretionary local action by the City of Porterville City Council. As such, the project is subject to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Therefore, the following evaluation has been prepared to satisfy the environmental review requirements of both CEQA and NEPA, and serves as a “combined CEQA/NEPA document” as allowed and encouraged under both acts. It is the finding of this combined evaluation that the proposed project qualifies for a “Negative Declaration” pursuant to CEQA, and a “Categorical Exclusion” pursuant to NEPA and FTA Regulations Section 771.117(d)(4) (Transportation corridor fringe parking facilities).

The purpose of the Downtown Parking Project—Phase 2, is to expand a previously-built public parking lot, hereafter referred to as “Phase 1”, for use by those using the public transit services at the adjacent City Transit Center, and to create a pedestrian mall with intersection/cross-walk improvements along Oak Avenue between Hockett Street and Main Street. The purpose of the pedestrian mall and intersection improvements is to facilitate better/safer pedestrian access to the downtown area by those individuals who have come to Porterville via public transit.

The City Transit Center is an inter-modal center providing City bus service (Porterville Transit), connections to County bus service (Tulare County Transit) and connections to Regional bus service provided by Orange Belt Stages. The existing Phase 1 parking lot, adjacent to the City Transit Center across Hockett Street, was funded and built in 2003-04 by the City Redevelopment Agency, with State grant money. As such, a Negative Declaration has already been prepared and adopted pursuant to CEQA for that parking lot. The proposed Downtown Parking Project—Phase 2 will involve the demolition of an existing building on additional City-owned property (adjacent to the Phase 1 lot) and the reconstruction of said property with more public parking to facilitate convenience of use by public transit users at the adjacent City Transit Center. The Phase 2 project has been designed so that it will be a functional extension of the existing Phase 1 public parking lot and be immediately proximate to the Transit Center. The Phase 2 project also includes the closure to vehicular traffic of Oak Avenue between Division Street and Main Street to facilitate a pedestrian friendly connection for transit users to their downtown origins and destinations.

The attached Environmental Checklist discusses the probable environmental effects of the proposed Phase 2 project. Preparation of this combined CEQA Initial Study/NEPA Environmental Assessment was based on information contained in numerous documents. References to these documents are identified in this report. All comments received on potential environmental issues through the Initial Study/Environmental Assessment process, will receive full consideration.

PROJECT BACKGROUND

PROJECT LOCATION

The project site is located in the downtown central business district of the City of Porterville. The project vicinity is shown in Figure 1-Vicinity Map. The City of Porterville is located in Tulare County, California, which is located in the San Joaquin Valley, approximately 165 miles north of Los Angeles, 254 miles south of San Francisco, and 171 miles east of the Pacific Coast; Porterville is 65 miles north of Bakersfield and 30 miles southeast of Visalia. The City was incorporated on May 7, 1902.
Figure 1 – Vicinity Map
The City operates under a council-manager form of government and provides a wide range of municipal services, including police and fire protection. The City currently has a land area of 14.8 square miles and a population of 43,150.

The project site includes a roughly 7,200 sq. ft. City-owned parcel, shown as Assessor Parcel No. 252-200-20 on attached Figure 2-Assessor’s Maps, is located at the southwest corner of Oak Avenue and Division Street and contains an existing vacant building, previously used for a bus depot, ceramics store and bookstore (all businesses have vacated the premises). The building lies east of the City Transit Center across Hockett Street and is immediately adjacent east and north of the Phase 1 parking area.

The area immediately surrounding the project site is currently comprised of public and commercial uses (see Figure 3 – Zoning & Land Use Map). The public uses consist of the City’s Transit Center and public parking lots. The commercial uses consist of a mixture of general commercial, retail, and medical office.

**PROJECT DESCRIPTION**

The Proposed Downtown Parking Project—Phase 2 consists of two primary elements. These are depicted in Figure 4-Site Plan:

1. Expansion of the Phase 1 parking lot through the addition of eleven (11) parking spaces for users of the adjacent City Transit Center.
2. Closure of Oak Avenue between Division and Main Streets for conversion to a pedestrian mall, along with intersection improvements at Oak Avenue and Hockett Street, and Oak Avenue and Division Street to provide safer pedestrian connections to Main Street (downtown uses) for transit users.

Element No. 1 involves the redevelopment of a City-owned retail lot adjacent to Oak Avenue and Division Street (known as Assessor Parcel Number APN 252-200-20) to facilitate designated parking for transit users. This parcel contains an approximately 7,200 ± sq. ft building. This building will be vacated, demolished, all services will be capped off, and the site redeveloped with 20 additional parking spaces that will be designed and constructed to functionally integrate with the existing Phase 1 parking lot. Eleven (11) of the stalls within Phase 2 (under the building footprint) will be exchanged with 11 of the most westerly Phase 1 stalls, in order to designate parking stalls closest to the Transit Center to best serve transit users (see Figure 4-Site Plan). Signs and markings will be used to denote these spaces for transit use only. The redevelopment will involve removal of building debris, site preparation for paving and installation of parking (such that traffic circulation integrates with the adjacent Phase 1 lot), signs, landscape planters (including irrigation), sidewalk and curbs, and vintage lighting. Examples of selected elements are shown in Figure 5-Photo Log.

Element No. 2 involves the closure of the portion of Oak Avenue between Division Street and Main Street for conversion to a pedestrian mall, and construction of vehicular and pedestrian improvements along the portion of Oak Avenue between Hockett and Division Streets.

