CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
JANUARY 17, 2006 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   2. Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.
   3. Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   4. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Pro Tem Cameron Hamilton
Invocation

PRESENTATION
   Employee of the Month - Donnie Moore
   City Manager’s Feature Projects

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 November 15, 2005 and December 6, 2005

2. Budget Adjustments for the 2005-2006 Fiscal Year
   Re: Approving budget adjustments including increasing the appropriations in the General Fund as follows: $25,000 to allow for completion of Pay and Classification Plan; $20,000 to allow for completion of City-wide rate/fee study; $27,657 to allow completion of island annexation process; and $249,746 to allow for completion of the General Plan Update.
3. **Authorization to Advertise for Bids - Indiana Street Reconstruction Project, Putnam to Olive Avenue**
   
   Re: Approving Plans and Project Manual for Project for reconstruction of Indiana Street to arterial standards and connection from Morton Avenue to Olive Avenue, with an Engineer’s Estimate of $1,261,976.10.

4. **Program Supplement to the Local Agency-State Master Agreement - Traffic Signal #7 (Villa Street and Putnam Avenue)**
   
   Re: Approving Supplement to Local-State Master Agreement No. 06-5122 submitted by the Department of Transportation for traffic signal synchronization of Newcomb St., Putnam Ave., and Westwood St., and for newly installed signal at Villa St. and Putnam Ave.

5. **Request for a Stay of Expiration of Tentative Map**
   
   Re: Approving a stay of expiration of map for Contour Development, Inc. for Canyon Springs Estates Subdivision, during the period of time that Tulare County Superior Court Case No. 05-216428, *Porterville Citizens for Responsible Hillside Development v. City of Porterville et al.*, is pending.

6. **Declare Community Center Property Surplus and Initiate Process to Dispose of Real Property**
   
   Re: Declaring real property at 466 East Putnam Avenue as surplus and authorizing staff to initiate statutory process to dispose of property.

7. **Authorize Lease Agreement with Nathan Wobrock for a Portion of Zalud Park**
   
   Re: Approving the lease of an approximate 3,000 sq. ft. portion of Zalud Park, located in the undeveloped area at the southern boundary adjacent to Hoops Preschool, in the amount of $900 per year for a 15 year term.

8. **Consideration of a Policy for Flag Lowering to Half-Staff at City Facilities**
   
   Re: Approving a flag lowering policy of the U.S. Flag, to coincide with U.S. Flag Code, and establishing a flag lowering policy for the City Flag.

9. **Resolution in Support of a Proposed Juvenile Court Work Program by the Tulare County Probation Dept.**
   
   Re: Approving a resolution of support for program concept proposed by Tulare County Probation Department.

10. **Status Report on Implementation Actions for Measure H**
    
    Re: Informational report on the status of tasks necessary to implement the sales tax, which is to become effective on April 1, 2006.

11. **June 6, 2006 City of Porterville General Municipal Election: Election Precepts and Call for Election**
    
    Re: Setting election precepts including but not limited to decisions regarding candidate statements and the use of County Services for election.

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

**PUBLIC HEARINGS**

12. **Conditional Use Permit 11-2005 to Allow for the Off-Sale of Beer and Wine and Letter of Public Convenience or Necessity for the Target Department Store Located at 1363 West Henderson Avenue**
    
    Re: Considering CUP to allow for the off-sale of beer and wine at Target Department Store.
13. **Conditional Use Permit 12-2005 - Proposed Sale of Alcoholic Beverages Under an On-Sale License for a Proposed Restaurant to be Located at 73 North Main Street (Formerly Scheer’s)**
Re: Considering CUP to allow the sale of beer, wine and distilled spirits under an on-sale license in conjunction with the serving of meals for a proposed restaurant to be located at 73 North Main Street.

14. **Conditional Use Permit 13-2005 - Two Off-Site Directional Real Estate Signs (Marketshare, Inc.)**
Re: Considering CUP to allow for the installation of two temporary off-site directional real estate signs advertising a single-family residential subdivision for Claremont Terrace, generally located south of Castle Avenue and west of Salisbury Street.

15. **Cost Allocation Plan and User Fee Study, Including All Other Fees**
Re: Continuing the public hearing until the meeting of February 7, 2006.

16. **Carter Property Williamson Act Cancellation**
Re: Approving Negative Declaration for the Cancellation of Williamson Act Contract No. 10699 pertaining to the site located west of Hillcrest Street and north and south of Morton Avenue, identified as APNs 254-010-014, 254-010-049, 254-030-017, 254-030-018, 254-030-019, and 254-030-020.

17. **Zone Change 11-2005 (Pre-Zoning) and Annexation 454 (Waste Discharge Requirement 05-01-103)**
Re: Authorizing initiation of preliminary annexation proceedings and Zone Change, from County AE-20 to City OA Zone, for nine parcels totaling approximately 704 acres located south and west of the Porterville Municipal Airport.

18. **Zalud House Garden Rental Fees**
Re: Considering rental fee adjustment for Zalud House Garden to be effective March 1, 2006.

19. **An Extension of an Interim Urgency Ordinance Prohibiting Construction, Operation and Maintenance of Wireless Communications Towers**
Re: Extending the Interim Urgency Ordinance prohibiting the use of residentially-zoned land and land within 1,200 feet of residentially-zoned land for the construction, operation, and maintenance of communications towers.

20. **Zone Variance 3-2005,Tentative Parcel Map 6-2005 (James Shelton)**
Re: Considering variance to allow for a reduction of required 60 foot minimum lot width for 2 parcels of 4 proposed parcels, and approving the Tentative Parcel Map for the site located generally south of Mulberry Avenue between Second Street and Williford Drive in the R-1 Zone.

21. **Vacate a Portion of Willow Avenue and an Irrigation Easement Related to the Development of Long’s Drug Store on Hockett Street (Smith’s Enterprises)**
Re: Approving vacation of portion of Willow Avenue–between D Street and the mid-block alley between D Street and Hockett Street–and the irrigation easement generally located in the same location.

22. **Vacate Public Easements for Access and Maintenance of Underground Utilities, Slopes and Pavement Related to the Development of Amalene Estates, Phase One Subdivision (Bechara Construction, Inc.)**
Re: Approving vacation of easements for access and maintenance of underground utilities, slopes and pavement shown on the “The Ford Estates, Unit 1” Final Map, for subdivision generally located north of Roby Avenue and west of Westwood Street.
SECOND READINGS
23. Ordinance 1686, Amending Chapter 19, Concerning Parks and Leisure Services Commission Ex-Officio Members

SCHEDULED MATTERS
24. Options for Homeless Assistance
Re: Discussion of options available for programs to address homelessness.

25. Transit Agreement with Sierra Management
Re: Approving extension of the current Transit Agreement with Sierra Management for a 4-year term, commencing July 1, 2006 through June 30, 2010, including a 2-year option to renew.

26. Acceptance of Final Subdivision Map - Amalene Estates, Phase One(Bechara Construction, Inc.)
Re: Approving Final Map of Amalene Estates, Phase One Subdivision, generally located north of Roby Avenue and west of Westwood Street, accepting all offers of dedications and vacations, and authorizing City Clerk to file said map with the County Recorder.

27. Hillside Development Ordinance Status Report
Re: Informational report on status of development of Hillside Development Ordinance.

28. Summary of Walkable Communities Public Information Meeting
Re: Informational report on Walkable Communities Workshop held on November 17, 2005.

29. Authorization to Advertise for Bids – Traffic Signal No. 8 and Follow-up Commentary on Roundabouts
Re: Approving Plans and Project Manual for traffic signal at intersection of Mulberry Avenue and Plano Street, and accepting cost update on roundabout option.

30. Interim Financial Status Report and Grant Status Summary
Re: Accepting quarterly reports for the 2nd Fiscal Quarter ended December 31, 2005.

31. Quarterly Portfolio Report
Re: Accepting quarterly report for the 2nd Fiscal Quarter ended December 31, 2005, in accordance with SB 564 and SB 866.

32. Consideration of an Alternative Methodology for the Selection of the Mayor
Re: Considering concept for Charter amendment to grant Mayoral status for a one-year term to candidate in receipt of majority of electors’ votes, after which the recipient of the second highest number of votes would assume the chair, with the Council retaining the authority to select the Mayor Pro Tempore.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency
WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

CLOSED SESSION

Adjourn to a Meeting of the Porterville City Council

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of February 7, 2006

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 Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY MANAGER’S FEATURED PROJECTS FOR JANUARY, 2006

1. Island Annexations
2. In Street Crosswalk Lights - Rails to Trails
3. Airport Inter-tie Environmental Report
Call to Order at 6:00 p.m.
Roll Call: Council Member Martinez (arrived late), Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West
Absent: Council Member Irish

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2 - Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPRESENTATIONS
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Mayor Kelly West
Invocation - one individual participated.

PRESENTATIONS
• Miss Porterville and Court - The Council presented sashes to:
  • Sarah Peters - Queen/Miss Porterville
  • Brianne Muirhead - Senior Princess
  • Robin Vossler - Princess
  • Mary Dawn Christenson - Princess
  • Ellen Moore - Princess

• Business Recognition - Porterville Recorder -
  • Paul Mauney, Publisher, came forward and accepted the award.

• City Manager’s Featured Projects for November, 2005
  • Replace/Upgrade Communications Console
  • Police Chief Rodriguez offered a presentation on the new system.
  • Community Festival
  • City Manager John Longley noted the success of the Community Festival

• City of Porterville Emergency Evacuation Plan
  • Deputy City Manager/Fire Chief Frank Guyton presented the City’s Plan
ORAL COMMUNICATIONS

- Dorothy Broome, 863 South Crystal Street, clarified with staff the purpose of the recently approved communications tower to be located near Clevenger Ford.
- Ray Simons, 44 Taylor Way, voiced concern with traffic safety due to the parking of large commercial vehicles along Olive Avenue.
- Susan Sheldon, 1954 West Orange Avenue, spoke of the dangers posed by parked commercial vehicles along Olive Avenue and requested that the Council address the problem. City Manager John Longley informed everyone of the status of the matter pursuant to the direction given at the October 4, 2005 City Council Meeting.

CONSENT CALENDAR

Item 13 was removed for further discussion.


Recommendation: That the City Council approve the City Council Minutes of September 30, 2005, October 4, 2005 and October 31, 2005.

Documentation: M.O. 01-111505
Disposition: Approved.

2. CLAIM - RONALD CRUZ

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

Documentation: M.O. 02-111505
Disposition: Approved.

3. AWARD CONTRACT - MEDIAN ISLANDS LANDSCAPE MAINTENANCE

Recommendation: That the Council award the contract for landscape maintenance for the City’s median islands to Ray’s Landscape of Sanger, CA, in the amount of $48,672 and authorize monthly payment upon satisfactory performance. Further, that the Council authorize annual contract extensions upon mutually agreeable terms.

Documentation: M.O. 03-111505
Disposition: Approved.

4. AMENDMENT OF DEE JASPAR AND ASSOCIATES WATER WELL DESIGN AND INSPECTION SERVICE AGREEMENT

Recommendation: That the City Council:
1. Authorize the Mayor to execute an Amendment to Dee Jasper & Associates Service Agreement at an agreed fee of $53,329 for the conversion of an agricultural well to a municipal well; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

Documentation: M.O. 04-111505
Disposition: Approved.

5. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT 129 E. DATE - TENANTS MARTIN LAMBARENA AND MIRIAM BLAS

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $9,504 to Martin Lambarena and Miriam Blas, tenants.

Documentation: M.O. 05-111505
Disposition: Approved.

6. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT 387 “B” STREET - TENANTS JOSE C. MOLINA AND SANTOS CARRAZA GONZALES

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $12,150 to Jose C. Molina and Santos Carraza Gonzales, tenants.

Documentation: M.O. 06-111505
Disposition: Approved.

7. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION 462

Recommendation: That the Council adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

Documentation: Resolution 164-2005
Disposition: Approved.

8. PROPOSED INDEMNIFICATION AGREEMENT FOR ALL LOCAL AGENCY FORMATION COMMISSION (LAFCO) PROJECTS

Recommendation: That the City Council:
1. Provide direction to staff;
2. Designate the Mayor to sign the indemnification for submittal to LAFCo in conjunction with all annexation submittals if approved.

Documentation: M.O. 07-111505
Disposition: Approved.
9. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION TREE LIGHTING CEREMONY - NOVEMBER 25, 2005

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement, and Exhibit A.

Documentation: M.O. 08-111505
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL CHILDREN'S CHRISTMAS PARADE - NOVEMBER 29, 2005

Recommendation: That the City Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 29, 2005; and
3. Restrict the closure of parking spaces in front of City Hall from 3:30 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

Documentation: M.O. 09-111505
Disposition: Approved.

11. REQUEST FOR STREET CLOSURE - MYERS’ ELEVENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam Avenue and Cleveland Avenue, on December 1, 2005, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 10-111505
Disposition: Approved.

12. AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND UNAVCO, INC. FOR USE OF AIRPORT LAND

Recommendation: That the City Council:
1. Approve the Revocable Permit and Non-Recorded Easement Agreement for a Plate Boundary/UNAVCO, Inc. GPS Monitoring Station for a 15-year period;
2. Authorize the Mayor to sign the agreement; and
3. Authorize the acceptance of all fees in advance and the depositing of those funds in the Airport Fund.

Documentation: M.O. 11-111505
Disposition: Approved.

14. CGI COMMUNICATION, INC. - COMMUNITY VIDEO AND STREET BANNER BRANDING PROGRAM

Recommendation: That the City Council authorize:
1. Staff to proceed with the necessary paperwork and communication with CGI Communications, Inc. to implement this program; and
2. Authorize the Mayor to sign the Agreement with CGI Communications, Inc. setting forth all terms and conditions relating to the Community Video & Street Banner Branding Program.

Documentation: M.O. 12-111505
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council approve Item Nos. 1 through 12, and 14.

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

Disposition: Approved.

13. CONSIDERATION OF ACTIONS REGARDING CITY MANAGER’S OFFICE

Recommendation: That the City Council:
1. Authorize the consolidation of the Fire Chief, Deputy City Manager, Airport Manager at the current Deputy City Manager Range of 244 plus 5% for Airport Manager, effective December 1, 2005;
2. Authorize the Administrative Services Manager to be retained at Range 234;
3. Authorize the City Manager to engage an interim Administrative Services Manager within the total compensation allocation for the position. The cost for services from Public Service Skills will be approximately $500;
4. Authorize the City Manager to retain Peckham and McKenney, Bob Murray & Associates, or Avery & Associates at a fee not to exceed $20,000 to recruit a regular Administrative Services Manager;
5. Authorize the City Manager to retain a regular Administrative Services Manager after the recruitment has been completed;
6. Authorize a reclassification of the Assistant Fire Chief to Chief of Fire Operations at a classification Range of 224; and
7. Authorize the adoption of the draft resolution providing for the reorganization of City Forces as pertains to the proposed recommendations.

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

A discussion ensued during which Mr. Longley indicated that while he had the authority to fill the vacancy caused by Mr. Pyle’s departure, the item had been brought before the Council due to the re-establishment of the Administrative Services Manager classification. In response to questions posed by Mayor Pro Tem Hamilton, Mr. Longley further explained the proposed structure.

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

Resolution 165-2005

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

Disposition: Approved.

PUBLIC HEARINGS

15. CONSIDERATION OF COMMUNITY DEVELOPMENT AND ENGINEERING AND BUILDING DIVISION FEES

Recommendation: That the City Council open the Public Hearing and continue it until the December 6, 2005 Council Meeting.

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

The public hearing opened at 7:49 p.m., and was continued until the meeting of December 6, 2005.

Disposition: Continued to December 6, 2005.

16. BURNS PROPERTY TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for the Burns Property Tentative Subdivision Map; and
2. Adopt the draft resolution approving the Burns Property Tentative Subdivision Map.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 7:55 p.m.

- Lisa Dock, Quad Knopf, came forward on behalf of applicant Smee Builders and spoke in favor of approval.
- Brent Hillen, 2241 West Orange Avenue, spoke against the project, particularly Phase II, citing environmental impacts and traffic issues.
- Susan Sheldon, voiced concern with the project, citing concerns with traffic issues.
- Fred Deboer, 2211 West Orange Avenue, voiced concern with the development of low income multi-family housing.

In response to the Mayor’s request, Mr. Dunlap addressed the concerns and questions raised during the public hearing.

The public hearing closed at 8:04 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution approving the Resolution 166-2005 Negative Declaration for the Burns Property Tentative Subdivision Map; and adopt the draft resolution approving the Burns Property Tentative Subdivision Map.

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

Disposition: Approved.

17. CONDITIONAL USE PERMIT 9-2005 - 90 FOOT HIGH COMMUNICATIONS TOWER (T-MOBILE)

Recommendation: That the City Council adopt the Draft Resolution approving Conditional Use Permit 9-2005, subject to conditions of approval.

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

The public hearing opened at 8:08 p.m.

- Rick DaCruz, of Baran Telecom, came forward on behalf of applicant T-Mobile. He indicated that he was available to answer any questions or concerns about the project.
- Patrick Mauck, 1937 West Nancy, spoke against the proposed tower, citing concerns with the decline in aesthetics of the neighborhood if the tower was allowed in a residential
area. He then inquired why the applicant had not negotiated with the City for placement of the tower on City property.

- Joe Guererro, 332 South F Street, voiced opposition to the proposed tower, questioning why another tower was necessary when two co-location towers had just recently been approved.

The public hearing closed at 8:12 p.m.

Council Member Stadtherr suggested that the Council get back to considering a moratorium until an ordinance could be established.

Mayor Pro Tem Hamilton agreed with Council Member Stadtherr’s comments, and noted that Council Member Irish, prior to leaving for China, had also voiced support for proceeding with a moratorium on residential areas only, and requested that Mayor Pro Tem Hamilton let his opinion be known.

Mayor West voiced agreement with proceeding with a moratorium.

Council Member Stadtherr suggested a suitable location for the proposed tower might be near the Waste Water Treatment Facility. It was stated that the tower would still likely be visible from that location.

**COUNCIL ACTION:** MOVED By Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council deny Conditional Use Permit 9-2005, and M.O. 13-111505 that staff be directed to bring a moratorium on communication towers in residential areas to the Council for consideration.

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

Disposition: Conditional Use Permit denied, direction provided to staff.

**SECOND READINGS**

18. **ORDINANCE NO. 1674, ZONE CHANGE NO. 8-2005 (ANNEXATION 458)**

Recommendation: That the City Council give Second Reading to Ordinance No. 1674, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1674, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 08-2005 (PRE-ZONING) TWO
UNINCORPORATED ISLANDS CONSISTING OF 62.8± ACRES AND APPROXIMATELY 193 PARCELS AND 86.2± ACRES AND APPROXIMATELY 289 PARCELS, LOCATED SOUTH OF MORTON AVENUE AND WEST OF PROSPECT STREET, IN THE WESTERLY PORTION OF THE COMMUNITY.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE NO. 1675, ZONE CHANGE NO. 9-2005 (ANNEXATION 459)

Recommendation: That the City Council give Second Reading to Ordinance No. 1675, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the City Council give Second Reading to Ordinance No. 1675, waive further reading, and adopt said Ordinance, being AN ORDINANCE Ordinance 1675 OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 09-2005 (PRE-ZONING) CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF: 88.7± ACRES AND APPROXIMATELY 363 PARCELS; 1.2± ACRES AND ONE (1) PARCEL; AND 9.0± ACRES AND APPROXIMATELY 33 PARCELS GENERALLY LOCATED WEST OF MATHEW STREET AND EAST OF WESTWOOD STREET IN THE WESTERLY PORTION OF THE COMMUNITY.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

20. ORDINANCE NO. 1676, ZONE CHANGE NO. 7-2005 (ANNEXATION 457)

Recommendation: That the City Council give Second Reading to Ordinance No. 1676, waive further reading, and adopt said Ordinance.
City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1676, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 07-2005 (PRE-ZONING) CONSISTING OF ONE UNINCORPORATED ISLAND CONSISTING OF 90.8± ACRES AND APPROXIMATELY 119 PARCELS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65 AND STATE ROUTE 190.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

21. ORDINANCE NO. 1683, ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK

Recommendation: That the City Council give Second Reading to Ordinance No. 1683, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1683, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK AS A HOBBY/RECREATIONAL USE.

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

Mr. Longley read the Ordinance by title only.
**SCHEDULED MATTERS**

22. FARM MANAGEMENT AGREEMENT

Recommendation: That the City Council:
1. Direct staff to prepare the modifications to the existing Farm Management Agreement with Mr. Nuckols for the remaining two years; and
2. Authorize the Mayor to sign the revised agreement on behalf of the City.

City Manager John Longley presented the item and called on Deputy City Manager Darrel Pyle to present the first portion of the staff report.

Mr. Pyle presented the findings to date of Mr. Steven Presley, auditor, which included non-farming items expensed to the farming operation, such as those related to the preparation of the farm property to receive effluent, i.e. tree removal and laser leveling. According to Mr. Presley, those items should have been capitalized along with the cost of the land. Mr. Pyle stated that Mr. Presley had also noted that expenses pertaining to the percolation ponds were not related to the farming operation and should have been listed under Waste Water Treatment Plant Operations and excluded from Farming Operations. Mr. Pyle informed the Council that audit should be delivered to the Council the week following Thanksgiving.

Mr. Longley then called on Public Works Director Baldo Rodriguez to present the second portion of the staff report. Mr. Rodriguez delegated the task to Mr. John Baker, Superintendent of the Waste Water Treatment Facility, who came forward and concluded staff’s presentation, which included the following options for the Council:

- **Option No. 1:** Continue with the existing contract for the remaining years left on the contract.
- **Option No. 2:** Contract with the current farm manager with modifications and/or adjustments to the present agreement.
- **Option No. 3:** Prepare and distribute RFPs for a new contract after modifications/adjustments have been made to the present agreement.
- **Option No. 4:** Prepare and distribute RFPs to lease the land under an alternative farm agreement with removed City managerial controls.

Council Member Martinez commented that he did not believe the Council should act on the item until a full Council was available.

Mayor Pro Tem Hamilton voiced displeasure with the item being presented without a complete audit, and with the findings to date, suggesting that because of the City’s inexperience in farming, it should have been more proactive and watchful. As to the recommendation, Mayor Pro Tem Hamilton commented that the proposed modifications were not modifications at all, but rather status quo. A discussion then ensued as to twine and which party was responsible for its purchase. It was stated that although the City paid for twine in the current contract, it was generally considered a part of the baling process. Mayor Pro Tem Hamilton then asserted that the City had very little chance of breaking even
with the farming operation until at least six or seven years. A discussion ensued as to the Cease and Desist Order and the need for procuring more acreage. At Mr. Longley’s request, Mr. Baker came forward and elaborated on the matter, indicating that an additional 600 acres would provide the opportunity to get into the black with the farming. A discussion ensued as to the budget regarding capital projects versus actual farming operations.

Mayor Pro Tem Hamilton next pointed to the reference of a “disastrous wheat rust outbreak” in 2003/2004, suggesting that his information had shown that the outbreak had actually occurred further north in the Valley. He questioned whether the outbreak could have reduced the crop yields as significantly as was stated in the staff report. Mr. Baker indicated that the outbreak had been regional, primarily affecting the southern portion of the State, and that if he had not personally witnessed the situation, he too might doubt it.

In response to Mayor West’s question, Mr. Baker elaborated on the leveling of the parcels for flood irrigation. A discussion ensued as to the frequency the borders were redone.

Mayor Pro Tem Hamilton commented that he would agree with Council Member Martinez’s request to wait until Council Member Irish returned to take action on the matter.

Mayor West voiced concern with the audit not yet being completed.

Deputy City Manager Darrel Pyle indicated that because of the way in which the farming operation accounting had been set up, the task of auditing it proved to be quite tedious. He indicated that not enough detail had been set up, forcing staff to go back and create records from source documents in order to provide the necessary information for the auditor.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council continue the item until the next regular meeting.

M.O. 14-111505

AYES: Martinez, Hamilton, Stadtherr, West

NOES: None

ABSTAIN: None

ABSENT: Irish

Disposition: Continued to December 6, 2005.

23. CURBSIDE RECYCLE SELECTION COMMITTEE REPORT AND RECOMMENDATION FOR AWARD OF CONTRACT

Recommendation: That the City Council review the report and the proposals, and authorize the City to enter into a contract with Sunset Waste Paper, Inc., pursuant to Request for Proposals dated August 15, 2005.

City Manager John Longley presented the item, and City Attorney/Selection Committee Chairperson Julia Lew presented the staff report.
In response to a question posed by the Council, Ms. Lew explained the criteria considered in making the Committee’s recommendation, which she indicated included a number of things, such as responsiveness to the RFP and price.

Council Member Stadtherr confirmed with Public Works Director Baldo Rodriguez that the process was conducted fairly and properly.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council authorize the City to enter into a contract with M.O. 15-111505 Sunset Waste Paper, Inc., pursuant to the Request for Proposals dated August 15, 2005.

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

Disposition: Approved.

**24. CURBSIDE RECYCLING CONTAINER PURCHASE**

**Recommendation:** That the City Council:

1. Authorize a negotiated purchase of 11,000 blue automated recycling collection containers; and
2. Re-affirm its direction to staff to move forward with the Curbside Recycling Collection RFP and modify the approved Recycling Collection RFP to remove purchase of containers.

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

In response to a question posed by Council Member Stadtherr, a discussion ensued as to the various sizes of the containers, during which it was stated that larger containers were generally found to encourage more efficient recycling. Staff also indicated that the quality of the proposed containers was comparable with the containers currently used.

Mayor Pro Tem Hamilton voiced concern with utilizing funds from the Equipment Replacement Fund to purchase the containers.

Council Member Stadtherr clarified with staff the intent to eventually shift to smaller black containers. A discussion then ensued as to the budgeted life of the refuse side loaders and the number of vehicles in the fleet, which were stated to be 7 years and a total of 17 vehicles, respectively.

At Council Member Martinez’s request, Mr. Longley addressed the proposed funding from the Equipment Replacement Fund, indicating that the fund was currently over-funded.
Council Member Stadtherr moved that the Council approve staff’s recommendation.

Ms. Lew noted that the Council had already approved again using the Selection Committee for the hauling RFP, yet pointed out that the language included the City auditor as a part of the Committee. She indicated that the auditor would again likely have the same problem, and that direction should be given to modify the composition of the Selection Committee to specify only the City Attorney as heading the Committee. She stated that she would then have the flexibility to retain somebody if necessary.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor West that the City Council authorize a negotiated purchase of 11,000 blue automated recycling collection containers; and re-affirm its direction to staff to move forward with the Curbside Recycling Collection RFP and modify the approved Recycling Collection RFP to remove purchase of containers.

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

Disposition: Denied.

Public Works Director Baldo Rodriguez clarified that the RFP as originally written required the hauler to purchase the containers, and that the vote that evening would not jeopardize the process.

City Attorney Julia Lew requested direction from the Council as to her concerns with the Selection Committee. The Council concurred with Ms. Lew’s recommendation and directed that the language be revised as requested.

The Council recessed at 9:29 p.m. for ten minutes.

25. CONSIDERATION OF AMENDING THE COMMUNITY CIVIC EVENT ORDINANCE PROCESS TO REQUIRE NOTIFICATION OF ADJOINING PROPERTY OWNERS

Recommendation: That the Council provide direction to staff.

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

Mayor Pro Tem Hamilton commented that no action should be taken.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council direct staff to take no action and keep the status quo.

AYES: Martinez, Hamilton, Stadtherr, West
26. PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the City Council:
1. Receive the Mission Statement of the Parks and Leisure Services Commission; and
2. Direct the preparation of an Ordinance to amend Chapter 19, Article 1 of the Porterville Municipal Code to:
   a. Provide for each elementary and secondary school district, with boundaries within the City corporate limits, to appoint one City resident as an ex-officio member to the Parks & Leisure Services Commission; and
   b. Provide for ex-officio members to serve as alternates to the seats on the Commission.

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

A discussion ensued as to the past attendance of the Commissioners, and how the proposed changes would be implemented. It was suggested by staff that allowing the ex-officio members to serve as alternates when necessary to make a quorum might stimulate more school participation.

Mayor Pro Tem Hamilton confirmed with staff that the current School District Ex-Officio Member had attended two meetings in the past two years. He suggested that the Council consider eliminating the Commission’s ex-officio positions all together.

At the Mayor’s invitation, Commissioner Tom O’Sullivan came forward and voiced support for the Council accepting the Commission’s Mission Statement.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council receive the Mission Statement of the Parks and Leisure Services Commission; and direct the preparation of an Ordinance to amend the Porterville Municipal Code to eliminate the ex-officio seats on the Parks & Leisure Services Commission.

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

Council Member Stadtherr requested that the Commission attendance records be modified to
reflect those members present, rather than stating “No Quorum.”

Disposition: Denied, with direction given to staff.

27. UPDATE AND PRIORITIZATION OF CAPITAL IMPROVEMENT AND CERTIFICATES OF PARTICIPATION PROJECTS

Recommendation: That the City Council:
1. Approve Option No. 2;
2. Direct staff to proceed with the projects listed in Option 2, once the refinance of the Certificates of Participation is complete; and
3. Direct staff to reserve the remaining funds from the refinancing of the Certifications of Participation, after completion of the priority projects, for the Jaye Street Corridor.

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

Options for Council’s consideration included the following:

Option No. 1: Reserve all funds for the Jaye Street Corridor projects. As shown on the table provided in the staff report, the total estimated cost of the Jaye Street Corridor projects is $9,618,475 ($11,992,248 with inflation factor). The $3.2 million from the refinance could cover approximately one third (at current estimate) of the cost for these improvements. However, focusing all the funds to the Jaye Street Corridor projects would eliminate the following programs from the Fiscal Year 2005-1006 Capital Improvement Program:
1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough
5. Airport Industrial Development - Storm Drain
6. Olive/Mathew - Signal

Option No. 2: Fund projects in the amount of $610,135 ($731,823 with inflation factor) that were approved in the 2005/2006 Budget and are partially funded from other funding sources and reserve the remaining funds for the Jaye Street Corridor. Projects that could be completed, at the current estimate are:
1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough

Option No. 3: Fund projects not related to the Jaye Street Corridor, other than West
Gibbons reconstruction, as listed in the Capital Improvement Strategies Ten Year Plan for 2005/2006 in the amount of $2,007,088 ($2,478,014 with inflation factor) and reserve the remaining funds for the Jaye Street Corridor. Projects that could be completed are:

1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough
5. Airport Industrial Development - Storm Drain
6. Olive/Mathew - Signal

A discussion ensued as to improvements that would likely be needed on Jaye Street.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council approve Option No. 2; direct staff to proceed with the projects listed in Option 2, once the refinance of the Certificates of M.O. 19-111505 Participation is complete; and direct staff to reserve the remaining funds from the refinancing of the Certifications of Participation, after completion of the priority projects, for the Jaye Street Corridor.

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

Disposition: Option No. 2 approved.

28. CONSIDERATION OF HIRING FREEZE

Recommendation: That the City Council authorize one limited term Building Inspector position to be funded with General Fund salary savings derived from temporary vacancies resulting from the hiring freeze.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council authorize one limited term Building Inspector M.O. 20-111505 position to be funded with General Fund salary savings derived from temporary vacancies resulting from the hiring freeze.

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

Disposition: Approved.
29. CONSIDERATION OF CITY FLAG DESIGN CONTEST

Recommendation: That the City Council authorize the formation of the City Flag Contest Committee, consisting of City staff as recommended, and authorize the Committee to formulate a set of general guidelines and provide for the promotion and notification to the public regarding the City Flag Design Contest.

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

Mr. Longley suggested the timeline of setting the guidelines by December of 2005, and selecting the winning design in or around March of 2006.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council authorize the formation of the City Flag Contest Committee, consisting of City staff as recommended, and authorize the Committee to formulate a set of general guidelines and provide for the promotion and notification to the public regarding the City Flag Design Contest.

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

Disposition: Approved.

30. ORAL REPORT ON THE IMPLEMENTATION OF THE SALES TAX MEASURE

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented an oral report on the implementation of the sales tax.

Mr. Pyle indicated that the City had received congratulatory and informational correspondence from the State Board of Equalization immediately following the election. He indicated that a packet was forthcoming which would provide information on implementation of the tax, along with necessary agreements for signature. He stated that in addition, the City would also be provided with website information so as to provide a direct link on the City’s website to the Board of Equalization to offer merchants easy access to information regarding the tax and its implementation.

The Deputy City Manager then updated the Council on the status of hirings, noting that an eligibility list had been established in the Fire Department.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Pyle indicated that no formal process yet existed for the establishment of the Oversight Committee, yet it would soon be addressed. He then proceeded to briefly review several options. He added that budget development was to commence in January, during which staff would discuss setting up a special fund for the tax revenue.

City Attorney Julia Lew clarified that the establishment the Oversight Committee should
commence sooner than later, but that the City did have some time as the tax would not be effective until April.

Disposition: Informational Report Only.

The City Council adjourned to a meeting of the Porterville Public Financing Authority at 10:09 p.m.

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**  
November 15, 2005

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

**WRITTEN COMMUNICATIONS**  
None

**ORAL COMMUNICATIONS**  
None

**SCHEDULED MATTER**  
PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-Laws, accept public comment, and approve the 2005 Status Report for the Redevelopment Bond Issue No. 1 projects.

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

Chairman West invited comments from the audience, to which nobody responded.

In response to questions posed by Vice-Chairman Hamilton, a discussion ensued as to the debt service schedule and the outstanding debt on the $6 million issuance, which Deputy City Manager Darrel Pyle estimated to be approximately $4 million. It was stated that a copy of the debt service schedule would be provided to the Council and included in the report in the future.

**AGENCY ACTION:**  
MOVED by Member Stadtherr, SECONDED by Vice-Chairman Hamilton that the City Council, sitting as the Porterville Public Financing Authority, approve the 2005 Status Report for the Redevelopment Bond Issue No. 1 projects.

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

Disposition: Approved.

The Porterville City Council, sitting as the Porterville Public Financing Authority, adjourned at 10:13 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Greg Shelton, 888 N. Williford Drive, spoke on Item 22, questioning the legitimacy of figures provided in the staff report, and spoke in favor of issuing a RFP for the Farm Management Agreement.
- Dick Eckhoff, 180 N. Main Street, clarified with staff the projected timeframe for permanent repairs to the Plano Street Bridge.

**OTHER MATTERS**
- The Council congratulated Deputy City Manager Darrel Pyle on his new position of City Manager of the City of Tulare, and thanked him for his service.
- Mayor Pro Tem Hamilton announced that he will be running for office of Fifth District Supervisor of Tulare County.
- Mayor West thanked everyone for their efforts in promoting Measure H.
- City Manager John Longley acknowledged and thanked Mr. Pyle for his exemplary service to the City of Porterville.

**ADJOURNMENT**
The Council adjourned at 10:21 p.m. to the meeting of December 6, 2005

Patrice Hildreth, Deputy City Clerk

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2 - Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3 - Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action was taken.

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

PRESENTATIONS
Employee of the Month - Linda Clark
Kent Delperdang, representing WalMart
   • Mr. Delperdang, General Manager of WalMart Distribution Center, presented the City with a $16,000 check for the purchase of fire rescue equipment. Fire Chief Guyton accepted the check and thanked WalMart for its generosity.

ORAL COMMUNICATIONS
• Roy Rockholt, 711 El Granito, President of Helping Hands, invited everyone to the groundbreaking ceremony of Helping Hands’ new location at the east end of the Assembly of God Church, located at Olive Avenue and Third Street, to take place at 10:00 a.m. on December 14, 2005. Mr. Rockholt then thanked the Council and the Porterville Recorder for their past support of Helping Hands.
• Greg Shelton, 888 N. Williford Drive, voiced concern with Item 17, particularly the delay in receiving the farm audit and the further continuance of the current contract. Mr. Shelton then alleged the City had received less than market price for it crops, and urged opening the farm contract to competitive bid.

• Chuck Keen, 320 S. Jaye Street, voiced concerns regarding the Santa Fe Depot, stating the parking was deficient and the facility too small. He offered suggestions for increasing parking and spoke in favor of instead utilizing the Community Center on Putnam Avenue.

• Dick Eckhoff, 197 N. Main Street, informed everyone of the maiden use of the gazebo in Centennial Park; spoke in favor of Item 9, suggesting the trolley be utilized for upcoming holiday events; and spoke on Item 23, voicing concern with veering from national protocol. Mr. Eckhoff then provided the Council with information printed from www.ushistory.org pertaining to flag lowering protocol.

• Judy Keen, 320 S. Jaye Street, thanked the Council for its support of the Senior Christmas Party.

**CONSENT CALENDAR**

Items 8 and 10 were removed for further discussion.

_____1. **CITY COUNCIL MINUTES FOR OCTOBER 18, 2005; AND NOVEMBER 22, 2005**

Recommendation: That the City Council approve the City Council Minutes of October 18, 2005 and November 22, 2005.

Documentation: M.O. 01-120605

Disposition: Approved.

_____2. **BUDGET ADJUSTMENT - FIRE DEPARTMENT**

Recommendation: That the City Council:

1. Authorize staff to accept the $16,000 donation.
2. Authorize a budget adjustment to the Fire Department in the amount of the donation.

Documentation: M.O. 02-120605

Disposition: Approved.

3. **ACCEPTANCE OF IMPROVEMENTS - WILLIAMS RANCH, PHASE ONE (BRIAN ENNIS - ENNIS HOMES)**

Recommendation: That the City Council:

1. Accept the public improvements of Williams Ranch, Phase One Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided that no liens have been filed.
4. INTENT TO VACATE PUBLIC EASEMENTS FOR ACCESS AND MAINTENANCE OF UNDERGROUND UTILITIES, SLOPES AND PAVEMENT RELATED TO THE DEVELOPMENT OF AMALENE ESTATES, PHASE I SUBDIVISION (BECHARA CONSTRUCTION)

Recommendation: That the City Council:
1. Pass a resolution of intent to vacate easements dedicated to the City of Porterville as shown on “The Ford Estates, Unit No. 1" Final Map, filed in Book 37 of Maps, at page 99 in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of January 17, 2006, or as soon thereafter, as the time and place for a public meeting.

5. AMALENE ESTATES TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

Recommendation: That the City Council:
1. Adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision.

6. AIRPORT LEASE LOT 12

Recommendation: That the City Council:
1. Approve the option to extend the Lease on Lot 12 pursuant to the terms and conditions of the current Lease.

7. AIRPORT LEASE LOT 33

Recommendation: That the City Council:
1. Approve the option to extend the Lease on Lot 33 pursuant to the terms and conditions of the current Lease.
9. CITY OF PORTERVILLE TROLLEY

Recommendation: That the City Council approve:
1. The Charter Service Policy for the City of Porterville;
2. The fare for the use of the trolley at $.50 per ride, effective December 1, 2005; and
3. Uses for the trolley compatible with the guidelines prepared by staff, all in an effort to accommodate the general public, alleviate traffic congestion, and abide by the regulations of the Charter Service Policy of the City of Porterville.

Documentation: M.O. 06-120605
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Item Nos. 1 through 7, and 9. The motion carried unanimously.

8. AIRPORT LEASE - RESTAURANT

Recommendation: That the City Council approve the assignment of the Lease Agreement between the City of Porterville and Mr. Michel Adams to Mr. Richard A. Chilcutt, with the Agreement becoming effective on December 1, 2005, or at the close of escrow, whichever is the latest.

City Manager John Longley presented the item.

In response to a question posed by Council Member Irish, Deputy City Manager/Airport Manager Frank Guyton indicated that the Lease was not put out for bid, but rather the current Lessee had located the Assignee. He indicated that assignment was allowed pursuant to the terms and conditions of the Lease.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council approve the assignment of the Lease Agreement between the City of Porterville and Mr. Michel Adams to Mr. Richard A. Chilcutt, with the Agreement becoming effective on December 1, 2005, or at the close of escrow, whichever is the latest. The motion carried unanimously.

Disposition: Approved.

