PORTERVILLE CITY COUNCIL AGENDA
SPECIAL MEETING - OCTOBER 11, 2005
CITY HALL - 291 N. MAIN ST.
MIKKABI ROOM - 5:00 P.M.

Roll Call

Pledge of Allegiance
Invocation

ORAL COMMUNICATIONS

SCHEDULED MATTERS

1. STATUS REPORT ON THE INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY
   Re: Consideration of a written report describing the measures taken and to be taken to alleviate the conditions which led to the adoption of Ordinance No. 1680, An Interim Urgency Ordinance of the City of Porterville for the Protection of the Hillside Area of the Community

2. PARTNERSHIP WITH SMEE BUILDERS TO RECONSTRUCT GIBBONS AVENUE
   Re: Consideration of partnering with Smee Builders to have their contractor reconstruct the south 26 feet of Gibbons Avenue from Indiana Street east 1320', with consideration of having Smee Builders also reconstruct the County portion fronting Sierra Meadows Phase Two if necessary, and with appropriate payback agreements to reimburse Smee Builders for such street work.

ADJOURNMENT - to the meeting of October 18, 2005 at 6:00 p.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) 782-7464. 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.
SUBJECT: STATUS REPORT ON THE INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY

SOURCE: City Attorney’s Office

COMMENT: On September 6, 2005, the City Council adopted Ordinance No. 1680, An Interim Ordinance of the City of Porterville for the Protection of the Hillside Area of the Community. This ordinance limits uses of the city’s hillside areas to development that complies with certain interim standards until permanent standards can be put in place by the City. The attached report summarizes the interim provisions and sets forth the measures taken and to be taken to alleviate the conditions which led to the adoption of the ordinance.

RECOMMENDATION: That City Council approve and issue the attached written status report.


Item No. 1
STATUS REPORT ON THE INTERIM URGENCY ORDINANCE
FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY

On September 6, 2005, the City Council of the City of Porterville adopted Ordinance No. 1680, and Interim Ordinance of the City of Porterville for the Protection of the Hillside Area of the Community. This Ordinance covers three geographical areas: 1) the first area being bounded generally by Plano Street, Morton Avenue, Conner Street and Olive Avenue, and extending up into the hillside to the north and east of these streets; 2) the second area bounded by Main Street on the west, Lime Street on the east, Reid Avenue on the north, and the southerly terminus of Scenic Heights on the south 3) the area generally bound by Main Street on the west, Reid Street on the south, extending up to the northerly most City boundary.

The Ordinance limits uses of the described areas to development that complies with certain interim standards until permanent standards can be put in place by the City. In addition to the current standards in existence as set forth in the Municipal Code, the following additional criteria are required through a Conditional Use Permit process: 1) proposed developments must be designed in a manner sensitive to the topography of the site, and street layouts must be designed to minimum grades of slope; 2) a comprehensive grading and drainage plan must be prepared and submitted at the time of the CUP and tentative subdivision map and must contain topographic information, must minimize cross lot drainage, must identify the proposed pad elevations for each lot, street grades, and slope rations on all slopes, and typical cross-sections may be required; 3) the site design shall consider the context of the site as it relates to other sites immediately surrounding the project in order to address connectivity and consistency with those other sites; 4) additional information may be required due to unique characteristics of a particular site; and 5) information concerning proposed residential units and amenities shall be required to be submitted in addition to the subdivision design.

There had been little development activity with regard to the City’s hillside areas until just over a year ago. Now, with the recent submissions of several development applications it has became evident to the City that its current policies and regulations are inadequate in order to address the hillside unique characteristics in order to protect and preserve the health, safety and general welfare of the City. Since the adoption of Ordinance No. 1680, certain measures have been undertaken. A number of property owners in the area expressed their concerns regarding the recent development applications that have been submitted to the City and have echoed the City’s concerns that the unique topography of the area must be considered. City staff and the City Attorney also met with the Hillside/East side Development Committee on September 29, 2005. This private committee is made up of hillside property owners and potential hillside developers, and its creation was originally facilitated by the City for the purpose of providing input concerning the future of hillside development. This committee is exploring ways to expedite its own recommendations to the City. Pursuant to staff’s
discussions with this committee, the City has agreed to and received authorization from the City Council to tour hillside areas in Southern California, as part of a public meeting, with a planning consultant in order to begin the process of developing permanent regulations. This tour/meeting is currently scheduled for October 31, 2005. The City Attorney’s office is also sending out inquiries to other cities in California concerning the regulations that other cities have found to be effective for the development of hillside areas.

