CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
FEBRUARY 21, 2006, 6:00 P.M.

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

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

JOINT ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter scheduled for Closed Session. This is also the opportunity for anyone to address the Redevelopment Agency.

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


Close Redevelopment Meeting after reading list.
(note Council will adjourn in Closed Session to Redevelopment Closed Session Item)

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

Adjourn Redevelopment Meeting to a meeting of the City Council.

RECONVENE CITY COUNCIL IN OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Kelly West
Invocation
PRESENTATION

Plaque - Kelly West
City Manager’s Featured Projects for February, 2006

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Approval of City Council Minutes of January 17, 2006

2. Request for Proposals (RFP) for On-Call Environmental Services
   Re: Ratifying the distribution of a RFP for the preparation of initial studies, negative declarations, environmental impact reports and other necessary environmental documents.

3. “Williams Ranch” Tentative Subdivision Map - Extension of Time
   Re: Approval for a two year extension of this tentative map located on the southeast corner of Westfield Avenue and Westwood Street.

4. “New Expressions” Tentative Subdivision Map - Extension of Time
   Re: Approval for a two year extension of this tentative map located on the southeast corner of State Highway 65 and State Highway 190.

5. Community Clean-up Events
   Re: Declaring May 13, 2006 “Spring Clean Up Day” and October 21, 2006 “Fall Clean Up Day” in the City to all residential refuse customers for free disposal of general trash, bulky items, woodwaste and yard clippings at the City Corporation Yard, 555 N. Prospect.

6. Affirm Use of Caltrans Procedures for Acquisition of Right of Way
   Re: Approving Caltrans’ request that the City use Caltrans’ procedures to negotiate and acquire right of way whenever a project involves State or Federal funds.

7. Amendments to the Employee Pay and Benefit Plan and the Employee Retirement System
   Re: Adopting resolutions pertaining to compensation and benefits for the Executive Management Group as unrecognized employees for the purposes of labor relations.

8. Establishment of the Independent Citizens’ Oversight Committee for Measure H
   Re: Establishing Oversight Committee pursuant to provisions set for in Measure H, directing staff to notice the public and accept applications, and setting May 2, 2006 as the date for Council Consideration of appointments.
9. Redevelopment Advisory Committee Appointments
Re: Reappointing eight members of the Redevelopment Advisory Committee for three year terms ending July 10, 2008, and selecting one new member and appointing then for the same period.

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

PUBLIC HEARINGS
10. Resolution of Necessity Pertaining to the Acquisition of a Portion of Property (1,620 Sq. Feet)
Located at APN #261-094-008 - Owner Rogelio N. and Joandrew Zelyni Ortiz - for the Proposed Date Avenue Reconstruction Project
Re: Holding the hearing and taking testimony from the property owners, or their representative(s), adopting a Resolution of Necessity, and authorizing the City Attorney to take all appropriate action to acquire the property on behalf of the City.

11. Red Hawk Estates - Tentative Subdivision Map
Re: Approving the map for 180 single family lots on the site located in Northeast Porterville, north of East Olive Avenue.

12. Consideration of Mayor Selection Process
Re: Taking public testimony regarding the method of selecting the Mayor. This is consistent with the Council action of February 7, 2006.

SECOND READINGS
13. Ordinance 1690, Request for Special Fireworks Permit
Re: Ordinance allowing the Exchange Club to participate in sales of safe and sane fireworks, the proceeds from which will fund the fireworks display.

14. Ordinance 1691, Zone Change 13-2005 (Pre-Zoning)
Re: Approving Zone Change 13-2005 (Pre-Zoning), being a pre-zoning from County C-3 (Service Commercial) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) and City R-1 (One Family Residential) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) for that site generally located at the southwest corner of Westwood Street and Olive Avenue

SCHEDULED MATTERS
15. Selection of City Flag Design
Re: Selection of Official City Flag design and implementation of tasks to have flag developed.

16. Zoning Ordinance Amendment 2-2005
Re: Correction and reissuance of Ordinance No. 1679 to include sections approved but not included in the first Ordinance 1679.