The segment of Oak Avenue between Division and Main Streets is a sub-standard width at 33 ft. (according to Assessor Map), but functions as a two-way local street without on-street parking. The project proposes to close this portion of Oak Avenue to vehicular traffic and convert it to a pedestrian mall. Alternative 2-way access between Division and Main Streets is available via Mill Avenue, located 340+/− feet north of Oak Avenue (see Figure 1 – Vicinity Map). The pedestrian mall will be at street grade and will include provisions for drainage, landscaping (with irrigation) for shade, signage, vintage
Figure 2 – Assessor’s Maps
Figure 3 – Zoning & Land Use Map
lighting, benches, trash receptacles and physical controls (bollards) to prohibit vehicle access at Main Street and Division Street. The design of the pedestrian mall will mimic the standards set forth in the Downtown Porterville Architectural Design Guide for the Redevelopment Project Area No. 1. This document was adopted by the Porterville Redevelopment Agency in May of 1994, and was the guiding plan for the Main Street streetscape improvement project.

The segment of Oak Avenue between Hockett and Division Streets is a 60 ± ft. wide, two-way street with on-street parallel parking on both sides of the street. The proposed improvements along this section will include replacement of parallel parking with diagonal parking along the north side of Oak Avenue, curb, gutter and sidewalk improvements along the north side (improvements along the south side of the street were completed as part of Phase 1), and intersection improvements at all street crossings to improve pedestrian use and safety. Decorative street pavers or stamped concrete will be utilized to designate pedestrian crossings and the strategic placement of landscape planters will be used as necessary to help direct pedestrian flow to designated crosswalks. All street crossings will be designed to integrate with the existing paved crossing located on the western leg of the Oak Avenue/Hockett Street intersection (see corresponding photo in Figure 5-Photo Log). Landscape planters (including irrigation), vintage lighting and street furniture will also be installed along this segment.

Hockett Street is a two-lane, one-way local street between Olive Avenue on the south and Oak Avenue on the north, with widths varying between 52 and 80 ft. according to the APN map. Traffic flows to the north along this section of Hockett, and street parking is not permitted. The north-bound left lane of Hockett ends just south of the Transit Center where it becomes a left turn only lane, directing traffic to an alley running just south of the City Transit Center. North of Oak Avenue, Hockett becomes a two-way street. Division Street (within the project vicinity) is a two-way alley that functions primarily as an access road to adjacent properties. Due to its narrow width of 32 ± ft. on-street parking is not permitted on Division Street. No modification is intended for this street.

**PROJECT NEED & OBJECTIVES**

The need for and objectives of the Downtown Parking Project—Phase 2 are as follows:

- Improve transit rider parking availability proximate to the Transit Center.
- Eliminate dangerous vehicular-pedestrian safety/interface issues proximate to the Transit Center.
- Facilitate safer, convenient walking access to downtown for transit users.
- Reduce dependency on automobile transportation.

**CONSISTENCY WITH PLANS AND POLICIES**

The existing Phase 1 parking lot was found by the City Redevelopment Agency to be consistent with the City of Porterville’s General Plan and Zoning Code. The proposed project site is designated in the City’s General Plan for General Commercial (GC) and is currently zoned C-2, Central Commercial, as are the surrounding areas. The proposed project will expand availability of public parking proximate to the City Transit Center area and is infill development. As such, the project will implement the City’s General Plan policy to promote infill development. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance. In addition, the facility shall be constructed, maintained and operated in compliance with all applicable federal, state, and local laws, ordinances and regulations.
Figure 5 – Photo Log

Light Standards & Lamps (Main Street)

Bollards & Landscape Planter (Main Street)

Bollards, Trash Receptacles & Sidewalk Pavers (Main Street)

Intersection Pavers (Oak & Hockett-existing)
ALTERNATIVES

The three alternatives considered to the proposed action include the following: 1) the No Action Alternative, 2) Alternative Locations, and 3) the Proposed Action.

1.) NO ACTION ALTERNATIVE

Inclusion of the No Action Alternative is prescribed by the Council on Environmental Quality (CEQ) regulations as the benchmark against which Federal actions are evaluated. Under the No Action Alternative, the City would maintain the current building on the project site and either utilize it for city functions or make it available for continuing retail use through lease or rent. There would be no changes or improvements made to the area, leaving pedestrian safety issues unmitigated. The opportunity to provide additional parking proximate to the Transit Center to better encourage transit use would also not be achieved. Existing parking lots already adjacent to the City Transit Center are commonly at capacity or are restricted to private use; therefore the No Action Alternative would result in a loss of potential transit patrons for the Transit Center.

There would be no environmental impacts associated with this alternative.

2.) ALTERNATIVE LOCATIONS

The prospect of alternative locations for parking at and around the Downtown Transit Center was considered. However, there were no surrounding lots suitable and available for this use. Given the need for ancillary transit parking with convenient access to the Transit Center, only sites adjacent to the Transit Center were considered acceptable for the purpose of meeting project objectives.

A prior Initial Study/Environmental Assessment was completed on the lot directly to the south of the Transit Center (see Figure 2-Assessor’s Maps – parcels 31, 39, and 53) to be used for transit related public parking. This location would require the acquisition of parcels 31 and 39 (see Figure 2-Assessor’s Maps) by the City, from private ownership (Smith Enterprises, Inc.). The study revealed no potential adverse environmental impacts associated with the project. However, the City was unable to negotiate acceptable acquisition terms for the Smith property, and the location was thus eliminated from further consideration.

The parcels located directly north of Oak Avenue both contain structures which are currently utilized for commercial uses. These parcels are not owned by the City, and were therefore not considered for this project. Parcels to the east contain retail/commercial businesses which front on Main Street and are not adjacent to the Transit Center and therefore are not suitable alternative sites for the project. Parcels to the west are already being utilized for the City Transit Center, other public and private parking, and enterprises along the Union Pacific Railroad, and similarly are not suitable or available sites for the project.

No other locations exist proximate to the Transit Center which would provide direct pedestrian access between the Transit Center and the downtown area; therefore no other locations were considered for development of the pedestrian mall.