10. IMPLEMENTATION ACTIONS FOR MEASURE H: MEASURE H SALES TAX ORDINANCE AND BOARD OF EQUALIZATION AGREEMENTS

Recommendation: That the City Council approve the enactment of the Measure H Sales Tax Measure with the following action:
1. Accept the Tulare County Registrar of Voters Official Statement of Votes Cast and Certification of Results, and adopt the draft resolution accepting the Official Canvass;

2. Reaffirm the adoption of Ordinance 1684, An Ordinance Adding Article IIA to Chapter 22 of the Porterville Municipal Code to Provide for an Additional One-half of One Percent Transactions and Use Tax to Fund Public Safety, Police and Fire Protection Services and Related Capital Projects and to Be Administered by the State Board of Equalization (“BOE”), by the Declaration of the Vote;

3. Approve two proposed agreements on behalf of the City of Porterville with the BOE by:
   a. Implementing an agreement which authorizes BOE to implement the tax and authorizes BOE to be reimbursed for costs associated with implementing the measure;
   b. Approving an ongoing administration agreement to administer and collect the sales tax; and,
   c. Adopting the draft resolution authorizing the City Manager to sign said agreements;

4. Authorize the expenses charged by the BOE for the implementation and administration of Measure "H" to be paid from current year Measure "H" proceeds to be budgeted in the Public Safety Sales Tax Fund, and the FY 2005/06 budget adjusted accordingly;

5. Direct staff to bring back to Council a detailed plan by February 7, 2006, for the promotion and selection of a Citizens’ Oversight Committee, as stated in Ordinance 1684, to be accomplished by May 1, 2006.

6. Direct Staff to prepare an informational mailer to be distributed via the utility bills thanking the citizens for their support and explaining the first and second year implementation of the program.

City Manager John Longley presented the item and staff report.

In response to a question posed by Council Member Irish, City Attorney Julia Lew clarified that the last sentence in Section 22-8.6 – Imposition of Use Tax – was language required by the State and did not grant the Council any additional authority regarding the tax.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council approve staff’s recommendation. The motion carried unanimously.

**Resolution 171-2005 Resolution 172-2005**

Disposition: Approved.

**PUBLIC HEARINGS**
11. COST ALLOCATION PLAN AND USER FEE STUDY

Recommendation: That the City Council open the public hearing on the Cost Allocation Plan and User Fee Study and continue the item to the City Council Meeting of January 17, 2006.

City Manager John Longley presented the item, and Deputy City Manager Frank Guyton presented the staff report.

The public hearing was opened at 7:23 p.m.

- Greg Shelton, 888 North Williford Drive, noted that he had comments, yet would hold them if the matter was going to be continued.

Council Member Irish voiced concern with bringing the item back so quickly without the opportunity to resolve the issues and concerns of the Building Industry Association (“BIA”).

Mayor Pro Tem Hamilton moved that the Council continue the public hearing to the Meeting of January 17, 2006, with the caveat that if the BIA has remaining concerns, the matter would be further continued.

Council Member Martinez agreed with Council Member Irish’s concerns, noting the holidays.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council continue the public hearing until the meeting of January 17, 2006, with the caveat that if the Building Industry Association’s concerns have not yet been resolved, the public hearing would again be continued. The motion carried unanimously.

Disposition: Continued to January 17, 2006.

12. CONSIDERATION OF RECREATION FEE ADJUSTMENTS

Recommendation: That the City Council:

1. Adopt the draft resolution setting golf course fees to be effective February 1, 2006;
2. Adopt the draft resolution setting Sports Complex parking fees to be effective January 7, 2006;
3. Provide direction on which of the three cost recovery measurement methods should be utilized for each area of recreational programs; and
4. Establish benchmarks for cost recovery by which fees should be developed for each area of recreational programs.

City Manager John Longley presented the staff report, and Parks & Leisure Services Director Jim Perrine presented the staff report.
The public hearing opened at 7:36 p.m.

- Greg Shelton, address on record, voiced support for the proposed fee adjustments for the Golf Course, noting that if labor costs were kept in check, the proposed adjustments might help achieve a positive balance in the Fund.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Perrine indicated that the projections made by the Parks & Leisure Services Commission included the nine percent Administrative Fee.

The public hearing closed at 7:39 p.m.

Council Member Irish commented that he did not object to the proposed Golf Course fee adjustments, particularly if the Men’s Club had no objections. With regard to the parking fees at the Sports Complex, Council Member Irish voiced opposition, noting that the decision to charge for parking was not the right decision. He pointed out that the City did not charge for parking at any other parks.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s concerns regarding parking fees and inquired as to the annual revenue produced from the fees, which staff estimated to be approximately $20,000 annually, with $3,500 in labor and materials costs. A discussion ensued as to the history of charging for parking at the Sports Complex. Mr. Longley indicated that the concept of parking fees was an attempt to recoup some of the significant costs of operating the Complex.

Council Member Irish reiterated his concerns regarding charging, citing the projected maintenance costs of the Skate Park.

Council Member Martinez questioned whether other means were available to recoup costs at the Sports Complex, suggesting increasing user fee costs. A discussion ensued as to options available, during which staff noted that the participant fee could be increased, yet parking fees impacted everyone, and participant fees only impacted local teams because visiting teams were not charged.

Mayor West commented that the Sports Complex was the only City park at which parking was not allowed on the street, and stated that he believed this to be the main reason why a parking fee had been established.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council adopt the draft resolution setting golf course fees to be Resolution 173-2005 effective February 1, 2006. The motion carried unanimously.

Mayor Pro Tem Hamilton moved that the Council direct staff to take no action on increasing the parking fees at the Sports Complex, and look toward possibly eliminating the parking fees altogether.

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

Council Member Irish suggested that Mayor Pro Tem Hamilton amend his motion to specifically set a time frame of ninety days to consider either increasing or eliminating the parking fees, so as to have the matter decided prior to the summer season.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council direct staff to take no action on increasing the parking fees at the Sports Complex, and that, within ninety days, the Council consider whether to increase or eliminate the parking fees at the Sports Complex. The motion carried unanimously.

Mayor Pro Tem Hamilton next questioned the inclusion of the YES program in the analysis, confirming with staff that it was not a fee-based program, but rather a program supported entirely by grant funds. A discussion resulted as to various program costs, during which staff clarified that the City did not separately track personnel costs related to each individual Special Program, but instead tracked all Special Programs as a whole.

Mr. Perrine requested that the Council consider and direct staff accordingly as to the cost recovery percentage rate that staff should seek for each of the overall program areas, and recommended departmental-level tracking. He stated that once the Council determined the cost recovery rates for each program area, staff could then review each sub-program and set fees accordingly in order to achieve those recovery rates.

Mayor Pro Tem Hamilton commented that he would like to have more time to review the item.

Council Member Martinez confirmed that if the Council sought a recovery rate of 50%, the fees for the programs would likely need to be increased, some slightly, some more significantly.

Council Member Irish inquired why the item had been submitted to the Council without a Parks & Leisure Services Commission recommendation, to which Mr. Longley responded that the item was to have gone to the Commission, yet the matter had been specifically scheduled for presentation to the Council on that evening, and that staff had adhered to that schedule. It was added that the Commission had discussed at length the OHV Park Fees, and upon being informed of the Council’s desire to pursue 100% cost recovery, had opted to move on to other items. The Council was then requested to reaffirm that direction and provide some guidance to the Commission in some of the other areas.

Mayor Pro Tem Hamilton confirmed that the overall budget would be affected by the fees, and suggested that the matter be sent to the Parks & Leisure Services Commission for consideration. The Council concurred. Mayor Pro Tem Hamilton then suggested that the programs be broken out in greater detail.

Disposition: Golf Course fee adjustments approved; direction provided to staff.

13. THIS ITEM IS BEING CONSIDERED AS A PART OF ITEM NO. 11.

14. INTERIM URGENCY ORDINANCE PROHIBITING CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council:
1. Hold a public hearing and adopt the draft Interim Urgency Ordinance Prohibiting the Use of Residentially Zoned Land for Construction, Operation, and Maintenance of New Towers for Wireless Communications; and
2. Consider the option to expand the land use limitation to include the area within 300 feet of residentially zoned properties.

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

Council Member Irish confirmed with staff the proposed radius of 300 feet was set by statute and that the Council had discretion in amending that distance.

The public hearing opened at 8:02 p.m.

Dick Eckhoff, address on record, questioned the radius capabilities of communications towers. Staff responded that a one mile radius was common, however the height of the antenna played a role.

The public hearing closed at 8:05 p.m.

Council Member Irish commented that he believed that a 300 foot radius was not enough, and suggested the radius be increased to 1,200 feet.

Council Member Martinez agreed with Council Member Irish’s suggestion.

City Attorney Julia Lew confirmed with staff and the Council that since the Ordinance was an Interim Urgency Ordinance, more flexibility and discretion was therefore allowed.

Council Member Stadtherr commented on the appropriateness of perhaps being over-restrictive in the temporary Ordinance.

Mayor West agreed with Council Member Stadtherr’s comments.

Ms. Lew clarified that the Council so chose to increase the prohibition area from 300 feet to 1,200 feet, the language “and/or all areas within a 1,200 foot radius of residentially-zoned property” would be added to Section 3 and the last paragraph of Section 4 of the draft Ordinance as follows: (Underlining added for emphasis.)

Section 3: The City of Porterville does further herewith find and determine that allowing the use of residentially zoned land and/or all areas within a 1,200 foot radius of residentially-zoned property for the purpose of constructing, maintaining and operating a new wireless communication tower prior to the adoption of procedures concerning the zoning and
regulation of wireless communications towers will result in that threat to
to public health, safety or welfare being exacerbated.

Last Paragraph of Section 4:
All of which give rise to a need to complete the study, within a reasonable
time, of the potential and appropriate City zoning procedures and policies for approving the use of land for the purpose of constructing and operating a wireless communications tower, and in order to protect the public safety, health or welfare it is necessary to prohibit the use of residentially zoned land and/or all areas within a 1,200 foot radius of residentially-zoned property for the purpose of constructing and operating a wireless communications tower until such time as said study is completed and the City Council has determined, what new and additional, if any, procedures and policies are necessary and appropriate to put in place.

Council Member Irish confirmed with staff that the separation requirement would be changed, but the noticing requirement would remain the same.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council adopt the Interim Urgency Ordinance Prohibiting Ordinance 1685 the Use of Residentially Zoned Land for Construction, Operation, and Maintenance of New Towers for Wireless Communications, as amended to increase prohibition from 300 feet from residential land to 1,200 feet. The motion carried unanimously.

Disposition: Approved, as amended.

15. AIRPORT WATER INTER-TIE AND WELL SYSTEM IMPROVEMENTS PROJECT

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Airport Water Inter-tie and Well System Improvements Project.

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

The public hearing opened at 8:11 p.m. and closed at 8:12 p.m. when nobody came forward.

Mayor Pro Tem Hamilton voiced support for approving staff’s recommendation.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Mitigated Resolution 174-2005 Negative Declaration for the Airport Water Inter-tie and Well System Improvements Project. The motion carried unanimously.
Disposition: Approved.

The Council recessed for five minutes.

16. REAFFIRMATION OF THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

Recommendation: That the City Council:
1. Open the public hearing;
2. Take testimony and written comments; and
3. Direct staff to consider the comments, finalize the revised DBE Program and submit the program to Caltrans for approval.

City Manager John Longley presented the item and called upon City Engineer Mike Reed for the staff report.

The public hearing opened at 8:27 p.m. and closed at 8:28 p.m. when nobody came forward.

Mayor Pro Tem Hamilton questioned the role of Caltrans in the program, which Mr. Reed attributed to the involvement of federal highway funds.

A discussion then ensued as to the language pertaining to “race-neutral” and “race conscious” in Section IV-DBE Program Updates, page 2 of the Program document attached to the staff report. City Attorney Julia Lewis indicated that the language was included as a way in which to encourage the participation of minorities. She indicated that while such participation was not mandated, specific goals did need to be set.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council finalize the revised DBE Program and submit the Program to Caltrans for approval. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

17. REPORT ABOUT AUDIT OF FARM OPERATION

Recommendation: That the Council direct staff to schedule a Study Session for 5:00 p.m. on December 20, 2005 before the next regular meeting to discuss with the City Auditor his review of financial accounts regarding the Farm Operation.

The City Manager presented the item and the staff report.

A discussion ensued as to what had been provided by the Auditor, which was indicated to be a letter with attached schedules. Mr. Longley stated that he did not believe the audit document to be responsive. He added that the Council and the Auditor should meet directly, pointing out that the Auditor worked for the Council.
Council Member Stadtherr indicated that he would be available for the proposed Study Session on December 20, 2005.

Council Member Martinez also stated that he too would make arrangements to be available.

Mayor Pro Tem Hamilton moved that the Council direct staff to proceed with an RFP for the Farm Management Agreement.

Council Member Irish seconded the motion.

Mayor West spoke against moving forward with an RFP when the Council had yet to see the audit.

Mayor Pro Tem Hamilton voiced frustration with the delay and the process, and a discussion ensued thereafter regarding how proceeding with a RFP might affect the farming operation. Mr. Longley warned that initiating a RFP might refocus needed efforts away from the operation of the farm. He indicated that a significant amount of staff time – approximately 400 to 500 hours – had been spent on reviewing the operation’s financial documents and that staff was confident with its findings and recommended course of action. A discussion ensued as to whether the initial figures were accurate or not.

At Mr. Longley’s suggestion and the Mayor’s request, Mr. John Baker, Waste Water Treatment Facility Superintendent, came forward to address Mayor Pro Tem Hamilton’s comment that he had been told that the initial figures provided to the Council had been made up. Mr. Baker provided a review of the method employed to verify the figures, and indicated the numbers were accurate.

In response to Mr. Baker’s comments, Mayor Pro Tem Hamilton pointed out that because of the recent extensive financial analysis conducted, a RFP could be easily drafted. Mr. Baker countered that continuing with the current contract for its remaining term of 18 months would be beneficial in that additional financial data would be provided, which would allow for a target bid rate. He added that currently, only data on a very good year and a very bad year existed, and that additional data would be beneficial.

Mayor Pro Tem Hamilton confirmed with Mr. Longley that proceeding with a RFP when the current contract expired would be appropriate. A discussion at length ensued as to the nuances of the City’s farming operation, and to the differences in proceeding the RFP at the present time versus initiating it at the contract’s expiration. Mayor Pro Tem Hamilton commented that without obtaining bids, it was impossible to determine whether land was being put into production at the lowest cost to the City. In response, Mr. Baker proceeded to elaborate on the level of research conducted on other similar custom farming operations.

Council Member Irish confirmed that only three of the Council Members – Council Member Martinez, Mayor Pro Tem Hamilton and Mayor West – had toured the operation. He suggested that he and Council Member Stadtherr first tour the farm before the Council proceeded with taking any action.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council direct staff to issue a RFP for the Farming Agreement.

M.O. 11-120605

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

M.O. 12-120605 MOVED by Council Member Stadtherr, SECONDED by Mayor West that the Council direct staff to schedule a Study Session for 5:00 p.m. on December 20, 2005 before the next regular meeting to discuss with the City Auditor his review of financial accounts regarding the Farm Operation; with direction to provide Council Members Irish and Stadtherr the opportunity to tour the operation prior to said Study Session.

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

Disposition: Study Session scheduled for December 20, 2005 at 5:00 p.m.

18. CONSIDERATION OF A REVISED PROPERTY TAX REVENUE SHARING AGREEMENT

Recommendation: That the City Council consider the three options listed below, and direct staff on the preferred course of action.

Option No. 1: Take no action and allow the annexations to move forward under the 1979 agreement. This would result in less than $5,000 in property tax revenue being delivered to the City in the first year, and would grow at a rate of approximately 3% annually.

Option No. 2: Approve the modification to the agreement adopted by the Council in July of 2004. This would result in approximately $57,500 in property tax revenue to the City in the first year, growing at a rate of approximately 3% annually.

Option No. 3: Continue to negotiate with the County.

The City Manager presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Option No. 2, approving the modification to the agreement adopted by the Council in July 2004, which would result in approximately $57,500 in property tax revenue to the City in the first year,
growing at a rate of approximately 3% annually. The motion carried unanimously.

Disposition: Option No. 2 approved.

19. AUTHORIZATION TO DISCUSS “OWNERSHIP” OF THE INDIANA STREET AND SCRANTON AVENUE PROJECT WITH TULARE COUNTY

Recommendation: That the City Council authorize the Public Works Director to:

1. Meet with Tulare County Public Works for the purpose of determining whether the City can take over all aspects of the Indiana/Scranton Project; and
2. Prepare a staff report for Council’s consideration that addresses the project’s current design and environmental status and identifies funding requirements and agency obligations related to said funding requirements.

City Manager John Longley presented the item, and City Engineer Mike Reed presented the staff report.

In response to questions posed by Council Member Irish, a discussion ensued as to the impetus of the project, the original plans for funding, and the staffing shortages at the County which might jeopardize the progress. Mr. Reed commented that while the City was also short-staffed in its Engineering Division, staff recognized the importance of the project and sought to ensure its completion.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council authorize the Public Works Director to (1) meet with Tulare County Public Works for the purpose of determining whether the City can take over all aspects of the Indiana/Scranton Project; and (2) prepare a staff report for Council’s consideration that addresses the project’s current design and environmental status and identifies funding requirements and agency obligations related to said funding requirements. The motion carried unanimously.

Disposition: Approved.

20. HILLSIDE DEVELOPMENT ORDINANCE UPDATE STATUS REPORT

Recommendation: That the City Council consider the following option and direct the City Attorney and staff accordingly:

Option No. 1: Move forward with the hiring of TRG Land, Inc. to prepare a Hillside Development Ordinance and allocate $122,000 for the project (this includes a 10% contingency, but no allocation of funds for staff time). If this is the Council’s desire, funding
needs need to be appropriated to contract with the firm. Options available to fund the effort are as follows:

a. Delay the ordinance development effort until next fiscal year to determine if monies are available within the 2006/2007 budget.

b. Move forward with the ordinance and borrow funds from the equipment replacement fund and establish a repayment schedule.

c. It would appear that any other option would result in a General Fund deficit for the Fiscal Year 2005/2006.

Option No. 2: Direct the City Attorney and Staff to meet with the consultant to modify the scope of work and reduce the overall cost and time of the project. To keep with the objectives of ordinance development and the Council’s schedule, there will likely be minor changes.

Option No. 3: Direct the City Attorney to solicit other proposals from consultants to prepare a hillside development ordinance.

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

Council Member Irish noted that the Council’s desire had been to expedite the drafting of the Ordinance. A discussion ensued as to funding options and sources for reimbursement, in the event funds were borrowed from the Equipment Replacement Fund.

Mayor Pro Tem Hamilton inquired as to the amount of carryover in the departmental budgets, to which staff indicated there was generally none.

Council Member Stadtherr suggested that a fee – applicable only to those residences affected by the Hillside Development Ordinance – be established. A discussion ensued as to the possibility of establishing such a fee, the revenue from which could be used to reimburse the Equipment Replacement Fund. It was suggested that the fee could be imposed during the map process. Mr. Longley indicated that any fee imposition would take some thought, and that it could be brought back to the Council, possibly by the next Council Meeting.

Council Member Irish clarified with City Attorney Julia Lew how the proposed fee would be established. A discussion ensued regarding at which point in the process the fee would prove most effective, such as at the map stage or the development stage.

Mayor West confirmed with staff that seven percent had been extensively discussed as the grade at which a lot would be considered to be “hillside.” He then commented that few lots would likely qualify as “hillside” thereby limiting the amount of revenue generated by a hillside fee if such a fee only affected those particular lots. It was stated that more consideration needed to be given on how such a fee would be developed. Mayor West then voiced concern with approving the item when no source for reimbursing the Equipment Replacement Fund had been identified.
Mayor Pro Tem Hamilton pointed out that staff had proposed three options.

City Manager John Longley recommended that the Council direct staff to proceed, noting that if other funding options were identified in the future, those options could be brought to the Council and substituted in place of the currently proposed plan.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Irish that the Council direct staff to move forward with the hiring of TRG Land, Inc. to prepare a Hillside Development Ordinance and allocate M.O. 15-120605 $122,000 for the project (which includes a 10% contingency, but no allocation for staff time); fund the effort by borrowing funds from the equipment replacement fund; and establish a repayment schedule from a source to be determined at a later date. The motion carried unanimously.

Mayor Pro Tem Hamilton suggested a time period of six months to determine a funding source.

Disposition: Option No. 1(b) approved.

21. CONSIDERATION OF DRAFT ORDINANCE REPEALING CITY CODE SECTION 19-5, EX-OFFICIO MEMBERS ON THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the City Council consider the request of the Porterville Unified School District Superintendent, and if appropriate, approve the first reading of the draft ordinance, being an Ordinance of the City Council of the City of Porterville Amending Chapter 19, Article 1, of the City Code of the City of Porterville by Repealing Section 9-5, Ex-Officio Members.

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

Mayor Pro Tem Hamilton indicated that Dr. Snavely, Superintendent of Porterville Unified School District, had inquired whether the Charter would allow the District a voting seat on the Parks & Leisure Services Commission. City Attorney Julia Lew confirmed that Commission membership was governed solely by ordinance and not by Charter. Mayor Pro Tem Hamilton then voiced support for adding a voting seat on the Commission for a representative of the Porterville Unified School District (“PUSD”).

Council Member Irish pointed out that there were other school districts. A discussion ensued as to possibly adding one seat for each district. It was stated that the other districts might not wish to participate.

Mayor Pro Tem Hamilton noted that at the present time only PUSD had evinced an interest, and if the other districts voiced interest in also participating, the matter could be brought back before the Council. It was then noted that PUSD had already appointed Cathy Capone as its representative.
City Attorney Julia Lew offered clarification of the appropriate process to add a voting seat on the Commission for PUSD.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council direct staff to bring back to the Council a draft ordinance adding a voting seat on the Parks & Leisure Services Commission for a representative of Porterville Unified School District. The motion carried unanimously.

Disposition: Direction provided to the Council.

**22. CONSIDERATION OF PROPOSED LEGISLATIVE PROGRAMS FOR THE CITY OF PORTERVILLE**

Recommendation: That the City Council consider legislative proposals to be presented to the Assemblyman Bill Maze, including:

1) Request expansion of AB 1280;
2) Request Enterprise Zone legislation permitting a second 5-year extension; and
3) Propose other legislation.

City Manager John Longley presented the item and the staff report, which included a review of the legislative priorities identified by the Council for 2005. Mr. Longley added that in addition to the items recommended in the staff report, support for AB1602 regarding vehicle license fee legislation should also be included.

Mayor Pro Tem Hamilton proposed that Highway 65 also be included, noting that while the legislators might not be able to carry a bill, they might be able to promote the issue in the budgetary process.

Council Member Irish agreed that Highway 65 should be included, adding that it should also be advocated in all correspondence with State agencies.

Council Member Stadtherr voiced support for also including ongoing support for both the CDF Fire Attack Base and island annexations.

Mr. Longley clarified the Council’s direction thus far to be to identify the following as priorities via a letter to Assemblyman Maze: 1) Expansion of AB 1280; 2) Enterprise Zone legislation permitting a second 5-year extension; 3) Support for Highway 65; 4) Support for CDF Fire Attack Base in the budgetary process; and 5) Extension of the period for island annexations.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve staff’s recommendation, as amended to also include support for Highway 65; support for CDF Fire Attack Base in the budgeting process; and extension of time period beyond 2007 for island annexations. The motion carried unanimously.
23. CONSIDERATION OF FLAG LOWERING POLICY

Recommendation: That the City Council approve the policy as presented.

City Manager John Longley presented the item and noted the legitimacy of the comments that evening pertaining to National policy on flying the U.S. flag at half mast. He requested that the Council continue the matter so as to provide the opportunity to conduct further research.

Mayor Pro Tem Hamilton agreed with the City Manager’s suggestion. He noted his preference was to abide by National policy and suggested establishing a City flag which could be lowered for appropriate times.

Council Member Irish agreed that a City flag should be pursued and would be more appropriate for lowering.

Council Member Stadtherr voiced support for directing staff to re-write the item and bring it back to the Council for consideration. The Council concurred.

Disposition: Continued.

The Council recessed for five minutes.

24. REPORT ON IMPLEMENTATION OF LICENSE AGREEMENT FOR OPERATION OF SENIOR CITIZEN PROGRAMS AT THE SANTA FE DEPOT

Recommendation: That the City Council accept the report.

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

Council Member Irish indicated that he had requested that the item be placed on the agenda. He referenced a letter from the County to the City of which he had just become aware. He suggested that there must be some validity to the issues raised, and requested that Mr. Longley read the letter into the record.

Mr. Longley read the letter of November 8, 2005 from Mr. John M. Davis, Director of the Kings/Tulare Area Agency on Aging, to Mr. Longley, as follows:

November 8, 2005

John Longley, City Manager
City of Porterville
291 North Main Street
Porterville, CA 93257
Dear Mr. Longley:

This letter is to follow up on our brief conversation on November 3, 2005 regarding issues that have arisen at the Santa Fe Senior Center.

Kelly West has been coming into the Santa Fe Senior Center on a daily basis and inspecting the nutrition space. It has been reported that Mr. West has addressed the seniors and staff in a way that has been interpreted as intimidating and unfriendly. The seniors are reporting that they feel uncomfortable and unwelcome when he addresses them.

Mr. West has been adamant to the participants and staff of the Senior Nutrition Program that they not park in the front of the building on Mondays and Wednesdays during the Senior Council’s bingo game. He facilitated having signs installed in the front of the building indicating that the front parking was for bingo only and has insisted the seniors visiting the site for the Nutrition Program and the volunteers to move their vehicles. In addition, Mr. West advised the seniors that he had just paid $400 to have the floor waxed and they could not move the chairs around because they were marking the floor.

More recently, on Monday, November 7, Mr. West arrived at the site and called the Nutrition Site Manager, Aimee Murphy, into a private meeting with him and Mr. Miltz to discuss the parking issues and to discuss issues around the bingo programs. They informed her that an article had appeared in the paper that morning; they felt one of the Senior Nutrition Program participants had something to do with the article’s appearance in the paper, and they wanted to know if Ms. Murphy had witnessed the argument between Mr. West and the participant the previous week. Ms. Murphy indicated that she had not witnessed any discussion, as she had been out ill the previous week. They then indicated that they would like to meet with the participant regarding this issue. The participant involved is on vacation this week and is unavailable. The problem with all of this, of course, is that Mr. West is directly interfering with staff, clients, and the program.

In addition, Mr. West and Mr. Miltz requested that the meal program be closed on either Mondays or Wednesdays to accommodate their existing bingo program. They then inquired about bingo that the Senior Nutrition participants occasionally play at the site. They advised the Nutrition Site Manager that the Senior Nutrition Program would need to shut down their bingo games. In counter indication to Mr. West’s remarks and being asked to reduce our hours of operation and meals service, our indication was that seniors want us to increase our days of service.
And finally, Mr. West is refusing to allow staff to put any holes in the walls to hang a bulletin board, which the program utilizes to post notifications required by law.

We would like to re-establish an appropriate chain for Mr. West to express his concerns. It would be most effective if Mr. West would relay any concerns he has through John Hughes, Program Manager for K/T AAA at 730-2553, ext. 343, who will be able to evaluate the issues and develop a proper resolution. Or alternatively, and perhaps more appropriately, he might inform the City of his concerns. Under no circumstances should he be directing or intimidating staff during hours of operation.

These concerns are only brief examples of a much larger problem that is resulting in ill-will and resentment between Mr. West, the Porterville Senior Council seniors, and the seniors participating in the Senior Nutrition Program. Without his interventions, things would proceed better, in my view, and issues would be resolved.

We will continue to chronicle issues as they appear and bring them to your attention.

Sincerely,

John M. Davis, Director
Director

cc: Supervisor Jim Maples

Council Member Irish commented that he believed that Mayor West’s concurrent service on both the City Council and the Senior Council created a muddled situation. He commented that while supposedly no conflict of interest existed, he believed that a conflict did exist, and suggested that Mr. West ought to make a choice between the two. He then voice disapproval of the Mr. West’s alleged misuse of his authority as Mayor.

Mayor West noted that neither Council Member Irish, Mr. Davis, nor Mr. Maples had been present during the events in question, and suggested that Council Member Irish should have personally investigated the matter. He then denied any wrongdoing, and disagreed that a conflict of interest existed, noting his abstention on pertinent items on both Councils.

At Mayor West’s request, City Attorney Julia Lew commented that Mayor West could serve on both Councils without a financial conflict of interest, however appearance issues existed and therefore Mayor West had been advised to abstain from both decision making processes. She then noted that common law bias issues were always present.

Mayor Pro Tem Hamilton voiced concerns with the handling of the situation, particularly with not being informed earlier. He then inquired as to the involvement of Mr. Davis of the Kings/Tulare Area Agency on Aging (“AAA”). It was stated that Mr. Davis visited the site on occasion and that Mr.
Longley had met with him at the Santa Fe Depot on November 3, 2005. The discussion then shifted to the November 7, 2005 meeting between Mayor West, Chief of Parks & Leisure Services Operations Milt Stowe and Nutrition Site Manager Aimee Murphy.

Mayor West stated that he had asked Ms. Murphy if she had any knowledge of the parking lot incident and that Mr. Stowe had nothing to do with the matter. He then spoke of the incident itself. A discussion ensued as to the impetus of Mr. Stowe’s involvement, during which Mr. Longley informed the Council that Mr. Stowe was regularly at the site in the course of his job and the meeting was likely an impromptu conversation. Mr. Perrine added that Mr. Stowe had visited the site at his request so as to ascertain, with the Nutrition Site Manager, whether or not certain ongoing activities were AAA-organized activities, or not, such as bingo. A dialog commenced on the requirements of holding bingo games, and whether or not the two bingo games being held at the Santa Fe Depot had permits to operate. It was determined that the smaller bingo game operation did not have a permit, and was therefore not allowed. It was then stated that the Senior Council’s permit had expired in June 2004 and had only just recently – the previous Friday – been renewed. It was stated that upon the discovery of the expiration, staff had, in the normal course of business, notified the Senior Council of its expired permit.

An individual from the audience requested permission to speak, which the Council denied.

Mayor Pro Tem Hamilton requested further explanation as to Mr. Davis’s comment pertaining to a request to change the Nutrition Program’s days of operation. Mr. Longley and Mr. Perrine both indicated staff was unaware of any such request. Mayor Pro Tem Hamilton asserted that a discrepancy existed.

Council Member Stadtherr commented that while the concerns raised were valid, he suggested that the interested parties be allowed to handle the situation, unless another problem arose.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Longley indicated that he had been the one, at a problem solving session, to suggest that parking placards be installed at the site. A discussion next ensued regarding the details of that problem solving session, which pursuant to staff’s recollection, included Mayor West, Mr. Longley and Mr. Perrine.

Council Member Irish reiterated his concerns for Mayor West serving on both Councils. He then pointed to staff’s likely feeling of obligation to immediately respond to requests of Mayor West, not Senior Council Vice-President West. In response, Mr. Longley clarified that staff’s interest had always been in preserving the Program, and that all efforts had been made in that regard. He attributed the issues to the transition rather than to personal involvements, and warned that there might be more issues ahead. Mr. Longley then explained his handling of the letter from Mr. Davis, indicating that the letter had been addressed to him and that he had worked to address the issues raised. He added that his response letter to Mr. Davis had been a follow-up as to the problem solving sessions.

Mayor West requested that Mr. Keen be allowed to come forward and address the Council, which was denied.

Mayor Pro Tem Hamilton commented that the issue did not pertain to Mr. West as an individual, but rather to what a Council Member could or could not do. He then voiced concerns with problems
occurring at the Santa Fe Depot, and asserted that those problems were being swept under the table. A
dialog next resulted regarding the Santa Fe Depot as to which party – the Senior Council or the City –
had authority over the facility, and which party paid the rent and utilities. During that discussion, staff
and Mayor Pro Tem Hamilton disagreed as to which party had control, with Mayor Pro Tem Hamilton
understanding it to be the City, and Mr. Longley interpreting the Lease to give the authority to the Senior
Council. The discussion then focused on the utility bills and whether or not the City’s stipend covered
the costs.

In response to a question regarding the effects of Council Member involvement on staff posed
by Council Member Irish, Mr. Longley stated that while it might be easier on projects without Council
Member involvement, the fact was that Council Members were involved in Community activities.

Mayor Pro Tem Hamilton reiterated his concerns with what he perceived to be Mayor West’s
misuse of his authority as Mayor, to which Mayor West rebutted the allegations and invited Mayor Pro
Tem Hamilton to personally visit the program. A debate as to the issues ensued.

Council Member Martinez commented that when the position of Mayor was used to further one’s
own objectives, there was a problem. He asserted that when serving as Mayor, one is always perceived
in that capacity. He then voiced displeasure with the Mayor’s alleged actions, commenting that the
Council had worked very hard in developing its relationship with the County. He next voiced disapproval
of utilizing staff time for one’s personal objectives. Council Member Martinez then commented that he
personally knew Mr. Davis to be a man of integrity and had also known Mayor West to speak with a
forked tongue.

Mayor West accepted Council Member Martinez’s comments, and stated that he had no apologies
to make.

Council Member Irish voiced concern with the “no parking” signs recently installed at the Santa
Fe Depot and suggested that the Council direct staff to remove those parking placards, so as to first
consult with AAA to determine their parking needs.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member
Martinez that the Council direct staff to remove the recently installed
parking placards at the Santa Fe Depot, so as to consult with
representatives of Kings/Tulare Area Agency on Aging to determine their
parking needs.

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

Council Member Irish clarified his motion for staff and then suggested that in the event of future
issues, Mayor West not get involved and instead have the Senior Council President contact the City
Council directly.
Disposition: Direction provided to staff.

**ORAL COMMUNICATIONS**

- Ben Harvey, 99 S. Ohio, Senior Council Executive Committee Member, came forward and spoke of lost revenue due to parking problems at the Santa Fe Depot; informed the Council of Mayor West’s recusal on all Senior Council/City items; spoke against renewing the contract with the Area’s Agency on Aging (“AAA”), and voiced support for setting forth all contract details in writing.

- Greg Shelton, address on record, voiced concern with Item 20, particularly the $122,000 fee for a consultant to write the Hillside Ordinance, and suggested instead that the Ordinance be prepared in-house. He then voiced concern with comments made by staff regarding the farming operation being “in the black,” and contrasted the City’s farming operation to another local operation.

- Roy Rockholt, address on record, President of the Senior Council, commented that during his frequent visits to the Santa Fe Depot he had never been informed of any major problems, suggesting that something had been made of nothing.

- Dick Eckhoff, address on record, spoke generally of the accomplishments of both the Senior Council and the AAA, and suggested a more-clearly defined agreement to resolve issues.

**OTHER MATTERS**

- Mayor Pro Tem Hamilton clarified that the issue that evening had been to address Mayor West’s mis-use of his authority as Mayor.

- Council Member Martinez requested that the Council, by either letter or proclamation, recognize Soccer Coach Nuno on his 500 wins.

- Mayor West commented that he had done nothing wrong with the Council or the Senior Council. He then suggested that other Council Members personally visit the Santa Fe Depot.

**ADJOURNMENT**

The Council adjourned at 10:57 p.m. to the meeting of December 20, 2005.

__________________________
Patrice Hildreth, Deputy City Clerk

SEAL

__________________________
Kelly West, Mayor
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 four projects, which were budgeted for in a prior year and were not encumbered under the current budget document. All four items are contractual in nature and require completion.

RECOMMENDATION: That the Council approves the attached budget adjustments and authorizes 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 END OF YEAR BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>89-9057-88</td>
<td>1</td>
<td>Increase the appropriation in the budget to allow for the completion of the Pay and Classification Plan.</td>
<td>General Fund</td>
<td>$25,000</td>
<td>$674,797</td>
</tr>
<tr>
<td>89-9079-88</td>
<td>2</td>
<td>Increase the appropriation in the budget to allow for the completion of the City-wide rate/fee study.</td>
<td>General Fund</td>
<td>$20,000</td>
<td>$654,797</td>
</tr>
<tr>
<td>89-9084-88</td>
<td>3</td>
<td>Increase the appropriation in the budget to allow for the completion of the Island Annexation process.</td>
<td>General Fund</td>
<td>$27,657</td>
<td>$627,140</td>
</tr>
<tr>
<td>89-9078-88</td>
<td>4</td>
<td>Increase the appropriation in the budget to allow for the completion of the General Plan Update.</td>
<td>General Fund</td>
<td>$249,746</td>
<td>$377,394</td>
</tr>
</tbody>
</table>
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - INDIANA STREET RECONSTRUCTION PROJECT, PUTNAM AVENUE TO OLIVE AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue. The project consists of the reconstruction of Indiana Street to arterial standards including an 84' right-of-way with two lanes of traffic in each direction, curb, gutter, sidewalk, sewer, water, storm drain, curb returns with disabled ramps, street lighting and new traffic signals. This is the second phase of the Indiana Street Reconstruction Project, which completes the widening and connection of Indiana Street from Morton Avenue to Olive Avenue.

The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

The Construction Management Plan for this project is as follows. Assistant Engineer Nathan Delk will serve as Project Manager. Mr. Delk will be on site as needed to assist the Public Works Inspector and/or Contractor. The Construction Management Team for this project will include the Public Works Director, City Engineer, Assistant Engineer and Public Works Inspector.

The Engineer's Estimate for construction is $1,261,976.10. An additional $197,300 is required for the construction contingency (10%), SCE street lights and Construction Management including quality control testing.

Funding for this project was approved in the 2005/2006 Annual Budget in the amount of $775,500. An additional $34,375 was approved during the November 15, 2005 City Council meeting from the refinancing of the Certificates of Participation (COP) for a total of $809,875 approved for this project. As of December 31, 2005 a total of $12,445 has been expended from this account leaving a balance of $797,430. With the approved funding, this still leaves the project approximately $661,850 shy of funding the project, staff time, construction contingency and street lights.

Due to the rising cost of construction and materials, the estimate supplied by the Consultant had to be updated. The previous estimate for two traffic signals was $215,000. This cost more than doubled. All concrete, asphalt, pipe and excavation costs were increased to reflect the rise in cost associated with recent bids and raw material shortages.
Following are options to fund the unfunded portion of the Indiana Street Reconstruction Project:

Option 1: Fund the $661,850 from the refinance of the COP’s, which would leave approximately $1,806,000 for the Jaye Street Corridor instead of the $2,468,177, approved during the November 15, 2005 Council meeting.

The Jaye Street corridor is defined as Jaye Street from Orange Avenue south to Gibbons Avenue and Gibbons Avenue west to Indiana Street. The cost for street improvements alone exceeds $3.5 million dollars and this figure does not include the cost to widen the Jaye Street Bridge over the Tule River, nor does it include any improvements that might be required by Caltrans within their right-of-way, nor does it include costs beyond a standard arterial width street between State Route 190 and Springville Avenue. It is known that the Riverwalk traffic analysis recommends that this section of street be significantly wider than a standard arterial street.

Option 2: Re-visit the Indiana Street Extension Project during the 2006/2007 budgeting process at which time other funding options may become available.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual for the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue;

2. Set the proper priority between the Jaye Street Corridor Project and the Indiana Street Extension Project; and

3. Authorize staff to advertise for bids if Council determines that the Indiana Street Extension Project is a higher priority than the Jaye Street Corridor Project.