Notwithstanding the activities outlined above, it is expected that it will take some time to develop the appropriate standards and regulations. The City will likely have a better understanding of what will be needed after its October 31, 2005 meeting and after additional information is received from other Cities. Consequently, a public hearing is scheduled for the October 18, 2005, City Council Meeting, wherein City staff will request that the City Council extend the interim regulations for an additional 10 month and 15 days (or until the permanent standards can be put in place).

Respectfully Submitted,

Julia M. Lew
City Attorney
SUBJECT: PARTNERSHIP WITH SMEE BUILDERS TO RECONSTRUCT GIBBONS AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: As a condition of their subdivision development permit, Smee Builders will reconstruct the north 20' of Gibbons Avenue from Indiana Street east 1320'. Until recently, Gibbons Avenue at this location was a County street and in extremely poor condition. The opportunity exists for the City to “partner” with Smee Builders and have their contractor reconstruct the south 26' of Gibbons Avenue.

Gibbons Avenue, at this location, is one of the streets that the City is very interested in reconstructing as part of the overall traffic congestion relief effort needed at the intersection of Jaye Street and Highway 190. Council recently authorized staff to refinance the 1998 COP bonds to allow for this construction.

By partnering with Smee Builders, the City can reconstruct the south 26' of Gibbons Avenue in a timely manner and at a per square foot cost in today’s dollars better than what can be expected in the future. The southernmost 18' of Gibbons Avenue which includes the curb & gutter cannot be installed at this time because the City does not own the right of way and there are a number of power poles in the way.

The City has “partnered” with private parties in the past when the opportunity to act quickly and save money has presented itself. A recent example of successful partnering with a private enterprise is the Sierra Bank/City of Porterville Parking Lot Reconstruction project.

It is more than likely that Smee Builders will move ahead in the very near future with the next phase of Sierra Meadows. A condition of the subdivision development will require the reconstruction of Gibbons Avenue beginning 1320' east of Indiana to Jaye Street and will require the construction of the westerly portion of Jaye Street from Gibbons to 1320' north.

If circumstances are such that the City is not ready to construct Gibbons Avenue and Jaye Street along the areas that front the 2nd phase of Sierra Meadows, staff recommends that the City “partner” with Smee Builders to construct additional widths of Gibbons Avenue and Jaye Street to the extent that funding will allow.
If so directed, Public Works will prepare the necessary payback agreements to reimburse Smee Builders for the reconstruction of approximately 36,000 s.f. of Gibbons Avenue from Indiana Street east 1320’ and if so directed, Public Works will prepare the necessary payback agreements to reimburse Smee Builders for future reconstruction efforts associated with future Sierra Meadows development.

RECOMMENDATION: That City Council direct the City Engineer to:

1. Prepare construction plans for the reconstruction of Gibbons Avenue (36,000 s.f.) from Indiana Street east 1320’;

2. Enter into a payback agreement with Smee Builders to reimburse all related street reconstruction work associated with Sierra Meadows, Phase 1 work;

3. That the payback agreement stipulate that Smee Builders receive full reimbursement for all street reconstruction work associated with Sierra Meadows Phase 1 work within 60 days of accepting the work by the City Engineer;

4. If Sierra Meadows, Phase 2, moves forward before the City is ready to construct along Gibbons Avenue and along Jaye Street that front Sierra Meadows, Phase 2, that the City Engineer prepare construction plans for Gibbons Avenue and for Jaye Street at those locations that front Phase 2;

5. Enter into a payback agreement with Smee Builders to reimburse all related street reconstruction work associated with Phase 2 work; and

6. That the payback agreement stipulate that Smee Builders receive full compensation for all street work associated with Sierra Meadows, Phase 2 work within 60 days of accepting the work by the City Engineer.

ATTACHMENT: Locator Map
PROPOSED SMEE BUILDERS / CITY OF PORTERVILLE STREET RECONSTRUCTION PARTNERSHIP AREA

PROPOSED STREET CROSS SECTION

SMEE BUILDERS STREET CONSTRUCTION AREA RELATED TO DEVELOPMENT

CITY OF PORTERVILLE SHARE

6" NATIVE MATERIAL COMPACTED TO 95% R.C.
MIN. 6" CLASS 2 AGGREGATE BASE TO 95% R.C.
SEE CITY STD. C-13
MIN. 6" ASPHALT CONCRETE

R/W
10'
2.0%
S=2.0%
±20'
(SMEE BUILDERS)

32'

CL
42'

26'
(C.O.P.)

EP