The potential environmental impacts associated with the above mentioned locations would be expected to be similar to those associated with the preferred alternative, given their similar character and location.
3.) PROPOSED ACTION-PREFERRED ALTERNATIVE

The subject site was chosen for two primary reasons: 1) its proximity to the Transit Center and the Downtown Area; and 2) it is currently owned by the City. The proposed site is the most feasible and efficient alternative. The Proposed Action would improve downtown parking with the least disruption to existing businesses, and utilization of this site would be more cost effective than acquiring and developing a non-City owned lot.

The potential environmental impacts associated with this alternative are evaluated in the attached Environmental Checklist.

ENVIRONMENTAL CONDITIONS

ENVIRONMENTAL SETTING

Porterville is located in the southeast portion of the San Joaquin Valley, at the base of the Sierra Nevada foothills in southern Tulare County. Tulare County is characterized by moderate, wet winters and hot, dry summers. The annual mean temperature is 78.1 degrees Fahrenheit, and winds prevail from the Northwest.

The proposed project site elevation is approximately 455 feet above sea level and lacks any distinct topographical features; the topography of the project site, and surrounding area, is flat. The site currently consists of a vacant retail commercial building and developed public roadways. The project site is therefore void of vegetation. No bodies of water are present on or adjacent to the project site. The surrounding area is fully urbanized.

POTENTIAL/PROBABLE ENVIRONMENTAL IMPACTS

The proposed project involves the demolition of a vacant building. Such demolition, as noted in the attached Environmental Checklist, is subject to State-regulated and permitted abatement requirements, administered through the San Joaquin Valley Air Pollution Control District (SJVAPCD). Prior to demolition, and in accordance with state-mandated inspection procedures, it must be determined whether the building contains asbestos. In the event asbestos is found to exist within the building, the City will be subject to the APCD permit and abatement process and requirements as described in the attached checklist.

The proposed project, if allowed, will result in beneficial effects to aesthetics, air quality, land use and planning and transportation/traffic.

MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

According to the attached Environmental Checklist, the proposed project will not have any significant adverse effects, or will have less than significant adverse effects, on the environment. Due to the lack of significant environmental impacts to the project site from the proposed action, no mitigation measures are required.
ENVIRONMENTAL CHECKLIST

The attached Environmental Checklist includes responses to areas of potential/probable environmental concern. A discussion is provided for each area of potential concern, or reasons for dismissing an area of concern as clearly insignificant.

DOCUMENTS, PERSONS & AGENCIES CONSULTED


City of Porterville, Planning Department. Personal communication with Randall S. Rouda, Associate Planner. February 2005.

City of Porterville, Engineering Department. Oak Avenue traffic counts (between Main Street and Hockett Street). May 2005.

Consolidated Testing Laboratories, Inc. Phase 1 Environmental Site Assessment of Proposed Transit Terminal Site at the Southeast Corner of North D Street and West Oak Avenue Porterville, CA. January 15, 2001.


ENVIRONMENTAL DETERMINATION

This Initial Study/Environmental Assessment and the attached Environmental Checklist contain detailed evaluations of the potential/probable areas of impacts associated with this project. The evaluations conclude that no potential adverse environmental impacts will result regarding those categories of impacts specified under NEPA (reference “Categorical Exclusion (NEPA)” below), nor to the categories of impacts specified under CEQA (aesthetics, agriculture resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems).

Therefore, the preparation and adoption of a combined Negative Declaration/Categorical Exclusion is recommended pursuant to this Initial Study/Environmental Assessment in compliance with State CEQA and Federal NEPA regulations.
Negative Declaration—ND (CEQA)

The California Public Resources Code Division 13: Environmental Quality, Section 21064 identifies a Negative Declaration as “a written statement briefly describing the reason that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.”

The California Public Resources Code Division 13: Environmental Quality, Section 21080(c) states, “If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect.”

Categorical Exclusion—CE (NEPA)

The Code of Federal Regulations Title 40: Protection of Environment, Section 1508.4 identifies a Categorical Exclusion (CE) as “a category of actions which do not individually or cumulatively have a significant effect on the human environmental and which have been found to have no such effect in procedures adopted by [FTA] and for which, therefore, neither an environmental assessment nor an environmental impact assessment is required.”

An agency may wish to go beyond the minimum requirements of NEPA and prepare an EA for actions that qualify as categorically excluded (40 CFR 1501.3(b), 1508.4), when the agency wishes to provide additional details about the action’s environmental effects.

The proposed project is consistent with Code of Federal Regulations Title 23: Section 771.117(d)(4) Categorical Exclusion for “transportation corridor fringe parking facilities.” Section 771.117(a) states that “Categorical Exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel, patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.”

Section 771.117(d) states that additional actions which meet the criteria for a CE in 1508.4 and 771.117(a) may be designated as CEs only after Administration approval.

PROPOSED ACTIONS

The City of Porterville seeks to take the following actions with respect to this environmental document:

1. Adoption of a Negative Declaration for the Downtown Parking Project—Phase 2

   The City determines that this combined Initial Study/Environmental Assessment prepared and circulated for public review and comment is in compliance with the California Environmental Quality Act (CEQA) and the State and local Guidelines implementing the Act, and certifies that the document is adequate pursuant to CEQA and that the document and public comments received thereon have been considered before making the final decision on the project. Based upon the record, the City finds that there are no significant impacts associated with this project, and hereby directs that a Negative Declaration be prepared.
II. Adoption of a Categorical Exclusion for the Downtown Parking Project—Phase 2

The City determines that this combined Initial Study/Environmental Assessment prepared and circulated for review and comment by FHWA and the public is in compliance with the National Environmental Policy Act (NEPA) and the Federal and FHWA Guidelines implementing the Act, and certifies that the document is adequate pursuant to NEPA and that the document and public comments received thereon have been considered before making the final decision on the project. Based upon the record, the City finds that there are no significant impacts associated with this project, and hereby directs that a Categorical Exclusion be prepared.
ENVIRONMENTAL DOCUMENTATION

On the basis of this initial evaluation:

X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION (CEQA)/CATEGORICAL EXCLUSION (NEPA) 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 the attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION (CEQA)/MITIGATED FINDING OF NO SIGNIFICANT IMPACT (NEPA) will be prepared.

__ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (CEQA)/ENVIRONMENTAL IMPACT STATEMENT (NEPA) is required.

__________________________   ___________________
City of Porterville Representative     Date
Signature

__________________________
City of Porterville Representative
Printed Name

Title
ENVIRONMENTAL CHECKLIST FORM

Project Title: Downtown Parking Project—Phase 2
Lead Agency: City of Porterville, 291 North Main Street, Porterville, CA, 93257, (559)782-7448
Project Number: TUL03-012 Porterville
Project Location: APN 252-200-20 consisting of 7,200 +/- sq. ft. lying south of Oak Avenue between Hockett Street and Division Street, as well as the stretch of Oak Avenue bound by Hockett Street on the west and Main Street on the east, in the City of Porterville.
General Plan Designation: GC, General Commercial Zoning: C-2, Central Commercial
Project Description: Redevelopment of a retail lot to include demolition of an existing building, redevelopment as an expansion of an existing public parking lot, closure of a substandard portion of a public street with conversion to a pedestrian mall, and enhancement of the remaining portion for improved on-street parking and intersection pedestrian crosswalks.

<table>
<thead>
<tr>
<th>Issues (and Supporting Information Sources)</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>I. AESTHETICS  Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
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<tr>
<td>Discussion: No scenic vistas are present within, or surrounding, the project area; therefore no impact will occur.</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Discussion: The project is not within a state scenic highway; therefore no impact will occur.</td>
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<td></td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Discussion: The project site and its surroundings lie within the downtown central business district. The project area is surrounded by commercial and retail development. The conversion of the site from its current state will enhance the visual and economic revitalization of the area; therefore the project will not degrade the existing visual character or quality of the site and its surroundings. No impact will occur.</td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>Discussion: The project will add some light and glare to the area through installation of new light posts. All lighting will be hooded or directed in accordance with City standards. The new light source will not be substantial, and will not adversely affect day or nighttime views in the area; therefore the impact will be less than significant.</td>
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<tr>
<td>II. AGRICULTURAL RESOURCES Would the project:</td>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Discussion: The project site is located within the central business district, which does not contain any prime or unique farmland, or farmland of statewide importance. Development of the project site will not involve the acquisition of farmland, nor will it indirectly lead to the conversion of farmland for non-agricultural use; therefore no impact will occur.</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: The project site is designated in the City’s General Plan for General Commercial. The site is currently zoned C-2, Central Commercial; therefore the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact will occur.</td>
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<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Discussion: The project site is located within the central business district, which does not contain any farmland; therefore, the project will not result in conversion of farmland to non-agricultural use. No impact will occur.</td>
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<tr>
<td>III. AIR QUALITY Would the project:</td>
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</tr>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Discussion: The City of Porterville General Plan does not identify any air quality plan in place within Porterville. The project does not conflict with, or obstruct, implementation of the San Joaquin Valley Air Pollution Control District’s (SJAPCD) air quality plan; therefore the project will not have an impact on an air quality plan. The pedestrian mall aspect of this project will encourage easy accessibility from the transit station and nearby parking to the downtown via walking, thereby reducing dependency on vehicle use in the downtown. Similarly the parking lot provides additional parking in close proximity to the Transit Center and downtown, also facilitating more walking instead of driving. The building demolition aspect of the project will be subject</td>
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# Issues (and Supporting Information Sources):

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</thead>
<tbody>
<tr>
<td>a) Potentially Significant Impact to the San Joaquin Valley Air Pollution Control District’s “Asbestos Requirements for Demolitions and Renovations”. The District has regulations which require compliance with the asbestos demolition and renovation requirements developed by the United States Environmental Protection Agency (EPA) in the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation, 40 CFR, Part 61, Subpart M. If, following a required inspection of the building by or under the direction of a Cal-OSHA certified consultant, asbestos-containing materials (ACM) are discovered, they must be removed according to APCD, Cal-OSHA and Cal-EPA requirements, including removal by an authorized contractor (registered with the Asbestos Contractors Registration Unit and the Contractor’s State License Board) under a Demolition Permit Release form signed by the APCD and subject to any applicable fees, pursuant to APCD Rule 3050. Said building demolition and asbestos removal, if required, must be completed pursuant to all applicable inspection, notification, abatement and recycling or waste disposal rules of the governing agencies.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
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</table>

**Discussion:** According to the California Air Resources Board, the project lies within a non-attainment area for failing to meet National Ambient Air Quality Standards (NAAQS) for ozone and particulates. However, given the scope and scale of the project it is not anticipated that the project will cause or contribute to any new localized carbon monoxide (CO) or particulate matter (PM) violations, or increase the frequency or severity of any existing CO or PM; therefore no impact will occur.