ATTACHMENTS: Locator Map
Engineer’s Estimate
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Sheeting and Shoring</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>4</td>
<td>2,598</td>
<td>C.Y.</td>
<td>Excavation and Hauling all materials in the area of the proposed new improvements other than that</td>
<td>$11.00</td>
<td>$28,578.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>included in items 5, 6 and 7 including all required saw-cutting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>L.S.</td>
<td>Demolition, clearing and grubbing of all other items in the project area that are in the area of</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>items of new work including but not limited to trees, structures, sidewalks, foundations, slabs,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>shrubs, roots and fences including all required saw-cutting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>275</td>
<td>S.F.</td>
<td>Remove and Dispose of Existing Concrete outside the right of way @ Sta. 1+67 rt. Including all</td>
<td>$1.50</td>
<td>$412.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>required saw-cutting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>644</td>
<td>L.F.</td>
<td>8-Inch Water Main, including trenching, backfill, and compaction</td>
<td>$50.00</td>
<td>$32,200.00</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>L.S.</td>
<td>Remove Existing 12-Inch X 12-Inch X 6-Inch Tee and Fire Hydrant Assembly at Sta. 0+31.4 Rt. 13.3</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>feet. Provide Reducer and Tie new 8-Inch PVC C900 line to existing 12-Inch line</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Description</td>
<td>Quantity</td>
<td>Unit</td>
</tr>
<tr>
<td>---</td>
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<td>-----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>9</td>
<td>1</td>
<td>EA.</td>
<td>Tie New 8-inch Water Main to Existing Cross in Tomah Street, including Providing New 8-inch Gate Valve at Sta. 6+61.3 Rt. 19.1, including all required fittings and appurtenances.</td>
<td>$1,800.00</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>65</td>
<td>L.F.</td>
<td>6-Inch Water Main and Fire Hydrant Runout Piping, including trenching, backfill, and compaction</td>
<td>$45.00</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>2</td>
<td>EA.</td>
<td>Fire Hydrant Assembly EXCEPT runout piping</td>
<td>$6,000.00</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>4</td>
<td>EA.</td>
<td>Complete 1-inch Water Wervice per City Standard W-1 including reconnection to existing customer service lines where applicable</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>3</td>
<td>EA.</td>
<td>Complete 2-inch Water Service per City Standard W-3</td>
<td>$1,500.00</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>1</td>
<td>EA.</td>
<td>Water service extension at Sta. 12+28.75 per City Standard W-1</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>331</td>
<td>L.F.</td>
<td>8-Inch Sewer Piping, including trenching, backfill, and compaction</td>
<td>$50.00</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>L.S.</td>
<td>48-Inch Sewer Drop Manhole at Olive Street Intersection at Sta. 0+38.90 Rt. .83 feet</td>
<td>$4,000.00</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>L.S.</td>
<td>48-Inch Sewer Manhole at Sta. 3+30 Lt. 24 Feet</td>
<td>$3,000.00</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>5</td>
<td>EA.</td>
<td>4 inch Sewer Lateral per City Standard S-7 including reconnection of one (1) existing lateral</td>
<td>$1,100.00</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>3</td>
<td>EA.</td>
<td>6 inch Sewer Lateral per City Standard S-7</td>
<td>$1,300.00</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>307</td>
<td>L.F.</td>
<td>18-Inch Storm Drain, including trenching, backfill, and compaction</td>
<td>$42.00</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>43</td>
<td>L.F.</td>
<td>Trench Resurfacing per City Standard P-4</td>
<td>$20.00</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>2</td>
<td>EA.</td>
<td>Catch Basin Assembly</td>
<td>$2,500.00</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>2</td>
<td>EA.</td>
<td>Offset Modified Catch Basin Assembly</td>
<td>$3,000.00</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>1</td>
<td>L.S.</td>
<td>48-inch Storm Drain Manhole at Olive Street Intersection Sta.0-41.4 at Lt. 40 feet</td>
<td>$3,500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Curb and Gutter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>----------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>25</td>
<td>2,153</td>
<td>L.F.</td>
<td>Concrete Sidewalk exclusive of that in Curb Returns and Approaches</td>
<td>$18.00</td>
<td>$38,754.00</td>
</tr>
<tr>
<td>26</td>
<td>12,300</td>
<td>S.F.</td>
<td>Driveway Approach exclusive of curb and gutter</td>
<td>$3.50</td>
<td>$43,050.00</td>
</tr>
<tr>
<td>27</td>
<td>1,400</td>
<td>S.F.</td>
<td>Block Wall Retaining Wall with Handrail per detail on plans sheet 4</td>
<td>$4.50</td>
<td>$6,300.00</td>
</tr>
<tr>
<td>28</td>
<td>190</td>
<td>L.F.</td>
<td>20 Foot Radius Sidewalk Curb Return Assembly with Disabled Ramp exclusive of curb and gutter</td>
<td>$35.00</td>
<td>$6,650.00</td>
</tr>
<tr>
<td>29</td>
<td>3</td>
<td>EA.</td>
<td>Removable Curb Assembly for Southern California Edison Vault Sta. 6+60 Rt. 32 Feet per detail on plans sheet 4</td>
<td>$2,200.00</td>
<td>$6,600.00</td>
</tr>
<tr>
<td>30</td>
<td>2</td>
<td>EA.</td>
<td>30 Foot Radius Sidewalk Curb Return Assembly with Disabled Ramp exclusive of curb and gutter</td>
<td>$2,600.00</td>
<td>$5,200.00</td>
</tr>
<tr>
<td>31</td>
<td>1</td>
<td>L.S.</td>
<td>1-1/2-Inch Street Light Conduit and Ells, including trenching, backfill, compaction, and rope</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>32</td>
<td>484</td>
<td>L.F.</td>
<td>2-Inch Street Light Conduit and Ells, including trenching, backfill, compaction, and rope</td>
<td>$5,808.00</td>
<td>$11,616.00</td>
</tr>
<tr>
<td>33</td>
<td>229</td>
<td>L.F.</td>
<td>Street Light Conduit Pull Boxes, including excavation, compaction and backfill</td>
<td>$14.00</td>
<td>$3,206.00</td>
</tr>
<tr>
<td>34</td>
<td>4</td>
<td>EA.</td>
<td>Complete Traffic Signal System at Indiana Street and Olive Avenue</td>
<td>$400.00</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>35</td>
<td>1</td>
<td>L.S.</td>
<td>Complete Traffic Signal System at Indiana Street and Putnam Avenue</td>
<td>$275,000.00</td>
<td>$275,000.00</td>
</tr>
<tr>
<td>36</td>
<td>1</td>
<td>L.S.</td>
<td>Two Way Communication Capability for Item 44 Above, if not normally built into the Controller</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>37</td>
<td>1</td>
<td>L.S.</td>
<td>Two Way Communication Capability for Item 1 Above, if not normally built into the Controller</td>
<td>$250,000.00</td>
<td>$250,000.00</td>
</tr>
<tr>
<td>38</td>
<td>1</td>
<td>L.S.</td>
<td>Compacted Fill Material w/ R=65 min. from Import or Excess Onsite Excavation.</td>
<td>$80.00</td>
<td>$11,360.00</td>
</tr>
<tr>
<td>39</td>
<td>142</td>
<td>C.Y.</td>
<td>Class 2, 1-1/2 inch Crushed Rock Base</td>
<td>$40.00</td>
<td>$65,760.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tons</td>
<td>Description</td>
<td>Unit Cost</td>
<td>Total Cost</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>41</td>
<td>2,220</td>
<td></td>
<td>Type B Asphalt Concrete Paving for New Street Construction</td>
<td>$45.00</td>
<td>$99,900.00</td>
</tr>
<tr>
<td>40</td>
<td>9,865</td>
<td>S.Y.</td>
<td>Fog Seal Coat</td>
<td>$0.80</td>
<td>$7,892.00</td>
</tr>
<tr>
<td>41</td>
<td>7</td>
<td>EA.</td>
<td>Adjust Manhole to Grade</td>
<td>$450.00</td>
<td>$3,150.00</td>
</tr>
<tr>
<td>42</td>
<td>6</td>
<td>EA.</td>
<td>Adjust Valve to Grade</td>
<td>$325.00</td>
<td>$1,950.00</td>
</tr>
<tr>
<td>43</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana Street at Olive Avenue Intersection Signing, Striping and Marking</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>44</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana Street at Putnam Avenue Intersection Signing, Striping and Marking</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>45</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana Street Mainline Signing, Striping and Marking</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>46</td>
<td>4</td>
<td>EA.</td>
<td>Survey Monument Assemblies per City Standard M2</td>
<td>$1,200.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>47</td>
<td>2</td>
<td>EA.</td>
<td>Relocate Street Signs</td>
<td></td>
<td>$150.00</td>
</tr>
<tr>
<td>48</td>
<td>1</td>
<td>L.S.</td>
<td>Construct Eight Foot High Concrete Block Wall with 20’ Gate @ Sta. 2+23 Rt. to 6+52 Rt. Per Details on Plans Sheet 4</td>
<td></td>
<td>$72,500.00</td>
</tr>
</tbody>
</table>

Total: $1,147,251.00
10% Estimating Contingency: $114,725.10
Total: $1,261,976.10

Estimated Certified

Project Manager: 1/9/06
Public Works Director: 1/9/06
City Engineer: 1/30/06
City Manager: 12-Jan-96
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - TRAFFIC SIGNAL #7 (VILLA STREET AND PUTNAM AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number M016 Rev. 2, and requests that the City execute said agreement. The executed agreement becomes a part of the Local-State Master Agreement No. 06-5122.

The Program Supplement attached is for the signal synchronization of Newcomb Street, Putnam Avenue and Westwood Street, and the newly constructed traffic signal at the intersection of Putnam Avenue and Villa Street. Said agreement describes the special covenants with which the City must comply.

RECOMMENDATION: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

2. Direct staff to return the signed program supplement to CalTrans.

ATTACHMENTS: Program Supplement Agreement No. M016 Rev. 2 Resolution

P:\pubwork\Engineering\Council Items\Program Supplement to the Local Agency-State Master Agreement - Traffic Signal #7.wpd
This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/14/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks set forth on the following pages.

**PROJECT LOCATION:**
Signal Synch on (1) Newcomb St, (2) Putnam Ave and (3) Westwood St; install new signal at the intersection of Putnam Ave and Villa Street.

**TYPE OF WORK:** Signal Synchronization & New Signal

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCAL</td>
</tr>
<tr>
<td>$186,130.00</td>
<td>$3,631.00</td>
<td>$21,440.00</td>
</tr>
<tr>
<td>Q400</td>
<td>$161,059.00</td>
<td></td>
</tr>
</tbody>
</table>

**LENGTH:** 0 (MILES)

**CITY OF PORTERVILLE**

By

Date

Attest

Title

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item</th>
<th>Year</th>
<th>Program</th>
<th>BC</th>
<th>Category</th>
<th>Fund Source</th>
<th>AMOUNT</th>
</tr>
</thead>
</table>
1. All project repair, replacement and maintenance involving the physical condition and the operation of project improvements referred to in Article III MAINTENANCE, of the aforementioned Master Agreement will be the responsibility of the ADMINISTERING AGENCY and shall be performed at regular intervals and as required for efficient operation of the completed project improvements.

2. The ADMINISTERING AGENCY will reimburse the STATE for the ADMINISTERING AGENCY share of costs for work requested to be performed by the STATE.

3. The ADMINISTERING AGENCY agrees that payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration (FHWA) in the Federal-Aid Project Authorization/Agreement or Amendment/Modification (E-76) and accepts any resultant increases in ADMINISTERING AGENCY funds as shown on the Finance Letter, any modification thereof as approved by the Division of Local Assistance, Office of Project Implementation.

4. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a STATE approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

5. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

6. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by
SPECIAL COVENANTS OR REMARKS

the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

7. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the most current published Local Assistance Procedures Manual.

8. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS#33
P. O. Box 942874
Sacramento, CA 94274-0001

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section
SPECIAL COVENANTS OR REMARKS

15.7 "Award Package" of the Local Assistance Procedures Manual and LPP 01-06.

9. The ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act and OMB A-133 if it receives a total of $300,000 or more in federal funds in a single fiscal year. The federal funds received under this project are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning & Research. OMB A-133 superceded OMB A-128 in 1996. A reference to OMB A-128 in a Master Agreement (if any) is superceded by this covenant to conform to OMB A-133.
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. M016 REV. 2 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. M016 Rev. 2 to Local Agency-State Master Agreement No. 06-5122, for the signal synchronization of Newcomb Street, Putnam Avenue and Westwood Street, and the installation of a new traffic signal at the intersection of Putnam Avenue and Villa Street.

ADOPTED this 17th day of January, 2006.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By Georgia Hawley, Chief Deputy City Clerk
SUBJECT: REQUEST FOR A STAY OF EXPIRATION OF TENTATIVE MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: William Abbott, on behalf of his client, Contour Development, Inc., applicant for the Canyon Springs Estates subdivision project, is requesting a stay of expiration during the period of time that litigation is pending on the recently approved Canyon Springs Tentative Map.

HISTORY: On December 19, 2005, the City of Porterville received a request to stay expiration of the tentative map for the Canyon Springs subdivision. The City Council of the City of Porterville approved the tentative map for the Canyon Springs subdivision on September 6, 2005.

On or about October 21, the City of Porterville was served with an Amended Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (Porterville Citizens for Responsible Hillside Development v. City of Porterville, et al., Tulare County Superior Court, Case No. 05-216428). Contour Development Inc. has requested, pursuant to Government Code Section 66452.6 (c), that the City toll the expiration of its tentative map for the period of time this litigation is pending.

Section 66452.6 (c) of the Government Code states: “The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the sub-divider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.”

Item No. 5
Staff is requesting that the City Council simply toll the time period for the map from the date the complaint was served through the period of litigation.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving a stay of expiration during the period of time that litigation is pending.

ATTACHMENTS:

1. Letter of Request
2. City Council Resolution 134-2005
3. Draft Resolution
December 19, 2005

VIA FACSIMILE AND U.S. MAIL

Julia M. Lew, Esq.
McCormick, Kabot, Jenner, Hurlburt & Lew
City Attorney
City of Porterville
1220 W Main St
Visalia, CA 93291

Re: Project: Canyon Springs Estates
Applicant: Contour Development, Inc.
APPLICATION TO STAY EXPIRATION OF TENTATIVE MAP

Dear Ms. Lew:

This correspondence is submitted on behalf of Contour Development, Inc. ("CDI"), applicant for the Canyon Springs Estates project.

On or about October 21, 2005, the City of Porterville ("City") was served with an Amended Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (Porterville Citizen for Responsible Hillside Development v. City of Porterville, et al., Tulare County Superior Court, Case No. 05-216428) ("Litigation"). Contour Development Inc. was named as a real party in interest in this Litigation. Pursuant to Government Code section 66452.6(c), Contour Development Inc. hereby requests that the City toll the expiration of its tentative map for the above-identified project for the period of time this Litigation is pending. Please advise me if there is any particular form required for this request.

Feel free to contact me with any questions.

Very truly yours,

/S/

Elias E. Guzman

cc: Mr. Bradley D. Dunlap, City Planning Director (via electronic mail)
Client Development Team (via electronic mail)
William W. Abbott

2100 21st Street • Sacramento, California 95818 • (916) 456-9595 • Fax: (916) 456-9599
RESOLUTION NO. 134-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 67.42± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF MORTON AVENUE AND HILLCREST STREET

WHEREAS: On July 5, 2005, the Porterville City Council conducted a public hearing for Canyon Springs Estates Tentative Subdivision. The applicant is requesting approval of the Canyon Springs Estates Tentative Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases for that site located on the northeast corner of Morton Avenue and Hillcrest Street.

WHEREAS: Due to concerns raised at that public hearing, City Council continued the public hearing and directed Staff and the applicant/engineer to work out modifications regarding the tentative map, and bring this matter back to the City Council on September 6, 2005; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 6, 2005, at the continued public hearing considered approval of Canyon Springs Estates Tentative Subdivision Map to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases for that site located on the northeast corner of Morton Avenue and Hillcrest Street; and

WHEREAS: On May 24, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Subdivision Review Committee on June 22, 2005, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent Staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 3.57 d.u./acre.

ATTACHMENT
ITEM NO. 2
All the interior streets within the proposed subdivision are designed to be 60 feet wide, with the exception off two (2) cul-de-sac streets, which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from Henderson Avenue (a 3/4 street) extending west to Hillcrest Street (designated arterial street). Ingress and egress from the west portion of the site onto Hillcrest Street will be by two (2) local streets 60 feet wide. Ingress and egress from the south portion of the site onto Morton Avenue (developed four (4) lane arterial street) will be by a local street 60 feet wide.

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

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

The subject site contains highly expansive soils. Development in this area may be subject to significant stresses, which must be addressed in design to prevent damage to public and private improvements. Therefore, no barriers to development will occur.

3. That the Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, is not likely to cause substantial environmental damage. Condition 50 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

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

The General Plan designates the site for Low Density Residential uses. The site has rural residential uses to the north, a partially developed single family residential subdivision to the west, orange grove to the east and vacant land to the
south. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Canyon Springs Estates Tentative Subdivision Map subject to the following conditions:

1. The required improvements for Hillcrest Street and Henderson Avenue will be required to continue as off-site improvements to the Hillcrest/Henderson intersection.

2. The site grading plan shall be designed so that slopes between Lots shall be a part of the downhill lot. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence.

3. The developer/applicant shall provide a minimum of one (1) tree for every lot and an additional tree for every corner lot, or payment in lieu.

4. All concrete block walls shall match one of the colors in the color palate approved by the City Council and maintained by the Community Development Department.

5. Construct a wall and provide landscaping along the Morton Avenue, Hillcrest and Henderson Avenue frontages of the project. If the subdivision is not redesigned as described, similar improvements shall be provided along Grand Avenue as well. Said area shall be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:
   a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.
   b. Unless another standard is proposed and approved, the wall(s) shall include articulation at intervals of approximately 160 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 320 feet without articulation. Methods of articulation may include the following:
      i. A minimum of a 24 inch change of plane.
      ii. A minimum of an 18 inch change in height.
      iii. A section of semi-open fence, except where such a feature would interfere with required sound protection.
      iv. A change of material and/or color.
6. The required twelve (12) foot side yard setback for all reverse corner lots to include six (6) foot fences shall be shown on the final map. As currently designed, Lots 138, 167, and 205 are reverse corner lots.


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

9. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). The Circulation Element has designated Hillcrest Street as an arterial street (right of way width = 84 feet). Twenty-four (24) feet of additional right of way shall be dedicated to the City of Porterville along the development’s westerly boundary, where it fronts Jasmine Ranch Subdivision. A transitional dedication from 24 feet to 17 feet is necessary for that portion of the proposed development south of Jasmine Ranch Subdivision. Seventeen (17) feet of additional right of way shall be dedicated along the remainder of the proposed development south of the transition. Transitional designs shall be curvilinear in accordance with the AASHTO geometric design policies.

10. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking along the south side of Henderson Avenue between Hillcrest Street and the easterly boundary of the proposed development. (C.C. Sec. 21-23). Off-site dedications will be necessary to construct these improvements. The City may exercise eminent domain procedures, if necessary, to acquire the off-site right of way.

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

12. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.
13. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

14. "Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, trail alignment, landscaping, irrigation, pocket park, drainage systems and 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. Trail alignment, landscape, irrigation, pocket park, drainage systems 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) 20' wide pedestrian & equestrian trail with associated landscaping along the Morton Avenue, Hillcrest Street, and Henderson Avenue frontages, (3) Landscape and irrigation between the back of walk and trail along the Hillcrest Street frontage, (4) Landscape and Irrigation system in the non-buildable area along the east boundary of the subdivision between Grand Avenue and Henderson Avenue, (5) 10' wide pedestrian and equestrian trail (grading only), (6) Pocket park between Grand Avenue and Kanai Avenue, adjacent to Hillcrest Street, (7) 20' wide pedestrian & equestrian trail with associated landscaping shall meander through the middle of the development beginning at the pocket park and eventually connecting to the trail at the easterly boundary, (8) Public masonry fences along the Morton Avenue, Hillcrest Street and Henderson Avenue frontages (9) Drainage systems specifically benefitting the development, (10) Temporary on-site drainage reservoir, if any, etc."

15. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
   c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

16. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
17. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

18. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development.

19. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

20. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

21. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

22. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

23. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
24. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

25. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
   a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
   b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
   c. Street base rock for accessibility by the public safety officials and building inspectors;
   d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
   e. Lot corners are marked;
   f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

26. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

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

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

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

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

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

32. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

33. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

34. Prior to acceptance of improvements, the developer/applicant shall provide 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. 16000 lumen streetlights along the east side of Hillcrest Street are required and 5800 lumen streetlights are required along the internal subdivision streets. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision.

35. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision: One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
36. The developer/applicant is hereby notified that proposed subdivision, in accordance with the Water Master Plan, lies within two (2) water system pressure zones. The master plan defines Rocky Hill Zone 1 as those areas between the 520 and 580 contours, which encompasses the westerly portion of the proposed tentative subdivision map. The area between 580 and 640 contours is Rocky Hill Zone 2, which is the central part of the proposed tentative subdivision map. The developer/applicant has various options available to service the proposed development. Some of those options are as follows:
   a. Construct City Water Master Plan improvements necessary to supply all pressure zones of the proposed development. These improvements are reimbursable in accordance with C.C. Section 25-32.3.
   b. Construct and dedicate a community booster pump system that will serve the proposed development only.
   c. Construct booster pump system that will draw water from the proposed Rocky Hill Zone 1 Tanks, which is scheduled for construction during the summer of 2005, to supply the entire development. In this option, some or all of the booster pump system may be reimbursable, if it becomes an integral part of the City’s Master Plan.

37. The water system, in whatever capacity it may be, shall be capable of providing: 1) 1,000 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure for a dwelling unit less than 3,600 square feet; 2) 1,500 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet; and 3) provide normal operating pressures between 45 psi and 80 psi. Pressure zones shall be isolated with pressure reducing valves, where applicable or individual pressure regulating systems as necessary, to meet the normal operating pressures. The water system shall be designed by a Civil Engineer.

38. It should be noted that the City is currently seeking consultant services to design the proposed Rocky Hill Zone 1 Tanks. A task associated with the design services is to review all proposed eastern hillside developments on file with the City and determine the most feasible method of implementing the Water Master Plan.

39. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: The proposed development is in a Zone B, exempt from the special flood hazard requirements. However the ditch running through a portion of the property has been identified on the FEMA maps and must be addressed by installing pipe through the subdivision or by some other means approved by the City Engineer. Implementation of the Storm Drain Master Plan will resolve this issue.

40. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two (2) bona fide bidders. The bids must be approved by the City prior to construction.
41. Comply with latest applicable codes.

42. When any portion of a building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

43. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

44. Fire hydrants spacing shall be as follows: In Residential development, one (1) hydrant shall be installed at every 500 feet intervals.

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

46. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code.

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

48. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

49. Install fire hydrants at the following locations:
   a. At the corner or Lot 72
   b. Between Lots 56 & 57
   c. Corner of Lot 223
   d. Between Lots 130 & 131
   e. Corner of Lot 135
   f. Between Lots 143 and 144
   g. Between Lots 180 & 181
50. The developer/applicant shall dedicate and improve a right-of-way adequate for the construction of a single lane roundabout at the intersection of Hillcrest Street and Jasmine Drive. Bus circulation in and out of the proposed development is the purpose of the roundabout. Additional right of way dedication shall come from the east side of Hillcrest Street, creating an off-site roundabout. Additional right of way dedication for the roundabout approaches shall also come for the property east of Hillcrest Street. Roundabout designs shall conform to the guidelines established by FHWA. A turn around may be implemented into the pocket park to be next to the pedestrian and equestrian trail along Hillcrest Street as an alternative means of providing bus circulation. AASHTO geometric design policies shall be the guide for designing bus turning movements in and out of the pocket park. That construction of the improvements shall be constructed concurrently with the first phase of development and accepted by the City Engineer prior to occupancy on any residential units.

51. That Baillio Street as shown on the tentative map shall be changed to Canyon Street on the final map.

Kelly West
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
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 6th day of September, 2005.

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

<table>
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<tr>
<th>Council:</th>
<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
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<td>AYES:</td>
<td>X</td>
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<td>NOES:</td>
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<td>ABSTAIN:</td>
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<td>ABSENT:</td>
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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
APPROVING A STAY OF EXPIRATION FOR THE CANYON SPRINGS ESTATES
SUBDIVISION TENTATIVE MAP

WHEREAS: The Porterville City Council, on January 17, 2006, conducted a
public meeting to consider a request for a stay of expiration during the period of litigation
for the Canyon Springs Subdivision tentative map, for the area located east of Leggett
Street and north of Morton Avenue in Porterville; and

WHEREAS: The letter of request states that the applicant requests that the City
toll the expiration of its tentative map for the project for the period of time that litigation
is pending; and

WHEREAS: The Porterville City Council, on September 6, 2005, by City
Council Resolution number 134-2005 approved the Canyon Springs Estates Subdivision
tentative map, subject to certain conditions; and

WHEREAS: Section 66452.6 (c) of the Government Code empowers the City
Council to approve such a requested stay of expiration; and

WHEREAS: The City Council has thoroughly reviewed and considered the
request for the stay of expiration of the referenced tentative map;

NOW, THEREFORE, BE IT RESOLVED: By the City Council of the City of
Porterville that the request for the stay of expiration during the period of litigation for the
Canyon Springs Subdivision tentative map be approved subject to the following
conditions:

1. That all conditions outlined in City Council Resolution 134-2005 be
   adhered to.
2. That any future extension of time will require City Council approval.

_________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By__________________________
Georgia Hawley, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 3
SUBJECT: DECLARE COMMUNITY CENTER PROPERTY SURPLUS AND INITIATE PROCESS TO DISPOSE OF REAL PROPERTY

SOURCE: Parks & Leisure Services Department

COMMENT: The Porterville Community Center located at 466 East Putnam Avenue is no longer being utilized for City programs. All activities have been relocated to other facilities and scheduling of the facility for rental has been discontinued. The facility is in need of considerable renovation and the City does not have a funding source to accomplish the renovation. In addition, no funds are available to adequately maintain the facility in the future.

The main portion of the building was erected in the early 1950's, with two wings added to the north side by the early 1960's. The building contains 7,025 square feet of floor area, an additional 1,250 square foot basement, and a 2,835 square foot covered patio. The building is accompanied by a large paved parking lot on the 1.47 acre parcel of land.

Staff have evaluated the condition of the existing building and determined that it needs a new roof, mechanical replacements, complete kitchen renovation, replacement of subfloor, flooring and floor surfacing, plumbing replacement, electrical sub-panel replacements, wiring repairs, attic draft stop installations, repainting of both inside and outside, disability access improvement, and installation of a fire alarm system. Staff estimates the cost for the design and construction of these improvements at $2.75 million. Ongoing annual maintenance for the building is estimated at $190,000 without the improvements, and $90,000 if the improvements are made.

An appraisal of the property value has been obtained. The City also has a real estate broker on retainer to assist with real property disposal. However, prior to placing the property onto the market for sale, other public agencies must be notified to determine their interest in the property.

It would be appropriate at this time for the City Council to authorize the City Purchasing Agent to initiate the process to dispose of this real property. Final disposition will be brought back to the Council for consideration prior to approval of any contract. The disposition of proceeds from sale of the property can be directed at the time that the matter is brought back to the City Council.

ITEM NO.: 6

Dir. _____ Appropriated/Funded _____ CM
RECOMMENDATION: That the City Council:

1. Declare the real property located at 466 East Putnam Avenue as surplus, and

2. Authorize the City Purchasing Agent to initiate the statutory process and coordinate efforts to dispose of this real property.

ATTACHMENT: Locator map
Building Official’s Memorandum of 12/15/04
MEMORANDUM

DATE: December 15, 2004

TO: Jim Perrine, Director
    Parks and Leisure Services Department

FROM: Bob Oates, Chief Building Official
       Building Division

SUBJECT: Community Center
         466 E. Putnam Avenue

After our site visit this morning, I have come up with the following guess at what I would estimate costs for putting the Community Center back to acceptable levels.

I am sure unknowns will be discovered during the repair, remodel process that will require additional monies. Lead paint and asbestos are two concerns that could run the costs up.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roofing</td>
<td>$250,000</td>
</tr>
<tr>
<td>Electric</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Painting</td>
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</tr>
<tr>
<td>Miscellaneous-Doors, Thresholds, Weatherization, Etc.</td>
<td>$175,000</td>
</tr>
</tbody>
</table>
SUBJECT: AUTHORIZE LEASE AGREEMENT WITH NATHAN WOBROCK FOR A PORTION OF ZALUD PARK

SOURCE: Parks and Leisure Services Department

COMMENT: Mr. Nathan Wobrock has expressed an interest in access and utilization of an undeveloped portion of Zalud Park. Mr. Wobrock owns the adjoining property, and owns Hoops Preschool, which will begin operations very soon. Mr. Wobrock would like to obtain or lease an approximate 3,000 square foot area of the park to utilize for open area activities of the preschool operations.

The subject land is a 25-foot wide portion of the park that has never been developed for public use. It was originally reserved for the possible extension of El Granito Street, and extends approximately 120 feet from the southern edge of the Henderson Avenue parking lot. The adjoining property owners have not embraced the roadway extension concept, and the construction of Hoops Preschool obviates the need for a roadway. Maintenance of the subject land has consisted of periodic weed abatement. Most recently, Mr. Wobrock kindly conducted the clearance of weeds to facilitate his building project.

Staff does not support the sale of the land because it was conveyed to the City as a part of the Zalud Estate. A 15-year lease has been prepared to provide Mr. Wobrock with the added activity area for his business, while relieving the City of the need to maintain this undeveloped and unutilized portion of the parkland. The $900 annual proceeds from the lease are to be directed to the Zalud Trust.

A statement confirming the property value is being prepared, but was not available at the time of completion of this report. It will be provided to the Council no later than January 16, 2006, and available to the City Clerk’s office for public review.

RECOMMENDATION: Approve the Lease Agreement and authorize and direct the Mayor to execute it on behalf of the City of Porterville.

ATTACHMENT: Letter from Nathan Wobrock
Lease Agreement
10-5-05

Dear Jim Perrine,

It gives me great pleasure to write to you and thank you and all the city workers for making Hoops Preschool what it is today. We are anxiously looking forward to our opening date on Monday, January 2, 2006. At this time we will begin helping our community by teaching children between the ages of 2 and 6 years. In the past year and a half the city has given me wonderful advice and I am excited to see Hoops well on its way.

I do however, have one concern. On the east side of Hoops there is a small patch of land that is part of the Zalud Park surroundings. This piece of land has somehow fallen by the wayside and been forgotten about by the caretakers. This land is 28 feet wide and 120 feet long and is hidden quite well. I appreciate the beauty of Zalud Park, but this piece of land is made of plenty of dirt and brown weeds reaching up to four feet in height.

Please understand that I am bringing this to your attention not to complain, but because I am interested in purchasing this piece of land to add to Hoops Preschool’s playground. Having the land cleaned up is of course an option, but I feel that it would be a great addition for Hoops preschool and additional safe space for the children to play in. If I did in fact purchase the land, I would take care of the clean up myself.

Again, I appreciate all the wonderful advice and encouragement I have received from not only the planning committee, but all City of Porterville employees. I hope we can all work together by helping the children of Porterville.

Thank you,

Nathan Wobrock
Owner Hoops Preschool.

Attachment 1
LEASE AGREEMENT - ZALUD PARK
NATHAN WOBROCK

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the 17th day of January 2006 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Nathan Wobrock, hereinafter referred to as "Lessee."

WHEREAS, City owns and operates a park in the City of Porterville, State of California, commonly known and described as "Zalud Park"; and

WHEREAS, City obtained the land upon which said park is located as a portion of the Pearle Zalud Estate, which includes other land and facilities that the City now owns and operates; and

WHEREAS, it is the desire of City to utilize an excess portion of said park for revenue generation to supplement the "Zalud Trust Fund", which is utilized for the maintenance of Zalud Estate related facilities; and

WHEREAS, Lessee desires to lease an excess portion of said park for the purpose of adding open activity area for the operations of a preschool business, and other activities incidental thereto, being conducted upon abutting land.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. **Premises:** Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as a three thousand (3,000) square foot portion of Zalud Park, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. **Term:** The term of this lease shall commence on February 1, 2006, both parties having executed the same, and shall terminate on January 31, 2021. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease.

3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville,
291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $30 per square foot per year. Inasmuch as the lease site (See Exhibit “A” attached) contains approximately 3,000 square feet of land area, said rental rate will be $900.00 annually payable in advance.

Beginning February 1, 2007 and each February 1 thereafter for the term of this lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CIP index will be - All Urban Consumers.

4. **Purpose:** This Lease is made for the purpose of adding open activity area for the operations of a preschool business and other activities incidental thereto upon abutting land. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. **Condition of Premises:** Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all
defects, latent and/or patent.

6. **Alteration:** Lessee agrees at Lessee’s sole expense to install a six-foot high chain link fence along the easterly and southerly boundaries, and shall remove the existing chain link fence along the westerly boundary of the demised premises. Lessee shall make no grading, drainage or landscape modifications or make permanent improvements or additions in or on the demised premises without the written consent of the City Parks & Leisure Services Director first being obtained.

7. **Maintenance:** Lessee agrees to keep the demised premises in a good state of maintenance and repair. During the term of this Lease, the City Parks & Leisure Services Director shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said fence and/or grounds in a good state of maintenance and repair. Lessee shall make such corrections in the time and manner prescribed by said Parks & Leisure Services Director, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Parks & Leisure Services Director to the City Council concerning the request for maintenance made to Lessee by said Parks & Leisure Services Director; it being understood and agreed that the decision of the City Council shall be final.

8. **Utilities:** Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall include but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

9. **Taxes and Assessments:** Lessee understands that the lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and/or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

10. **Compliance with Law:** Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.

11. **Liens and Encumbrances:** Lessee shall keep the premises and all structures and
improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

12. **Negation of Partnership:** City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee’s operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee’s use of the premises as in this lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee’s improvement and personal property caused by the exercise of the rights reserved in this paragraph.

13. **Indemnification:** To the fullest extent permitted by law, Lessee agrees to indemnify, defend (upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee’s business on demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this lease or any holding over.

14. **Liability Insurance:** Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee’s (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee’s property liability policy or policies in the amount of not less than FIVE HUNDRED THOUSAND DOLLARS ($500,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior
written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City’s option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this lease. The limits of insurance coverages set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.

15. **Nondiscrimination:** Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other Federal and State requirements to ensure services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume clients.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

16. **Improvement of Park Area:** City reserves the right to further develop or improve the
remaining portion of Zalud Park as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

17. **Notices:** All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

To the Lessee: Nathan Wobrock  
265 W. Henderson Ave.  
Porterville, CA. 93257

To the City: Parks & Leisure Services Director  
City of Porterville  
291 N. Main Street  
Porterville, CA. 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

18. **Authorized Agent of the City:** The Parks & Leisure Services Director of the City of Porterville is duly the authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Parks & Leisure Services Director.

19. **Assignment and Subletting:** This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto. Lessee shall not, however, and Lessee herewith agrees, that it will not sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. Such consent may be withheld for any reason.

In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or
other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

20. **Hypothecation:** Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee’s interest under this Lease and the leasehold estate so created to a bona fide lender on the security of the leasehold estate. Any such bona fide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:

(a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee’s rights hereunder, and all such acts or things so done shall be as effective to prevent a forfeiture of Lessee’s rights hereunder by Lessee.

(b) To succeed to the interest of Lessee hereunder and thereafter at such lender’s option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City’s Parks & Leisure Services Director prior to the effective date thereof, and Lessee shall give Parks & Leisure Services Director prior written notice of any changes or amendments thereto.

Any bona fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee’s improvements under said hypothecation from the demised premises, subject only to the restriction that in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City’s Parks & Leisure Services Director, and that said removal be done in a manner and at a time satisfactory with said Parks & Leisure Services Director.

21. **Breach by Lessee:** In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated.
and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including reasonable attorney's fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee's right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

22. **Waiver of Breach:** The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

23. **Bankruptcy:** In the event the (a) Lessee files a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee is instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; (c) a receiver or judicial trustee or custodian is appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint is levied upon any of Lessee's rights or interest under this Lease; or (d) there is any other assignment of any of Lessee's rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term “Lessee”, as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership which is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.
24. **Quiet Possession:** Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

25. **Surrender of Premises:** On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee's occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

26. **Removal of Improvement at Termination:** Upon the termination of this Lease, or any holding over, for any reason other than Lessee’s failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee’s sole cost and expense, to remove all improvements and/or fencing, furnishings, equipment, and fixtures of whatsoever kind or nature placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said fencing, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, fencing, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City’s total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee’s failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee’s failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

27. **Incorporation of Prior Agreements and Amendments:** This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing
only, signed by the parties in interest at the time of modification.

28. **Severability:** The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

29. **Construed Pursuant to California Law:** The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

30. **Venue:** If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

31. **Covenants and Conditions:** Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.

32. **Captions:** The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

33. **Time of Essence:** Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE

By: ________________________
Pedro R. Martinez, Mayor

LESSEE

By: ________________________
Nathan Wobrock, Owner
Hoops Preschool

ATTEST:

By: ________________________
John Longley, City Clerk
APPROVED AS TO FORM:

By: ________________________________
    Julia Lew, City Attorney
Exhibit “A”

APN 252-130-034

Those portions of Lot 122 and Lot 149 of the Pioneer Land Company's First Subdivision, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 3 of Maps, at page 34 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the southeast corner of Parcel 2 of Parcel Map No. 4565, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 46 of Parcel Maps, at page 70 in the office of the County Recorder of said County, said corner also being a point in the west line of said Lot 122;

THENCE, North 01° 14’ 30” West, along the east line of said Parcel 2, 122.50 feet to the northwest corner of said Lot 122, said corner also being the northeast corner of Lot 20 of the Blancherne Tract, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 8 of Maps, at page 78 in the office of the County Recorder of said County;

THENCE, North 01° 14’ 30” West, continuing along the east line of said Parcel 2, 0.79 feet;

THENCE, South 87° 17’ 31” East, 25.06 feet;

THENCE, South 01° 14’ 30” East, parallel to said east line, 122.27 feet to the easterly prolongation of the south line of said Parcel 2;

THENCE, North 89° 37’ 12” West, along the easterly prolongation of said south line, 25.01 feet to the POINT OF BEGINNING.

CONTAINING 3070 square feet more less.

END OF DESCRIPTION

This real property has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor’s Act.

Signature: [signature]

Date: 1-12-06

Exp.: 12-31-07
SUBJECT: Consideration of a Policy for Flag Lowering to Half-Staff at City Facilities

SOURCE: City Manager’s Office

At a previous meeting, an item was presented which outlined a policy defining procedures whereby the American Flag could be lowered to half-staff in recognition of the passing of certain City of Porterville residents. The recommended policy was to permit the Mayor to lower the City Hall Flag to half-staff for a single day in recognition of the death of a former Council member or residents who had been responsible for a major community activity for a number of years.

At the meeting, a resident outlined provisions of the U.S. Flag Code that would not allow this. According to the Flag Code, in Section 175 only the President and Governors may cause the U.S. Flag to be lowered to half-staff. Specifically, the section provides

. . . . By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the case of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with the recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. . . . .

“Googling” the practice indicates that many cities and other agencies have provisions allowing the lowering of the United States Flag to half-staff in recognition of an official’s death. The City Manager suggests that the United States Flag Code was adopted by Congress and defines protocol for the United States Flag. Therefore, it should define the City’s policies and actions relative to the United States Flag.

Proposed Flag Lowering Policy: The City Manager recommends that a policy be established, that once a City Flag is approved and a Flag Pole installed in front of City Hall, that the Mayor of the City of Porterville may cause the City Flag to be lowered to half-staff for a day in the case of individuals who served on the City Council, City commissions, or a community resident who served on multiple occasions as the leader or the manager of a major public, community event or activity. The United States Flag should only be lowered to half-staff when proclaimed by the President or Governor.

RECOMMENDATION: Approve a flag lowering policy as outlined above.
SUBJECT: RESOLUTION IN SUPPORT OF A PROPOSED JUVENILE COURT WORK PROGRAM BY THE TULARE COUNTY PROBATION DEPT.

SOURCE: ADMINISTRATION

COMMENT: The Tulare County Probation Department is requesting letters of support for a new Juvenile Court Work Program they would like to propose to the Board of Supervisors.

The program would team two probation officers with a crew of eight juvenile offenders to perform community service work throughout Tulare County.

The program costs to participating institutions is estimated at $50.00 per hour for the entire team. The Probation Department is not requesting any commitment from the City at this time. They are only requesting support in their conceptual approach to developing the new program.

Staff has attached a Resolution of Support for the concept of creating a Juvenile Court Work Program within the Tulare County Probation Department.

RECOMMENDATION: That the City Council:

Approve the attached Resolution of Support for the proposed Juvenile Court Work Program.