17. General Plan Referral - Burton School
Re: Request for Council to review a new site for an elementary school, to be located generally on the southwest corner of Lombardi Street and the westerly prolongation of Castle Avenue, to determine if it is consistent with the City’s General Plan.
18. Declare Community Center Surplus and Initiate Process to Dispose of Real Property
   Re: Request for Council to declare the building at 466 East Putnam as surplus and authorize staff
to initiate the statutory process and coordinate efforts to dispose of this real property.

19. Fireworks Permits
   Re: Consideration of the number of fireworks permits allowed by City ordinance.

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 28, 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.
1. Skateboard Park Parking Lot

2. Implementation of New Registration and Reservation Software
Call to Order at 6:00 p.m.
Roll Call: Council Member Irish, Council Member West, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

JOINT ORAL COMMUNICATIONS
None

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 FOR REDEVELOPMENT
City Attorney Julia Lew reported that no action had been taken by the Porterville Redevelopment Agency.

The Meeting of the Porterville Redevelopment Agency adjourned at 7:06 p.m. to a Meeting of the Porterville City Council.

RECONVENE CITY COUNCIL IN OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.
Pledge of Allegiance Led by Mayor Pro Tem Cameron Hamilton
Invocation - one individual participated.

PRESENTATION
Employee of the Month - Donnie Moore
Mayor Martinez congratulated Mr. Moore and presented him with a Certificate.
City Manager’s Feature Project(s)
  • Island Annexations
    Community Development Director Brad Dunlap presented the project.
  • In Street Crosswalk Lights - Rails to Trails
  • Airport Inter-tie Environmental Report

ORAL COMMUNICATIONS
• John Eby, 1557 E. Olive Avenue, President of the Porterville Area Coordinating Council and Treasurer of the Salvation Army, spoke of addressing homelessness, particularly of the local needs and gaps in currently provided services. He thanked the Council and staff for their efforts.
• Hope Kuzakin, came forward and identified herself as a homeless individual and spoke in favor of a “tent city district.”
• Elaine Harris, 1015 So. Crystal Street, spoke of the needs of the homeless and suggested utilizing City assets to assist them, such as vacant buildings, vacant land, or City parks. She spoke in favor of the City allowing a “tent city district.”
• Ben Webb, 724 W. Morton, requested that the Council give some consideration to newly annexed residents regarding concessions to ease transition.
• Alexandria Foster, 164 East Yates, requested that homeless individuals be allowed to utilize her 4 acre lot for a tent city, and spoke of the needs of those individuals. Mayor Martinez indicated that the City would be in touch with her.

CONSENT CALENDAR
Item Nos.1, 3, 5, 6, 7 and 9 were removed for further discussion.

2. BUDGET ADJUSTMENTS FOR THE 2005-2006 FISCAL YEAR

Recommendation: That the City Council approve the 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.

Documentation: M.O. 01-011706
Disposition: Approved.

4. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - TRAFFIC SIGNAL #7 (VILLA STREET AND PUTNAM AVENUE)

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.

8. CONSIDERATION OF A POLICY FOR FLAG LOWERING TO HALF-STAFF AT CITY FACILITIES

Recommendation: That the City Council approve the flag lowering policy as presented in the staff report.

Documentation: M.O. 02-011706
Disposition: Approved.

10. STATUS REPORT ON IMPLEMENTATION ACTIONS FOR MEASURE H

Recommendation: That the City Council accept the status report as presented.

Documentation: M.O. 03-011706
Disposition: Approved.

11. JUNE 6, 2006 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: ELECTION PRECEPTS AND CALL FOR ELECTION

Recommendation: That the City 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;
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;
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.

Documentation: Resolution No. 02-2006; Resolution No. 03-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council approve Item Nos. 2, 4, 8, 10 and 11. The
motion carried unanimously.

1. CITY COUNCIL MINUTES NOVEMBER 15, 2005; DECEMBER 6, 2005

Recommendation: That the City Council approve the City Council Minutes of November 15, 2005 and December 6, 2005.

Council Member West voiced disapproval of the Minutes of December 6, 2005, specifically Pages 18 through 23. He stated that he did not believe the Minutes to be correct and that there was more to come. In response to a request to narrow down his specific concerns, Council Member West cited his disagreement with the letter as one issue with which he disagreed, indicating that there had been no proof of any of the allegations.