Because the project will provide additional parking more proximate to the Transit Center and the downtown, the project has the potential to result in an incremental reduction of pollutant generation as parking may be easier to find, and drivers can more easily and safely walk to the downtown.

| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☒ | ☐ | ☐ | ☒ |

**Discussion:** The project qualifies as a Small Project Analysis Level (SPAL) project under the San Joaquin Valley Unified Air Pollution Control District’s (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts, Table 5-2. According to the SJVAPCD, SPAL projects have no possibility of exceeding quantitative emissions thresholds.
Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th>d) Expose sensitive receptors to pollutants?</th>
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<tbody>
<tr>
<td>Discussion: There are no sensitive receptors such as residential subdivisions, schools, or hospitals in, or surrounding, the project area; therefore no impact will occur.</td>
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<td>Potentially Significant Impact</td>
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<table>
<thead>
<tr>
<th>c) Create objectionable odors?</th>
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<tbody>
<tr>
<td>Discussion: The project will not create objectionable odors and is not located near existing sensitive receptors; therefore no impact will occur.</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
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**IV. BIOLOGICAL RESOURCES**  Would the project:

<table>
<thead>
<tr>
<th>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion: Given the site location in the central business district, past history, and a site inspection, it is indicated that the project does not contain any animal habitat; therefore no impact will occur.</td>
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<td>Potentially Significant Impact</td>
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<tr>
<th>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion: Given the site location in the central business district, past history, and a site inspection, it is indicated that there are no water resources within or immediately adjacent to the project area; therefore the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities.</td>
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<td>Potentially Significant Impact</td>
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<tr>
<th>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion: Given the site location in the central business district, past history, and a site inspection, it is indicated that there is no potential for wetlands within the project area. The project will not involve any work in, or adjacent to, a wetlands area; therefore the project will not have a substantial adverse effect on any federally protected wetlands.</td>
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<td>Potentially Significant Impact</td>
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<tr>
<td><strong>d)</strong></td>
<td>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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</table>

**Discussion:** Given the scope of the project and a site inspection, it has been determined that the project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; therefore no impact will occur.

| **e)** | Conflict with any local policies or ordinances protecting biological resources, such as a tree preserve policy or ordinance? |  |  | ☒  |

**Discussion:** The project would not conflict with any local policies or ordinances protecting biological resource; therefore no impact will occur.

| **f)** | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? |  |  | ☒  |

**Discussion:** The project would not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan in the project area.

### V. CULTURAL RESOURCES Would the project:

| **a)** | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? |  |  | ☒  |

**Discussion:** According to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places; therefore no impact will occur.

| **b)** | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? |  |  | ☒  |

**Discussion:** No known archaeological resources are present within the project area; therefore no impact will occur.

| **c)** | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? |  |  | ☒  |

**Discussion:** No known paleontological resources or unique geologic features are present within the project area; therefore no impact will occur.
### Issues (and Supporting Information Sources):

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<tbody>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
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**Discussion:** No known human remains are present within the project area; therefore no impact will occur.

### VI. GEOLOGY AND SOILS

**Would the project:**

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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>☐</td>
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</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology special Publication 42.</td>
<td>☐</td>
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</table>

**Discussion:** The City of Porterville General Plan states that, "Alquist-Priolo Special Studies Zones are not found within the City of Porterville Urban Area Boundary due to the absence of potentially active faults"; therefore no impact will occur.

| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation. According to the California Geologic Survey, seismic hazard zones are not found within the City of Porterville’s Urban Area Boundary; therefore no impact will occur.

| iii) Seismic ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation such that the potential for seismic ground failure is considered to be very low; therefore no impact will occur.

| iv) Landslides or mudflows? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** According to the City of Porterville General Plan, no portions of the Porterville planning area are susceptible to landslides; therefore no impact will occur.
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>Discussion: The project site is currently a paved and built environment. The proposed project would involve resurfacing of the existing paved/built surface; therefore no impact is anticipated.</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area is a loamy, well-drained soil, suitable for building site development; therefore no impact will occur.</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<tr>
<td>Discussion: According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area has a low shrink/swell behavior and a high water capacity. The underlying soil is not expansive soil; therefore no impact will occur.</td>
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<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: The project will not involve the use or modification of septic tanks or wastewater disposal systems; therefore no impact will occur.</td>
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**VII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ |
| Discussion: The project will not involve the routine transport or use of hazardous materials. The demolition of the on-site building may require the abatement of asbestos; however, such abatement is regulated by the APCD, Cal-OSHA and Cal-EPA and permits for the inspection, removal, and disposal are required to reduce potential impacts to less than significant; therefore no impact will occur. Please refer to additional discussion above in III.a. | | | | |
Issues (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
---|---|---|---|---|

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

*Discussion*: The project will not involve the use of hazardous materials. The release of hazardous materials into the environment is avoided to the greatest extent reasonably and feasibly possible through the asbestos abatement rules and requirements as discussed above in III.a. Therefore no impact will occur.

|  | ☐ | ☐ | ☐ | ☒ |

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

*Discussion*: The project will not emit hazardous emissions or handle hazardous materials within one-quarter mile of an existing or proposed school; therefore no impact will occur.

|  | ☐ | ☐ | ☐ | ☒ |

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5 and, as a result, would it create a significant hazard to the public or the environment?

*Discussion*: Consultation with the Tulare County Environmental Health Department confirmed that the project area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5. Prior use of the parcel directly to the west (current site of the City’s Transit Center) included a car wash and gas station. The station was removed sometime before 1988. According to the Tulare County Environmental Health Department, the gas tanks were removed in 1988 and soil samples were tested. The lab analysis of the soil indicated no significant soil contamination.

|  | ☐ | ☐ | ☐ | ☒ |

e) For a project located within an airport land use plan or, where such a plan had not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working on the project area?

*Discussion*: The project is not within the City of Porterville 1990 Airport Master Plan; therefore no impact will occur.

|  | ☐ | ☐ | ☐ | ☒ |

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

*Discussion*: The project is not within the vicinity of a private airstrip; therefore no impact will occur.

|  | ☐ | ☐ | ☐ | ☒ |
### Issues (and Supporting Information Sources):

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<tbody>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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</table>

**Discussion:** The project does not interfere with an adopted emergency response plan or emergency evacuation plan; therefore no impact will occur.

| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The project is not in the vicinity of any wildlands; therefore no impact will occur.