ATTACHMENTS: 1- Resolution of Support.
2- Letter of request from the Tulare County Probation Department.
RESOLUTION NO. ___-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE EXPRESSING SUPPORT FOR A JUVENILE COURT WORK PROGRAM AS PROPOSED BY THE TULARE COUNTY PROBATION DEPARTMENT

WHEREAS, Porterville, as well as all other communities throughout the nation, is facing the need to deal with juvenile criminal offenders in a more effective manner which would hold the juveniles in our community responsible for their criminal offenses; and

WHEREAS, the County of Tulare Probation Department is proposing to create an alternative sentencing program which would allow the Juvenile Court to sentence juvenile wards of the court to an accountability work program rather than to the Juvenile Detention Facility; and

WHEREAS, the Juvenile Court Work Program would provide a self-sustaining work program of eight juveniles to be supervised by two Probation Department Officers. The work crew would be used by cities, other County agencies, schools and non-profit organizations which had entered into agreements with the Tulare County Probation Department to abate graffiti, clean alleys, pickup trash, clean irrigation ditches, or any other appropriate, non-hazardous work.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville hereby expresses its support of the County of Tulare Probation Department's conceptual approach to developing this new program, and directs the City Clerk to forward an executed copy of this resolution to the County Board of Supervisors and to the County of Tulare Probation Department.

ADOPTED this _____ day of January, 2006

__________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Chief Deputy City Clerk
December 23, 2005

Mr. John Longley, City Manager
City of Porterville
201 North Main Street
Porterville, California
Re: Juvenile Court Work Program

Dear Mr. Longley:

Happy Holidays from the men and women of the Tulare County Probation Department. I know that we are all very busy at this time of year, however I am asking you to take the time to consider the following proposed program and see if you are willing to lend your support. I need either a letter of support, a letter of interest or a letter of possible participation for the Juvenile Court Work Program which has already garnered support from the Presiding Judge of the Juvenile Court, Valeriano Saucedo, and the Tulare County Chief’s Association. I hope that after considering the positive benefit for both juvenile justice and the community, it will also have your support.

The Juvenile Court Work Program is an alternative sentencing proposal that will be brought before the Tulare County Board of Supervisors later this month or right after the first of the year. If passed by the Board it would create a program allowing the Juvenile Court to sentence juvenile wards of the Court to an accountability work program, rather than to the Juvenile Detention Facility. This would be a supervised work program of eight juveniles, supervised by two Probation Department Officers. The work would be graded as to quality and refusal to participate appropriately, or inappropriate behavior would result in the juvenile being taken and booked into the Juvenile Detention Facility to face additional Court action.

In order for this program to be successful, it will have to be self-sustaining. To that end the Probation Department will seek agreements with cities, other county agencies, schools and non-profit organizations to provide crew work hours at an anticipated rate of $50 per hour for a supervised crew of eight. We are not trying to replace current employees, but rather supply an alternative work force that can be used in a fiscally responsible manner to abate graffiti, clean alleys, pickup trash, clean irrigation ditches, or any other appropriate, non-hazardous work.

I would ask that you consider whether or not you feel juvenile criminal offenders need to be held accountable in a way that offers positive benefits to the juvenile, the community, and the Juvenile Courts. We feel that crime victims would have a tangible benefit in seeing juvenile workers in their communities being held responsible for their criminal offenses.
If you choose to endorse this program with a support or interest letter, please send them to me as soon as possible. If you have additional questions regarding this program, please contact David Parbst, Probation Division Manager at 713-3000 or Supervising Probation Officer Louie Thomas at 685-3395. Thank you for your time and consideration in this matter. I look forward to hearing from you.

Sincerely,

Janet M. Honadle
Janet M. Honadle, Chief Probation Officer
Room 206, Courthouse
County Civic Center
Visalia, CA 93291

JMH:cs1
SUBJECT: STATUS REPORT ON IMPLEMENTATION ACTIONS FOR MEASURE H

SOURCE: Administration/City Clerk Division

COMMENT: On December 6, 2005, the City Council approved a list of items to begin the implementation of Measure H, which was approved by the voters of Porterville on November 8, 2005. The implementation of the sales tax with the State Board of Equalization (BOE) is shown on the list of items, with their current disposition:

1. Accept the Tulare County Registrar of Voters Official Statement of Votes Cast and Certification of Results, and adopt the draft resolution accepting the Official Canvass:
   • a resolution of certification was adopted on December 6, 2005.

2. Reaffirm the adoption of Ordinance 1684, An Ordinance Adding Article IIA to Chapter 22 of the Porterville Municipal Code to Provide for an Additional One-half of One Percent Transactions and Use Tax to Fund Public Safety, Police and Fire Protection Services and Related Capital Projects and to Be Administered by the State Board of Equalization, by the Declaration of the Vote:
   • Ordinance No. 1684 was reaffirmed on December 6, 2005, to be effective on December 16, 2005.

3. Approve the two proposed agreements on behalf of the City of Porterville with the State Board of Equalization:
   • an implementation agreement with BOE to act as the City’s agent to start the implementation of the tax, and an agreement with the City to allow the BOE to administer the tax were executed by the City, along with the resolution authorizing signature.
   • all documents were forwarded to the BOE for their approval and execution on December 12, 2005

4. Authorize the expenses charged by the State Board of Equalization for the implementation and administration of Measure "H" to be paid from current year’s Measure "H" proceeds to be budgeted in the Public Safety Sales Tax

Item No. 10
Fund, and the FY 2005/06 budget adjusted accordingly, and ensure that Measure H accountability elements are executed:

- Public Safety Sales Tax Fund #004 was created to account for all Measure "H" revenues and expenditures and provides a separate balance sheet for all Measure "H" activities, including separate divisions for:
  - Police    - 04-2005
  - Fire      - 04-2101
  - Literacy  - 04-5080
- on December 20, 2005, Council authorized MBIA MuniServices Co., as a representative of the City, to examine confidential transactions and use tax records of the BOE pertaining to the collection of the City's transactions and use taxes by BOE.
- Finance has put into place the auditing function for Fund #004.

5. Direct staff to bring back to Council a detailed plan by February 7, 2006, for the promotion and selection of a Citizens' Oversight Committee, as stated in Ordinance 1684, to be accomplished by May 1, 2006:
   - Administrative staff is developing a general plan for presentation to Council on February 7, 2006, with options to Council for selecting the final guidelines for presentation to the public.

6. Direct Staff to prepare an informational mailer to be distributed via the utility bills thanking the citizens for their support and explaining the first and second year implementation of the program:
   - staff is proposing to add wording to the bottom of the utility bills to accomplish this item prior to the April 1, 2006 effective date of the sales tax implementation.

At this time the State Board of Equalization is still processing the City's submittal to them. In communication with the BOE, it was stated that the Board of Equalization will mail out a Special Notice indicating the new tax rates to be effective April 1, 2006 to all the retailers that are registered in Tulare County and all the surrounding areas. The Special Notice would be similar to the one in the following link:


and will be mailed out on the week of February 13. The notice will be available on the BOE website on February 10, 2006. In addition, the March 2006 Tax Information Bulletin will contain a section announcing the tax rate changes. The bulletin will contain a section similar to the following:


This bulletin is normally mailed out along with the retailer's 1st quarter returns in March. The bulletin will also be posted on the BOE website.

Recommendation: That the City Council accept the status report as presented.
SUBJECT: JUNE 6, 2006 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: ELECTION PRECEPTS AND CALL FOR ELECTION

SOURCE: Administration/City Clerk Division

COMMENT: Certain decisions must by made by the City Council in regard to the upcoming Municipal Election of June 6, 2006. The areas in question are as follows:

A. Regarding Candidates’ Statements:

1. If they are to be allowed.
2. If the candidate will have to pay the pro rata cost of printing and distributing the candidates’ statements of 200 words or less (cost of mailing not included).
3. If other mailing of election material is to be permitted.

B. If County Services will be used for the following:

1. Print and mail to the qualified electors of the General Municipal Election sample ballots and voter pamphlets.
2. Provide absent voter ballots for said General Municipal Election for use by the qualified electors who may be entitled to such absent voter ballots in the manner provided by law.
3. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
4. Conduct and canvass the returns of the election and certify the votes cast to the City Council as set forth in Election Code Sec. 10262.
5. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
6. Recount votes, if requested, in accordance with state law.
7. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
8. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.
C. The designation for the Central Counting of Ballots:

1. Designate counting place for ballots (Tulare County Election Department, 5951 S. Mooney Blvd., Visalia, California).

Funds for the June 6, 2006 General Municipal Election have been budgeted in the 2005/2006 General Fund Budget of the City Clerk. The cost of the election will vary based on the number of registered voters, length of the ballot, printing costs, and how many entities share that election date.

RECOMMENDATION: That the Council:

1. Allow candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central Counting Place for the June 6, 2006, General Municipal Election; and

2. Adopt the attached resolution calling the election, requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City relating to the June 6, 2006 Election, and setting the Election Precepts; and

3. Adopt the attached resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, relating to the June 6, 2006 Election; and

4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

ATTACHMENTS: 1. Draft Resolution adopting Precepts.
2. Draft Resolution requesting specific County services.
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING ELECTION PRECEPTS FOR THE GENERAL MUNICIPAL ELECTION OF JUNE 6, 2006

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE, that the following precepts for the City of Porterville General Municipal Election of June 6, 2006, are hereby adopted:

1. That the Council allow candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings.

2. That County services be used to:
   A. Print and mail to the qualified electors of the General Municipal Election sample ballots and voter pamphlets.
   B. Provide absent voter ballots for said General Municipal Election for use by the qualified electors who may be entitled to such absent voter ballots in the manner provided by law.
   C. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
   D. Conduct and canvass the returns of the election and certify the votes cast to the City Council.
   E. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
   F. Recount votes, if requested, in accordance with state law.
   G. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
H. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

3. Authorize payment to the Tulare County Registrar of Voters for actual accrued expenses upon the completion of the requested services.

ADOPTED this 17th day of January, 2006.

____________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

____________________________
By: Georgia Hawley Chief Deputy
RESOLUTION NO. ____-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CALLING THE GENERAL MUNICIPAL ELECTION OF JUNE 6, 2006 AND REQUESTING THE BOARD OF SUPERVISORS OF TULARE COUNTY CONSENT TO PERMITTING THE REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF SUCH ELECTION IN CONJUNCTION WITH THE JUNE 6, 2006 PRIMARY ELECTION

WHEREAS, pursuant to Election Code, the governing body of any city may, by resolution, request the Board of Supervisors of the county to permit the Registrar of Voters to render specified services to the city relating to the conduct of an election; and

WHEREAS, there will be a General Municipal Election held within the boundaries of the City, in conjunction with a County-wide Primary Election, on June 6, 2006;

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

1. The City of Porterville General Municipal Election is hereby called for June 6, 2006, shall be and is hereby ordered consolidated with the Primary Election to be held within the City on said date, and within the territory affected by the consolidation. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein. The Board of Supervisors of Tulare County, and the Tulare County Registrar of Voters, are hereby requested to order the consolidation of the general municipal election hereby called with the Primary Election to be held within the City on said date, and within the territory affected by the consolidation, and the Board and the Registrar of Voters are hereby authorized to canvass the returns of said municipal election, and said municipal election shall be held in all respects as if there were only one election and the form of ballot shall be as provided for the Primary Election. The County shall certify results of the canvass of the returns of said general municipal election to the City Council which shall thereafter declare the results thereof.

2. The Board of Supervisors of Tulare County is hereby requested to permit the Registrar of Voters to render services to the City relating to the conduct of the June 6, 2006, General Municipal Election as follows:

   A. Print and mail to the qualified electors of the General Municipal Election sample ballots and voter pamphlets.
B. Provide absent voter ballots for said General Municipal Election for use by the qualified electors who may be entitled to such absent voter ballots in the manner provided by law.

C. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.

D. Conduct and canvass the returns of the election and certify the votes cast to the City Council.

E. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.

F. Recount votes, if requested, in accordance with state law.

G. Conduct the above election duties in accordance with the Voting Rights Act of 1975.

H. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

2. The City Council, in accordance with the Election Code Section 22903, hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.

3. That the Council allow the candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings.

4. The Registrar of Voters is hereby authorized to charge the City for the actual incurred expenses in performing the election duties specified above.

5. The City Clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the Registrar of Voters.

ADOPTED this 17th day of January, 2006.

ATTEST: Pedro R. Martinez, Mayor

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 11-2005 TO ALLOW FOR THE OFF-SALE OF BEER AND WINE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR THE TARGET DEPARTMENT STORE LOCATED AT 1363 WEST HENDERSON AVENUE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 11-2005 to allow for the off-sale of beer and wine and a Letter of Public Convenience or Necessity for the Target Department Store located at 1363 West Henderson Avenue.

Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

At the northwest corner of Prospect and Grand, an existing educational facility (Prospect Educational Facility) is located which is within 600 feet of the Target Department Store. Additionally, Veteran's Park, located to the west is within 600 feet of the Target Department Store.

City Staff has contacted the Department of Alcoholic Beverage Control and has determined that the proposed off-sale license would require a Letter of Public Convenience or Necessity. Census Tract 36.02, in which the subject site is located, has an over concentration of off-sale alcohol licenses as determined by a formula comparing the population of the census tract with the number of off-sale alcohol establishments. Over concentration is reached in this census tract when the number of off-sale licenses exceeds seven (7). There are currently 13-off sale licenses in Census Tract 36.02. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license.
It should be noted that one of the existing licenses is issued to Albertson’s for the Grocery Warehouse within the same shopping center. Albertson’s recently announced that their store would be closing as of January 19, 2006. If the store is not opened back up using the off-sale license within one-year of closing; a new conditional use permit would be required. As such, this approval will likely result in maintaining the same number of licenses.

RECOMMENDATION: That the City Council:

1. Adopt the Draft Resolution conditionally approving Conditional Use Permit 11-2005; and

2. Authorize the Mayor to sign a Letter of Public Convenience or Necessity.

ATTACHMENT:

1. Complete Staff Report
CONDITIONAL USE PERMIT 11-2005

Hinman & Carmichael LLP
260 California Street, Suite 1001
San Francisco, CA 94111

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 11-2005 to allow for the off-sale of beer and wine and a Letter of Public Convenience or Necessity for the “Target” Department Store located at 1363 West Henderson Avenue.

PROJECT DETAILS: Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

At the northwest corner of Prospect and Grand, an existing educational facility (Prospect Educational Facility) is located within 600 feet of the Target Department Store. Additionally, Veteran’s Park, located to the west is within 600 feet of the Target Department Store.

City Staff has contacted the Department of Alcoholic Beverage Control and has determined that the proposed off-sale license would require a Letter of Public Convenience or Necessity. Census Tract 36.02, in which the subject site is located, has an over concentration of off-sale alcohol licenses as determined by a formula comparing the population of the census tract with the number of off-sale alcohol establishments. Over concentration is reached in this census tract when the number of off-sale licenses exceeds seven (7). There are currently 13 off sale licenses in Census Tract 36.02. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license.

GENERAL PLAN AND ZONING: The General Plan designates the site as General Commercial. The subject site is zoned City C-2 (D) (Central Commercial “D” Overly Site Review).

SURROUNDING ZONING AND LAND USE:

North: City C-2 (D) - Parking lot and Henderson Avenue.
South: City C-2 (D) - Vacant parcel and Grand Avenue.
East: City C-2 (D) - Commercial Businesses to include Mervyn’s and Prospect Street.
West: City C-2 (D) - Vacant Parcel.
STAFF ANALYSIS: On October 19, 2005, the Project Review Committee reviewed the application request. Section 2100 D of the Porterville Zoning Ordinance requires a Conditional Use Permit for all off-sale liquor establishments proposed within 600 feet of a school, park or church. At the northwest corner of Prospect and Grand, an existing educational facility (prospect Educational Facility) is located which is within 600 feet of the Target Department Store. Additionally, Veteran’s Park, located to the west is within 600 feet of the Target Department Store. The front facade of “Target” is oriented away from the school and park. It is Staff’s opinion that appropriate conditions can be incorporated into the Conditional Use Permit to protect the public convenience, safety, health and welfare and provide extended services to its customers.

It should be noted that one of the existing licenses is issued to Albertson’s for the Grocery Warehouse within the same shopping center. Albertson’s recently announced that their store would be closing as of January 19, 2006. If the store is not opened back up using the off-sale license within one-year of closing; a new conditional use permit would be required. As such, this approval will likely result in maintaining the same number of licenses.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicant to continue selling merchandise typically found in the Target Department Store.

2. Approve the project: Approval of the proposed use permit would allow the applicant to continue selling merchandise typically found in the Target Department Store with the addition of the off-sale of beer and wine.

3. Approval as described in Alternative two (2) would require the authorization of the Mayor to sign a Letter of Public Convenience or Necessity.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15323, Class 23 of the CEQA Guidelines - (Normal Operations of Facilities for Public Gatherings). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 19, 2005

DATE ACCEPTED AS COMPLETE: December 5, 2005
RECOMMENDATION: That the City Council:


2. Authorize the Mayor to sign a Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map and interior location of the proposed display of beer and wine
2. Application
3. Applicants’s letter of Public Convenience or Necessity
4. Letter of support from Payner Realty & Investments, INC.
5. Notice of Exemption
6. Draft Resolution
7. Letter of Public Convenience or Necessity
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) __Target Corporation____ is/are the owner(s) or tenant(s) of property situated at __1363 W. Henderson Ave., Porterville, 93257__ between __Prospect St.____ and __N. Newcomb St.__ Street/Avenue. Exact legal description of said property being (Use separate sheet if necessary)

See attached.

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

(A) Above described property is owned by __Target Corporation__

Date acquired __October 1991__

(B) If applicant is the lessee, give date property was leased:

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire __None__

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or with the property).

To allow the sale of beer and wine for off-site consumption at an existing Target retail store.
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

The addition of alcoholic beverage sales will not change the character of the existing use. The operations of the store will remain essentially the same as they are now, without sales of alcoholic beverages. The hours of operation, types of vehicular traffic, number of people involved (both as employees and as customers), outdoor activities and other operational aspects of the store will be unchanged. Alcoholic beverage sales will account for a small part of overall sales revenue at the store. Target projects that sales of alcoholic beverages will account for approximately **

2. Principal requirements of intended use (Please answer the following statements, if applicable):

(a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

Not applicable.

(b) Total number of employees that will work on the property.

No change.

(c) Total number of off-street parking spaces provided or planned.

No change.

(d) Maximum height of buildings or structures.

No change.

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

Not applicable.

** 3-5% of sales at the licensed premises. Adding alcoholic beverage sales, therefore, will not have any adverse effect on the general welfare of the surrounding neighborhood.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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**APPLICANT'S DECLARATION**

MINNESOTA  
STATE OF CALIFORNIA  
HENNEPIN  
COUNTY OF TULARE  

I (WE), Jack N. Reif  
Assistant Treasurer  
being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at Minneapolis, Minnesota  
this 21st day of November, 2005.

Telephone No. (612)761-1010 Joan Anderberg

[Signature]

JOELLYN H. REINKE  
NOTARY PUBLIC-MINNESOTA  
MY COMMISSION EXPIRES JAN. 31, 2010

[Signature]

1000 Nicollet Mall, TPN-01910  
Minneapolis, MN 55403  
Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By

Date Received

3
December 5, 2005

City Council
City of Porterville
291 No. Main Street
Porterville, CA 93257

Re: Target Corporation – Letter of Public Convenience or Necessity
1363 W. Henderson Avenue, Porterville, California 93257

Dear City Council:

Target has filed Application for Conditional Use Permit to add sales of beer and wine to its existing store operations at 1363 W. Henderson, in Porterville. Because the store is located in a census tract that has an “undue concentration” of off-sale licenses under Section 23958.4 of the Business and Professions Code, Target is also requesting a determination that public convenience and necessity will be served by issuance of the alcohol beverage license.

Target has applied to the Department of Alcoholic Beverage Control for a Type 20 off-sale beer and wine license. While the license applied for permits sales of beer and wine, Target will begin initial operations with sales of wine only, perhaps adding beer at a later date. The wine will be displayed in the market section of the store, along with the other food and beverage products that Target sells.

Target plans to offer consumers an assortment of moderately-priced wines, primarily from California producers. Adding wine sales will complement the other food and beverage products that Target sells and will provide a convenience to Target’s customers by eliminating the need for an additional shopping trip.

Target respectfully requests that the City approve its request for a finding of public convenience or necessity.

Sincerely,

Beth Aboulafia

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ATTACHMENT
ITEM NO. 3
December 22, 2005

Brad Dunlap
Community Development Director
City of Porterville
291 N. Main Street
P. O. Box 432
Porterville, CA 93257

RE: Conditional Use Permit 11-2005
Off-Premises Sale of Beer and Wine
Target Store: 1363 West Henderson Avenue

Via California Overnight

Dear Brad:

We are in receipt of the City's notice regarding the above referenced Conditional Use Permit Application, scheduled to be heard Tuesday, January 17, 2006. On behalf of the Owners of the Porterville Marketplace Shopping Center within which the Target store is located, please accept this letter as our full support of the requested Conditional Use Permit. The Target store has been an asset not only to the Shopping Center but also to the community as a whole and we wholeheartedly support their desire to add this product line to their store.

We would appreciate your sharing our letter of support with members of the City Council prior to the vote on this matter. If you have any questions regarding the above, please do not hesitate to call.

Sincerely,

David H. Paynter
Managing General Partner
Henderson-Prospect Partners, L. P.

Cc: Brian Treber
    David Henry
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 N. Main Street
Porterville, California 93257

Hinman & Carmichael LLP
260 California Street, Suite 1001
San Francisco, CA 94111

Conditional Use Permit 11-2005
Project Title

1363 W. Henderson Avenue
Project Location (Specific)

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

A Conditional Use Permit to allow for the off-sale of beer and wine in conjunction with the selling of other merchandise to be located in the "Target" Department Store, 1363 W. Henderson Avenue.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Hinman & Carmichael LLP, 260 California Street, Suite 1001, San Francisco, CA 94111
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)

Declared Emergency (Section 15071 (a))

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

Categorical Exemption. State type and section number: 15332 Class 32

"General Rule" Exemption - 14 Ca. Admin. Code 15061 (b) (3)

Permit regulating operation of an existing major store ("Target")
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:
1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the projected? Yes:____ No:____

Date Received for filing:____________

Signature

Community Development Director
Title

ATTACHMENT ITEM NO. 5
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 11-2005 TO ALLOW THE OFF-SALE OF BEER AND WINE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR “TARGET” DEPARTMENT STORE LOCATED AT 1363 WEST HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider Conditional Use Permit 11-2005, being a request to allow for the off-sale of beer and wine and a Letter of Public Convenience or Necessity for the “Target” Department Store located at 1363 West Henderson Avenue; and

WHEREAS: Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

At the northwest corner of Prospect and Grand, an existing educational facility (Prospect Educational Facility) is located which is within 600 feet of the Target Department Store. Additionally, Veteran’s Park, located to the west is within 600 feet of the Target Department Store.

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Census Tract 36.02, in which the subject site is located, has an over concentration of off-sale alcohol licenses as determined by a formula comparing the population of the census tract with the number of off-sale alcohol establishments. Over concentration is reached in this census tract when the number of off-sale licenses exceeds 7. There are currently 13 off sale licenses in Census Tract 36.02. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license.

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for the site.

The General Plan designates the site as General Commercial as supported by the C-2(D) (Central Commercial “D” Overlay Site Review) Zoning. The proposed off-sale of beer and wine is allowed in the C-2 (D) Zone subject to the approval of a Conditional Use Permit.
2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

3. That the standards of population density, site area, dimensions, site coverage, yard spaces, height 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 subject site has all improvements existing. No additional improvements are required.

4. That pursuant to Section 15323, Class 23, - (Normal Operations of Facilities for Public Gatherings) of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer and wine under an off-sale license is Categorically Exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 11-2005 subject to the following conditions:

1. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

2. That consumption of alcoholic beverages shall be prohibited at all locations within the shopping center.

3. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

4. That a Letter of Public Convenience or Necessity will require approval by the Porterville City Council.

5. No outdoor advertising of alcoholic beverages is allowed.
6. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

7. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
January 18, 2006

California Alcoholic Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention Joyce Knodel:

RE: Target Department Store - 1363 W. Henderson Avenue

Dear Ms. Knodel:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an off-sale beer and wine license in conjunction with the Target Department Store located at 1363 W. Henderson Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code”, the subject site is located within Census Tract 36.02 which allows seven (7) off-sale licenses. At present there are thirteen (13) issued licenses.

2. On January 17, 2005, the City Council conditionally approved Conditional Use Permit 11-2005 (see attached resolution) to allow the off-sale of beer and wine in conjunction with the Target Department Store located at 1363 W. Henderson Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.

3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an off-sale beer and wine license in conjunction with the Target Department Store.

ATTACHMENT
ITEM NO. 7
Further, issuance of an off-sale license allowing only beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the Target Department Store are to be in small quantities in conjunction with the purchase of other merchandise, to include an added service to the customers.

For these reasons, the City Council of the City of Porterville supports issuance of an off-sale beer and wine license from the Target Department Store located at 1363 W. Henderson Avenue.

Sincerely,

Pedro R. Martinez, Mayor
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 12-2005 - PROPOSED SALE OF ALCOHOLIC BEVERAGES UNDER AN ON-SALE LICENSE FOR A PROPOSED RESTAURANT TO BE LOCATED AT 73 NORTH MAIN STREET (FORMERLY SCHEER'S)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants are requesting approval of a Conditional Use Permit to allow the sale of beer, wine and distilled spirits under an on-sale license in conjunction with the serving of meals for a proposed restaurant to be located at 73 North Main Street in a C-2 Zone.

The proposed hours of operation will be as follows:
Monday through Wednesday - 10:00 a.m. to 10:00 p.m.
Thursday - 10:00 a.m. to 12:00 a.m.
Friday and Saturday - 10:00 a.m. to 2:00 a.m.
Sunday - 10:00 a.m. to 7:00 p.m.

Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

The subject site is located in Census Tract 38.02. The California Department of Alcoholic Beverage Control has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed "over concentrated". At present, ten (10) on-sale licenses exist. As a result of this, a letter requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required from the ABC. It does not require the City’s approval of a finding of Public Convenience or Necessity.

RECOMMENDATION: It is recommended that the City Council adopt the draft resolution approving Conditional Use Permit 12-2005.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE:      CONDITIONAL USE PERMIT 12-2005

APPLICANTS:  Ryan Taylor      Erinn Taylor
             16648 Goat Ranch Road   3811 Chatham
             Springville, CA 93265-9319  Visalia, CA 9327-3277

SPECIFIC REQUEST: The applicants are requesting approval of a Conditional Use Permit to allow
the sale of beer, wine and distilled spirits under an on-sale license in conjunction with the serving
of meals for a proposed restaurant to be located at 73 North Main Street in a C-2 Zone.

PROJECT DETAILS: The proposed hours of operation will be as follows:
Monday through Wednesday - 10:00 a.m. to 10:00 p.m.
Thursday - 10:00 a.m. to 12:00 a.m.
Friday and Saturday - 10:00 a.m. to 2:00 a.m.
Sunday - 10:00 a.m. to 7:00 p.m.

The applicants anticipate a seating capacity of 100± patrons, and plan on employing 18± people. The
executive summary (see attached) in brief states that the proposed restaurant (Screaming Moose
Grill) will feature a fast paced, seat yourself restaurant, with traditional American grill type food
featuring gourmet burgers and signature salads. In addition to food items, the restaurant will feature
a full bar, including mixed drinks, beer and wine. Live music on the weekends and a strategically
placed flat screen television showing sporting events will also be provided.

As part of the remodel, an outdoor area (enclosed by a wrought iron fence) and covered by a roof
fronting on Main Street will allow for outdoor seating. Access to this area will be from the inside
of the building only.

Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit
for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction
with the serving of meals.

The subject site is located in Census Tract 38.02. The California Department of Alcoholic Beverage
Control has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses
without being deemed “over concentrated”. At present, ten (10) on-sale licenses exist. As a result
of this, a letter requesting approval of a finding of Public Convenience or Necessity for the on-sale
license is required from the ABC. It does not require the City’s approval of a finding of Public
Convenience or Necessity as it is an on-sale establishment.
GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for General Commercial uses and is zoned C-2 (Central Commercial).

SURROUNDING AREA ZONING AND LAND USE:

NORTH: City C-2 - Commercial business
SOUTH: City C-2 - Previous Penney’s
EAST: City C-2 - Main Street and existing businesses
WEST: City C-2 - Hockett Street and City parking lot

STAFF ANALYSIS: On December 16, 2005, the Project Review Committee reviewed the application request. Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicants to operate a proposed restaurant absent the sale of beer, wine and distilled spirits.

2. Approve the project. Approval of the request would result in the applicants being conditionally allowed to sell beer, wine and distilled spirits under an on-sale license in conjunction with the proposed restaurant.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15323, Class 23 of the CEQA Guidelines - (Normal Operations of Facilities for Public Gatherings). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: December 16, 2005

DATE ACCEPTED AS COMPLETE: December 27, 2005

RECOMMENDATION: It is recommended that the City Council approve the application for Conditional Use Permit 12-2005.

ATTACHMENTS:

1. Locator Map and interior layout
2. Applicant’s Executive summary and description of the proposed business
3. Application
4. Notice of Exemption
5. Draft Resolution
CONDITIONAL USE PERMIT
NO. # 12-2005

LEGEND

SUBJECT SITE- 73 NORTH MAIN STREET
EXISTING ZONING- C-2 (CENTRAL COMMERCIAL)
GENERAL PLAN DES.- GENERAL COMMERCIAL

ATTACHMENT 1
1. Executive Summary

Screaming Moose Grill will feature a fast paced, seat yourself restaurant, with a relaxed and fun environment. The menu will include traditional American grill type food featuring gourmet burgers and signature salads. In addition to food items, Screaming Moose Grill will feature a full bar, including mixed drinks and boasting one of Tulare County's largest selections of beer, offering more than 30 different labels. Local wineries will be given a venue in the establishment with our publicized policy to only serve California made wines. The grill will be operated in a historic building that has been leased on Main Street in Downtown Porterville. The unique menu, full bar and the unique location promise to make Screaming Moose the most exciting restaurant in town. Live music on the weekends and strategically placed flat screen televisions showing sporting events will bring some very needed entertainment to Porterville. Preliminary research has shown a demand for this type of restaurant in the Porterville area. The unique nature of Screaming Moose Grill and our push for quality and consistency, creates a strong base to generate repeat customers.

1.1 Business Opportunity

The restaurant industry is often a very competitive market, making it difficult for start up restaurants to survive. Screaming Moose Grill has taken this into consideration when creating the concept for the restaurant. Restaurants similar to Screaming Moose Grill have been very popular in other markets around the country. Porterville, the third largest city in Tulare County, faces a lack of upscale eating establishments. The market in Porterville is in great need for a fun and entertaining bar and grill, a niche that Screaming Moose is looking to fill. Our research of the Porterville area found that the residents are willing to drive as far as Visalia or Fresno to experience similar establishments, but would forego the drive if alternative options were available within the city. We would like to help change the perception that a night out must include a drive to another city, and want to help draw additional business to Downtown Porterville. Screaming Moose Grill hopes to fill a current void in the city with our great atmosphere, excellent food and exceptional service.

1.2 Bar and Grill Description

Located in a historic Downtown Porterville building, Screaming Moose Grill will create an upscale feel while maintaining competitive menu prices and a very casual atmosphere. The Grill will occupy a 100 year old brick building that will be built out to fit the needs of a modern restaurant. The building will feature a high open ceiling and exposed brick walls. The floor will be a dyed concrete designed to create an upscale feel. The front of the building will be open allowing for a covered outside eating area, and a small stage inside for live music. The main space is large and open, with seating for approximately 100 customers. A custom built bar will be a focal point of the interior, drawing customers to enjoy the wide selection offered. The decor will exploit the grills historic location by featuring pictures of Porterville and the surrounding areas from the early 1900's. This will help create a sense of community with our customers, as well as creating conversation.
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) Ryan Taylor/Erinn Taylor is/are the owner(s) or tenant(s) of property situated at 73 N. MAIN STREET, Porterville
between OLIVE Street/Avenue and OAK Grove Street Street/Avenue. Exact legal
description of said property being (Use separate sheet if necessary)

SEE ATTACHMENT "A"

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

(A) Above described property is owned by SMITH ENTERPRISE

Date acquired __________________________

(B) If applicant is the lessee, give date property was leased: 01/2006

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire __________________________

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

N/A

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or, with, the property).

This property will be used as a FULL SERVICE RESTAURANT serving lunch and dinner. THE RESTAURANT will serve AMERICAN GRILL style food in a CASUAL BUT SLIGHTLY UPScale environment.

The restaurant will have a full bar, but Emphasize the Grill portion of the restaurant and will not even have "BAR" in the name of the restaurant. The building exterior will stay much the same, but be cleaned up. The interior will be completely redone. This restaurant will be like RESTAURANTS IN DOWNTOWN VISA LIA AND SAN ANTONIO. OUR RESTAURANT WILL BE A VERY POSITIVE DOWNTOWN PORTERVILLE. SEE ATTACHMENT "C" FOR FURTHER DESCRIPTION
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

   The building is located in a commercial zone in Downtown Porterville. There are no residences or schools close to this building. The restaurant will have an upscale feel and look, bringing desired clients downtown. While the price of food will be affordable, it will be priced to keep undesirables out.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

      100 person estimated capacity

   (b) Total number of employees that will work on the property.

      This grill will employ 18 people.

   (c) Total number of off-street parking spaces provided or planned.

      All parking is city. This building is located on main street with parking on the street in front and two large city parking lots behind. A rear entrance is being made available for customers.

   (d) Maximum height of buildings or structures.

      Building Exterior is how it has stood for almost 100 yrs. No additional height will be added.

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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**APPLICANT'S DECLARATION**

STATE OF CALIFORNIA )
COUNTY OF TULARE )

I (WE), **RYAN ERIK TAYLOR** being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at _________________ this __ day of __________, 2005.

Telephone No. **559 539-2918**

Signature

**16648 GOAT RANCH ROAD, SPRINGVILLE CA 93267**

Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ___________________________________________________________________

Date Received ___________________________________________________________________
NOTICE OF EXEMPTION

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Ryan Taylor
16648 Goat Ranch Rd.
Springville, CA 93265-9319

Conditional Use Permit 12-2005
Project Title

73 N. Main Street
Project Location (Specific)

City of Porterville
Project Location (City)

Tulare
Project Location (County)

Conditional Use Permit 12-2005 to allow the on-sale of beer, wine and distilled spirits in conjunction with the serving of meals for a proposed restaurant

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Ryan Taylor, 16648 Goat Ranch Rd., Springville, CA 93265-9319
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: 15323, Class 23

Normal Operations of Facilities for Public Gatherings
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
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 12-2005
TO ALLOW THE SALE OF BEER, WINE AND DISTILLED SPIRITS UNDER AN ON-
SALE LICENSE IN CONJUNCTION WITH SERVING OF MEALS FOR A PROPOSED
RESTAURANT (FORMERLY SCHEER'S) TO BE LOCATED AT 73 NORTH MAIN
STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of January 17, 2006, conducted a public hearing to consider Conditional Use Permit 12-2005, being
a request to allow the sale of beer, wine and distilled spirits under an on-sale license in conjunction
with the serving of meals for a proposed restaurant to be located at 73 North Main Street in a C-2
Zone.

WHEREAS: The City Council received testimony from all interested parties relative to
said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That pursuant to Section 15323, Class 23, -(Normal Operations of Facilities for
Public Gatherings) of the California Environmental Quality Act Guidelines, the
Conditional Use Permit to allow the sale of beer, wine and distilled spirits under an
on-sale license in conjunction with an existing restaurant is Categorically Exempt.

2. That Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a
Conditional Use Permit for new establishments proposing to sell alcoholic beverages
under an on-sale license in conjunction with the serving of meals.

3. That the proposed project is consistent with the General Plan.

The General Plan designates the site as General Commercial as supported by the C-2
(Central Commercial) Zoning.

4. That the design and operation of the proposed project are consistent with the General
Plan.

The proposed use is allowed in the C-2 Zone subject to the approval of a Conditional
Use Permit.
5. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

6. That the standards of population density, site area, dimensions, site coverage, yard spaces, height 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.

7. That the proposed sale of alcoholic beverages (beer, wine and distilled spirits) under an on-sale license in conjunction with a restaurant is allowed in the C-2 Zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 12-2005 subject to the following conditions:

1. The subject site is located in Census Tract 38.02. The Alcoholic Beverage Control has indicated that four (4) on-sale licenses are allowed. At present, ten (10) on-sale licenses exist. As a result of this, a Letter of Public Convenience or Necessity will be required to be submitted to the Department of Alcoholic Beverage Control from the applicant for the ABC’s approval.

2. The sale of alcoholic beverages under on-sale license will be allowed only in conjunction with the serving of meals in the restaurant. No separate sit-down bar area is allowed.

3. Unless a change is approved by the Police Chief in advance, hours of operation will be as follows:
   - Monday through Wednesday - 10:00 a.m. to 10:00 p.m.
   - Thursday - 10:00 a.m. to 12:00 a.m.
   - Friday and Saturday - 10:00 a.m. to 2:00 a.m.
   - Sunday - 10:00 a.m. to 7:00 p.m.

4. Any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

5. No outdoor advertising of alcoholic beverages is allowed.
6. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

7. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.


9. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest. Water used by the previous tenant will be credited towards the new tenant. Water used in excess of the "credit" will be accessed as part of the engineering fees. The new tenant is asked to provide estimated daily water use prior to the issuance of the building permit so that an accurate assessment of fees can be made.

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

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

   a. Wastewater Discharge Permit Application, Part "A"; and

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

12. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County Requirements before issuance of certificate of occupancy.
13. The developer/applicant shall install a refuse container enclosure according to City Standards. The developer/applicant shall also sign a waiver of liability for refuse tuck damage to the parking lot is the refuse container location requires refuse trucks to travel on the parking lot.

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

15. 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.

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

17. Compliance with all applicable codes is required.

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

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

20. Approval from Tulare County Health Department prior to issuance of the building permit.


22. Signs require a separate permit.

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

24. A back-flow device is required on the water meter.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: January 17, 2006

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 13-2005 - TWO OFF-SITE DIRECTIONAL REAL ESTATE SIGNS (MARKETSHARE, INC.)

SOURCE: COMMUNITY DEVELOPMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to allow for the installation of two (2) temporary off-site directional real estate signs advertising a single family residential subdivision for Claremont Terrace. The subject subdivision is in the R-1 (One Family Residential) Zone generally located south of Castle Avenue and west of Salisbury Street.

The two (2) temporary off-site directional signs will be limited to 32 square feet in size on each face and will be situated on private property at the two (2) locations shown on Attachment 1 of the complete staff report.

Pursuant to Section 15311 Class 11, the project is categorically exempt from the CEQA Guidelines (Accessory Structures).

RECOMMENDATION: It is recommended that the City Council adopt the draft resolution approving Conditional Use Permit 13-2005.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: JANUARY 17, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 13-2005

APPLICANT: Marketshare, Inc.
2001 Tarob Ct.
Milpitas, CA 95035

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow for the installation of two (2) temporary off-site directional real estate signs advertising a single family residential subdivision for Claremont Terrace. The subject subdivision is in the R-1 (One Family Residential) Zone generally located south of Castle Avenue and west of Salisbury Street.

LOCATION: The two (2) temporary off-site directional signs will be generally situated in the following two (2) locations:

1. Southwest corner of Henderson Avenue and Newcomb Street.
2. Northeast corner of Newcomb Street and Castle Avenue.

ORDINANCE CHARACTERISTICS: Section 2001 B of the Zoning Ordinance provides for the installation of a maximum of three (3) temporary off-site directional real estate signs, not to exceed 32 square feet in size on each face, in up to three (3) locations for a period not to exceed 24 months or until the subdivision is completely sold out, whichever comes first.

STAFF ANALYSIS: The size of the signs, their orientation toward traffic and their respective locations appear to be acceptable and should not result in any problems during the 24 month period that they will be in use.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The applicant would be precluded from utilizing temporary off-site directional signs for the promotion of the proposed subdivision.

2. Approve the project. The applicant would be conditionally allowed to utilize the temporary off-site directional signs for a period of up to 24 months.