Council Member Stadtherr suggested that approval of the December 6, 2005 Minutes could be continued so as to allow Council Member West time to compile his specific concerns and suggested corrections.

Noting that Council Member West had raised no concerns with the November 15, 2005 Minutes, Mayor Martinez suggested that action be taken on those.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council approve the City Council Minutes of M.O. 04-011706 November 15, 2005.

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

Council Member West declined to submit written corrections, and again voiced his disagreement with the Minutes.

Mayor Martinez suggested that Council Member West’s disagreement with the Minutes could be noted for the record.

Council Member West commented that he wanted the Minutes removed, adding that he did not believe the content should be there. It was stated that despite Council Member West’s concerns, the Minutes were not a verification of the content but rather a record of the discussion. At Council Member West’s request, Mr. Longley informed the Council that Council Member West had voiced concern to him that day over the truth of what was stated in the Minutes.

Mayor Pro Tem Hamilton stated that although Council Member West had concerns with the validity of the allegations discussed during the December 6, 2005 City Council Meeting, the Minutes accurately depicted the discussion and action that evening. He added that Council Member West’s comments would be noted and that if further documentation arose supporting Council Member West’s
contention, such information would be brought before the Council.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council approve the City Council Minutes of M.O. 05-011706 December 6, 2005.

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

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - INDIANA STREET RECONSTRUCTION PROJECT, PUTNAM TO OLIVE AVENUE

Recommendation: That the 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.

City Manager John Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report. Options for the Council’s consideration included:

Option No. 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 No. 2: Re-visit the Indiana Street Extension Project during the 2006/2007 budgeting process at which time other funding options may become available.
Council Member Irish commented that while he supported the Indiana Street Project, the Jaye Street Project was the City’s priority. He noted the revenue that would be generated by proceeding with the Jaye Street Project.

Mayor Pro Tem Hamilton voiced disagreement and suggested that the City could proceed with both projects. He stated that some of the City’s reserves should be spent to fix both streets, noting that the Indiana Street’s current status creating circulation problems. He then confirmed that staff had not sought CMAQ funding.

Council Member West agreed that the City should spend some reserve funds, but only to proceed with Jaye Street so as to generate revenue. Council Member West then moved that the Council approve spending all of the funds on the Jaye Street Project.

Council Member West’s motion died for lack of a second.

Council Member Stadtherr voiced agreement with Mayor Pro Tem Hamilton that both projects should be pursued utilizing reserve funding.

City Manager John Longley commented that he was unaware of available reserve funds, but that staff would provide a list of balances by fund to the Council. He cautioned that borrowing funds from the Equipment Replacement Fund or the Insurance Fund would undermine the City financial position.

Public Works Director Baldo Rodriguez commented that CMAQ funding requests were currently being taken, and noted that the Indiana Street Project might decrease dust levels, and therefore might possibly qualify for CMAQ funding. He stated that he would investigate further.

Council Member Irish commented that if the Council had to choose one project over the other, the Jaye Street Project should be the project that moved forward first. He then noted the importance of both projects and cautioned that if the City did not find a way to fund the Indiana Street Project, it might never get finished.

Mr. Longley confirmed that if the Council so desired, staff could put together some options and bring the matter back to the Council, adding that he was unaware of what those options might be.

Mr. Rodriguez informed the Council that CMAQ funds could not be utilized for certain aspects of the Indiana Street Project, but that he would look into the requirements further.

The consensus of the Council was to continue the item to the next meeting so as to allow staff time to investigate other funding options.

Disposition: Continued to February 7, 2006.

5. REQUEST FOR A STAY OF EXPIRATION OF TENTATIVE MAP

Recommendation: That the City Council adopt the draft resolution approving a stay of expiration during the period of time that litigation is pending.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report regarding Canyon Springs Subdivision.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution approving a stay of expiration during the period of time that litigation is pending.

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

Disposition: Approved.