### VIII. HYDROLOGY AND WATER QUALITY

Would the project:

| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The proposed project would not add pollutants to the water supply which would exceed water quality standards or waste discharge requirements. All drainage will be integrated into the City’s existing drainage system. The project will comply with City policies and standards related to water quality and drainage. No impact will occur.

| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The project will not interfere with groundwater supplies or interfere with groundwater recharge; therefore no impact will occur.

| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off site; therefore no impact will occur.
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<thead>
<tr>
<th>Issues (and Supporting Information Sources):</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, in a manner that would result in flooding on- or off site; therefore no impact will occur.</td>
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<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Discussion: The project will not create or contribute to runoff water in excess of existing storm water drainage systems nor will it provide additional sources of polluted runoff. All drainage will be integrated into the City’s existing drainage system; therefore no impact will occur.</td>
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<tr>
<td>f) Otherwise substantially degrade the water supply?</td>
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<td>☐</td>
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<tr>
<td>Discussion: The project will not interfere with or degrade the water supply. All water supplies to the existing building will be properly capped upon demolition; therefore no impact will occur.</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, Map No. 0010 D, dated October 15, 1985. Zone C is described as, “Areas of minimal flooding”. The project will not place housing within a 100-year flood hazard area; therefore no impact will occur.</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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</tr>
<tr>
<td>Discussion: According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, Map No. 0010 D, dated October 15, 1985. Zone C is described as, “Areas of minimal flooding”. The project will not place structures within a 100-year flood hazard area; therefore no impact will occur.</td>
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**Issues (and Supporting Information Sources):**

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<tbody>
<tr>
<td>i)</td>
<td>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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*Discussion:* According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, Map No. 0010 D, dated October 15, 1985. Zone C is described as, “Areas of minimal flooding”. Furthermore, the project site is located in the downtown central business district; no levees or dams are in the immediate vicinity of the project site. The project will not increase the risk of loss as a result of flooding in the area; therefore no impact will occur.

| j) | Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

*Discussion:* The City of Porterville is not in an area that is affected by, or subject to, seiches, tsunamis or mudflows; therefore no impact will occur.

**IX. LAND USE AND PLANNING** Would the project:

| a) | Divide an established community? | ☐ | ☐ | ☐ | ☒ |

*Discussion:* The project would not result in the division of an established community. The project will not involve a taking for right of way; no new right of way or temporary/permanent easements will be required. Proposed development will occur only on the project site. No impact will occur.

| b) | Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |

*Discussion:* The project site is designated in the City’s General Plan for General Commercial. The site is currently zoned C-2, Central Commercial. The proposed use is consistent with the City of Porterville’s General Plan and Zoning Code. The developer/applicant shall design and improve the parking lot in conformance with Sections 2206 and 2211 (Exhibit A) of the Zoning Ordinance; the facility shall be constructed, maintained and operated in compliance with all applicable federal, state and local laws, ordinances and regulations.

The project will not conflict with any applicable land use plan, policy or regulations of an agency with jurisdiction over the project. The project will not induce significant impacts to planned growth or land use for the area; therefore no impact will occur.
**Issues (and Supporting Information Sources):**

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<tr>
<th>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</th>
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<tr>
<td>Discussion: The project would not conflict with any habitat conservation plan or natural community conservation plan; therefore no impact will occur.</td>
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**X. MINERAL RESOURCES** Would the project:

<table>
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<tr>
<th>a) 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?</th>
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<tbody>
<tr>
<td>Discussion: According to the City of Porterville General Plan there are no known mineral resources that would be of future value to the region and the residents of the State located in the project area; therefore no impact will occur.</td>
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<th>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</th>
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<tbody>
<tr>
<td>Discussion: The City of Porterville General Plan does not delineate any mineral resource recovery sites; therefore no impact will occur.</td>
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**XI. NOISE** Would the project:

<table>
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<tr>
<th>a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
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<tr>
<td>Discussion: The primary sources of noise will be construction noise and operational noise. Construction noise is largely a function of the construction equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction noise levels would vary depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. All noise generating construction activities will be conducted in accordance with City noise policies. Moreover, operational noise impacts from the existing land uses will not increase as a result of the proposed project.</td>
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<tr>
<th>b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</th>
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<tr>
<td>Discussion: The project will not expose persons to, nor generate, excessive groundborne vibration; no impact will occur.</td>
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<tr>
<td>c)</td>
<td>Result in a substantial or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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*Discussion:* The conversion of the project site from its current use is not expected to change existing ambient noise levels within the project vicinity; therefore no impact will occur.

d) | Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☒ | ☐ | ☒ |

*Discussion:* The construction phase of the project will produce a temporary increase in ambient noise levels in the project vicinity. However, this increase will be short-term in duration, will be carried out in accordance with City regulations, will only occur during business hours, and will only affect the downtown central business district; therefore the impact will be less than significant.

e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☒ | ☐ | ☒ |

*Discussion:* The project is not within an airport land use plan, or within two miles of a public or public use airport; therefore no impact will occur.

f) | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☒ | ☐ | ☒ |

*Discussion:* The project is not within the vicinity of a private airstrip; therefore no impact will occur.