ENVIRONMENTAL: Pursuant to Section 15311 Class 11, the project is categorically exempt from the CEQA Guidelines (Accessory Structures). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.
DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: December 14, 2005

DATE ACCEPTED AS COMPLETE: December 19, 2005

RECOMMENDATION: It is recommended that the City Council approve the application for Conditional Use Permit 13-2005.

ATTACHMENTS:

1. Off-site sign locator maps
2. Rendering and footing detail
3. Owners consents
4. Application
5. Notice of Exemption
6. Draft Resolution
1660 NEWCOMB

MAP:

NEWCOMB

△

N

W. NORTH GRAND

CASTLE

SIGN LOCATED HERE
This original drawing was produced by Marketshare, Inc. at the request of the client specified above, and in connection with a project being planned for them by Marketshare, Inc. No reproduction of its content or concept is allowed without authorization from, and compensation to, Marketshare, Inc.
ADVERTISING SIGN LEASE

SIGN LOCATION: SLine Henderson Ave. S/of Newcomb
LENDER: Zenz & O'Sullivan
ADDRESS: P.O. Box 1927
CITY: Porterville, CA 93258-1927
PHONE: 559-781-5999

WE HEREWITOH OFFER YOU $100 DOLLARS ($100.00) PER MONTH PAYABLE BY THE 15TH OF EACH MONTH, COMMENCING FROM DATE OF SIGN ERECTION FOR THE EXCLUSIVE ADVERTISING USE OF THE ABOVE DESCRIBED PROPERTY FOR THE ERECTION AND MAINTENANCE OF AN ADVERTISING SIGN FOR A PERIOD OF 12 MONTHS, AND THEREAFTER ON A MONTH TO MONTH BASIS UNDER THE FOLLOWING CONDITIONS:

In the event that the portion of said property occupied by Lessor's structure is to be improved by permanent construction or remodeling as evidenced by a building permit, this lease shall terminate upon thirty (30) days' written notice by Lessor and upon the return to Lessee of all rent paid for the unexpired term of this lease. Lessee shall remove its sign panels within said thirty (30) days. Lessor guarantees to Lessee free access to said premises as may be necessary for Lessee to paint, service, repair or remove its advertisement. Upon surrendering the premises occupied by its signs, the Lessee agrees that said premises shall be in the same condition as when received, reasonable wear and tear and damage by fire or the elements excepted. If the view of the property or advertising sign is obstructed, or the advertising value otherwise impaired or diminished, or the use of such signs is prevented by law, the Lessee shall have the right to proportionately reduce rental or cancel this agreement, and receive all rent paid for the unexpired term of this lease, by giving the Lessor notice in writing of such obstructions, impairment or prevention of use. The Lessor covenants not to erect or permit any other person or corporation to erect advertising signs or other advertising matter, or anything on any part of said premises which would obstruct, partially obstruct or diminish the advertising value of Lessee's signs, except when mutually agreed upon by both parties. The Lessee is, and shall remain, the owner of the sign panels that we install on the structure and improvements placed by it upon said property, and has the right to remove same at any time. Neither Lessee nor Lessor is bound by any stipulation, representation or agreement not printed or written on this lease. The lease shall inure to, and be binding on the personal representation, successors and assigns of the parties hereto. The Lessor represents that Zenz & O'Sullivan are/is the agent/owner/tenant of the above described property and billboard structure and has the authority to make this lease. We will protect and save you harmless from all claims for injuries to persons or damage to property resulting from the negligent or malicious acts of our agents, employees or workmen in the construction, maintenance, repair or removal of our signs on the above premises.

LESSEE: MARKETSHARE, INC.
(Signed)
By: Heather E. Ramirez
Date: November 2, 2005

LENSOR (Signed):
By: Zenz & O'Sullivan
Social Security #: __________________________
or
Federal ID #: 77-0064216

Please also fill out the W-9 form located on the back of this document. We are required by federal law to keep a W-9 form on file for each land owner whom we are paying. You will receive a 10-99 form at the end of the year for tax purposes.
ADVERTISING SIGN LEASE

SIGN LOCATION: E/lne Newcomb Avenue Opp/Castle Avenue
LESSOR: Mayberry Broadcasting Co. CONTACT: Mimi or Larry Stoneburner
ADDRESS: 1660 N. Newcomb Street PHONE: 559-290-1450
CITY: Porterville, CA 93257-9295

WE HEREBY OFFER YOU FIFTY DOLLARS (50.00) PER MONTH PAYABLE BY THE 15TH OF EACH MONTH, COMMENCING FROM DATE OF SIGN ERECTION FOR THE EXCLUSIVE ADVERTISING USE OF THE ABOVE DESCRIBED PROPERTY FOR THE ERECTION AND MAINTENANCE OF A 4' x 8' ADVERTISING SIGN FOR A PERIOD OF 12 MONTHS, AND THEREAFTER ON A MONTH-TO-MONTH BASIS UNDER THE FOLLOWING CONDITIONS:

In the event that the portion of said property occupied by Lessor’s structure is to be improved by permanent construction or remodeling as evidenced by a building permit, this lease shall terminate upon thirty (30) days' written notice by Lessor and upon the return to Lessee of all rent paid for the unexpired term of this lease. Lessee shall remove its sign panels within said thirty (30) days. Lessor guarantees to Lessee free access to said premises as may be necessary for Lessee to paint, service, repair or remove its advertisement. Upon surrendering the premises occupied by its signs, the Lessee agrees that said premises shall be in the same condition as when received, reasonable wear and tear and damage by fire or the elements excepted.

If the view of the property or advertising sign is obstructed, or the advertising value otherwise impaired or diminished, or the use of such signs is prevented by law, the Lessee shall have the right to proportionately reduce rental or cancel this agreement, and receive all rent paid for the unexpired term of this lease, by giving the Lessor notice in writing of such obstructions, impairment or prevention of use.

The Lessee covenants not to erect or permit any other person or corporation to erect advertising signs or other advertising matter, or anything on any portion of said premises which would obstruct, partially obstruct or diminish the advertising value of Lessor's signs, except when mutually agreed upon by both parties.

The Lessee is, and shall remain, the owner of the sign panels that we install on the structure and improvements placed by it upon said property, and has the right to remove same at any time.

Neither Lessee nor Lessor is bound by any stipulation, warranty or agreement not printed or written on this lease. The lease shall inure to, and be binding on the personal representation, successors and assigns of the parties hereunto.

The Lessor represents that Mayberry Broadcasting Company are/is the agent/owner/tenant of the above described property and billboard structure and has the authority to make this lease.

We will protect and save you harmless from all claims for injuries to persons or damage to property resulting from the negligent or malicious acts of our agents, employees or workmen in the construction, maintenance, repair or removal of our signs on the above premises.

LESSEE: MARKETSHARE, INC.
(Signed) By: Heather E. Ramirez
Date: December 5, 2005

LESSOR (Signed):
By: for Mayberry Broadcasting Company
Social Security #: 27-0342429
Federal ID #: 27-0342429

Please also fill out the W-9 form located on the back of this document. We are required by federal law to keep a W-9 form on file for each land owner whom we are paying. You will receive a 1099 form at the end of the year for tax purposes.
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) Markethare, Inc. is/are the owner(s) of property situated at Henderson + Newcomb Street/Avenue and Newcomb Street/Avenue. Exact legal description of said property being (Use separate sheet if necessary)

(1) One off-site directional subdivision sign and (1) one on-site directional subdivision sign for the purpose of directing prospective buyers to new home subdivision.

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

(A) Above described property is owned by Pacific Union Homes (Brian)

Date acquired __________

(B) If applicant is the lessee, give date property was leased:

11/1 - Henderson/ Newcomb, 12/5 1960 Northland

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire ______________

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or, with the property).
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located. (see attached diagram)

   Signs are to direct public to new homes project only. Signs are secured and placed according to strict safety standards out of city and county right-of-way on private land.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

      \[ N/\text{a} \]

   (b) Total number of employees that will work on the property.

      \[ N/\text{a} \]

   (c) Total number of off-street parking spaces provided or planned.

      \[ N/\text{a} \]

   (d) Maximum height of buildings or structures.

      \[ 10 \text{ ft} = 8' \]

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

      12 months.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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APPLICANT'S DECLARATION

STATE OF CALIFORNIA  
COUNTY OF TULARE  
I (WE), Marketshare, Inc., being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at Porterville, CA this 19th day of December, 2005.

Telephone No. 559-638-1945  
              408-639-8078

Signature

2001 Taran Ct., Milpitas, CA 95035
Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ________________________________

Date Received ____________________
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 Marketshare, Inc. 2001 Tarob Ct. Milpitas, CA 95035

Project Title

Southwest corner of Henderson Avenue and Newcomb Street and the northeast corner of Castle Avenue and Newcomb Street.
Project Location (Specific)

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

Conditional Use Permit to allow the installation of two (2) temporary off-site directional real estate signs.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Marketshare, Inc. 2001 Tarob Ct, Milpitas, CA 95035
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 15311 Class 11

Accessory Structures.
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

UNNoticeExemptionCUP13-2005

ATTACHMENT
ITEM NO. 5
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 13-2005 TO ALLOW FOR TWO (2) TEMPORARY OFF-SITE DIRECTIONAL REAL ESTATE SIGNS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider Conditional Use Permit 13-2005, being a request to allow for the installation of two (2) temporary off-site directional real estate signs pursuant to 2011 B of the Zoning Ordinance; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. Section 2001 B of the Zoning Ordinance provides for the installation of a maximum of three (3) temporary off-site directional real estate signs, not to exceed 32 square feet in size on each face, in up to three (3) locations for a period not to exceed 24 months or till the subdivision is completely sold out, whichever comes first.

2. Pursuant to Section 15311 Class 11, the project is categorically exempt from the CEQA Guidelines (Accessory Structures).

3. That the sites are physically suitable for the temporary uses as proposed.

4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 13-2005 subject to the following conditions:

1. The applicant shall maintain each of the two (2) respective sites within direct proximity to the signs in a neat and viable condition and shall not allow the two (2) temporary signs to become a form of visual blight or fall into a state of disrepair. Additionally, the signs shall be maintained in a neat and legible manner.

ATTACHMENT
ITEM NO. 6
2. The signs shall be removed within 24 months of the date of approval of the resolution approving Conditional Use Permit 13-2005.

3. The two (2) temporary signs shall be placed in direct proximity to each of the following locations:
   a. Southwest corner of Henderson Avenue and Newcomb Street.
   b. Northeast corner of Newcomb Street and Castle Avenue.

4. The two (2) temporary signs shall be placed outside of the right-of-way and shall be situated so that they will not interfere with the “line-of-site” of traffic necessarily for safe maneuvering.

5. If the signs become subject to any graffiti, the applicant/agent shall, within 24 hours, have the graffiti removed.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: COST ALLOCATION PLAN AND USER FEE STUDY, INCLUDING ALL OTHER FEES

SOURCE: City Manager's Office

COMMENT: Maximus Inc., has completed the Cost Allocation Plan and User Fee Study and has submitted their recommendations to Council for consideration. A public hearing had been scheduled for December 20, 2005 on the Cost Allocation Plan and User Fees, along with a public hearing for “All Other Fees.” These hearings were continued until January 17, 2006.

Robert Keenan, Executive Vice President of the Building Industry Association, has submitted a written request for an extension until the February 7, 2006 Council meeting. The BIA and the City have scheduled a joint meeting for January 25, 2006 to address any concerns the BIA may have with the report. It is understood by the BIA that no further extensions of time will be recommended by staff and the Council will hold the public hearings on February 7, 2006.

Under the heading of “All Other Fees,” the Police Department fees are the only fees remaining from the Maximus, Inc. Report for review at this time. These fees will be presented for adoption during the same public hearing as the item depicted above.

In the February 7 public hearing item “All Other Fees” will be referred to as Police Department Fees, and included with Public Works and Community Development Fees as one staff report. Also included will be miscellaneous document copying and production costs set by resolution.

RECOMMENDATION: To open the public hearing on the Cost Allocation Plan and User Fee Study, including the Police Department Fees and continue the item to the City Council meeting of February 7, 2006.

Attachments: Letter of request from Mr. Robert Keenan

Item No. 15
MEMO

Date: January 3, 2006
To: Frank Guyton
From: Robert Keenan, Executive Vice President

RE: Rescheduled Meeting on Proposed Porterville Fees

Frank, per the BIA’s request this morning and our discussion, I have notified Smee Builders, Ennis Homes, Woodard Homes, Del Valle Homes, and James Winton & Associates that the meeting with City Staff January 4th at 10 a.m. has been rescheduled for January 25th at 10 a.m. per our request and that the revised fees will be before the Council for adoption on the February 7th Agenda.

Thank you for your positive response.
PUBLIC HEARING

TITLE: CARTER PROPERTY WILLIAMSON ACT CANCELLATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The City of Porterville is evaluating potential impacts of the cancellation of approximately 37.44 acres of Williamson Act Land Conservation Contract #10699 & Ag Preserve #003626, as well as development of that land to residential use. The site is located west of Hillcrest Street & north and south of Morton Ave and identified by the following Tulare County Assessor’s Parcel Numbers: 254-010-014, 254-010-049, 254-030-017, 254-030-018, 254-030-019, 254-030-020.

On December 27, 1977, property owners Wayne Carter and Florence D. Carter entered a contract with the County of Tulare and the State of California to limit the use of the above referenced lands to agriculture. Contract 10699 was adopted through resolution 77-3627, legally describing the property and setting terms of the contract. As the project area was within one-mile of the City limits, the City of Porterville protested the contract; LAFCo approved the protest, and the Board of Supervisors approved the contract.

In 1992, the City applied to LAFCo for an annexation, which would have left the subject parcel in an unincorporated island. LAFCo acted on its own authority to amend the project to include the subject site, and the area was annexed into the City, with the contract still in place.

In 2000, the original property owners recorded a “Notice of Non-Renewal”, which, if left to continue, would result in the expiration of the contract in 2010. In 2003, the City of Porterville approved Tentative Parcel Map 2-2003 for subject property. However, processing of the final map was halted when it was discovered the land was under Contract.

Existing conditions of the site are fallow lands. The area was historically used for farming operations, but has not been productive for at least five seasons. No crops are planted on site.

Consultation with the California Department of Conservation (DOC) has resulted in DOC’s finding that cancellation of this contract is consistent with the purposes of the Williamson Act, and that cancellation is in the Public Interest. Further, the DOC has noted “the Council has an adequate basis to support the finding required to cancel the proposed parcel of contracted land”.

ENVIRONMENTAL: The Environmental Coordinator, on December 22, 2005, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed mitigation

Item No. 16
measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, the only comments received are from the Department of Conservation and the San Joaquin Valley Air Pollution Control District. Both comment letters are included in the Staff Report.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for the Cancellation of Williamson Act Contract # 10699.

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

3. Waive further reading of the draft ordinance, and order to print.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: JANUARY 17, 2006

PUBLIC HEARING- STAFF REPORT

TITLE: CARTER PROPERTY WILLIAMSON ACT CANCELLATION

APPLICANT: Wayne and Florence Carter
2790 Gainsborough Drive
San Marino, CA 91108

Bob Owen
16151 Mustang Drive
Springville, CA 93265

PROJECT LOCATION: The parcels included in the proposed cancellation are located west of Hillcrest Street & north and south of Morton Ave and identified by the following Tulare County Assessor’s Parcel Numbers: 254-010-014, 254-010-049, 254-030-017, 254-030-018, 254-030-019, 254-030-020.

SPECIFIC REQUEST: The applicants are proposing cancellation of approximately 37.44 acres of Williamson Act Land Conservation Contract #10699 & Ag Preserve #003626, as well as development of that land to residential use. The land was annexed into the City in 1992 with a zoning of R-1. The cancellation would become effective upon Council making findings that the cancellation is consistent with the purposes of the Williamson Act, and that cancellation is in the Public Interest.

SURROUNDING AREA ZONING AND LAND USE:
The site is substantially surrounded by land that is residentially developed or that is planned for residential development in the City’s General Plan. Immediately north of the project area is land that has been defined by the General Plan as Public/Quasi Public and Zoned for Open Area uses. The project area was noted in the General Plan map as planned for Recreational Uses but is zoned R-1 (Single Family Residential). The uses identified in the General Plan are intended to provide the City with a general direction, and are not necessary for the specific locations where they are identified. Unless the City actually owns the property, the City cannot require that land be developed for that use. The City owns the parcel between the historic alignment of Morton Avenue and the new alignment of Morton Avenue, which bisects the project, and though it remains zoned R-1, the City’s intent is to rezone that land as use it for Public/Quasi public purposes. That parcel is not a part of this project. There is one Williamson Act contract within 2 miles of the project area, but none immediately adjacent to the project area.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:
1. No Project. Denial of the proposed Williamson Act cancellation would result in the land not being fully utilized in the manner planned in the General Plan until, at earliest, 2010, when the non-renewal has run full course and the contract would expire.

2. Approve the project. Approval of the Williamson Act contract would result in the development of the project area to residential uses in a timeframe more typical of current development trends.

ENVIRONMENTAL: The Environmental Coordinator on December 22, 2005 made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed mitigation measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, the only comments received are from the Department of Conservation and the San Joaquin Valley Air Pollution Control District. Both comment letters are included in the Staff Report.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for the Cancellation of Williamson Act Contract # 10699.

ATTACHMENTS:

1. Subject Site Map
2. Negative Declaration and Initial Study
3. Comment letters from San Joaquin Valley Air Pollution Control District and Department of Conservation
4. Draft Resolution approving the Negative Declaration for the Williamson Act Cancellation.
Attachment A
Mitigation Monitoring Program

Potential Impact: Aesthetics- Light and Glare

Monitor: City of Porterville

Agency Responsible: City of Porterville

Mitigation Measures:
   The cancellation of the site’s land conservation contract and future residential
development will create new sources of light but have a less than significant
impact, with the proposed mitigation measures in place.

   The installation of low profile, external lighting will be directed away from
adjacent properties, as required by the City Zoning Ordinance, and will reduce
impact of outside lighting. Minimal glare is anticipated from street and on-site
lighting facilities accruing from sites eventual development. This will serve to
reduce potential hazards for autos, bicyclists, and pedestrians, as well as produce
a secure environment for occupants.
RESOLUTION NO. ____________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE CANCELLATION OF WILLIAMSON ACT CONTRACT NUMBER 10699 AND AGRICULTURAL Preserve 003626 FOR THAT 37.44 ACRE SITE LOCATED WEST OF HILLCREST STREET AND NORTH AND SOUTH OF MORTON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider the cancellation of Williamson Act Contract Number 10699 and Agricultural Preserve Number 003626; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances of the 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 December 22, 2005, through January 11, 2006. The only agencies that responded were the San Joaquin Valley Air Pollution Control District and the Department of Conservation. Those comments are addressed in the environmental document and subsequent discussions with those agencies.

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 no adverse impacts would accrue to wildlife resources from implementation of this project.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.
8. 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 the cancellation of Williamson Act Contract Number 10699 and Agricultural Preserve Number 003626, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

ADOPTED this 17th day of January, 2006.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By____________________________
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CANCELLING WILLIAMSON ACT CONTRACT NUMBER 10699, CONSISTING OF APPROXIMATELY 37.44 ACRES WEST OF HILLCREST AND NORTH AND SOUTH OF MORTON AVENUE.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider cancellation of Williamson Act Contract Number 10699 & Agricultural Preserve Number 003626; and

WHEREAS: The City Council of the City of Porterville, after conducting a duly noticed public hearing, 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 cancellation of Williamson Act Contract Number 10699 & Agricultural Preserve Number 003626, consisting of Assessor’s Parcel Numbers 254-010-014, 254-010-049, 254-030-017, 254-030-018, 254-030-019, and 254-030-020 as shown in Exhibit A attached hereto; and

WHEREAS: The City Council made the following findings in support of the approval of cancellation of the Williamson Act Contract Number 10699 & Agricultural Preserve Number 003626.

1. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment; and,

2. That the Negative Declaration prepared for this project was made available for public review and comment; and,

3. That the cancellation of Williamson Act Contract # 10699 is consistent with the purposes of the Williamson Act, inasmuch as a notice of non-renewal has been served, removal of adjacent land from agricultural use is unlikely, the alternative use is consistent with the City’s General Plan, discontiguous patterns of urban development will not result, and as development of the contracted land would provide more contiguous patterns of urban development than the development of proximate non-contracted land; and,

4. That the cancellation of Williamson Act Contract # 10699 is in the Public Interest, inasmuch as other public concerns substantially outweigh the objectives of the Williamson Act and that development of the contracted land would provide more contiguous patterns of urban development than the development of proximate non-contracted land.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

That the following described property in the City of Porterville, County of Tulare, State of California, known as Williamson Act Contract Number 10699, is hereby removed from a contract with the California Department of Conservation, and Agricultural Preserve Number 003626 is no longer held for the area located west of Hillcrest Street and north and south of Morton Avenue more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By _____________________________
Georgia Hawley, Chief Deputy City Clerk
City of Porterville

Environmental Checklist Form

1. Project title: Carter Property Williamson Act Cancellation

2. Lead agency name and address: City of Porterville
   291 N. Main Street
   Porterville, CA 93257

3. Contact person and phone number: Bradley D. Dunlap, Community Development Director
   (559) 782-7460

4. Project location: City of Porterville, County of Tulare

5. Project sponsor's name and address: Wayne Carter & Florence D. Carter
   2790 Gainsborough Drive
   San Marino, CA 91108

6. General plan designation: Low Density Residential and Recreation & Open Space

7. Zoning: R-1

8. Description of project: (SEE ATTACHED LOCATOR MAP)

The City of Porterville is evaluating potential impacts of the cancellation of approximately 37.44 acres of Williamson Act Land Conservation Contract #10699 & Ag Preserve #003626, as well as development of that land to residential use. The site is located west of Hillcrest Street & north and south of Morton Ave and identified by the following Tulare County Assessor’s Parcel Numbers: 254-010-014, 254-010-049, 254-030-017, 254-030-018, 254-030-019, 254-030-020.

On December 27, 1977, property owners Wayne Carter and Florence D. Carter entered a contract with the County of Tulare and the State of California to limit the use of the above referenced lands to agriculture. Contract 10699 was adopted through resolution 77-3627, legally describing the property and setting terms of the contract. As the project area was within one-mile of the City limits, the City of Porterville protested the contract; LAFCo approved the protest, and the Board of Supervisors approved the contract.

In 1992, the City applied to LAFCo for an annexation which would have left the subject parcel in an unincorporated island. LAFCo acted on its own authority to amend the project to include the subject site, and the area was annexed into the City, with the contract still in place.

In 2000, the original property owners recorded a “Notice of Non-Renewal”, which, if left to continue, would result in the expiration of the contract in 2010. In 2003, the City of Porterville approved Tentative Parcel Map 2-2003 for subject property.

Existing conditions of the site are fallow lands. The area was historically used for farming operations, but has not been productive for at least one season. No crops are planted on site.

Aside from the agricultural preserve, there are no known environmental aspects peculiar to the proposed project area.
9. Surrounding land uses and setting:
The site is surrounded by lands zoned City R-1 and R-E. The project area is a flat area surrounded by slightly elevated areas, just west of the foothills that define eastern Porterville. Adjacent land uses are residential neighborhoods and fallow lands, not in agricultural production.

The FIRM Flood Insurance Map 050407 0010D, Dated October 15, 1985 indicates the site is in Flood Zone C (minimal flooding).

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Department of Conservation
Tulare County LAFCO
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact as indicated by the checklist on the following pages.

☐ Aesthetics  ☐ Agriculture Resources  ☐ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☐ Transportation/Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

________________________________________  __________________________
Signature  Date  12/20/05

Bradley D. Dunlap, AICP
City of Porterville
Printed name
Vicinity Map
Carter Property
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.
b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than significance
EARLIER ANALYSIS

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (C) (3) (D). In this case a discussion should identify the following items:

a) Earlier analysis used. Identify earlier analyses and state where they are available for review.
b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

Authority: Public Resources Code Sections 21083 and 21087.

SOURCE REFERENCES

1. Land Use Element of the Porterville General Plan (1998)
2. Circulation Element of the Porterville General Plan (1999)
3. Housing Element of the Porterville General Plan (1992)
5. Open Space Element of the Porterville General Plan (1998)
7. Safety Element of the Tulare County General Plan (1998)
9. Airport Master Plan (1990)
10. Porterville Strategic Plan (1992)
15. Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16. Porterville Redevelopment Housing Strategic Plan (1994)
17. City of Porterville Storm Drainage Master Plan (2001)
20. City of Porterville Sewer Master Plan (2001)
21. City of Porterville Water Master Plan (2001)
23. San Joaquin Valley Air Pollution Control District Attainment Plan
24. San Joaquin Valley Air Pollution Control District Regulation VII
25. Aerial photo records - City of Porterville
27. 1990 Census Data/Tract and Block Group Maps
28. Existing Infrastructure and Facilities Capacity
30. On-site field inspection
31. City of Porterville Transit Development Plan
32. Emergency Services Plan - Tulare County Operational Area
33. City of Porterville Urban Water Management Plan
35. Project Description
Issues:

I. AESTHETICS — Would the project:

a) Have a substantial adverse effect on a scenic vista? □ □ □ □

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? □ □ □ □

c) Substantially degrade the existing visual character or quality of the site and its surroundings? □ □ □ □

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? □ □ □ □

Responses:

a), b), c): No Impact. The project will not have an affect on the nearest scenic vista—the view of the Sierra Nevada Mountains. There are no scenic resources on the site and the project area is not within or adjacent to a State Scenic Highway. Cancellation of the contract and development of R-1 land use will not significantly alter view sheds. The City of Porterville has development standards related to landscaping and other amenities to ensure that the visual character of the area will not be degraded. Sources: 1, 5, & 35.

d): Less Than Significant Impact. The cancellation of the site’s land conservation contract and future residential development will create new sources of light but have a less than significant impact, with the proposed mitigation measures in place.

Mitigation Measure: The installation of low profile, external lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce impact of outside lighting. Minimal glare is anticipated from street and on-site lighting facilities accruing from sites eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as produce a secure environment for occupants. Sources: 1 & 5.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

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?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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?

Responses:

a): No Impact. The project area is within the limits of the City of Porterville and while it is currently bound by a Williamson Act contract and agricultural preserve, the Department’s Farmland Mapping and Monitoring program maps show the project area to be urban and built up. Sources: 1 & 35.

b), c): Less Than Significant Impact. The project site is not zoned for agricultural use, but it is currently subject to the provisions of a Williamson Act Contract. The property owners have filed a Notice of Non-Renewal (2000), and the contract, if not cancelled, would expire in 2010. The 37.44 acre project area is no longer being farmed, and is currently fallow. The project area is substantially surrounded by residential development, and Morton Avenue, which bisects the project area, has recently been widened and improved to include infrastructure. The development of this site to residential uses is consistent with the City’s General Plan and Zoning. The planned development of the project area will not affect other agricultural uses as there are none adjacent to the site; the only undeveloped land adjacent to the site is fallow, and no parcels within one-mile of the project area are under Williamson Act contract.


III. **AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**

a) Conflict with or obstruct implementation of the applicable air quality plan?  
☐ ☐ ☒ ☐

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  
☐ ☐ ☒ ☐

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)?  
☐ ☐ ☒ ☐

d) Expose sensitive receptors to substantial pollutant concentrations?  
☐ ☐ ☒ ☐

e) Create objectionable odors affecting a substantial number of people?  
☐ ☐ ☐ ☒

**Response:**

e): **No Impact.** *The project as proposed would not conflict with any applicable air quality plans, nor would it create a cumulatively considerable net increase in criteria pollutants or expose sensitive receptors to substantial concentrations of pollutants. The project would not create any scents or odors.* Sources: 4 & 24.

a), b), c), d): **Less Than Significant Impact.** *During the construction stage of the project, crew vehicle trips and construction related activities could potentially generate PM$_{10}$. As the project does not require unusual grading practices and does not violate the thresholds of significance for other vehicle related operations emissions, the project may be determined to have a less than significant effect from operations. Construction related impacts to PM$_{10}$ are controlled through the enforcement of San Joaquin Valley Air Pollution Control District Regulation VIII, which establishes a number of mandatory construction practices. Compliance with Regulation VIII is sufficient to reduce the potential impact of development of the subject site to less than significant levels. Sources: 24.*
IV. BIOLOGICAL RESOURCES – Would the project:

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) 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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

Response:

a), b), c), d), e), f): No Impact. The project site is currently fallow undeveloped land that is planned for future residential development (R-1). A field survey by City staff identified no sensitive species and no habitat located on site. Approval of the project would not result in a conflict with local ordinances, policies, or habitat conservation plans. Sources: 4, 5, 15, & 30.
V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Response:

a), b), c), d): No Impact. The project site is currently fallow undeveloped land that is planned for future residential development (R-1). No known historic, archaeological, or paleontological resources exist on site. Sources: 4 & 30.
VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   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.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

   □ Potentially Significant Impact
   □ Less than Significant Impact With Mitigation
   □ Less than Significant Impact
   □ No Impact

b) Result in substantial soil erosion or the loss of topsoil?

   □ Potentially Significant Impact
   □ Less than Significant Impact With Mitigation
   □ Less than Significant Impact
   □ No Impact

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?

   □ Potentially Significant Impact
   □ Less than Significant Impact With Mitigation
   □ Less than Significant Impact
   □ No Impact

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?

   □ Potentially Significant Impact
   □ Less than Significant Impact With Mitigation
   □ Less than Significant Impact
   □ No Impact

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?

   □ Potentially Significant Impact
   □ Less than Significant Impact With Mitigation
   □ Less than Significant Impact
   □ No Impact

Response:

a), c), d), e): No Impact. According to the California Geological Survey, there are no established or recognized earthquake fault zones in Tulare County. The project is not at risk, nor will it create a risk of fault rupture, seismic ground shaking, seismic related ground failure, liquefaction, or landslides. The project area is located on stable, medium to coarse textured soils with a high infiltration rate, which are not subject to landslide, lateral spreading, subsidence, liquefaction, collapse or expansion. No septic tanks or alternate wastewater disposal will be constructed as part of the project. Sources: 4, 7, 29, & 30.

b): Less Than Significant Impact. Development of the site as proposed will result in ground disturbance through leveling, grading, etc. and could contribute to minor soil erosion during construction. However, the Porterville Clay soils on which the project would be built has a flat slope and hazard of erosion is low. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval will maintain a less than significant impact in regards to erosion. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Sources: 29.
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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 result in a safety hazard for people residing or working in the project area?

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?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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?

Response:

a), b), c), d): No Impact. The project as proposed will not involve hazardous materials, and the project site is not contaminated. Sources: 7.

e), f), g), h): No Impact. The project is not within the vicinity of an airport or an airstrip. The project will not result in any change or interference with an adopted emergency response plan or evacuation plan. Mandatory conformance with the Porterville Zoning Ordinance and the Porterville weed abatement program will ensure that the project will not expose people or structures to a significant risk of loss due to wildfire. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY. -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

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)?

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?

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?

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?

f) Otherwise substantially degrade water quality?

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?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i) 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?

j) Inundation by seiche, tsunami, or mudflow?

Response:

a), f): No Impact. Development of the site as proposed would not require any excavation other than minor grading. No uses are proposed which could cause the discharge of pollutants into the groundwater or surface water. Sources: 4.
b): No Impact. The proposed project will not draw water from any source. Sources: 35.

c), d), e): No Impact. The project site is currently fallow undeveloped land that is planned for future residential development (R-1). No substantial change in runoff will occur. Sources: 35.

g), h), i), j): No Impact. The project proposes to construct housing that encourages regular occupation. The FEMA Flood Insurance Rate Map 060407 0010 D (1985) indicates the site is in Flood Zone C, which is an area of minimal flooding (no shading). The proposed structure would not impede flood flows, nor would it expose people or structures to a significant risk due to flooding. The project area is not within an area subject to inundation by seiche, tsunamis, or mudflows. Sources: 1, 4, 26, & 35.
IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

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?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Response:

a), b), c): No Impact. Porterville’s General Plan designates the subject area for Low Density Residential uses and the site is located within the R-1 (Residential) Zone. The proposed project will not disrupt or divide the physical arrangement of the established community in this area. The project as proposed is consistent with the policies and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. Therefore, no impact will occur. Sources: 1, 2, 3, 4, 12, & 30.
X. MINERAL RESOURCES — Would the project:

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a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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?

Response:

a), b): No Impact. There are no known mineral resources on the proposed project area. Sources: 4.
XI. NOISE – Would the project result in:

a) 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?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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?

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?

Response:

a), b), c), d): Less Than Significant Impact. Development of the site as proposed will result in short-term increases in noise associated with construction equipment that may exceed the City’s noise level standards. As these activities will be restricted to daytime hours and will be short-term in nature, the impact will be less than significant. Sources: 6.

e), f): No Impact. The project is not within the vicinity of an airport or private airstrip. Sources: 6.
XII. POPULATION AND HOUSING – Would the project:

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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)? ☐ ☐ ☐ ☑

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☑

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☑

Response:

a), b), c): No Impact. Based on the historical growth pattern, it is expected that Porterville’s population will continue to grow at about 2.3% annually. The project as proposed will not cause any substantial increase in local population projections. Infrastructure exists in the project area near Hillcrest Street and Morton Ave. The proposed project will facilitate development envisioned by the General Plan and will not induce substantial growth in this area. No houses or people will be displaced as a result of this project. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:

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**Response:**

*a): No Impact. The subject site is within the service area of the Porterville Fire and Police Departments. The project as proposed does not have potential to increase enrollment within the Porterville Unified School District, nor will it affect park usage or other public facilities. Sources: 1, 2, 3, 5, 7 & 8.*
XIV. RECREATION –

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a) Would the project 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?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response:

a), b): No Impact. The project would not result in increased usage beyond the current capacity of recreational facilities, nor would it create a need for new recreational facilities. Sources: 5 & 8.
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)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response:

a), b): Less Than Significant Impact – The project is estimated to lead to the development of approximately 75 single family residences. Single-family residential development generates approximately 10.54 Average Daily Trips (ADT) per unit. Based on these rates, the project will generate approximately 790.5 ADT. The proposed development was anticipated in the Land Use Element and Circulation Elements of the General Plan, and sufficient infrastructure has been programmed in the Circulation Element to accommodate the incremental effects of the proposed development. The developer/applicant will be required to improve all on-site and adjacent streets to comply with the Circulation Element, the Subdivision ordinance and the City of Porterville Improvement Standards. Sources: 1, 2, 34, & 35.

c): No Impact – The project will not have any affect on traffic patterns.

d), e), f): No Impact – The project will not result in hazards related to design features. Adequate emergency access and parking will be provided in compliance with the City of Porterville’s ordinance and Building Code Regulations that govern development of single-family residential lots.

g): No Impact – The proposed project will not conflict with any existing alternate transportation programs.
XVI. UTILITIES AND SERVICE SYSTEMS –
Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  ☒ ☐ ☒ ☐

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?  ☐ ☒ ☒ ☐

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?  ☐ ☒ ☒ ☐

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  ☒ ☐ ☒ ☐

e) 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?  ☒ ☐ ☒ ☐

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?  ☒ ☐ ☒ ☐

g) Comply with federal, state, and local statutes and regulations related to solid waste?  ☐ ☐ ☐ ☒

Response:

a), b), c), d), e): Less Than Significant Impact – with regards to wastewater, the project will be served by the City of Porterville. Flows generated by the residential development can be accommodated by the Porterville Wastewater treatment plant, and the project will not exceed the applicable wastewater treatment requirements of the Regional Water Quality Control Board. The impact is less than significant. New stormwater drainage facilities will be installed as needed to serve the project. Sources: 30 & 35.

f): Less Than Significant – The City of Porterville disposes of its solid waste at the Teapot Dome Disposal Site, southwest of the City. The landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs for at least the next 15 years. Sources: 28 & 35.

g): No Impact: Refuse removed from the project area will conform to County regulations.
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?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Response:

a): No impact - The proposed project will not result in a negative impact to the natural environment.

b): No impact - No features of the project will result in a cumulatively significant impact.

c): No impact - The project would not result in any environmental effects adverse to humans.
January 3, 2006

Ms. Julie Boyle, Senior Planner  
City of Porterville Community Development Department  
291 N. Main Street  
Porterville, CA  93257

RE:  Cancellation of Land Conservation (Williamson Act) contract No. 10699, Landowners: Wayne and Florence Carter

Dear Ms. Boyle:

Thank you for submitting the notice to the Department of Conservation (Department) as required by Government Code section 51284.1 for the above referenced matter.

The petition proposes to cancel 37.44 prime agricultural acres for the development of approximately 75 single-family residences. The subject property was annexed into the City of Porterville in 1992 and a Tentative Parcel Map (2-2003) was approved in 2003. The proposed cancellation site is located west of Hillcrest Street, north and south of Morton Avenue in the City of Porterville.

Cancellation Findings

Government Code Section 51282 states that tentative approval for cancellation may be granted only if the local government makes one of the following findings: 1) cancellation is consistent with purposes of the Williamson Act or 2) cancellation is in the public interest. The Department has reviewed the petition and information provided and offers the following comments.

Cancellation is Consistent with the Purposes of the Williamson Act

For the cancellation to be consistent with purposes of the Williamson Act, the Porterville City Council (Council) must make findings with respect to all of the following: 1) a notice of nonrenewal has been served, 2) removal of adjacent land from agricultural use is unlikely, 3) the alternative use is consistent with the City's General Plan, 4) contiguous patterns of urban development will not result, and 5) that there

The Department of Conservation's mission is to protect Californians and their environment by:  
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;  
Conserving California's farmland; and Saving energy and resources through recycling.
233, 240, (1979)). The Attorney General has also opined that nonrenewal is the preferred contract termination method: "If a landowner desires to change the use of his land under contract to uses other than agricultural production and compatible uses, the proper procedure is to give notices of nonrenewal pursuant to section 51245." (54 Ops. Cal. Atty. Gen 90, 92 (1971)).

Provided that the information presented is complete and accurate, it appears that the Council has an adequate basis to support the finding required to cancel the proposed parcel of contracted land.

Tentative Tract Maps

Additionally, Tentative Tract Map 2-2003 appears to have been approved without regard to the provisions of the Subdivision Map Act relating to subdivision of contracted land (Government Code section 66474.4). Subsection (a) of that section provides:

"The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:

(1) A contract entered into pursuant to the [Williamson Act]...."

Lastly, legislation effective January 1, 2005, requires the county assessor to send notice to the Department and landowner of the current fair market value of the land and of the opportunity to request a formal review from the assessor prior to any action giving tentative approval to the cancellation of any contract. (SB 1820, Machado, Chapter 794, Statutes of 2004 (Section 51283(a)).

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Council’s decision within 30 days of the tentative cancellation pursuant to section 51284. Additionally, we request a copy of the Council’s findings pursuant to section 51282. If you have any questions concerning our comments, please contact Adele Lagomarsino, Program Analyst at (916) 445-9411.

Sincerely,

Dennis J. O’Bryant
Acting Assistant Director
December 30, 2005

Bradley D. Dunlap
Community Development Director
City of Porterville
291 North Main Street
Porterville, CA 93258

Subject: Carter Property Williamson Act Cancellation, Contract No. 10699
APN: 254-010-014, 254-010-049, 254-030-017, 018, 019 and 020

Dear Mr. Dunlap:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). There is currently not enough information for the District to adequately or accurately analyze the project for potential air quality impacts.

Based on the information provided, residential development of the property will be subject to the following District rules. The City should be aware that District rules are periodically revised, and new rules are adopted. The City should contact the District before development begins to identify rule changes or additional rules that the project may be subject to. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. Please see the current rules and regulations at the District’s website for the complete requirements at http://www.valleyair.org/rules/1ruleslist.htm

Regulation VIII (Fugitive PM10 Prohibitions) Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, etc. The District’s compliance assistance bulletin for construction sites can be found at: http://www.valleyair.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf.

If a residential project is 10.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. 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.

David L. Crow
Executive Director / Air Pollution Control Officer

Northern Region Office
4800 Enterprise Way
Modesto, CA 95336-8718
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061
www.valleyair.org

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6985
If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities as specified in Section 6.4.1 of Rule 8021. A template of the District’s Construction Notification Form is available at: http://www.valleymir.org/busind/comply/PM10/forms/Req%20VII%20Notification%20-%2011-17-2004.pdf

**Rule 3135** (Dust Control Plan Fee) This rule requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the District’s cost for reviewing these plans and conducting compliance inspections. More information on the fee is available at: http://www.valleymir.org/rules/curntrules/Rule%203135%201005.pdf.