XII. POPULATION AND HOUSING Would the project:

a) | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☒ | ☐ | ☒ |

*Discussion:* The project will implement the City’s General Plan for growth in this area of Porterville; therefore no impact will occur.

b) | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☒ | ☐ | ☒ |

*Discussion:* The project will not displace existing housing or necessitate the construction of new housing; therefore no impact will occur.
### Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th>Issue</th>
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<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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<tr>
<td>Discussion: The project will not displace people; therefore no impact will occur. The project will not require the relocation of significant numbers of people.</td>
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<th>Impact Level</th>
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### XIII. PUBLIC SERVICES Would the project:

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<tr>
<th>Public Service</th>
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<tbody>
<tr>
<td>a) Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
</tr>
<tr>
<td>i) Fire protection?</td>
</tr>
<tr>
<td>Discussion: Fire protection will be provided to the site through existing City of Porterville fire services. The project does not require additional fire protection resources; therefore no impact will occur.</td>
</tr>
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<tr>
<td>ii) Police protection?</td>
</tr>
<tr>
<td>Discussion: Police protection will be provided to the site through existing City of Porterville police services. The project does not require additional police protection; therefore no impact will occur.</td>
</tr>
<tr>
<td>☐</td>
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<tr>
<td>iii) Schools?</td>
</tr>
<tr>
<td>Discussion: The project does not require additional schools; therefore no impact will occur.</td>
</tr>
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<tr>
<td>iv) Parks?</td>
</tr>
<tr>
<td>Discussion: The project does not require additional parks in the City of Porterville; therefore no impact will occur.</td>
</tr>
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<tr>
<td>v) Other governmental services?</td>
</tr>
<tr>
<td>Discussion: The project does not require other government services beyond those currently provided to the area; therefore no impact will occur.</td>
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</table>
XIV. RECREATION  Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Discussion: The project would not increase the use of existing neighborhood parks or recreational facilities; therefore no impact will occur.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion: The project does not include recreational facilities or require the construction or expansion of recreational facilities; therefore no impact will occur.

XV. TRANSPORTATION/TRAFFIC  Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Discussion: The proposed project will not, in itself, increase traffic in or around the downtown area. The new parking spaces afforded by the building demolition (Element No. 1) are intended to be reserved for transit riders, who would not be traveling by car in the downtown area. Furthermore, the incorporation of 20 additional parking spaces to the area will serve to alleviate traffic loads on the surrounding street system.

Element No. 2 of the project, conversion of the Oak Avenue connector (between Division and Main streets) to a convenient, safe, pedestrian mall, will result in the shifting of vehicular trips currently accessing Main Street via Oak Avenue to other streets such as Mill Avenue. Traffic counts conducted on Oak Avenue (between Main Street and Hockett Street) by the City of Porterville Engineering Dept. in May of 2005 indicated an average daily total of 770 vehicular trips. The shifting of these trips to surrounding streets will not increase traffic loads beyond the capacity of the existing street system. Furthermore, this element of the project will serve to decrease through traffic near the Transit Center (thus alleviating pedestrian dangers) and induce foot travel to the downtown area.

The project will not cause an increase in traffic or adversely affect travel patterns; therefore no impact will occur.
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<th>Issues (and Supporting Information Sources):</th>
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<tr>
<td><strong>b)</strong> Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td>Discussion: As described above (XVa), the project will not affect the existing level of service. The project will not exceed a level of service standard established by the county congestion management agency; therefore no impact will occur.</td>
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<tr>
<td><strong>c)</strong> Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</td>
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<tr>
<td>Discussion: The project has no bearing on air traffic patterns. The project will not result in a change in air traffic patterns that would result in substantial safety risks; therefore no impact will occur.</td>
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<td><strong>d)</strong> Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Furthermore, the proposed pedestrian mall component of the project will help to alleviate potential vehicle hazards on the narrow section of Oak Avenue between Division and Main streets; therefore no impact will occur.</td>
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<td><strong>e)</strong> Result in inadequate emergency access?</td>
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<tr>
<td>Discussion: The project will maintain existing emergency access; therefore the project would not result in inadequate emergency access and no potential impacts would occur.</td>
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<tr>
<td><strong>f)</strong> Result in inadequate parking capacity?</td>
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<tr>
<td>Discussion: The proposed project will add 20 new parking spaces to a public parking lot, facilitated by the proposed demolition of an existing structure. Additionally, six (6) standard diagonal parking spaces will be marked on the north side of Oak Avenue, between Hockett and Division streets in place of the 3 parallel spaces. There is currently no parking permitted on Oak Avenue between Division and Main streets, so parking capacity will not be affected by the proposed pedestrian mall. The project will not result in inadequate parking capacity; therefore no impact will occur.</td>
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**Issues (and Supporting Information Sources):**

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<th>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</th>
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<tbody>
<tr>
<td><strong>Discussion:</strong> The project is included in the Tulare County Association of Governments’ (TCAG) Federal Transportation Improvement Program. The project involves the addition of parking facilities and pedestrian connections to facilitate Transit Center users; therefore no impact will occur.</td>
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**XVI. UTILITIES AND SERVICE SYSTEMS**

Would the project:

<table>
<thead>
<tr>
<th>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</th>
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<tr>
<td><strong>Discussion:</strong> No intensification of land uses is associated with the implementation of this project; therefore no impact will occur.</td>
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<tr>
<th>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</th>
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<tbody>
<tr>
<td><strong>Discussion:</strong> The project will not require additional water or sewer connections, and thus will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; therefore no impact will occur.</td>
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<th>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</th>
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<tbody>
<tr>
<td><strong>Discussion:</strong> The proposed project will not increase the amount of impervious surface on the site. All drainage will be integrated into the City’s existing drainage system, and will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities; therefore no impact will occur.</td>
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<tr>
<th>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</th>
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<tr>
<td><strong>Discussion:</strong> The project will require irrigation for landscape planters, but the existing infrastructure is adequate to supply the needed water demands. No new water entitlements or resources will be required in order to serve the project; therefore no impact will occur.</td>
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<tr>
<td>c)</td>
<td>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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**Discussion:** The project is limited to surface repaving, building demolition and site improvements such as parking stalls, pavers and landscaping, and does not involve wastewater or wastewater treatment facilities; therefore no impact will occur.

| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** Project operations will generate solid waste from public trash receptacles, which would be collected and transported to an appropriate landfill by the City’s solid waste collection company. There is sufficiently permitted landfill capacity to accommodate the project’s solid waste disposal needs. In addition, project construction will comply with all applicable solid waste regulations.

| g) | Comply with federal, state and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The project complies with federal, state and local statutes related to solid waste; therefore no impact will occur.