**Rule 4002** (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District 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 of this office at (559) 230-5962, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin has been enclosed for the applicant. The District’s Asbestos Requirements Bulletin can be found at: http://valleymir.org/busind/comply/asbestosbulletin.htm

**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.

**Rule 4103** (Open Burning) This rule regulates the use of open burning and specifies the types of materials that may be open burned. Agricultural material shall not be burned when the land use is converting from agriculture to non-agricultural purposes (e.g., commercial, industrial, institutional, or residential uses). Section 5.1 of this rule prohibits the burning of trees and other vegetative (non-agricultural) material whenever the land is being developed for non-agricultural purposes. In the event that the project applicant burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

**Rule 4601** (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

**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.

**Rule 4901** (Wood Burning Fireplaces and Wood Burning Heaters) limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments.

Beginning January 1, 2004,

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.
More information about Rule 4901 can be found at our website- www.valleyair.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at (559) 230-5968.

Rule 4902 (Residential Water Heaters) limits emission of NOx from residential developments.

District staff is available to meet with you and/or the applicant 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) 230-5937 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5800 and provide the reference number at the top of this letter.

Sincerely,

Georgia A Stewart
Air Quality Specialist
Central Region

C: File
PUBLIC HEARING

TITLE: ZONE CHANGE 11-2005 (PRE-ZONING) AND ANNEXATION 454 (WASTE DISCHARGE REQUIREMENT 05-01-103)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City proposes to annex and pre-zone nine parcels totaling approximately 704 acres located south and west of the Porterville Municipal Airport. The parcels are agricultural land currently in production of fiber and fodder crops. The parcels are currently within the County AE-20 (Exclusive Agriculture- 20-Acre Minimum) Zone, and will be used for wastewater effluent reuse (including biosolids spreading) and the increase of the airport clear zone. The parcels to be annexed will be pre-zoned to the City’s OA (Open Area) Zone. Approximately 330 acres of the subject annexation are located in Agricultural Preserves 2112, 2580, and 3332. The Department of Conservation has been notified of the proposed project and has drafted a comment letter. All issues described will be explained in a response which will incorporate discussion points with County staff from the Assessor’s Office and from LAFCo. Upon consummation of the annexation, the City of Porterville will not succeed to the contract.

ENVIRONMENTAL: On December 9, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures were transmitted to interested parties, groups, individuals, and the State. Two agencies, the Tulare County Environmental Health Services Division and the Tulare County Airport Land Use Commission commented on the Negative Declaration. Staff responded to and addressed those comments. On February 1, 2005, Council adopted resolution number 13-2005, and approved the Mitigated Negative Declaration.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
2. Approve the proposed Zone Change and give first reading to the draft ordinance.
3. Waive further reading of the draft ordinance approving Zone Change 11-2005, and order to print.

ATTACHMENT:

1. Complete Staff Report
TITLE: ZONE CHANGE 11-2005 (PRE-ZONING) AND ANNEXATION 454

PROJECT LOCATION: The parcels included in the proposed annexation are located immediately southwest of the City of Porterville in Tulare County generally north, south and west of the Porterville Municipal Airport (Attachment 1).

SPECIFIC REQUEST: The City proposes annexation and pre-Zoning the property from County AE-20 (Exclusive Agriculture – 20 Acre Minimum) zone to City OA (Open Area) Zone for those sites generally located north, south and west of the Porterville Municipal Airport, identified by Tulare County Assessor’s Parcel Numbers 302-080-011, 302-320-028, 302-110-059, 302-100-013, 302-130-028, 302-130-008, 302-130-007, 302-130-019, 302-130-021. The pre-zoning will become effective upon consummation of Annexation 454.

Annexation No. 454 proposes the inclusion into the City of Porterville of 704± acres of land for effluent reuse and bio-solids spreading.

PROJECT DETAILS: The City proposes to annex and pre-zone nine parcels totaling approximately 704 acres located south and west of the Porterville Municipal Airport. The parcels are vacant land currently in use by the City as agricultural land for effluent reuse. All parcels are currently owned by the City of Porterville.

Approximately 330 acres of the subject annexation are located in Agricultural Preserves 2112, 2580, and 3332. Upon consummation of the annexation, the City of Porterville will not succeed to the contract.

SPHERE OF INFLUENCE: The project site is outside the City of Porterville’s Sphere of Influence. This is a unique situation because the land is currently used by the city for effluent reuse and will continue to be used for bio-solids spreading; because it will be used for a public use, the City can annex land outside the Sphere of Influence boundary.

GENERAL PLAN CONSISTENCY: The project is compliant with and supports the City’s General Plan. The project will help the City meet the capacity needs associated with growth projected in the City’s General Plan and the Sewer Master Plan.

SURROUNDING AREA ZONING AND LAND USE: Surrounding land uses include agriculture, predominantly trees and row crops; rural residential properties; the Porterville Municipal Airport; and the Friant-Kern Canal. West of the canal is the Teapot Dome Landfill.
ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed annexation would prevent the City from complying with the requirements of WDR 05-01-103. The WDR requires the acreage proposed for annexation in order to spread bio-solids; a City cannot use land for this purpose unless the land is within City limits. The wastewater treatment facility, in anticipation of this annexation, has been stockpiling the bio-solids onsite, but if the annexation is not approved, the City would then be required to find an alternative disposal location for the bio-solids, such as at the Lost Hills landfill facility, near Wasco. There are shipping and other costs related to this alternative.

2. Alternative project location. Another option is to consider an alternative project location for effluent reuse and bio-solids spreading. There is not enough land already within City limits that would be appropriate for this use, and the proposed area already has some of the infrastructure needed to support the planned uses. Selection of an alternative project location would result in significant land acquisition and infrastructure costs.

ENVIRONMENTAL: On December 9, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures were transmitted to interested parties, groups, individuals, and the State. Two agencies, the Tulare County Environmental Health Services Division and the Tulare County Airport Land Use Commission commented on the Negative Declaration. Staff responded to and addressed those comments. On February 1, 2005, Council adopted resolution number 13-2005, and approved the Mitigated Negative Declaration.

RECOMMENDATION: That the City Council:

1. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
2. Approve the proposed Zoning Ordinance Amendment and give first reading to the draft ordinance.
3. Waive further reading of the draft ordinance approving Zone Change 11-2005, and order to print.

ATTACHMENTS:

1. Subject Location Map
2. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application for Annexation 454 with LAFCo.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING
APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY
KNOWN AS ANNEXATION NO. 454

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the location of the proposed annexation is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve; and

WHEREAS, there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement; and

WHEREAS, the proposed non-contiguous annexation meets those requirements stated in Government Code Section 56742, notably subsection b), which states territory which is used by a city for the reclamation, disposal, and storage of treated wastewater may be annexed to the city pursuant to this section without limitation as to the size of the territory; and

WHEREAS, the City acquired these lands through a lease-purchase agreement in lieu of eminent domain; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.
NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

       A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:

       To operate the City’s Wastewater Treatment Facility under wastewater discharge requirements (WDR) issued by the California Central Valley Regional Water Quality Control Board. The current permit, WDR 05-01-103, was issued in April 2001, and contains several provisions specifying projects and studies which the City must complete to remain in compliance. One requirement listed in Order Number 05-01-103 is that the City must provide effluent disposal capacity sufficient to accommodate the permitted monthly average discharge rate of 5.3 million gallons per day. Calculations completed by the City estimate acreage requirements for a flow of 5.3 mgd or under with use of percolation basins to require almost 539 acres. The City will also be relocating its existing percolation basins at the request of the Regional Water Quality Control Board.

       D. The City proposes to annex nine parcels of land, totaling approximately 704 acres, for use as wastewater effluent reuse (including biosolids spreading) and to increase the airport clear zone. The City has available a total of 1,220 acres in its reclamation area with 30 acres as a flow easement and the remainder owned by the City.

       E. That the environmental analysis prepared for Annexation No. 454 and Zone Change No. 11-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.
F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. Approximately 330 acres of the subject annexation are located in Agricultural Preserves 2112, 2580, and 3332.

I. The City of Porterville hereby exercises its option to not succeed to the Agricultural Preserve No. 3665 Contract pursuant to Government Code Section 51243.5 upon annexation of said site into the City of Porterville.

J. That the subject site consists of 704± acres.

K. In conjunction with the proposed annexation, Zone Change No. 11-2005 (pre-zoning) proposes to change the existing zoning from County AE-20 (Exclusive Agriculture 20 Acre Minimum) Zone to the City OA (Open Area) Zone.

L. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

__________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

__________________________
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 11-2005 (PRE-ZONING) CONSISTING OF 704± ACRES AND CONTAINING NINE (9) PARCELS LOCATED GENERALLY SOUTH AND WEST OF THE PORTERVILLE MUNICIPAL AIRPORT.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2005, conducted a public hearing to consider Zone Change 11-2005 (Pre-Zoning), being a change from County AE-20 (Exclusive Agriculture-20-Acre Minimum) Zone to City OA (Open Area) Zone; and

WHEREAS: In conjunction with Zone Change 11-2005, Annexation 454, proposes to annex 704± acres of land, 330 of which are non-contiguous, located generally north, south and west of the Porterville Municipal Airport; and

WHEREAS: The City Council of the City of Porterville, after conducting a duly noticed public hearing, 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 pre-zoning from County AE-20 Zone to the OA Zone for the area located generally north, south and west of the Porterville Municipal Airport consisting of Tulare County Assessor’s Parcel Numbers 302-080-011, 302-320-028, 302-110-059, 302-100-013, 302-130-028, 302-130-008, 302-130-007, 302-130-019, 302-130-021 as shown in Exhibit A attached hereto; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 11-2005.

1. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment; and,

2. That the Negative Declaration prepared for this project was made available for public review and comment; and,

3. That this zoning designation will allow for the reuse of effluent and spreading of biosolids as necessary per the requirements of the Waste Discharge Requirement (WDR) 05-01-103; and,

4. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 11-2005, is hereby re-zoned from County AE-20 Zone to OA zoning for the area located south and west of the Porterville Municipal Airport, more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

Section 2: It is further ordained that upon consummation of Annexation No. 454, 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 re-zoned from County AE-20 Zone to the OA Zone.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 454.

_____________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By_________________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: ZALUD HOUSE GARDEN RENTAL FEES

SOURCE: Parks and Leisure Services Department

COMMENT: The Zalud House Revenue Recommendation Committee has considered the garden rental fees and provided a recommendation for adjustment. This recommendation was reviewed by the Parks and Leisure Services Commission, which endorsed the recommendation.

Currently we require a two-hour minimum rental for weddings, and the rental fees are:
$50 per hour during scheduled House hours
$65 per hour during non-scheduled House hours
$75 reservation deposit (non-refundable if customer cancels)
$25 - $300 cleaning deposit

The recommended fee is specified in the draft Resolution attached as a part of this report.

RECOMMENDATION: Conduct a public hearing on the proposed Zalud House Garden Rental Fee and adopt the Resolution to adjust the fee effective March 1, 2006.

ATTACHMENT: Resolution

ITEM NO.: 18

[Signature]
Dir. Allocated/Funded C.M.
RESOLUTION NO. –2005

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADOPTING FEES AND CHARGES
FOR THE CITY OF PORTERVILLE ZALUD HOUSE GARDEN

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the
following fees and charges are hereby adopted to become effective on March 1, 2006, and that
such fees replace all previous fees and charges, for rental of the Zalud House Garden. Garden
rental includes the use of the garden area, bridal room, kitchen, tables and chairs.

Event use
(up to three hour time period, including setup and clean-up) $250.00
Extended time for event use
(per hour after the initial three hour period) $ 75.00
Reservation and cleaning deposit
(non-refundable if customer cancels reservation) $ 75.00

Dated this 17th day of January 2006.

__________________________________________
Kelly West, Mayor

ATTEST:
John Longley, City Manager

By: ______________________________________
Georgia Hawley, Deputy
COUNCIL AGENDA: JANUARY 17, 2006

SUBJECT: AN EXTENSION OF AN INTERIM URGENCY ORDINANCE PROHIBITING CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On December 6, 2005, the City Council adopted an Interim Urgency Ordinance prohibiting the construction, operation and maintenance of wireless communications towers. Since that time, staff has commenced work on a permanent ordinance to address the placement of such facilities. As with the development of any ordinance, there is time involved in completing the effort. As such, staff is requesting that the City Council approve a 120-day extension to the interim ordinance. Staff is working toward bringing the item back to the Council well within this time period but is requesting a period of time to account for unexpected delays.

RECOMMENDATION: That the City Council:

1. Hold a public hearing and adopt the attached ordinance extending the Interim Urgency Ordinance prohibiting the Use of residentially zoned land and land within 1,200 feet of residentially zoned property for construction, operation, and maintenance of towers for wireless communications

Attachment: 1) Interim Ordinance 1685

2) Interim Ordinance of the City of Porterville Prohibiting the Use of residentially zoned land for the construction, operation, and maintenance of towers for wireless communications
ORDINANCE NO. 1685

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF RESIDENTIALLY ZONED LAND FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF NEW TOWERS FOR WIRELESS COMMUNICATIONS

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

SECTION 1: The City Council of the City of Porterville herewith finds that there is a current and immediate threat to the public health, safety, or welfare, arising from the lack of procedures for determining the appropriateness of locations for wireless communications towers, and from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon wireless communications towers within the City of Porterville.

SECTION 2: The City Planning staff is presently studying the potential and appropriate City zoning locations, procedures and policies for the approval of the use of land for the purpose of constructing, operating and maintaining new wireless communications towers, and are developing proposed ordinances concerning the zoning, permitting, and regulation of wireless communications towers.

SECTION 3: The City of Porterville does further herewith find and determine that allowing the use of residentially zoned land for the purpose of constructing, maintaining and operating a new wireless communication tower prior to the adoption of procedures concerning the zoning and regulation of wireless communications towers will result in that threat to public health, safety or welfare being exacerbated.

SECTION 4: That the City of Porterville does further herewith find and determine that there are significant public health, safety or welfare concerns relating to issues concerning:

(a) Appropriate locations for wireless communications towers;
(b) Appropriate availability of sites for the development of wireless communications towers;
(c) Appropriate procedures to provide for public input and comment on the siting of wireless communications towers;
(d) Appropriate mechanisms being in place to impose appropriate and necessary conditions upon wireless communications towers; and
(e) Appropriate opportunities for the public, and the City Council to consider and address all impacts upon the immediate neighborhood and the community at large resulting from wireless communications towers.

All of which gives rise to a need to complete the study, within a reasonable time, of the potential and appropriate City zoning procedures and policies for approving the use of land for the purpose of constructing and operating a wireless communications tower, and in order to protect the public safety, health or welfare it is necessary to prohibit the use of residentially zoned land for the purpose of constructing and operating a wireless communications tower until such time as said study is
completed and the City Council has determined, what new and additional, if any, procedures and policies are necessary and appropriate to put in place.

SECTION 5: This Ordinance shall remain in full force and effect for a period of forty-five (45) days from and after its passage and adoption.

SECTION 6: The City Council does herewith direct the City staff to prepare and submit to the City Council, for consideration of approval and issuance by the City Council, a written report describing the measures taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report shall be submitted to the City Council at least 10 days prior to the expiration of this Ordinance.

SECTION 7: For the reasons set forth hereinabove, the City Council of the City of Porterville does herewith declare and determine that it is necessary to protect the public safety, health or welfare by adopting this Ordinance as an urgency measure to take effect immediately upon passage and adoption.

PASSED, ADOPTED AND APPROVED this 16th day of December, 2005.

Kelly West
Mayor

ATTEST:

Georgia Hanley
Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  ) (SS)
COUNTY OF TULARE  )

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1685, an Interim Urgency Ordinance, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 6th day of December, 2005, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective immediately, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN LONGLEY, City Clerk

By: Patrice Hildreth, Deputy City Clerk
ORDINANCE NO.

AN EXTENSION OF AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF RESIDENTIALLY ZONED LAND FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF NEW TOWERS FOR WIRELESS COMMUNICATIONS

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

SECTION 1: The City Council of the City of Porterville has previously enacted Ordinance No. 1685 as an Urgency Ordinance and said Ordinance shall expire on January 20, 2006.

SECTION 2: The City Council of the City of Porterville herewith finds that there is a current and immediate threat to the public health, safety, or welfare, arising from the lack of procedures for determining the appropriateness of locations for wireless communications towers, and from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon wireless communications towers within the City of Porterville.

SECTION 3: The City staff is presently preparing a Wireless Communications Ordinance to address the zoning, permitting, and regulation of wireless communications towers.

SECTION 4: The City of Porterville does further herewith find and determine that allowing the use of residentially zoned land, and land within 1,200 feet of residentially zoned land for the purpose of constructing, maintaining and operating a new wireless communication tower prior to the adoption of procedures concerning the zoning and regulation of wireless communications towers will result in that threat to public health, safety or welfare being exacerbated.

SECTION 5: That the City of Porterville does further herewith find and determine that there are significant public health, safety or welfare concerns relating to issues concerning:

(a) Appropriate locations for wireless communications towers; and

(b) Appropriate availability of sites for the development of wireless communications towers; and

(c) Appropriate procedures to provide for public input and comment on the siting of wireless communications towers; and

(d) Appropriate mechanisms being in place to impose appropriate and necessary conditions upon wireless communications towers; and

(e) Appropriate opportunities for the public, and the City Council to consider and address all impacts upon the immediate neighborhood and the community at large resulting from wireless communications towers.

All of which gives rise to a need to complete the study, within a reasonable time, of the potential and appropriate City zoning procedures and policies for approving the use of land for the purpose of constructing and operating a wireless communications tower, and in order to protect the public safety, health or welfare it is necessary to prohibit the use of residentially zoned land and land within 1,200 feet of residentially zoned land for the purpose of constructing and operating a wireless communications tower.
communications tower until such time as said study is completed and the City Council has determined, what new and additional, if any, procedures and policies are necessary and appropriate to put in place.

SECTION 6: The City Council finds that pursuant to Government Code Section 65858 (d), Staff prepared a written report and submitted it to the City Council for consideration describing the measures taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report was submitted to the City Council on December 20, 2005, more than 10 days prior to the expiration of this ordinance.

SECTION 7: The City Council herewith finds that the subject interim ordinance will allow time for the preparation permanent regulations and standards for the regulation of wireless communications towers, and that pursuant to Government Code Section 65858 (a), it is necessary to extend the Interim Urgency Ordinance for a period of 120 days, or until such time as the permanent ordinances can be adopted, and that the extension of time will expire on the effective date of the permanent ordinances if the effective date is prior to the horizon date of the extension of time, or upon the affirmative decision of the City Council that the interim ordinance should otherwise cease to be in effect. This Ordinance shall remain in full force and effect for a period of 120 days, unless extended, superseded by permanent regulation, modified, or ended by the City Council.

SECTION 8: For the reasons set forth hereinafore, the City Council of the City of Porterville does herewith declare and determine that it is necessary to protect the public safety, health or welfare by adopting this Ordinance as an urgency measure to take effect immediately upon passage and adoption.

PASSED, ADOPTED AND APPROVED this ___ day of ______________, 20____.

Pedro R. Martinez, Mayor

ATTEST:

________________________
Chief Deputy City Clerk
CITY COUNCIL AGENDA: JANUARY 17, 2006

PUBLIC HEARING

TITLE: ZONE VARIANCE 3-2005, TENTATIVE PARCEL MAP 6-2005 (JAMES SHELTON)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: Generally south of Mulberry Avenue between Second Street and Williford Drive in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST: The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) parcels (Parcel 1 and Parcel 2) of four (4) proposed parcels and approval of Tentative Parcel Map 6-2005. The proposed reduction would allow for two (2) (Parcels 1 and 2) of four (4) proposed parcels to have a lot width of 50.79 feet for Parcel 1 and 53.29 feet for Parcel 2.

PROJECT DETAILS: The subject site is vacant. In conjunction with Zone Variance 3- 2005, Tentative Parcel Map 6-2005 proposes to divide the existing 37,497± square foot lot into four (4) parcels and a remainder parcel. Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcel 1 and Parcel 2 will be double frontage lots, typical of those lots located to the south of the subject site.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum lot width of 60 feet.

Pursuant to Section 15313 Class 15 (Minor Land Divisions) of CEQA, the project is Categorically Exempt.

In order for the City Council to approve a zone variance request, three (3) findings must be made as outlined in the Staff Report. Based on the required findings, Staff is recommending approval of Zone Variance 3-2005 and Tentative Parcel Map 6-2005.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Zone Variance 3-2005; and


ATTACHMENTS:

1. Complete Staff Report
CITY COUNCIL AGENDA: JANUARY 17, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: ZONE VARIANCE 3-2005 TENTATIVE PARCEL MAP 6-2005 (JAMES SHELTON)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: James Shelton
888 Williford Dr.
Porterville, CA 93257

APPELLANTS AGENT: Winton & Associates
150 W. Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: Generally south of Mulberry Avenue between Second Street and Williford Drive in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST: The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) parcels (Parcel 1 and Parcel 2) of four (4) proposed parcels and approval of Tentative Parcel Map 6-2005. The proposed reduction would allow for two (2) (Parcels 1 and 2) of four (4) proposed parcels to have a lot width of 50.79 feet for Parcel 1 and 53.29 feet for Parcel 2.

PROJECT DETAILS: The subject site is vacant. In conjunction with Zone Variance 3-2005, Tentative Parcel Map 6-2005 proposes to divide the existing 37,497 ± square foot lot into four (4) parcels and a remainder parcel. Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcel 1 and Parcel 2 will be double frontage lots, typical of those lots located to the south of the subject site.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet. Parcel 1 will consist of 6,665 ± square feet and Parcel 2 will consist of 6,951 ± square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum lot width of 60 feet.

Pursuant to Section 15313 Class 15 (Minor Land Divisions) of CEQA, the project is Categorically Exempt.
Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.

Project specific findings for Zone Variance 3-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. The majority of the lots within the neighborhood were designed with 50 foot widths and which were approved either in the County or prior to the current standards being put in place. The proposed lot width on Parcels 1 and 2 will be consistent with the development pattern in the neighborhood. Of further consideration is the fact that Second Street elbows to the west at the northerly edge of Parcel 2. An existing storm drain easement also straddles the line between Parcels 2 and 3 which eliminates the possibility of shifting the lot lines to the north to conform to the minimum lot width standard.

2. All of those lots (17 total) extending south of the subject site between Second Street and Williford Drive to Henderson Avenue have lot widths of 50 feet wide. The square footage of those lots are 6,000 square feet or greater. The proposed Zone Variance lots (Parcels 1 and 2) consist of 6,665 ± square feet and Parcel 2 will consist of 6,951 ± square feet.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will allow Parcel 1 and Parcel 2 to develop in accordance with the General Plan and Zoning Ordinance.

GENERAL PLAN DESIGNATION: Low Density Residential
SUBJECT SITE ZONING: Existing - City R-1 (One Family Residential) Zone

SURROUNDING ZONING AND LAND USES:

North: City - Mulberry Avenue and County retention basin.
South: City - Single family residential dwellings.
East: City - Williford Drive and vacant land.
West: City - Second Street and residential dwellings.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed zone variance would negate the approval of the tentative parcel map and result in the subject site consisting of one (1) lot only.

2. Approve the Project. Approval of the zone variance will allow for conditional approval of the tentative parcel map. Approval of the parcel map will allow for the subject site to develop pursuant to the requirements of the Porterville Zoning Ordinance.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of CEQA. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: November 9, 2005.


RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Zone Variance 3-2005; and


ATTACHMENTS:

1. Tentative Parcel Map/locator map
2. Zone Variance application
3. Notice of Exemption
4. Draft Resolution approving Zone Variance 3-2005
5. Draft Resolution approving Tentative Parcel Map 6-2005
TENTATIVE PARCEL MAP

BEGINS A PORTION OF A PORTION OF LOT 72 OF TRACT NO. 188, Bk. 20-47 AND A PORTION
OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, T.26N., R.27E., CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

For
GREG SHELDON
BBB & MILLION'S DRIVE
PORTERVILLE, CALIFORNIA 93257
(559) 754-7855

By
JAMES WINTON & ASSOCIATES
120 WEST WERNER AVENUE
PORTERVILLE, CALIFORNIA 93257
(559) 761-2100

LEGAL

LEGEND

- = PARCEL DISCONTINUED
+ = EXISTING CONSTRUCTION
- = LOT NO. 9 TRACT NO. 158

NOTES

1. DATE: AUGUST 3, 2006
2. MNR. PURCH. OF 158-161-01. & 00
3. EXISTING USE: VACANT
4. PROPOSED USE: RESIDENTIAL
5. DRAINAGE WRITING EXISTING PATTERNS UNLESS OTHERWISE NOTED
6. GEODESY MARKS: CITY OF PORTERVILLE
7. SANITARY SEWER: CITY OF PORTERVILLE.
8. NURSERY, CIVIL SOUTHERN CALIFORNIA
9. Ponds: SOUTHERN CALIFORNIA HYDRAULIC
10. TELEPHONE: INC
11. CABLE TV: CHARTER COMMUNICATIONS
12. FLOODING ZONE A1, FOR FLOOD - SEE 410

ATTACHMENT
ITEM NO. 1

LOCATION MAP
NOT TO SCALE
APPLICATION FOR ZONE VARIANCE

ZONE VARIANCE NO. ______

TO THE CITY OF PORTERVILLE CITY COUNCIL:

The applicant(s) [James Gregory Shelton] is/are the owner(s)/lessee/agent of property located at 2900 Block of N. 2nd St., between 2nd/Williford Avenue/Street and Mulberry Avenue/Street.

Exact legal description of said property being (if necessary, use separate sheet):
All That Land Conveyed To The Minkler Southern Railway Company In The Deed Recorded May 23, 1921 In Volume 296, Page 478 of Deeds, Tulare County Records, Which Is Referred To As Parcel Six Of Said Deed.

A plot plan, 300 foot radius map, and property owners’ list are attached and made a part of this application (see instruction sheet attached).

A. Above-described property is owned by: James Gregory Shelton
888 N. Williford Dr.
Porterville CA 93257

Date Acquired: Dec. 4, 1998

B. If applicant is the lessee, give date property was leased: ____________________________

C. Attach the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted. Underline the restrictions which control the type and class of permitted uses.

D. Request: The applicant requests a variance on the above-described property for the following purpose:

The City of Porterville City Council is required by law to make a written finding of facts to show that beyond a reasonable doubt, the following conditions apply. Explain in detail (attach additional sheet) how your request conforms to the following conditions:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

3. That the granting of such variance will not adversely affect the General Plan or the purposes of this ordinance.

ATTACHMENT ITEM NO. 2
I/we declare and say that I am (we are) the owner(s) (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Porterville, CA, this 31st day of August, 2005.

[Signature]

Mailing Address and Telephone Number:

James Gregory Shelton
888 N. Williford Dr.
Porterville, CA 93257

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the Porterville City Council governing the filing of such application.

Date Received: ___________________________
Findings of Special Circumstances To Warrant
an Exception to the Strict Application of the
Zoning Ordinance Dictating Minimum Lot Frontage
Width.

1. Because of logistics and budgetary concerns,
the 2005 Installation of the Storm-Drain
Lateral Line from Williford Dr. to Second
St., and its corresponding maintenance easement,
were placed in such a location as to make
development of the subject property problematic
were the rules of the Zoning Ordinance Dictating
Minimum Lot Frontage Strictly Applied. An
attempt was made to try to be able to comply
with the aforementioned Zoning Ordinance
by acquiring property from the adjacent
property owner. Unfortunately, even after
acquiring half of the neighbor's frontage;
the subject property is still deficit in
meeting the minimum Lot Frontage
Requirement (even though it exceeds both
the minimum requirements for Lot depth
and Total Square Footage). However, upon
review of the surrounding neighborhood,
it was determined (probably because of
its age) that of the 38 existing developed
properties in the area, 33 of them did
not meet the current minimum lot width requirement, either, and in fact the vast majority of the developed properties in the neighborhood (27 to be exact) had frontages of 50 feet in width. Therefore, the strict application of the Zoning Ordinance, Dictating Minimum Lot Width, would actually deny the subject property the same privileges enjoyed by the majority of the properties in the surrounding vicinity (which also have the identical zone classification).

2. Because the proposed size of the building lots associated with this request for a zone variance will be larger than the majority of the existing developed properties and because the subject property is bordered by fully developed properties on 3 sides, this development should be considered "In-Fill" and shouldn't be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which it (the subject property) is located.
3. Since the Zoning for the Subject Area is R-1, Single Family Dwelling, the granting of this request for a Variance of the Zoning Ordinance Dictating Minimum Lot Frontage Width should not adversely affect the City of Porterville's General Plan nor the intended purposes of the Zone Variance Ordinance.
NOTICE OF EXEMPTION

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

FROM: City of Porterville
      291 N. Main Street
      Porterville, California 93257

Tulare County Clerk
County Civic Center
Visalia, CA 93291

James Shelton
888 Williford Dr.
Porterville, CA 93257

Zone Variance 3-2005 and Tentative Parcel Map 6-2005

Project Title

Generally on the west side of Second Street, south of Mulberry Avenue.

Project Location (Specific)

<table>
<thead>
<tr>
<th>City of Porterville</th>
<th>Tulare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (City)</td>
<td>Project Location (County)</td>
</tr>
</tbody>
</table>

A zone variance to allow a reduction of the 60 foot minimum lot width required in the R-1 Zone and consideration of a tentative parcel map to divide a 37,497± square foot vacant lot into four (4) parcels and a remainder parcel for that site generally located on the west side of Second Street, south of Mulberry Avenue.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

James Shelton, 888 Williford Dr., Porterville, CA 93257

Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

X Categorical Exemption. State type and section number: 15313 Class 15

Minor Land Divisions

Reasons why project is exempt

Bradley D. Dunlap, Community Development Director

Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the projected? Yes: No:

Date Received for filing: ____________________________

Signature ____________________________

Community Development Director

Title

ATTACHMENT 1
ITEM NO. 3
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF PROPOSED ZONE VARIANCE 3-2005 FOR PARCEL 1 AND PARCEL 2 OF PROPOSED TENTATIVE PARCEL MAP 6-2005 FOR THAT SITE LOCATED SOUTH OF MULBERRY AVENUE BETWEEN SECOND STREET AND WILLIFORD DRIVE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider Zone Variance 3-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for Parcels 1 and 2 of proposed Tentative Parcel Map 6-2005 for that site located south of Mulberry Avenue between Second Street and Williford Drive; and

WHEREAS: The proposed reduction would allow a lot width of 50.79 feet for Parcel 1 and 53.29 feet for Parcel 2; and

WHEREAS: In conjunction with Zone Variance 3-2005, the City Council of the City of Porterville also reviewed Tentative Parcel Map 6-2005 for the same site to allow for the division of a 37,497± square foot vacant lot into four (4) parcels and a remainder parcel. Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcels 1 and 2 will be double frontage lots, typical of those lots located to the south of the subject site; and

WHEREAS: The project is Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of the CEQA Guidelines; and

WHEREAS: Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.
Project specific findings for Zone Variance 3-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. The majority of the lots within the neighborhood were designed with 50 foot widths and which were approved either in the County or prior to the current standards being put in place. The proposed lot width on Parcels 1 and 2 will be consistent with the development pattern in the neighborhood. Of further consideration is the fact that Second Street elbows to the west at the northerly edge of Parcel 2. An existing storm drain easement also straddles the line between Parcels 2 and 3 which eliminates the possibility of shifting the lot lines to the north to conform to the minimum lot width standard.

2. All of those lots (17 total) extending south of the subject site between Second Street and Williford Drive to Henderson Avenue have lot widths of 50 feet wide. The square footage of those lots are 6,000 square feet or greater. The proposed Zone Variance lots (Parcels 1 and 2) consist of 6,665 ± square feet and Parcel 2 will consist of 6,951 ± square feet.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will allow the two (2) parcels to develop in accordance with the General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council does hereby approve Zone Variance 3-2005.

________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ______________________
Georgia Hawley, Deputy City Clerk
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT
OF APPROVAL OF PROPOSED TENTATIVE PARCEL MAP 6-2005
FOR THAT SITE SOUTH OF MULBERRY AVENUE BETWEEN SECOND STREET AND
WILLIFORD DRIVE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2005, conducted a public hearing to consider Tentative Parcel Map 6-2005 to allow for the division of a 37,497± square foot vacant lot into four (4) parcels and a remainder parcel for that site located south of Mulberry Avenue between Second Street and Williford Drive.

WHEREAS: The proposed parcels will consist of the following: Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcels 1 and 2 will create double frontage lots, typical of those lots located to the south of the subject site; and

WHEREAS: In conjunction with Tentative Parcel Map 6-2005, the City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2005, conducted a public hearing to consider Zone Variance 3-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for proposed Parcels 1 and 2 of Tentative Parcel Map 6-2005; and

WHEREAS: The proposed reduction would allow for Parcel 1 to have a lot width of 50.79 feet and Parcel 2 to have a lot width of 53.29 feet; and

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

WHEREAS: The City Council of the City of Porterville made the following findings in its review of the proposed tentative parcel map:

1. The project is Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of the CEQA Guidelines; and

2. That the proposed parcelization conforms to the land use designation of the General Plan.

The General Plan designates the subject site for Low Density Residential uses. The existing R-1 (One Family Residential) Zone is supported by the General Plan.
3. That the design or improvements of the proposed project is consistent with the General Plan. The Land Use Element of the General Plan designates the site for Low Density Residential development. The proposed parcel map will allow the site to develop in accordance with the Porterville Zoning Ordinance.

4. 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.

   The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential dwellings on all sides. Conditions of approval are included to ensure adequate development standards are met.

5. That the City Council is the decision-making body.

   NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Tentative Parcel Map 6-2005, subject to the following conditions:

1. Approval of the Tentative Parcel Map is contingent upon the Council’s approval of Zone Variance 3-2005

2. The developer/applicant shall provide a minimum of one (1) tree for each lot, or payment in lieu.

3. It should be noted that the “REMAINDER” parcel constitutes a Reverse Corner Lot. Future development of this lot would require a minimum setback of 12 feet from Mulberry Avenue.


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 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).

7. The developer/applicant shall dedicate required utility easements. No further dedication is needed along the Williford Drive frontage. A five feet (5') dedication along Mulberry Avenue is required and dedication at the northeast corner for a handicap ramp is necessary.

8. The developer/applicant shall comply with Appendix Chapter 33 of the California Building Code including the provision of “R-Value” tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the approval of the improvement plans and/or start of grading, whichever comes first. The developer/applicant shall provide the items indicated below:
   a. Grading Plans and Specifications.

9. 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, well abandonment (if any), has been deferred until such time as a permit or other grant of approval for development of the parcel is 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.”

10. 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).

11. Prior to recording the final map, the developer/applicant shall provide surety for, or have constructed, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

12. Prior to recording the final map, the developer/applicant shall construct or provide surety for drainage facilities that the City Engineer determines are necessary to serve the property.

13. 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 of phasing of the development (e.g., water, sewer, drainage, turnarounds, etc.).
If the City Engineer determines that construction of improvements is needed to protect the public health and safety or for the orderly development of the surrounding area, construct or provide surety for the construction of said improvements. The required improvements may be deferred in accordance with Section 66411.11 of the Government Code.

14. The developer/applicant shall construct a City Standard barricade at the end of all dead end streets.

15. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board, where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-30, AE, A99 or AH) the following conditions are required: All building plans and grading plans shall recognize that the site is within a Zone A flood hazard area with a Base Flood Elevation of 448.0 feet above mean sea level. A Registered Professional Engineer or Professional Land Surveyor shall certify that the finished floors will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finished floor is at or above the Base Flood elevation by submitting an Elevation Certificate to the City Engineer for approval prior to issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificate forms are available with the Engineering Division upon request.

16. When a tentative parcel map is submitted in compliance with the Subdivision Ordinance the need for additional conditions may become apparent or some of the above conditions may be found to be unnecessary. The developer/applicant shall be responsible for compliance with said additional conditions, if any.

17. The addresses for Parcel 1 and Parcel 2 will be off of Williford Drive only. The address for Parcel 3 and Parcel 4 will be off of Second Street.

18. Comply with latest applicable codes.

19. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

20. Fire hydrant spacing shall be as follows: Residential development, one (1) hydrant shall be installed at 500 foot intervals.

21. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure. One and two family dwellings having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 psi residual pressure.
22. A minimum setback of 12 feet from the property line fronting on Williford Drive will be required for any structure to include any six (6) foot fence for Parcel 1 and Parcel 2.

23. A minimum setback of 20 feet from the property line fronting on Second Street will be required for any structure to include any six (6) foot fence for Parcel 1 and Parcel 2.

___________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Deputy City Clerk
PUBLIC HEARING

SUBJECT: VACATE A PORTION OF WILLOW AVENUE AND AN IRRIGATION EASEMENT RELATED TO THE DEVELOPMENT OF LONG'S DRUG STORE ON HOCKETT STREET (Smith's Enterprises)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of a portion of Willow Avenue between "D" Street and the mid-block alley between "D" Street and Hockett Street. This portion of Willow Avenue lacks City standard public improvements. This public street is part of the Map of the Town of Porterville, recorded November 9, 1888. Development plans for the new Long's Drug Store ends the need for this segment of Willow Avenue. The City has authority to vacate this street segment under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

An easement will be retained for ingress, egress, parking and public utilities over and across the north 45 feet of said proposed vacation segment. The easement maintains the public link between "D" Street and Hockett Street and allows for City services to continue in, over and across the parking areas adjacent to the proposed development.

This is also the time and place set for a hearing on the proposed vacation of an easement for irrigation purposes generally located between the Hockett Street and the mid-block alley between "D" Street and Hockett Street. This easement was dedicated to the City while processing Parcel Map 3850, recorded November 20, 1990. Staff research reveals the lack of irrigation pipelines within this easement or the need for such improvements.

The Smith's Enterprise and the Leroy Rohrbach represent the proprietary interest to the properties fronting said segment of the proposed Willow Avenue vacation, of which Smith's Enterprise is the requesting party. Staff believes that there are no problems with any other reversionary rights.

Staff has followed all notification procedures outlined by said Streets and Highways Code and should the Council approve these vacations, a reservation easement will be retained for existing utilities within the vacated portion of Willow Avenue.

RECOMMENDATION: That City Council:

1. Adopt the Resolutions of Vacation, including reservations, for portion of Willow Avenue and an easement for irrigation purposes; and

2. Authorize the City Clerk to record the Resolutions of Vacation with the County Recorder;

ATTACHMENTS: Resolutions w/ legal descriptions and Locator Maps
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING TO PUBLIC USE
PORTION OF WILLOW AVENUE

WHEREAS, by Resolution No. 175-2005, passed on December 20, 2005, the Council of the City of Porterville declared its intention to vacate an unimproved road segment between "D" Street and the mid block alley between "D" Street and Hockett Street, which is situated within a portion of the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 17th day of January, 2006, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the street right of way hereinafter described is unnecessary for present or prospective right of way, and the City Council hereby makes its order vacating portion of Willow Avenue between "D" Street and the mid block alley between "D" Street and Hockett Street, which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations of a public access easement through and across the northern portion of the street vacation which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 3: The subject street vacation shall be subject to the reservations and exceptions set forth in Exhibit "B" which is attached hereto and by reference made a part hereof.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
Abandonment Request
Willow Avenue

That portion of Willow Avenue lying between a line connecting the Southwest corner of Lot 17 of Block 55 of the City of Porterville, County of Tulare, State of California, as per map recorded in Book 3, of Maps, at Page 18, Tulare County Records, and the Northwest corner of Lot 32 of Block 56 of said City of Porterville and the West line Parcel No. 2 and the Southerly prolongation of said West line of Parcel Map No. 3850, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 39, at Page 53 of Parcel Maps, Tulare County Records.

Reserving unto the City of Porterville an easement for ingress, egress, parking, and public utilities over and across the North 45.00 feet thereof.
EXHIBIT "B"

RESOLUTION NO.: _______

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent public utility easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, renew, enlarge, and expand public utilities, and/or appurtenant structures in, upon, over and across any street or alley or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or alley or part thereof proposed to be vacated.
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING TO PUBLIC USE AN
EASEMENT FOR IRRIGATION LINE PURPOSES

WHEREAS, by Resolution No. 176-2005, passed on December 20, 2005, the Council of the City of Porterville declared its intention to vacate, abandon, and close to public use that certain easement for irrigation line purposes in the City of Porterville, County of Tulare, State of California, and known as an easement no longer necessary due to the orderly development of Long’s Drug Store, of which easement is generally located between Hockett Street and the mid block alley between Hockett Street and “D” Street, and situated within a portion of the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 17th day of January, 2006, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the easement for irrigation line purposes hereinafter described is unnecessary for present or prospective use, and the City Council hereby makes its order vacating this easement, which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 3: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
October 5, 2005

Abandonment of Irrigation Easement

Abandonment of that easement to the City of Porterville for irrigation line purposes dedicated on Parcel No. 2 of Parcel Map No. 3850, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 39, at Page 53 of Parcel Maps, Tulare County Records.
PROPPOSED DRUG STORE
15,764 sq. ft.

PARCEL 2
2/142 sq. ft.

LANDSCAPE IRRIGATION EASEMENT ABANDONMENT
40.53'

UNDERGROUND LOCATION OF THE PORTER SLOUGH

RECEIVING
LOADING AREA

HOCKETT STREET

SCALE: 1" = 30'
ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
PUBLIC HEARING

SUBJECT: VACATE PUBLIC EASEMENTS FOR ACCESS AND MAINTENANCE OF UNDERGROUND UTILITIES, SLOPES AND PAVEMENT RELATED TO THE DEVELOPMENT OF AMALENE ESTATES, PHASE ONE SUBDIVISION (Bechara Construction, Inc.)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of easements for access and maintenance of underground utilities, slopes and pavement shown on the "The Ford Estates, Unit 1" Final Map. The easements were necessary for the orderly development of said subdivision, which is next to the southerly boundary of Amalene Estates, Phase One Subdivision. Construction of the public improvements for this subdivision ends the need for these easements. The City has authority to vacate these easements under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Vacation of these easement do not affect other agencies or other utility companies. The need for additional public utility easements will be addressed during the processing of the "Amalene Estates, Phase One" Final Map. If there are no objections to the proposed vacation, Section 66434(g) of the Subdivision Map Act allows the City Clerk, as directed by City Council, to officially record the vacation by stating so on the Final Map. The Final Map recordation, in effect, eliminates the need to record a Resolution of Vacation. The developer is requesting acceptance of the Final Map during Scheduled Matters of this City Council Meeting, January 17, 2006.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing; and

2. Authorize the City Clerk to execute the vacation of easements shown on the "The Ford Estates, Unit 1" Final Map by signing the appropriate statement on the Final Map.

ATTACHMENTS: Resolution 169-2005 w/ Locator Map
RESOLUTION NO. 169-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE,
EASEMENTS FOR ACCESS AND MAINTENANCE OF UNDERGROUND UTILITIES,
SLOPES AND PAVEMENT

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use those certain easements for access and maintenance of
underground utilities, slopes and pavement in the City of Porterville, County of Tulare,
State of California, and known as easements no longer necessary due to the orderly
development Amalene Estates, Phase One Subdivision, of which easements are
generally located within the southern portion of said proposed development.

SECTION 2: A map or plan of said public easements intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated, if any, in Section 8340 of the
California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 17th day of January,
2006, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council
Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby
fixed for the time and place for hearing any objections to the vacation, abandonment
and closing to public use of said easements way.

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of December, 2005.

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

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<th>Council:</th>
<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
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<td>ABSENT:</td>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
APN 240-110-059

Exhibit "A"

(Parcel 1)

An easement for access and maintenance of underground utilities, slopes and pavement, over, across, through and within a portion of the Remainder parcel of "The Ford Estates", Unit No. 1, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 37 of Maps, at Page 99 in the office of the Recorder of said County, more particularly described as follows:

BEGINNING AT the northeast corner of Lot 13 of said "The Ford Estates", Unit No. 1;

THENCE, North 00°15’22” East, 30.50 feet;

THENCE, South 89°56’25” East, 60.00 feet;

THENCE, South 00°15’22” West, 30.50 feet, to the northwest corner of Lot 14 of said "The Ford Estates", Unit No. 1;

THENCE, North 89°56’25” West, 60.00 feet, to the POINT OF BEGINNING.

CONTAINING 1,830 square feet.

(Parcel 2)

An easement for access and maintenance of underground utilities, slopes and pavement, over, across, through and within a portion of the Remainder parcel of "The Ford Estates", Unit No. 1, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 37 of Maps, at Page 99 in the office of the Recorder of said County, more particularly described as follows:

BEGINNING AT the northwest corner of Lot 1 of said "The Ford Estates", Unit No. 1;

THENCE, North 00° 15’ 22” East, 30.50 feet;

THENCE, North 89° 56’ 25” West, 60.00 feet;

THENCE, South 00°15’22” West, 30.50 feet;

THENCE, South 89°56’25” East, 60.00 feet, to the POINT OF BEGINNING.

CONTAINING 1,830 square feet.

(Parcel 3)

A 20 foot slope easement over, across, through and within a portion of the Remainder parcel of "The Ford Estates", Unit No. 1, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 37 of Maps, at Page 99 in the office of the Recorder of said County, more particularly described as follows:
BEGINNING AT the northwest corner of Lot 18 of said “The Ford Estates”, Unit No. 1;

THENCE, North 00°15'22" East, 20.00 feet;

THENCE, South 89°56'25" East, 42.00 feet;

THENCE, North 00°15'22" East, 30.00 feet;

THENCE, South 89°56'25" East, 105.00 feet;

THENCE, North 00°15'22" East, 72.22 feet;

THENCE, South 89°56'25" East, 100.00 feet;

THENCE, South 00°15'22" West, 30.50 feet;

THENCE, South 89°56'26" East, 85.00 feet, more or less, to the west right of way line of Westwood Street;

THENCE, South 00°15'22" West along said west right of way line, 20.00 feet, to the northeast corner of Lot 1 of said “The Ford Estates”, Unit No. 1;

THENCE, North 89°56'25" West, along the north line of said Lot 1, 105.00 feet, to the northwest corner thereof;

THENCE, North 00°15'22" East, 30.50 feet;

THENCE, North 89°56'25" West, 60.00 feet;

THENCE, South 00°15'22" West, 72.22 feet, to the northeast corner of Lot 20 of said “The Ford Estates”, Unit No. 1;

THENCE, North 89°56'25" West, along the north line of said Lot 20, 105.00 feet, to the northwest corner thereof;

THENCE, South 00°15'22" West, 30.00 feet, to the northeast corner of said Lot 18;

THENCE, North 89°56'25" West, along the north line of said Lot 18, 62.00 feet, to the POINT OF BEGINNING.

CONTAINING 9,294 square feet.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 11/27/05
EXHIBIT "B-1"

EASEMENT VACATION MAP

NORTH

OLIVE AVE

SUBJECT EASEMENT ABANDONMENTS

PARCEL 1

PARCEL 2

DOWGWOOD STREET

ROBY AVE.

JENNIFER DR.

CITY CO.

WESTWOOD ST.

ROBY AVE.

INDICATES EASEMENTS FOR UTILITIES, ACCESS & MAINTENANCE OF UNDERGROUND UTILITIES, SLOPES & PAVEMENT TO BE ABANDONED.

SCALE: 1"=200'

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462


OWNER: BECHARA CONSTRUCTION
APN: 240-110-059

DRAWN BY TJ
CHCK BY MKR
SUBJECT: SECOND READING - ORDINANCE 1686, AMENDING CHAPTER 19, CONCERNING PARKS AND LEISURE SERVICES COMMISSION EX-OFFICIO MEMBERS

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1686, amending Sections 19-2, 19-3, 19-4, 19-5, and 19-7 of Chapter 19, of Article 1, of the Porterville Municipal Code Concerning Participation by Porterville Unified School District on the Parks and Leisure Services Commission Board, was given First Reading on December 20, 2005, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1686 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1686
ORDINANCE NO. 1686


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

SECTION 1. Section 19-2 of Chapter 19, Article 1 is hereby amended to read as follows:

19-2. Parks and leisure services commission created; composition; function.

There is hereby created a park and leisure services commission, and said commission shall be composed of eight (8) members, who shall be residents of the City of Porterville. The park and leisure services commission shall serve in an advisory capacity to the city council.

SECTION 2. Section 19-3 of Chapter 19, Article 1 is hereby amended to read as follows:

19-3. Appointment.

Seven (7) of the said commission members shall be appointed by the mayor with the consent of a majority of the city council.

SECTION 3. Section 19-4 of Chapter 19, Article 1 is hereby amended to read as follows:

19-4. Term of office and compensation.

Terms for all commissioners appointed four (4) years, excepting the term for the first appointee by Porterville Unified School District as described in Section 19-5 and excepting the terms for the first appointees to the commission shall be as follows: Four (4) commissioners shall be appointed to four-year terms and three (3) commissioners shall be appointed to two-year terms commencing July 1, 1977. The terms of commissioners first appointed shall be determined by lot at an organization meeting of the commission, to be held and conducted within a reasonable time after said appointments. All Commissioners shall serve at the pleasure of the city council and may be removed by a majority vote of the city council at any time and for any reason. Members of the commission shall serve without compensation. No member of the commission shall serve more than two (2) consecutive four-year terms.

SECTION 4. Section 19-5 of Chapter 19, Article 1 is hereby amended to read as follows:

19-5. Member Appointed by Porterville Unified School District.

One representative of the Porterville Unified School District shall be selected by the District to serve as a voting member of the commission, excepting the term for the first appointee which shall be as follows: the first commissioner's term will commence March 1,
2005 and will terminate on October 31, 2007. The four year term thereafter will commence on November 1.

SECTION 5. Section 19-7 of Chapter 19, Article 1 is hereby amended to read as follows:

19-7. Meetings; records; quorum.

The commission shall hold meetings regularly and shall designate the time and place thereof. It shall adopt its own rules of procedure and shall keep a record of proceedings. All meetings and records of the commission shall be public. Five (5) members shall constitute a quorum for the transaction of business.

SECTION 5. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this 17th day of January, 2006.

ATTEST:

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

Deputy City Clerk and Clerk
of the Council of the City of Porterville
SUBJECT: OPTIONS FOR HOMELESS ASSISTANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In light of the recent attention given to the homeless problem in Porterville, specifically in regards to the eviction of the “tent city” community near Olive Avenue on the east side of town, questions have once again been raised regarding the City’s efforts to address the problem of homelessness and the options that might be available to the Council. Attached to this agenda item is the Issue Paper on Homelessness that was presented to the Council in July, updated with more current information.

For discussion purposes, the following outlines the resources that might be available to aid in addressing homelessness. However, this could result in a reduction in funding in one or more established efforts, especially in regards to Community Development Block Grant (CDBG) funding. The discussion will be divided into resources that may be made available for program and operational costs and those for capital improvements which also translates into a discussion of short term versus long term options.

Funding Options:

Short Term – Operational and Program Costs

One of the only grant sources of funds available to the City for operational and program costs for short term solutions are CDBG funds. As explained in the Issue Paper on Homelessness, CDBG funds can be used effectively in homeless programs, however, there are restrictions, such as the limitation of 15% of the entitlement allocation plus program income received during the prior year to be able to be expended for public service projects. These can include any operational or program costs for a wide range of public service activities to assist persons who are homeless or to help prevent homelessness. To be eligible, a public service must be either a new service or a quantifiable increase in an existing service, above that which has been provided by state or local funds in the twelve month period prior to submission of the action plan. Such public services include, but are not limited to:

- Payment of the costs of operating a homeless shelter
- Drug abuse counseling and treatment
- Child care for homeless persons seeking employment
- Providing health care by paying for salaries or equipment at a clinic
• Job training and education programs
• Fair housing counseling
• Emergency payment of rent and utilities
• Operation of a food bank or soup kitchen
• Providing supportive services, on-site, at supportive housing residences

Therefore, the cost of short term solutions, such as creating a camp ground somewhere in the city, opening a vacant building for shelter, or providing assistance to existing agencies for new services to this population would all entail the use of these public service funds.

The problem lies in the fact that in the current 05/06 budget, and as has been the case for many years, the eligible public service funds are allocated to the operation of the Youth Center which is now housed in the newly constructed Heritage Center complex. Therefore, the dollars available for public service are extremely limited. Additionally, the 05/06 CDBG budget was reduced by nearly $43,000 from the previous year which already reduced the Youth Center budget by $6,300. The City has not yet received notification of the anticipated entitlement allocation for 06/07 which means, that for planning purposes, we are assuming that the allocation will be close to the current level. Typically, the allocation is not dramatically increased from year to year, and in reality could be significantly reduced.

Additionally, the City of Porterville has limited discretionary CDBG funds available for other uses, short term or long term, since a large percentage of the current entitlement allocation is being used for debt service on the Section 108 loan utilized for the construction of the Heritage Center. The City, through the public participation process, determined that continuation of the Murry Park Improvement Project, the Business Assistance Program, and the Homebuyer Education Program are the programs to receive this discretionary funding. The First Time Low Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, and the Public Utility Loan Program are also programs identified in the Consolidated Plan and Action Plan, however, they are not funded by current entitlement funds, but by program income or other grant sources.

In order to use these current CDBG funds for housing, and specifically, homeless projects, or for additional public service projects, an amendment to the Five Year Consolidated Plan and the 05/06 Action Plan, both adopted in 2005, would have to be approved which is a two to three month process. For changes to add new projects for future funding, the Consolidated Plan would also have to be amended and the new programs included in the 06/07 Action Plan that is in the process of being developed and scheduled to go to City Council for adoption in May.

In order to have a better understanding of what CDBG funds could be used for, other than public service projects, HUD has provided a list of examples of using
CDBG funds to assist in providing shelter, whether emergency, transitional, or permanent. These examples include, but are not limited, to the following:

- Rehabilitation of a vacant building to be used as a group home to serve the chronically homeless

- Acquisition of a building by a grantee and disposition of the property by donation to a nonprofit entity which will own the property and develop permanent rental units

- Clearance of a site on which an emergency shelter will be constructed

- Moving a house to another site where it will be used for transitional or permanent housing

- Homeownership assistance through payment of closing costs and downpayment as well as homeownership counseling (City already administers this program)

- Acquisition and rehabilitation of an apartment building for use as permanent affordable housing for the homeless

- Extension of water and sewer lines to a new group home

- Conversion of an abandoned public school to a facility providing both shelter and services to the homeless

- Local matching share under another Federal program for CDBG –eligible activities that assist the homeless, E.g., HUD’s Shelter Plus Care Program

Historically, the City of Porterville has not utilized its CDBG funds to directly address the homelessness issues, except as part of the CDBG administration budget for the Continuum of Care annual dues and personnel costs for working on the Continuum of Care.

Long Term Options – Capital Building Projects

Besides CDBG, there are several sources of state and federal funds that the City might pursue in order to acquire, rehab, or build a safe haven, an emergency shelter and/or transitional housing. The state has Emergency Housing and Assistance Program Capital Development (EHAPCD) funds available for up to $1,000,000 for renovation, major rehabilitation, conversion, and new construction. Recommendations for the award of these funds is currently being made by the Kings/Tulare Continuum of Care as the Designated Local Board for this area. Unfortunately, the 05/06 applications (once annually) for this funding are due on February 2, 2006 which would probably not be enough time for
determining an activity and preparing an application for this year. In addition, the City could also apply through the Continuum of Care for McKinney/Vento funds, but would have to participate in the competitive ranking process with the other agencies in the Continuum. Funding levels are determined annually with emergency, transitional, and permanent housing projects eligible. Applications are normally due in June or July, but the application ranking process begins in April/May. This application cycle also includes the Shelter Plus Care Program that provides rental assistance for hard-to-serve homeless persons with disabilities in connection with supportive services funded from sources outside the program. In order to rank high enough for award of these extremely competitive funds, the agency has to show a proven track record in administering these types of projects or have partnerships with agencies that have proven track records. Another source of funds might be the Workforce Housing Rebate Funds (WHR), awarded to the City for the development of new very low and low income units, which could also be used for public capital improvements related to housing.

The main challenge in building a facility of this nature is in the managing and continual operation of the facility. The City would most likely want to form a strong partnership with one or more agencies for supplying management and supportive services. The question of funding sources for operating costs then once again becomes a major issue. The City or the agency involved could apply for Federal Emergency Shelter Grants (FESG) through the state, but it is a very competitive grant with funding ranging from $30,000 to $100,000 annually. Several of the agencies in the Continuum applied in the last funding cycle and were not awarded funds. The City would be competing with these local agencies for these very limited and competitive funds.

In terms of other possible funding for dealing with the homeless, the City could utilize General Funds and/or Redevelopment Funds for a project, if funds were available. However, there are great demands for the General Fund dollars and at this point in time, there are no Redevelopment funds available.

As this matter is being discussed in Porterville, the other cities in the region are dealing with the same issues. This week a private citizen in Visalia has offered to the Continuum of Care a vacant building in the northeast section of town rent free for five years. The Continuum is working with several agencies and the City of Visalia to determine the feasibility of pulling together funding for rehabilitation of the building for a safe haven, which will offer many supportive services for the homeless.

If the City were to decide to pursue funding for a project such as a homeless shelter or safe haven, there should be an awareness that this is an area in which the staff is not currently experienced and one that would need additional personnel and administrative assistance to come to fruition, both for the initial development of the facility and for long term maintenance and operation of the facility.
RECOMMENDATION: Discussion item only

Attachments:
1. Issue Paper on Homelessness
2. 2003 Homeless Survey Results for Porterville
3. Homeless Service Providers in Porterville
City of Porterville
Issue Paper on Homelessness
July 5, 2005
(Revised 1/3/06)

As is well known, not only in Porterville, but in every city and county throughout the country, homelessness is a chronic condition and an extremely complicated and complex issue to address, mainly due to the high percentage of mental illness and substance abuse that accompanies homeless. Solutions are not easy to find and the problem must be attacked in an systematic and strategic manner. This is the main reason that the Department of Housing and Urban Development (HUD) began to require cities and counties to belong to a Continuum of Care (CoC) and develop a Continuum of Care Plan in order to be eligible to receive funding for agencies within their jurisdictions. As defined by HUD “a Continuum of Care Plan is a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.”

In light of this mandate, this paper will attempt to outline the history of the City’s involvement in the CoC, the actions that have been and are being taken to address homelessness, and what options might be available for the City to pursue. Much of the following information is taken from the most recent (2004/2005) Consolidated Annual Performance and Evaluation Report (CAPER) and the adopted 2005 Consolidated Plan and 2005/06 Action Plan.

History of Continuum of Care

In a county wide collaborative effort during 1999-2000, City of Porterville staff provided input into the development of a draft Continuum of Care Plan for the homeless in Tulare County, spearheaded by the City of Visalia. The development of the CoC was based on input from service providers and representatives from throughout the County. A working core group of representatives met for several months to identify the issues and develop strategies to address those issues.

This Continuum was expanded further in 2000-2001 when an effort was organized for a regional group encompassing Kings and Tulare counties. In 2002, the regional Continuum group adopted a strategic plan to carry out its identified mission, “To build and sustain an integrated CoC system for homelessness that promotes quality of life by improving access to health, education, employment and other supportive services connected to or as part of varied levels of homeless support in our communities.” The Strategic Plan identifies the goals and objectives of the CoC and integrates Best Practices and Model Programs into the strategies. During the last two years, Community Services and Employment Training (C-SET) continued to serve as the administering agency for the Continuum as long as a small percentage of funding was provided by the Continuum.

The City of Porterville has been one of the only cities within the regional CoC to consistently have representation at the meetings, financially support the CoC, and to be active in the various
committees of the CoC. Staff has been extremely instrumental in facilitating progress within the CoC and serving in different capacities to insure that the CoC remain viable. This is definitely a difficult task since there are no real designated funds for the administration of the CoC, even though it is a mandated requirement, and the active participants from the agencies spread throughout the two county region all have other jobs and participate in the CoC in the time that is allowed by their positions. The CoC has applied for other grants for the administration of the CoC and have worked with the applicant agencies in the current round of funding to have them commit a percentage of their administration allowed for their programs to be dedicated to the administration of the CoC. The Executive Committee of the CoC is constantly reviewing options for funding assistance for the administration of the CoC since this is the main ingredient that is needed to reach the next level of development for the CoC. There needs to be a full time, or at least half time employee, to dedicate time directly for the CoC and facilitate the coordination of all the agencies involved.

The CoC holds monthly general meetings with the members, which include non profit organizations, governmental agencies, and homeless or formerly homeless individuals. The main committees of the CoC also meet at least monthly and report directly to the general meeting. In the spring of 2003 and again in January of 2005, a point in time survey of the homeless in the two counties was conducted in order to provide some substantive information regarding the number and the characteristics of the homeless in the area. In 2003, the CoC volunteers interviewed 163 homeless in Porterville (Attachment No. 1), with similar numbers in 2005. The point in time survey for 2006 is in the process of being organized in the two county region for January 26, 2006.

Accomplishments of Continuum of Care

Over the most recent past, the primary role of the Continuum of Care was to bring public attention to the problem of housing and homelessness in Kings and Tulare County and to assist CoC members in their efforts to secure additional funding for emergency and transitional housing. Efforts over the past year to highlight the issue of homelessness include providing a presentation at Congressman Devin Nunes' Housing Conference in March 2004; participating in the Central California Mental Health Housing Conference in April 2004; giving power point presentations to City Councils, Boards of Supervisors and to community and faith-based organizations, and the hosting of the first Housing Conference on Homelessness in October 2004. The City of Porterville even went further and, in coordination and sponsorship with local agencies, held a summit on homelessness specifically targeted to the Porterville area in January 2005. These activities were all meant to further raise the level of public awareness, increase participation in the work of the CoC and to call the community to action to address the ever growing problems associated with homelessness within Kings and Tulare Counties.

In addition, the CoC focused attention on affecting local public policy and worked with all local governmental jurisdictions within Kings and Tulare Counties to include strategies and objectives relating to addressing the need for eradicating homelessness within the new housing elements adopted by each in 2003. For the first time, addressing the housing needs of the homeless is a part of every local jurisdiction’s housing element.
The CoC recently applied to the State and was successful in becoming a Designated Local Board which means that applications by agencies for State funding for emergency housing will be reviewed and awarded by the local CoC. Agencies will be encouraged to be a participating member in the CoC in order to receive enough points needed for an award of funds.

The City continues to cooperate with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. Further, the City continues to participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This program’s intent is to allow the local contact to receive calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

In addition, the City of Porterville works with local profit and nonprofit organizations, the Tulare County Housing Authority (TCHA), and the County of Tulare to strengthen reciprocal transfer of information and to maximize efforts directed to assist low- to moderate- income families of the community. Further, the City conducts an on-going evaluation of its delivery system, and those of the agencies it works with, to see if improvements can be made. Together with the TCHA, the City encourages the maintenance of adequate Section 8 Certificates/vouchers within the City in proportion to the City’s growing, very low income resident population. In 2003, five hundred and sixty nine (569) households were assisted with Section 8 vouchers and certificates (over $3 million dollars in the Porterville area).

Homeless Service Providers for Porterville

There are a number of support services and facilities for homeless person, or those threatened with homelessness, in Porterville or accessible to Porterville residents. The following agencies provide these services:

*Tulare County Health and Human Services:* In 2004, this agency received 704 applications and assisted 653 requests county-wide for housing assistance from families who are already homeless or in danger of becoming so. In Porterville alone, the Social Services Department received 151 applications and assisted 145 cases or 21.4% of the total requests in the County and expended $62,943 over the year to help these people ($325,263 was expended County-wide). The Department places their clients in the Central Valley Family Crisis Center, the Tulare County Emergency Shelter, and local motels. The Department may also assist in acquiring permanent housing, paying the first month’s rent and deposits. This is a once in a lifetime benefit for eligible recipients.

*Central Valley Family Crisis Center,* previously known as the Porterville Mission Project, *Mary Baker Women’s Shelter*(Domestic Violence Shelter): The Domestic Violence shelter provided housing to a total of 594 clients (un-duplicated count), both women and children, in 2004. The shelter currently has 38 beds, four of which are cribs, and averages over 32 clients a night. Approximately fifty-nine percent (54%) were victims of domestic violence and forty-one percent (46%) were street homeless. Among
the homeless population, fifty eight percent (58%) had drug/alcohol issues and almost twenty percent (20%) suffered from a mental illness. Children (under the age of 18) make up a significant portion, forty eight percent (48%), of those served.

In addition to the Domestic Violence Shelter, the Mission Project also operates a Transitional Housing Shelter. This program consists of six, two-bedroom apartments in the City of Porterville, which can provide housing to thirty six (36) individuals. This program provides counseling in budgeting, finances, job search, parenting, and domestic violence prevention. Clients are allowed to stay in the shelter for a maximum of one year. The goal of the program is to facilitate permanent housing for clients.

The Central California Family Crisis Center will soon begin construction on the first of a three phase shelter project. The first phase consists of four, two bedroom transitional apartments, with a laundry room and small office for on-site support staff. It is expected to be completed by summer 2006. The second phase will be an additional unit of four, two bedroom apartments. The third phase will be a new 56 bed emergency shelter complete with children’s center.

*Porterville Area Coordinating Council (PACC)*: PACC is a private, nonprofit organization sponsored by the Porterville Area Ministerial Association. Their mission is to help those in need with housing and basic need requirements. Of the 150 to200 requests for assistance each month, PACC is able to assist approximately half of those cases. Expenditures for emergency housing has increased to average between $1500 to $2000 a month. PACC also administers energy assistance grants with the average expenditure of $75. Many of the other local and county agencies refer the homeless to PACC for assistance.

*El Granito Foundation*: El Granito Foundation is a private nonprofit organization whose mission is to help those in need. They have 6 beds available for emergency shelter. They also provide financial assistance for housing, outreach, food and clothing, legal assistance, job placement assistance, education in living skills, case management, transportation, substance abuse treatment, and are advocates for the homeless.

*American Red Cross*: The primary purpose of the American Red Cross is to assist disaster victims. The organization previously had an office in Porterville and also assisted walk-in clients, many of them homeless. However, three years ago, the Porterville office was consolidated with the Visalia office, and therefore, services to the homeless in Porterville is nearly non existent.

*St. Vincent de Paul*: St. Vincent de Paul provides food, clothing and financial assistance to homeless persons, but does not provide emergency shelter.

*Community Services and Employment Training (CSET)*: This nonprofit organization’s mission is to seek to strengthen youth, families, and communities through education, employment training, youth development, mentoring, leadership building, job creation,
environmental stewardship and other strategies that support self-reliant families and caring communities. CSET administers Federal Emergency Management Act (FEMA) emergency housing assistance in Tulare County. CSET provides financial assistance to persons in danger of eviction for failure to pay rent and to homeless persons who cannot make the first rental payment. CSET also sponsors a home weatherization program that assists homeowners to improve their energy efficiency, which saves money on their utility bills. In addition, CSET has resources to assist low-income families once a year with utility payments.

**PAAR Center:** The PAAR Center typically assists 53 men and women at any one time. The PAAR Center serves primarily homeless substance abusers. The facility has a 63 bed capacity. The average stay at the Center is 60-90 days. Approximately 24 new clients enter the Center each month.

**Daybell-Brooks Transitional Center:** The Daybell-Brooks Transitional Center is a shelter for homeless single men located just east of the downtown business district of Porterville. The center is designed to provide counseling and financial assistance to its clients. The facility has a 7 bed capacity.

**Helping Hands:** This is a volunteer based soup kitchen housed in the basement of a local church building in the downtown area. In 2004, Helping Hands served 69,602 mid day meals to those in need including many homeless, utilizing 18,080 volunteer hours.

**Porterville Rescue Mission:** This program was incorporated in August 2001 offering hope, comfort, and help to the homeless and those in need. It operates a food pantry that serves over 800 families per month. As of July 2005 the pantry has distributed over 694,000 pounds of food to 9,600 families (44,544 individuals). In PY 2004, the Porterville Rescue Mission served 33,694 individuals either in the food pantry, community closet or guidance center. It served 1,850 Sunday meals and had 17,200 volunteer hours.

A table (Attachment No. 2) is attached for your reference which provides a list of these service providers and facilities within Porterville and includes a brief description of the services the organization provides. These facilities serve a variety of homeless persons, including battered women and children, persons with mental and/or physical disabilities, individuals, and needy families.

**Other City Assistance**

The housing assistance programs provided by the City, lenders, and other governmental agencies increase the access to permanent housing. In particular, the City’s first time low income homebuyer program and the Redevelopment assistance for the Casas Buena Vista subdivision provide programs that can increase the access to affordable permanent housing even for the very low income. The tax credit multi family projects (4 developments with 320 units) and HOME
projects such as the St. James Place increase the availability of affordable rental units for the lower income households.

In terms of activities to prevent homelessness, the main focus of the City is to pursue economic development projects that will create jobs and work with the job development agencies in providing training for the underemployed and unemployed in order to make them employable for those jobs. The City also provides the public with information and/or referrals regarding housing issues that could lead to homelessness. In being an active participant with the Continuum of Care, the City works with the service agencies to implement the strategies for prevention of homelessness that are outlined in the adopted Strategic Plan.

The major objectives of the Strategic Plan for the Continuum which are also found in Exhibit 1 in the application for McKinney/Vento federal funding, are outlined below. These also represent the objectives of the City as the City continues its participation and its active support of the efforts of the Continuum and all those organizations that provide the necessary support services for the Homeless and prevention of homelessness.

**Continuum of Care Strategies as detailed in Exhibit 1**

**Preventive Strategies:**

The Continuum of Care (CoC) prevention strategies focus on effective discharge planning, with an emphasis on requiring foster care programs, in-patient mental health hospitals, hospitals and correctional facilities to provide discharge planning services to clients to ensure that they have access to housing and other needed support services, including respite care, upon discharge. Action steps include convening a working group with stakeholders to examine the discharge planning policies and systems within corrections facilities and each County’s human service agencies and identifying initiatives to improve those policies and systems; identifying best practices and agency-specific initiatives to improve discharge planning; identifying “cross-cutting” initiatives to improve policies and practices across multiple County agencies. In addition, due to the number of prisons located within the region, the CoC has adopted a plan to develop a Continuum-wide, multi-system community re-entry plan that includes housing.

**Outreach and Assessment**

The CoC’s plan calls for enhancing and developing outreach to and engagement of chronically homeless persons who are mentally ill, substance abusers, and dually diagnosed and service resistant, and at-risk populations such as youth runaways, ex-offenders, veterans, victims of domestic violence and those with health risks such as HIV/AIDS. The CoC is working on developing and implementing a long-term outreach program which is both linguistically and culturally competent, linked to a common intake, assessment, and cross-case management effort to identify people now left unserved and underserved. The specific action steps identified by the CoC to accomplish this are 1) identifying unmet needs, 2) utilizing the expertise of advocates and others to
implement creative and intensive outreach strategies to reach and assess the needs of homeless people who are living in encampments or on the street, including those with serious mental health issues, substance abuse issues, multiple diagnoses, or due to a lifestyle choice, 3) sending program staff to shelters, soup kitchens, and other locations where homeless people congregate, 4) holding mainstream programs more accountable for serving homeless people, 5) providing information and referral to isolated rural areas and those highly at risk of becoming homeless (i.e., at-risk youth, ex-offenders, victims of domestic violence, dually diagnosed individuals, mentally ill individuals, substance abusers, those with health problems and those who are unemployed or with economic hardships), 6) providing outreach satellite services to youth who are homeless or at risk of becoming homeless, including youth who are aging out of foster care, 7) supporting continued outreach efforts by mainstream service providers (Social Security Administrations, Veterans Administration, Food Stamp Administration) and work to expand this outreach to target people who are homeless, including conducting outreach at sites where homeless people congregate, 8) creating an Outreach Coalition with outreach workers from homeless service programs and mainstream service agencies which serve people who are homeless to facilitate the sharing of resources and information, assist in tracking clients, and provide mutual support, and 9) providing education and training for outreach workers on effective and culturally appropriate outreach practices and available resources for referrals.

Emergency Housing

The CoC recognizes the great need for additional emergency housing and has set as a goal the creation of a new emergency shelter targeted at meeting the needs of the chronically homeless. The CoC will work with area agencies to develop plans to increase the number of beds available for emergency housing, such as Michael’s House, Kings County Action Organization, Kings View Counseling, Visalia Rescue Mission, and Central Valley Family Crisis Center.

Transitional Housing

The CoC has recognized the need to develop additional transitional housing programs designed to be effective for the population served, linked to permanent housing. Specifically it identified certain subpopulations within the homeless population which have greater need of such housing. These subpopulations are those who are chronically mentally ill, with substance abuse issues and/or HIV/AIDS; parolees; families, including single fathers with children; victims of domestic violence; youth aging out of foster care; migrant workers; and those with physical disabilities. Identified action steps include 1) identifying land, building and funds for development of new transitional housing, 2) supporting initiatives to require mainstream systems to contribute to the funding of these programs, 3) creating mechanisms for identifying and tracking underserved populations, 4) developing relationships with the farming community, labor organizations that support agricultural workers and local governments to support funding of transitional housing for migrant workers, and 5) developing interagency memoranda to improve
coordination between providers of transitional housing and those of permanent, affordable housing to facilitate placement of people leaving transitional housing into permanent housing.

**Permanent Housing**

The plan calls for the creation of new housing and service opportunities designed for those with serious mental illnesses, multiple diagnoses, substance abuse and other ongoing service needs that cannot be met through traditional housing and social services. Best practices have been identified for replication including 1) designing a program to the needs of the population, and, and individualizing a case plan to each individual or family to ensure success, 2) providing intensive support services focused on ensuring the success of clients on the path to self-sufficiency, and 3) collaborating by both mainstream and homeless-specific housing and service providers to serve clients as effectively and economically as possible. Identified action steps are to 1) develop new stable housing units in which appropriate support services are available, 2) implement a “housing first” approach for families with multiple issues, and 3) implement a continuum-wide strategy for the role of Safe Havens.

**Discharge Planning Policy**

The CoC’s five year strategic plan’s prevention strategies focus on effective discharge planning, with an emphasis on requiring foster care programs, in-patient mental health hospitals, hospitals and correctional facilities to provide discharge planning services to clients to ensure that they have access to housing and other needed support services, including respite care, upon discharge. Action steps include convening a working group with stakeholders to examine the discharge planning policies and systems within corrections facilities and each County’s human service agencies and identifying initiatives to improve those policies and systems; identifying best practices and agency-specific initiatives to improve discharge planning; identifying “cross-cutting” initiatives to improve policies and practices across multiple County agencies. In addition, due to the number of prisons located within the region the CoC has adopted a plan to develop a Continuum-wide, multi-system community re-entry plan that includes housing.

The plan works with the discharge process in facilities of corrections, hospitals, mental health services, foster care programs, in-patient care providers, and group homes to ensure access to housing and support services.

Discharge planning services begin with the Initial Interview/Assessment of the clients’s status, support systems, personal recovery, psychological, employment/means of support, legal, health, living, spiritual, and safety needs. Working with this client centered base, the facility begins developing with the client his/her view and desires for the future. Dealing with the realities and building upon the individual’s strengths, the program works with the client and provides the tools that will be needed for a safe, productive and recovery based life geared to the client’s goals. During this process the client is
empowered to the best of their potential to look at alternatives, deal with reality, and establish a solid but flexible plan for discharge that will provide for a safe, supportive environment and systems for a positive fulfilling life.

The plan provides for all the basic areas of personal needs of a safe housing and living environment, mental and physical health care, and recovery based supportive systems with positive growth potential. As appropriate, the plan works with family, community, and professional systems to support the individual while providing or setting up systems for follow-up and aftercare.

Funding Resources and Options Available

One of the most important sources of funding for homeless projects is the federal McKinney/Vento program that is awarded on a competitive basis even though a prorata share of funds is allocated by jurisdiction. This is the funding that can only by applied for through a CoC. The Kings/Tulare CoC has received funding in three application rounds including over $500,000 for the Central Valley Family Crisis Center and over $600,000 for Alternative Services which are both based in Porterville.

The CoC recently completed the application for the 2005 round of McKinney/Vento funding for homeless projects. This is an exhaustive and complex application that requires the CoC to hire a consultant to write the required Exhibit 1 and to pull all the individual agency applications together for the package. There is a review and ranking committee consisting of persons outside of the CoC that read each agency’s application and interviews them. The applicants are then ranked and given priority status for the final application submittal. Permanent Housing projects are given a high priority since there is a bonus available for such projects. The prorata need established by HUD for the Kings/Tulare CoC for 2005 is $1,288,688 which includes the bonus funds available. Agencies applying for this round of funding include El Primer Paso, formerly the Tulare County Hispanic Commission, Family Services of Tulare County, Partners for Youth Vision, and United Way of Tulare County as the lead agency for the development of the Homelessness Management Information System (HMIS) that is also required by HUD to be implemented by the CoC’s. Awards of these funds will not be announced until the end of the year (the CoC just received notification that only $89,000 out of the $1.2 million was awarded to the CoC for work on the HMIS - the scoring has not yet been released, so it is hard to evaluate why more funding was not awarded, but it appears that there was a quite a bit of reallocation of funds to assist with the “Katrina” rebuilding).

Currently, the CoC is also actively involved in the Frequent Users of Health Service’s Initiative of which Kaweah Delta Hospital Foundation is one of six collaborative partnerships in the state. The Initiative is a five- year, $10 million joint project of The California Endowment and the California HealthCare Foundation focused on promoting a more responsive system of care that addresses patients’ needs, improves outcomes, and decreases unnecessary use of emergency rooms and avoidable hospital stays. “Frequent users” are often chronically ill, under-or uninsured individuals who repeatedly use emergency rooms and hospitals for medical crises that could be prevented with more appropriate ongoing care. They often have multiple psychosocial
risk factors, such as mental illness, alcohol/substance use disorders and homelessness, and they lack social supports, which affects their ability to get continuous, coordinated care and services.

The Initiative supports innovative approaches that address frequent user patients’ multiple needs through multidisciplinary care, data sharing, adoption of best practices and engagement of patients in the most appropriate setting. The Foundations created the Initiative to encourage such approaches and stimulate the development of a cost-effective, comprehensive, coordinated delivery system for health and social services.

After meeting with the staff of the Foundations, they have pledged their support and technical assistance for targeted areas of concern, one of which is efforts to develop supportive housing capacity within the county. The CoC is in communication with them to take advantage of this offer of assistance.

The City has historically taken the approach of supportive assistance to the homeless service providers in the community, helping them in whatever way they need in their direct applications for grants from state and federal sources. Since the City has not been in the position to own and manage housing facilities, funding has not been applied for directly by the City for such facilities. Most of the housing projects and programs that the City does administer are targeted to the permanent housing element on the Continuum scale and the emergency and transitional housing have been left to the non profit agencies to own and operate.

While Community Development Block Grant funds can be used very effectively in homeless programs, there are restrictions, such as the limitation of 15% of the grant funds for public service projects which is where assistance to any nonprofit for operational funds would be allocated. This is definitely a problem for Porterville since those funds are currently allocated to the operation of the Youth Center and there are no discretionary funds available in the public service category. Additionally, there are limited discretionary CDBG funds available for other uses since a large percentage of the current entitlement allocation is being used for debt service on the Section 108 loan utilized for the construction of the Heritage Center. The City, through the public participation process, determined that continuation of the Murry Park Improvement Project and the Business Assistance Program are the programs to receive this discretionary funding. In order to use these CDBG funds for housing, and specifically, homeless projects, an amendment to both the Consolidated Plan and the Action Plan would have to be adopted.