### XVII. MANDATORY FINDINGS OF SIGNIFICANCE

| 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:** Given the site location in the central business district, past history of the site, and a site inspection, it is indicated that the project does not contain any significant plant species, animal habitat or fish populations. Also, according to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places. 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.
Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have impacts that are individually limited, but cumulatively considerable?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discussion:</td>
<td>The project involves reconstruction of an existing parking lot and pedestrian improvements; therefore no new impacts associated with land use are anticipated. Furthermore, the project will have independent utility; no future construction will be required to fully utilize the design capabilities included in the proposed project. Given the scope of the project no impacts that are individually limited, but cumulatively considerable are anticipated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discussion:</td>
<td>This project will provide a public service to the central business district for Porterville and outlying area residents. The project is not anticipated to create any public controversy. The proposed project will not have any significant environmental effects that will cause substantial adverse effects on human beings; therefore no impact will occur.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable?</td>
<td></td>
<td></td>
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</tbody>
</table>

**Authority:** Public Resources Code Sections 21083 and 21087.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: In 1988, the Porterville Public Improvement Corporation was formed, designating the City Council members as Directors. An annual meeting is required to be held each year.

Action by the Board of Directors is required to approve the election of new officers in accordance with Article III, Section 2 of the Bylaws of the Corporation. Article III, Section 1 of the Bylaws provides that the Mayor shall act ex officio as President, the Mayor Pro Tem shall act ex officio as Vice President, the City Clerk shall act ex officio as Secretary, the Deputy City Manager shall act ex officio as the Treasurer, and the City Attorney shall act ex officio as Legal Counsel to the corporation.

In addition to the election of officers, a report on the progress of the Certificates of Participation (COP) projects is to be submitted to the Board of Directors at the time of the annual meeting. In accordance with Corporation Bylaws and Resolution No. 89-2, a public meeting (not a public hearing) is required prior to approving the annual report. A status report for COP projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Improvement Corporation;

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2005 Status Report for Certificates of Participation Projects.

ATTACHMENTS: 1. Draft Resolution for Election of Officers
2. 2005 Status Report for Certificates of Participation Projects

ITEM NO. PIC - 1
RESOLUTION NO. PIC _______

A RESOLUTION OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION ELECTING OFFICERS FOR THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

BE IT HEREBY RESOLVED by the Directors of the Porterville Public Improvement Corporation, that the following persons are elected to the offices set forth opposite their names below, as officers of the Corporation, to serve until succession, or election and qualification of the successors, as provided in Article III, Section 2 of the Bylaws of the Corporation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly West</td>
<td>President</td>
</tr>
<tr>
<td>Cameron J. Hamilton</td>
<td>Vice President</td>
</tr>
<tr>
<td>John Longley</td>
<td>Secretary</td>
</tr>
<tr>
<td>Darrel L. Pyle</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Julia Lew</td>
<td>Legal Counsel</td>
</tr>
</tbody>
</table>

_________________________________________
Kelly West, President

ATTEST:

_________________________________________
John Longley, Secretary
CITY OF PORTERVILLE
Certificates of Participation
Status Report

As of September 1, 2005

1998 ISSUE:

On May 5, 1998, City Council authorized the issuance of Certificates of Participation to finance major components of the City Circulation Element. The Certificates were issued on July 16, 1998, for $20,000,000 with an average interest rate of 4.94%.

Total Certificates of Participation Issue: $20,000,000

<table>
<thead>
<tr>
<th>Project</th>
<th>Percentage of Design Complete</th>
<th>Percentage of Const. Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRIDGES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plano - Tule River Widening</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Jaye - Tule River Widening</td>
<td>10%</td>
<td>0%</td>
</tr>
<tr>
<td>SLOUGH CROSSINGS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henderson &amp; Porter Slough</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Indiana &amp; Porter Slough</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>STREETS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana - Olive to Thurman</td>
<td>95%</td>
<td>0%</td>
</tr>
<tr>
<td>Henderson - Newcomb to Westwood</td>
<td>100%</td>
<td>20%</td>
</tr>
<tr>
<td>Orange - Main to Plano</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Jaye - Springville to 190</td>
<td>75%</td>
<td>0%</td>
</tr>
<tr>
<td>Main - Henderson to Linda Vista</td>
<td>10%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Jaye - 190 to Gibbons</td>
<td>100%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Gibbons - Main to Indiana</td>
<td>100%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Main - Yates to Gibbons</td>
<td>75%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
</tbody>
</table>
1988 ISSUE:

The three Participation Certificate issues of 1988 were sold at 7.625%. In 1992, Council authorized the refunding of the 1988 Participation Certificates, which resulted in reduced interest rates and included an additional $3,000,000 to be used for the expansion of the Wastewater Treatment Facility. Savings from the Public Buildings Project Issue and the Water System Improvement Issue were used to reduce the annual debt service payment. Savings on the Sewer System Project Issue were taken up-front to be used for the Wastewater Treatment Facility Expansion Project.

In March of 1999, the Council authorized a Forward Bond Purchase Agreement for these three issues. This agreement generated $615,000 in savings that was utilized to partially fund the construction of the City's Sports Complex. The size of the issues and the terms and rates remain unchanged.

Total Certificates of Participation Issue: $25,420,000

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>%</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>$6,995,000</td>
<td>100%</td>
<td>Completed</td>
</tr>
<tr>
<td>Water Improvement</td>
<td>$8,895,000</td>
<td>100%</td>
<td>Completed</td>
</tr>
<tr>
<td>Sewer Improvement</td>
<td>$9,530,000</td>
<td>100%</td>
<td>Completed</td>
</tr>
</tbody>
</table>