In order to have a better understanding of what CDBG funds could be used for, HUD has provided a list of examples of using CDBG funds to assist in providing shelter, whether emergency, transitional, or permanent. These examples include, but are not limited, to the following:

- Rehabilitation of a vacant building to be used as a group home to serve the chronically homeless
- Acquisition of a building by a grantee and disposition of the property by donation to a nonprofit entity which will own the property and develop permanent rental units
• Clearance of a site on which an emergency shelter will be constructed

• Moving a house to another site where it will be used for transitional or permanent housing

• Homeownership assistance through payment of closing costs and downpayment as well as homeownership counseling (City already administers this program)

• Acquisition and rehabilitation of an apartment building for use as permanent affordable housing for the homeless

• Extension of water and sewer lines to a new group home

• Conversion of an abandoned public school to a facility providing both shelter and services to the homeless

• Local matching share under another Federal program for CDBG-eligible activities that assist the homeless, e.g., HUD’s Shelter Plus Care Program

Competitive HOME funds are also available to the City through the State program, however, these funds can not be used for emergency shelters and the City would need a developer or Community Housing Development Organization (CHDO) to partner with for an application for transitional or permanent housing. One of the real barriers and challenges for the City is that there are hardly any CHDO’s available that work in this area. There is a real need to build capacity in the existing organizations so that they are qualified to apply for these funds that require a great amount of technical assistance to administer.

Another hindrance to the City for directly applying for other grants is that many of those require matching funds and/or leverage, and those resources are not readily available. An additional concern for any project is the prevailing wages that may be triggered by the City’s assistance.

As cities and counties struggle to find funding resources to deal with the homeless issue, new and creative ideas spring forth. In Santa Clara County, the officials are looking at a tax measure to build and maintain housing for the chronically homeless population as part of the plan to end homelessness in 10 years. As one of the County officials noted, “You not only need money the first time, but you need it every year. We can’t solve this problem with a bake sale mentality”. This task force has determined that the best way to serve the chronically homeless population is with a “housing first” model that provides housing without requiring troubled residents to seek treatment for the hallmarks of homelessness such as drug and alcohol addiction and mental illness.

There are new efforts springing forth to also combat homelessness such as the nine foundations, nonprofit organizations, and financial institutions that have joined forces to create the
"Partnership to End Long-Term Homelessness" and are pledging funds to create 150,000 “supportive housing” units across the nation within ten years.

Summary

In summary, the City is very committed to the goals and strategies adopted by the Kings/Tulare Continuum of Care and will continue to be an active participant in working with the CoC and the individual agencies to end homelessness in the community. Staff will also continue to research new funding resources and work closely with the existing service agencies to assist in providing additional funds for their projects.
Kings/Tulare County Continuum of Care Survey Results

Location: Porterville
Total number of surveys: 163

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<td>70+</td>
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<tr>
<td>White</td>
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<tr>
<td>Asian/Pacific Islander</td>
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<tr>
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<td>Spanish</td>
<td>31</td>
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<th>Highest Level of Education (163)</th>
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<tr>
<td>Grade School</td>
<td>48</td>
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<tr>
<td>High School/GED</td>
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<tr>
<td>Some College</td>
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<tr>
<td>College Degree</td>
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<tr>
<td>Never Attended School</td>
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<th>How Long Homeless (154)</th>
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<tr>
<td>1 mo. or &lt;</td>
<td>19</td>
<td>12%</td>
</tr>
<tr>
<td>2-6 mo.</td>
<td>40</td>
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</tr>
<tr>
<td>7-12 mo.</td>
<td>32</td>
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<tr>
<td>13-24 mo.</td>
<td>24</td>
<td>16%</td>
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<tr>
<td>25-36 mo.</td>
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<td>7%</td>
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<tr>
<td>37+ mo.</td>
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<td>18%</td>
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<tr>
<th>Homeless Before (161)</th>
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<td>No</td>
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<tr>
<td>Yes</td>
<td>26</td>
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<td>No</td>
<td>135</td>
<td>84%</td>
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<tr>
<td>&lt;3 mo.</td>
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<tr>
<td>3&lt;6 mo.</td>
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<td>10%</td>
</tr>
<tr>
<td>6&lt;9 mo.</td>
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<td>5%</td>
</tr>
<tr>
<td>9&lt;12 mo.</td>
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<td>2%</td>
</tr>
<tr>
<td>12&lt;18 mo.</td>
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<td>15%</td>
</tr>
<tr>
<td>18&lt;24 mo.</td>
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<tr>
<td>&gt;60 mo.</td>
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<tr>
<td>No</td>
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<tr>
<td>No</td>
<td>104</td>
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<table>
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<th>DV Victim (within last 6 mo.) (163)</th>
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<tbody>
<tr>
<td>Emergency Shelter</td>
<td>18</td>
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<tr>
<td>Transitional Housing</td>
<td>16</td>
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<tr>
<td>Relative/Friend</td>
<td>44</td>
<td>27%</td>
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<tr>
<td>Street/Car</td>
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<tr>
<td>Motel/Hotel</td>
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<tr>
<td>Other</td>
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<td>33%</td>
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<table>
<thead>
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<th>Previous Housing (162)</th>
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<tr>
<td>Kings County</td>
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<tr>
<td>Tulare County</td>
<td>135</td>
<td>83%</td>
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<tr>
<td>Another County</td>
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<tr>
<td>Out of State</td>
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<td>Out of Country</td>
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ATTACHMENT ITEM NO. 2
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<td>5 bedroom</td>
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<th>Services Unable to Access (163)</th>
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<tr>
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<td>59%</td>
<td>96</td>
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<tr>
<td>Vision Care</td>
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<td>Life Skills Training</td>
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<td>Housing Assistance</td>
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## Homeless Service Providers - Porterville

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Beds</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County Health and Human Services</td>
<td>5957 S. Mooney Blvd Visalia, CA 93277</td>
<td>---</td>
<td>Provides housing assistance for families already homeless or in danger of becoming so. The department places the clients in emergency shelters and local motels. They also assist in acquiring permanent housing, paying first month’s rent and deposits which is a once in a lifetime benefit for eligible recipients</td>
</tr>
<tr>
<td>Porterville Area Coordinating Council (PACC)</td>
<td>368 E. Date Porterville, CA</td>
<td>---</td>
<td>Does not operate an emergency shelter, but provides funding for individuals or families in need to spend one or two nights in a motel as emergency assistance</td>
</tr>
<tr>
<td>Porterville Rescue Mission</td>
<td>P.O. Box 2041 Porterville, CA</td>
<td>---</td>
<td>Provides meals, clothing, counseling, and related services</td>
</tr>
<tr>
<td>El Granito Foundation</td>
<td>227 E. Oak Porterville, CA</td>
<td>* 7(e) 2(t)</td>
<td>Provides a range of services, including financial assistance for food, clothing, legal assistance and other essential services</td>
</tr>
<tr>
<td>Central California Family Crisis Center</td>
<td>770 N. Main St, Porterville, CA</td>
<td>38(e) 36 (t)</td>
<td>Provides an array of counseling, job training, and budgeting/financial planning assistance primarily to women with young children dealing with domestic violence and abusive situations</td>
</tr>
<tr>
<td>PAAR Center</td>
<td>184 W. Bellevue Ave. Porterville, CA</td>
<td>81(t)</td>
<td>Substance abuse treatment and transitional housing for both men and women</td>
</tr>
<tr>
<td>Daybell-Brooks Transitional Shelter</td>
<td>245 N. 3rd Porterville, CA</td>
<td>7(e)</td>
<td>Provides shelter for homeless single men in addition to counseling and financial assistance</td>
</tr>
<tr>
<td>St. Vincent de Paul</td>
<td>1309 S. Main St. Porterville, CA</td>
<td>---</td>
<td>Provides food, clothing, and financial assistance to homeless persons</td>
</tr>
</tbody>
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*e* represents emergency housing and *t* represents transitional housing
SUBJECT: TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

SOURCE: Administration (Transit)

COMMENT: The Transit Agreement between the City of Porterville and Sierra Management for operational and management services for the City's Fixed Route and Demand-Response public transit services expires June 30, 2006.

Since the City is no longer required by Federal law to limit its contractual relationship with its transit contractor, Staff recommends continuing the present contract with Sierra Management. The following itemizations were evaluated in making this recommendation:

- Sierra Management is the only local transit provider, and is also extremely qualified to provide the services necessary to maintain the continuity of the City’s public transit needs.

- The City receives immediate communication and local expertise, as well as an on-site manager who has remained constant over the last six years. All management decisions or responses to staff requests are handled completely at a local level.

- Our local providers live within the community, participate in community activities and care about local concerns. They have also worked closely with staff in developing increased service levels, safety precautions, and transitioning into a new Federal funding source for public transportation.

- Sierra Management has assisted staff greatly with numerous recent system modifications and upgrades including the installation and programming of all Fixed Route and Demand-Response vehicles with an Automatic Vehicle Locator System, new radio communication equipment in all transit vehicles, and the installation and control of camera surveillance equipment at the Transit Center.

- Sierra Management treats the City's Transit Center as if it were their own building. They come forward with suggestions for improvements, and oftentimes, in addition to providing the City with monthly maintenance and landscaping upkeep, they complete minor repairs as needed. Additionally, they are in the process of purchasing...
a generator, at their own cost, to assure that power will remain available at all times to the Transit Center to prevent any interruption of regular service.

- With the maintenance of the transit fleet being a very important part of the City's ability to provide regular, uninterrupted transit service, relationships between staff, the Transit Contractor and the City's Field Services Shop Supervisor need to be open, accommodating and cooperative at all times. Never have these relationships been better, nor more productive, than they are currently. Weekly meetings are held to discuss the transit fleet and/or operational issues that may affect all areas of public transportation, and numerous issues have been addressed and anticipated before any major obstacles occur.

- The City's newest route, Route 7, was implemented very smoothly to accommodate the Porterville Adult School's relocation to Pioneer Avenue; additionally, new routes and schedules are being designed for the City Trolley, the City's newest addition to its transit fleet.

- Several times throughout the year, route deviations become necessary due to downtown events or street construction. Staff receives immediate response from Sierra Management in effecting whatever system changes are required to accommodate the public.

- Now that the City is a member of the California Transit Insurance Pool (CalTIP) for Liability and Vehicle Physical Damage Coverage, premiums are approximately $50,000 less than those quoted to Sierra Management in 2003, when they were forced to negotiate insurance rates yearly in the open market. Having experienced these fluctuations in insurance personally, they are extremely motivated and conscious of the importance of keeping insurance claims at a minimum, which in turn assists the City with its excellent insurance rating with CalTIP. The stabilization of the insurance premiums has contributed greatly to the City's ability to maintain the transit contract within budget and contract parameters for the last three fiscal years.

- Sierra Management is consistently very proactive in its approach to providing the City with up-to-date training techniques for its employees which cover many aspects of safety precautions. Most recently, they have provided their drivers with Passenger Service and Safety (PASS) training, consisting of sensitivity and emergency evacuation training relating to Seniors and passengers with disabilities.

- Sierra Management has made the additional commitment to obtain
the latest and most up-to-date training on Transit Safety and Security. Their Manager, Richard Tree, has enrolled in the U.S. Department of Transportation and Federal Transit Administration (FTA) Transit Safety and Security Program, and the World Safety Organization Certification Program, which he will complete in late July, 2006. This training will give him a broad-based knowledge of safety and security principles applicable to transit system safety, operations and management, with which he will be able to develop and implement system safety, security and emergency management program plans. Another aspect of this training is the ability to properly investigate bus collisions and recommend and implement safety improvements to prevent and/or reduce collisions, including property damage, injuries and litigation. This training, being another proactive approach on the part of Sierra Management, will benefit the City of Porterville greatly as it continues to work towards maintaining the best insurance rating possible to assure the lowest insurance premiums for the transit fleet through CalTIP.

- Sierra Management, with assistance from staff, will be providing the Porterville Police and Fire Departments with a valuable resource identifying specific information on each vehicle within our transit fleet, specifically identifying exits, door access and fuel specifics, that will assist responders in case of any emergency situation.

Staff, in consideration of all aspects of its working relationship with Sierra Management, is completely satisfied with the current Transit Agreement and responsiveness of Sierra Management to transit issues, and respectfully requests the Council’s consideration of extending this Agreement an additional four years commencing July 1, 2006, through June 30, 2010, with an additional two-year option to renew. The option to renew is requested to extend the contract to a point where stability is afforded the contractor which, in turn, enables the contractor to effect major financial investments regarding their service to the City.

RECOMMENDATION: That the City Council:

1. Approve the extension of the City’s Transit Agreement with Sierra Management for an additional four years, commencing July 1, 2006, through June 30, 2010, with an additional two-year option to renew; and

2. Authorize staff to negotiate the new contract with Sierra Management under the same terms and conditions as presently exist, and provide Council with a copy of said Agreement for final approval.
COUNCIL AGENDA: JANUARY 17, 2006

SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - AMALENE ESTATES, PHASE ONE (Bechara Construction, Inc.)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, Bechara Construction, Inc. (Antoine Bechara, President), has submitted the final map for the subject single family residential project. The developer is requesting Council approval of the final map in conformance with Section 21-27 of the Subdivision Ordinance, prior to completing the construction of the required public improvements.

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

The final map is in conformance with the approved tentative map and City Council Resolution No. 6 -2004. The improvement plans, specifications, dedications, and the final map have been approved by the Public Works Director and City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of Amalene Estates, Phase One Subdivision;

2. Accept all offers of dedications and vacations shown on the final map; and

3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map

P:\pub\work\Engineering\Council Items\Acceptance of Final Subdivision Map - Amalene Estates, Phase One.wpd

Dir Appropriated/Funded  CM  Item No. 310
SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE STATUS REPORT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Staff's last update to the Council was on December 6, 2005, at which time staff updated the Council on the progress contracting with TRG Land, Inc. for preparation of the Hillside Development Ordinance. Staff has prepared the contract for consultant services and sent it to the consultant for signature. In the meantime, the consultant has initiated work on the City's effort. Staff met with the consultant together with the City's General Plan Update Consultant to coordinate efforts to ensure that the Hillside Development Ordinance supports the General Plan. In addition to the coordination of efforts, staff scheduled and attended a second fieldtrip to Southern California for a presentation by the Hillside Development Consultant and to tour examples of hillside developments. Examples included both good and bad designs.

Staff anticipates the development of the ordinance over an approximately six (6) month time period. Staff will be requesting an extension of the Interim Urgency Ordinance at the February 7, 2006, City Council meeting.

RECOMMENDATION: That the City Council receive and file this update
SUBJECT: SUMMARY OF WALKABLE COMMUNITIES PUBLIC INFORMATION MEETING

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On November 17, 2005, the City of Porterville welcomed the Tulare Council of Governments as they hosted a workshop on Walkable Communities. The workshop was one of a series of workshops in Tulare County, and was presented by Bob Chauncey of the National Center for Bicycling and Walking based in Maryland. The objectives of the meeting included bringing together agencies, interested parties, and advocates to focus attention on making the community more walkable; building consensus on what needs to be done to improve conditions for pedestrians; and outlining the building blocks of a walkable community.

The event was held in the Community Room of the Porterville Library from 6:00 to 9:00 pm, and included a slide presentation of good and bad examples of walkable urban development and a short walk around downtown to discuss ideas of what makes a community walkable. Approximately 15 community members attended and participated in discussions about pedestrian activity in Porterville and points considered include:

- Explore ways of enhancing walkability in the community.
- Use of traffic calming devices, including chicanes, planters, and narrower streets to slow traffic through areas and encourage pedestrian activity.
- Creation of a sense of place with walkways, using different landscape types and patterns to define different areas of town.
- Restaurants and cafes encouraged to have outdoor seating.
- Special design features, such as striping styles and paint colors, to draw attention to existing sidewalks and making them more safe.

The focus of the meeting was to present to the committee ideas or concepts on improving walkways in the community. The goal of the effort was to provide the community with ideas for tools they can use to reduce dependability on automobiles and improve the opportunity for walkability and bikeability.

RECOMMENDATION: For Council’s information only.
COUNCIL AGENDA: JANUARY 17, 2006

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - TRAFFIC SIGNAL NO. 8 AND FOLLOW-UP COMMENTARY ON ROUNDabouts

COMMENT: At the December 20, 2005 Council meeting, staff informed City Council that plans and project manual were completed for the construction of a traffic signal at Plano Street and Mulberry Avenue. Council was informed that a significant portion of the cost would be covered by a “Safe Route To School” (SR2S) grant and that under normal circumstances, the City would pay for 10% of the project cost which is known as “local match.” It was previously stated that the local match was 11.5% which was in error.

When the project was approved by Caltrans in 2002, it was estimated that the cost of construction would be $190,000 and therefore the City’s local match would be approximately $19,000. Escalating construction costs and higher than expected street work to correct a drainage problem have pushed the cost of construction to $308,000. Under these conditions, the City would be expected to pay the difference ($118,000) using local funds and a work force housing grant.

Because of the significant increase to construct this specific traffic signal, Council asked that Public Works provide an update on the cost of a roundabout, whether additional right-of-way would be required and also for staff to provide a sketch of a roundabout at Plano Street and Mulberry Avenue. Further, staff was directed to inquire with Caltrans District 6 about the possibility of using the unspent SR2S grant monies ($169,700) to design and construct a roundabout at Plano Avenue and Mulberry Street.

The results of staff’s findings are as follows:

1. The revised estimate to design and construct a roundabout at Mulberry Avenue and Plano Street is $180,000. This increase from the previous estimate of $165,000 is because the cost to correct the drainage problem at this location was not included in the first estimate.

2. Some minor right-of-way take will be necessary to construct a 110’ inscribed circle roundabout with a 62’ diameter low profile mountable apron. The attached sketch shows that some minor take will be necessary to construct the roundabout.

Of interest is that the roundabout envisioned at this location only needs one north and one south bound travel lane to handle the present and foreseeable future traffic load.

Dir Appropriated/Funded CM Item No. 29
3. Changing design direction and using unspent SR2S funds to pay for a roundabout will not be approved by Caltrans without further review. Further, Caltrans will not commit to a new construction completion date, whether it is a traffic signal or a roundabout. Presently, Caltrans expects the project to be completed by 6/30/06.

The grant amount in total was $213,000 of which $191,700 is refundable. To date, approximately $22,000 of refundable monies has been received by the City to pay for the design of the traffic signal. Remaining refundable money for construction is approximately $169,700. Because of our recent communication with Caltrans (e-mail attached) regarding a possible change in design direction, Caltrans will now provide $250,000 in refundable money if the City will commit to the traffic signal project.

As stated above, $22,000 has been received by the City to pay for the traffic signal design. This recent decision by Caltrans means that there is now $203,000 available for construction, not $169,700. In summary, the engineer’s estimate for the Plano Avenue and Mulberry Street traffic signal is $308,105. The City is obligated to pay 10% of the total cost ($30,810) and therefore, the housing workforce grant needs to cover the remaining $74,295. Previously, $92,000 of housing workforce grant was made available for this project.

RECOMMENDATION: That the City Council:

1. Approve the Plans and Project Manual for Traffic Signal No. 8; and

2. Authorize staff to advertise for bids to construct a traffic signal at the intersection of Plano Street and Mulberry Avenue with appurtenances.

ATTACHMENTS: Engineer’s Estimate
 Locator Map
 Roundabout Sketch
 E-mails To/From Caltrans
 May 3, 2005 City Council Agenda Item
## City of Porterville
### TS#8 - Plano / Mulberry Signalization
#### Engineer's Opinion of Probable Cost

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
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<td>Mobilization</td>
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<td>5</td>
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<td>Earthen Berm</td>
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<td>7</td>
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<td>8</td>
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<td>TON</td>
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<td>106</td>
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<td>Class II Aggregate Base</td>
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<td>LF</td>
<td>Reconstruct Chain Link Fence</td>
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<td>$720.00</td>
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</table>

Subtotal $280,096.00
Contingency @ (10%) $28,009.60
Total $308,105.60

Prepared by: David Peters, P.E. - Project Engineer

Reviewed by: Michael K. Reese, City Engineer

Reviewed by: Baldomero Rodriguez, Public Works Director

Reviewed by: John Longley, City Manager

Date: 12-12-05
Date: 12-13-05
Date: 12-15-05
Date: 12-20-05
110 FT. DIAMETER SINGLE LANE ROUNDABOUT
(MINIMUM DESIGN PARAMETERS FOR 20,000 ADT & STAA TRUCKS)
Gentlemen:

On December 20, 2005, Public Works prepared a staff report to City Council asking for authorization to begin advertisement for the construction of the Plano/Mulberry traffic signal. Plans and specifications are 100% complete and ready to go.

The SR2S grant is in the amount of $213,000 ($191,700 Fed share) of which $22,500 has been spent for the traffic signal design. The design cost has been billed and received by the City. There is approximately $169,200 left in the grant amount.

The latest engineer's estimate puts the cost of the traffic signal at $308,000 (includes 10% contingency) which means that the City must come up with $139,000. This matter was previously discussed with Fayad who was able to get a form of commitment from Randy Ronning of Sacramento who stated that they may be able to increase the fund amount not to exceed $250,000 ($225,000 Fed share). Mr. Ronning informed that the City needs to wait until the bids open to see how much money is actually needed to complete the project. The City has tapped other funds and can come up with an additional $90,000 and that is it.

City Council directed staff not to pursue the traffic signal construction at this point and directed staff to look into converting the remaining $169,200 towards a Roundabout at the same location (Plano & Mulberry). Staff estimates that it will cost $25,000 to design the roundabout and $140,000 to construct.

Council's questions is" Can the City prepare new E76 documents so that the SR2S funds can be used to design and construct a roundabout? Also, please be aware that the current SR2S grant has a "must award" date of 6/30/06. This date was an approved extension date. It is obvious that a roundabout cannot be designed and contract awarded before 6/30/06 and so therefore, a new extension date will be required. Gentlemen, please let me know your thoughts at your earliest convenience.

Baldo R
Hi Randy,

What do you think? That is a first for me! Can we negotiate with the City? The PE has cost the City so far $48,800. The project's priority would have been different in the beginning for the round about proposal. Would that qualify for SR2S. Furthermore, how would the round about help school kids? Please let me know.

Thank you

Fayad Almasri
Local Assistance D06
559-445-5443
559-445-5425 Fax

----- Forwarded by Fayad Almasri/D06/Caltrans/CAGov on 12/27/2005 10:12 AM

| | "Baldo Rodriguez"
| | <brodriguez@ci.porterville.ca.us>
| | 12/23/2005 03:44 PM |

|-------------------------------|
Fayad,
Well, since the City is willing to put up some money to get the signal constructed, Caltrans will provide $250,000 of reimbursable funds for the project. The City's share will be the balance, or $80,500.
Will the city accept this offer and continue with the signal project and keep its delivery on schedule?
The scope change to a roundabout will take more time to review and is not approved at this time.
COUNCIL AGENDA: January 17, 2006

SUBJECT: INTERIM FINANCIAL AND GRANT STATUS REPORTS

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial information to be provided to City Council members on a monthly basis. Staff will deliver this information publicly on a quarterly basis in conjunction with the quarterly portfolio summary. The approved dates for these presentations are the second Council meeting following the quarters ended March 31, June 30, September 30, and December 31.

In accordance with Council Minute Order #13-041602, the interim financial status reports for the 2nd fiscal quarter ended December 31, 2005 are submitted.

RECOMMENDATION: That City Council accept the interim financial status reports as presented.

ATTACHMENTS: Interim financial reports.
CITY OF PORTERVILLE

REVENUE STATUS REPORT - GENERAL FUND
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2005 AND DECEMBER 31, 2004

<table>
<thead>
<tr>
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<td>MOTOR VEHICLE IN-LIEU TAX</td>
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<td>373,737</td>
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<td><strong>$19,487,307</strong></td>
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<td><strong>$18,256,838</strong></td>
<td><strong>$8,828,826</strong></td>
<td><strong>48.36%</strong></td>
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## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2005 AND DECEMBER 31, 2004

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<td>ZALUD ESTATE</td>
<td>91,500</td>
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<td>7,500</td>
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<td>3,064,977</td>
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<td>5,446,342</td>
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<td>REFUSE REMOVAL</td>
<td>4,668,621</td>
<td>2,303,108</td>
<td>49.3%</td>
<td>4,035,484</td>
<td>2,015,816</td>
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<td>61.7%</td>
<td>749,610</td>
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<td>GOLF COURSE</td>
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<td>246,000</td>
<td>135,056</td>
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<td>2,638,285</td>
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<td>1,656,531</td>
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<td>EQUIPMENT MAINTENANCE</td>
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<td>1,129,930</td>
<td>564,498</td>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
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<td>46.7%</td>
<td>173,721</td>
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<td>56.8%</td>
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<td>65.7%</td>
</tr>
<tr>
<td>SOLID WASTE RESERVE</td>
<td>2,000</td>
<td>202,543</td>
<td>10127.2%</td>
<td>222,432</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEWER REVOLVING</td>
<td>291,225</td>
<td>185,294</td>
<td>63.6%</td>
<td>221,000</td>
<td>149,702</td>
<td>67.7%</td>
</tr>
<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>1,233,500</td>
<td>174,552</td>
<td>14.2%</td>
<td>145,000</td>
<td>110,396</td>
<td>76.1%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>126,800</td>
<td>59,017</td>
<td>46.5%</td>
<td>122,000</td>
<td>55,750</td>
<td>45.7%</td>
</tr>
<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>3,398,871</td>
<td>554,901</td>
<td>16.3%</td>
<td>3,324,508</td>
<td>419,946</td>
<td>12.6%</td>
</tr>
<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>265,000</td>
<td>177,583</td>
<td>67.0%</td>
<td>127,000</td>
<td>136,470</td>
<td>107.5%</td>
</tr>
<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>15,705</td>
<td>31.4%</td>
<td>50,000</td>
<td>16,849</td>
<td>33.7%</td>
</tr>
</tbody>
</table>

### TOTALS
- **2005-2006**
  - ESTIMATED REVENUE: $37,887,812
  - YEAR-TO-DATE REVENUE: $16,257,692
  - % OF ESTIMATE: 42.9%

- **2004-2005**
  - ESTIMATED REVENUE: $32,214,194
  - YEAR-TO-DATE REVENUE: $13,869,583
  - % OF ACTUAL: 43.1%
## CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND**

*FOR THE SIX MONTHS ENDED DECEMBER 31, 2005 AND DECEMBER 31, 2004*

| LEGISLATIVE: | | |---|---|---|---|
| CITY COUNCIL | $84,280 | $97,672 | 115.9% | $152,065 | $34,113 | 22.4% |
| COMMUNITY PROMOTION | 158,327 # | 111,524 | 70.4% | 158,327 | 88,167 | 55.7% |

| ADMINISTRATIVE & LEGAL: | | |---|---|---|---|
| CITY MANAGER | 242,667 | 115,630 | 47.6% | 219,645 | 107,899 | 49.1% |
| CITY CLERK | 164,969 | 80,708 | 49.0% | 150,111 | 71,211 | 47.4% |
| HUMAN RESOURCES | 160,320 | 98,451 | 61.4% | 194,904 | 82,291 | 42.2% |
| CITY ATTORNEY | 145,000 | 56,939 | 39.3% | 162,545 | 74,240 | 45.7% |

| FINANCE: | | |---|---|---|---|
| FINANCE & ACCOUNTING | 611,255 | 247,615 | 40.5% | 558,719 | 265,165 | 47.5% |
| INFORMATION SERVICES | 301,826 | 130,575 | 43.3% | 329,104 | 161,447 | 49.1% |
| ADMINISTRATIVE SERVICES | 365,942 | 172,256 | 47.1% | 359,262 | 170,360 | 47.4% |

| POLICE PROTECTION: | | |---|---|---|---|
| ADMINISTRATION | 665,160 | 293,667 | 44.1% | 671,918 | 287,436 | 42.8% |
| OPERATIONS | 3,144,027 | 1,647,039 | 52.4% | 3,074,505 | 1,325,163 | 43.1% |
| INVESTIGATIVE | 2,186,165 | 1,168,289 | 53.5% | 1,974,692 | 968,361 | 49.0% |
| ANIMAL CONTROL | 112,270 | 37,252 | 33.2% | 109,000 | 36,263 | 33.3% |
| FIRE PROTECTION | 3,062,561 | 1,529,731 | 49.9% | 2,969,213 | 1,192,350 | 40.2% |

| COMMUNITY DEVELOPMENT: | | |---|---|---|---|
| ENGINEERING & BUILDING | 711,467 | 360,352 | 50.6% | 679,843 | 296,535 | 43.6% |
| PLANNING & ZONING | 345,741 | 151,001 | 43.7% | 315,244 | 141,192 | 44.8% |
| ECONOMIC DEVELOPMENT | 218,286 | 89,853 | 41.2% | 214,505 | 86,543 | 40.4% |
| STREET MAINTENANCE | 374,002 | 122,378 | 32.6% | 322,680 | 142,125 | 44.4% |
| SIGNALS, SIGNING & STRIPING | 303,395 | 120,664 | 39.8% | 287,671 | 129,469 | 45.0% |
| STREET LIGHTING | 308,367 | 121,893 | 39.5% | 308,367 | 120,379 | 39.0% |
| STORM DRAINS | 107,731 | 17,249 | 16.0% | 97,881 | 20,374 | 20.8% |
| PARKING LOTS | 40,702 | 14,579 | 35.8% | 40,703 | 15,205 | 37.4% |

| PARKS & LEISURE: | | |---|---|---|---|
| PARK MAINTENANCE & OPERATION | 1,347,278 | 689,866 | 51.2% | 1,333,401 | 581,337 | 43.6% |
| STREET TREES & PARKWAYS | 245,500 | 95,860 | 39.0% | 241,500 | 89,179 | 37.0% |
| COMMUNITY CENTERS | 220,648 | 122,378 | 55.2% | 222,942 | 113,050 | 44.5% |
| LEISURE SERVICES | 316,836 | 112,211 | 35.4% | 211,263 | 99,583 | 47.1% |
| LEISURE SERVICES - SPECIAL PROG | 783,000 | 388,010 | 49.6% | 815,913 | 358,474 | 43.9% |
| SWIMMING POOL | 144,000 | 88,738 | 61.6% | 114,738 | 79,481 | 69.3% |
| LIBRARY OPERATIONS | 585,950 | 321,222 | 54.8% | 592,785 | 282,271 | 47.6% |
| SPECIAL PROJECTS | 70,387 | 31,904 | 45.3% | 80,675 | 23,671 | 29.3% |

| SUB TOTALS | $17,528,486 | $8,673,477 | 49.5% | $16,994,921 | $7,443,344 | 43.8% |

| DEBT SERVICE | 1,835,000 | 917,500 | 50.0% | 1,835,000 | 917,500 | 50.0% |

| TOTAL | $19,363,486 | $9,590,977 | 49.5% | $18,829,921 | $8,360,844 | 44.4% |
## CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - ALL OTHER FUNDS**

FOR THE SIX MONTHS ENDED

DECEMBER 31, 2005 AND DECEMBER 31, 2004

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>$1,592,595</td>
<td>$427,811</td>
<td>26.9%</td>
<td>$1,001,316</td>
<td>630,448</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>31,700</td>
<td>11,731</td>
<td>37.0%</td>
<td>29,189</td>
<td>14,657</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>184,409</td>
<td>78,934</td>
<td>42.8%</td>
<td>193,400</td>
<td>88,879</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>3,014,200</td>
<td>932,118</td>
<td>30.9%</td>
<td>1,856,263</td>
<td>726,642</td>
</tr>
<tr>
<td>SPECIAL POLICE GRANTS</td>
<td>350,671</td>
<td>93,011</td>
<td>26.5%</td>
<td>534,601</td>
<td>90,390</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,441,672</td>
<td>2,404,492</td>
<td>44.2%</td>
<td>4,999,144</td>
<td>2,292,343</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>4,429,556</td>
<td>2,117,243</td>
<td>47.8%</td>
<td>4,137,353</td>
<td>1,962,486</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>623,732</td>
<td>613,812</td>
<td>74.5%</td>
<td>623,732</td>
<td>374,925</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>317,000</td>
<td>185,622</td>
<td>58.6%</td>
<td>310,000</td>
<td>140,512</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,246,593</td>
<td>1,918,200</td>
<td>45.2%</td>
<td>4,171,881</td>
<td>1,864,793</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>3,271,500</td>
<td>1,641,184</td>
<td>50.2%</td>
<td>2,900,000</td>
<td>1,561,136</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>954,950</td>
<td>427,601</td>
<td>44.8%</td>
<td>950,825</td>
<td>436,829</td>
</tr>
<tr>
<td>CENTRAL STORES</td>
<td>194,964</td>
<td>84,031</td>
<td>43.1%</td>
<td>192,150</td>
<td>91,303</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>175,025</td>
<td>53,663</td>
<td>30.7%</td>
<td>173,721</td>
<td>44,080</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$25,028,567</strong></td>
<td><strong>$10,989,453</strong></td>
<td>43.9%</td>
<td><strong>$22,273,575</strong></td>
<td><strong>10,327,423</strong></td>
</tr>
<tr>
<td>FUND</td>
<td>REVENUES</td>
<td>EXPENSES</td>
<td>NET PROFIT (LOSS)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
<td>--------------</td>
<td>-------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zalud Estate</td>
<td>$ 2,533.93</td>
<td>(11,731.47) $</td>
<td>(9,197.54)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>3,064,976.88</td>
<td>(2,404,491.74)</td>
<td>660,485.14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid Waste</td>
<td>2,303,107.67</td>
<td>(2,117,242.68)</td>
<td>185,864.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>462,384.34</td>
<td>(613,811.97)</td>
<td>(151,427.63)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf</td>
<td>152,610.00</td>
<td>(185,621.71)</td>
<td>(33,011.71)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>2,838,285.31</td>
<td>(1,918,200.39)</td>
<td>920,084.92</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings.

SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council. These quarterly updates are to be delivered no later than 30 days after the end of each quarter.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary
## CITY OF PORTERVILLE
### PORTFOLIO SUMMARY AS OF 12/31/2005

<table>
<thead>
<tr>
<th>INVESTMENT NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>BLOOMBERG MARKET VALUE</th>
<th>COUPON RATE</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DAYS TO MATURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1006</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>$7,839,500</td>
<td>$7,839,500</td>
<td>3.630%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
</tr>
<tr>
<td>1008</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>1,564,516</td>
<td>1,564,516</td>
<td>3.630%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
</tr>
<tr>
<td>1007</td>
<td>CSJVRMA INVESTMENT FUND</td>
<td>6,193,715</td>
<td>5,853,672</td>
<td>3.960%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
</tr>
<tr>
<td>886</td>
<td>TULARE COUNTY INVESTMENT POOL</td>
<td>6,753,763</td>
<td>6,753,823</td>
<td>3.180%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
</tr>
<tr>
<td>1008</td>
<td>MONEY MARKET</td>
<td>144</td>
<td>144</td>
<td>3.340%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
</tr>
<tr>
<td>3139F3WM22</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>480,155</td>
<td>3.000%</td>
<td>6/1/03</td>
<td>6/1/03</td>
<td>893</td>
</tr>
<tr>
<td>3139Q3S32</td>
<td>FEDERAL FARM CREDIT</td>
<td>500,000</td>
<td>482,815</td>
<td>3.240%</td>
<td>6/1/03</td>
<td>6/1/03</td>
<td>900</td>
</tr>
<tr>
<td>3139KYLW0</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>485,440</td>
<td>3.360%</td>
<td>7/30/03</td>
<td>7/30/03</td>
<td>942</td>
</tr>
<tr>
<td>3139YWWY4</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>485,780</td>
<td>3.580%</td>
<td>8/14/03</td>
<td>8/14/03</td>
<td>957</td>
</tr>
<tr>
<td>3139F5G90</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>486,750</td>
<td>4.040%</td>
<td>3/16/04</td>
<td>3/16/04</td>
<td>1,171</td>
</tr>
<tr>
<td>3139XKWS8</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>488,125</td>
<td>4.000%</td>
<td>3/30/04</td>
<td>3/30/04</td>
<td>1,185</td>
</tr>
<tr>
<td>3139X5G90</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>482,970</td>
<td>3.625%</td>
<td>4/8/04</td>
<td>4/8/04</td>
<td>1,192</td>
</tr>
<tr>
<td>3139XVC90</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>1,000,000</td>
<td>980,310</td>
<td>4.300%</td>
<td>9/4/04</td>
<td>9/4/04</td>
<td>1,342</td>
</tr>
<tr>
<td>3139F6H97</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>452,150</td>
<td>4.500%</td>
<td>10/29/04</td>
<td>10/29/04</td>
<td>1,397</td>
</tr>
<tr>
<td>3139X6Y71</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>486,690</td>
<td>4.000%</td>
<td>11/3/04</td>
<td>11/3/04</td>
<td>1,038</td>
</tr>
<tr>
<td>3139F6MV8</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>491,095</td>
<td>4.500%</td>
<td>12/1/04</td>
<td>12/1/04</td>
<td>1,431</td>
</tr>
<tr>
<td>3139F6LM72</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>494,225</td>
<td>4.750%</td>
<td>3/16/05</td>
<td>3/16/05</td>
<td>1,536</td>
</tr>
<tr>
<td>3128X4DV4</td>
<td>FEDERAL HOME LOAN MORTGAGE COI</td>
<td>500,000</td>
<td>494,435</td>
<td>4.000%</td>
<td>7/13/05</td>
<td>7/13/05</td>
<td>599</td>
</tr>
<tr>
<td>3139F7EA1</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
<td>495,940</td>
<td>5.000%</td>
<td>8/4/05</td>
<td>8/4/05</td>
<td>1,077</td>
</tr>
<tr>
<td>3133XCK28</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>1,000,000</td>
<td>991,880</td>
<td>5.000%</td>
<td>8/11/05</td>
<td>8/11/05</td>
<td>1,185</td>
</tr>
<tr>
<td>3128X2J67</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>1,000,000</td>
<td>978,590</td>
<td>4.125%</td>
<td>4/27/04</td>
<td>4/27/04</td>
<td>1,213</td>
</tr>
<tr>
<td>3133XKX47</td>
<td>FEDERAL HOME LOAN BANK (STEP UP)</td>
<td>500,000</td>
<td>491,405</td>
<td>3.250%</td>
<td>5/28/03</td>
<td>5/28/03</td>
<td>725</td>
</tr>
<tr>
<td>3133MXY44</td>
<td>FEDERAL HOME LOAN BANK (STEP UP)</td>
<td>500,000</td>
<td>492,030</td>
<td>3.500%</td>
<td>9/5/03</td>
<td>9/5/03</td>
<td>887</td>
</tr>
<tr>
<td>3133XMM55</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>481,585</td>
<td>3.200%</td>
<td>6/30/03</td>
<td>6/30/03</td>
<td>912</td>
</tr>
<tr>
<td>3139M9RC5</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>482,190</td>
<td>3.300%</td>
<td>7/28/03</td>
<td>7/28/03</td>
<td>940</td>
</tr>
<tr>
<td>3128X1J67</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>479,990</td>
<td>3.300%</td>
<td>7/9/03</td>
<td>7/9/03</td>
<td>920</td>
</tr>
<tr>
<td>3133X6D69</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>181,818</td>
<td>177,387</td>
<td>3.800%</td>
<td>8/11/03</td>
<td>8/11/03</td>
<td>954</td>
</tr>
</tbody>
</table>

| TOTALS | 37,558,316 | 36,996,497 |

### WEIGHTED AVERAGE RATE OF EARNINGS

<table>
<thead>
<tr>
<th>ONE YEAR HISTORY</th>
<th>CURRENT PORTFOLIO</th>
<th>DAYS TO MATURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/04</td>
<td>3/31/05</td>
<td>6/30/05</td>
</tr>
<tr>
<td>3.208%</td>
<td>3.121%</td>
<td>3.489%</td>
</tr>
</tbody>
</table>

**Comments:**
Portfolio holdings as of December 31, 2005, are in compliance with the current Investment Policy. With 59 591% of the portfolio being held in liquid instruments, the cash needs of the City will be met. As per SB 554 and SB 666, the next portfolio report will be calculated for the first calendar quarter ended March 31, 2006, and will be presented during the April 18, 2006 Council meeting.
SUBJECT: Consideration of An Alternative Methodology for The Selection of The Mayor

SOURCE: City Manager’s Office

A member of the Council asked that a matter be placed on the Agenda to discuss an alternative method for the selection of the Mayor. The concept is that after each election, the individual who receives the greatest number of votes for City Council would become the Mayor. The Council would select the Mayor Pro Tempore. The appointment to Mayor would be for at least one year. After one year, the Council may rotate the office to the individual who received the second highest number of votes.

For the presentation of a modification to the Charter by the City Council, the suggested final date is the second meeting in February, while the absolute “drop dead” date is March 10, 2006.