6. DECLARE COMMUNITY CENTER PROPERTY SURPLUS AND INITIATE PROCESS TO DISPOSE OF REAL PROPERTY

**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 that real property.

In response to a question posed by Council, Parks and Leisure Services Director Jim Perrine stated that the subject building was in a state of deterioration and that rehabilitation of the building would be costly. He indicated that funds had not been budgeted for ongoing maintenance and that the City did not have the funds for work that would be necessary to utilize the building. He added that the City did not currently have a need for the building.

Council Member West commented that bringing the building up to code would take a significant amount of money.

In response to Mayor Pro Tem Hamilton’s question as to why staff’s estimate appeared to be higher than what building a facility from scratch would cost, staff indicated that renovations were often more costly, often due to the necessary removal of asbestos and lead-based paints. Staff indicated that while the presence of asbestos had not been confirmed, in all likelihood, it was present. A discussion then ensued as to the property’s appraisal, which staff indicated it had on file and copies would be provided to the Council. Mayor Pro Tem Hamilton reiterated his concerns with the validity of the estimates provided and with disposing of the property when, in the future, the asset would likely be needed.

Council Member Irish requested that a breakdown of staff’s estimate for renovations be provided to the Council, and that outside estimates also be obtained.

Mr. Longley indicated that staff had pursued an economical approach, but confirmed that staff could obtain an outside estimate. He added that staff had proposed disposing of the asset because no
immediate utilization of the building – for which there was funding – could be identified. A discussion then ensued as to another City structure currently being used for storage and its likely disposition.

Mayor Pro Tem Hamilton suggested that more thought be given on the subject before making any decision.

Council Member Irish requested that staff obtain two additional estimates for renovating the building.

Mr. Longley requested that staff be allowed to obtain a professionally prepared estimate for the rehabilitation of the structure. He added that staff had hoped to liquidate the asset so as to apply the proceeds toward needed maintenance on City Hall, other City facilities, and potentially other development projects.

Mayor Martinez commented that he would like to hold off until the needs of the community could be assessed. He then agreed that an estimate should be provided to the Council.

Council Member West requested that the Council also be provided with the appraisal.

It was decided that the estimate would be based on general repairs to make the facility useable.

Disposition: Continued, with direction provided to staff.

7. AUTHORIZE LEASE AGREEMENT WITH NATHAN WOBROCK FOR A PORTION OF ZALUD PARK

Recommendation: That the City Council approve the Lease Agreement and authorize and direct the Mayor to execute it on behalf of the City of Porterville.

Council Member Irish voiced concern with the proposed length of the lease term and the proposed rent, which was stated to equate to approximately $.02 per sq. ft. In response to Council Member Irish’s question, Mr. Longley indicated that the rent amount had been proposed by Mr. Wobrock. He added that staff had verified with a local broker that the proposed amount was fair market value.

Council Member West clarified with staff that there were no maintenance costs currently being expended on the property.

Mayor Pro Tem Hamilton questioned why the property should be leased, when the proposed lessee already had access to property. At the Council request, Mr. Wobrock came forward to respond.

• Nathan Wobrock, 1451 Median Court, indicated that he sought to lease the property so that he could maintain the property so as to ensure the safety of the children. He indicated that he had would like to either extend his fence to the edge of the subject property, or have a new fence installed on the property. He stated that if secured, the property would be utilized as a garden.
Mayor Pro Tem Hamilton voiced caution that such action might set precedent and questioned if the City had done anything similar in the past.

Mr. Longley indicated that he was not aware of any other bare ground leases, but noted the several hangar leases at the Municipal Airport currently in place.

Council Member Irish noted that the letter provided to the Council in support of the proposed rent was not from an appraiser and was merely a suggested rent. He spoke against renting anything for $.02 per sq. ft. A discussion ensued as to the proposed rate and current rates at the airport, during which it was stated that they were consistent with one another. He then commented that he would support approving the lease, if the term was reduced to three years and annual CPI rate increases were built in.

City Attorney Julia Lew clarified that annual CPI increases were included in the draft lease, set to commence on February 1, 2007.

Council Member Stadtherr questioned whether three years would be enough time for Mr. Wobrock to recoup the costs of the fence.

Parks and Leisure Services Director Jim Perrine noted the value to Mr. Wobrock’s business if the lease was approved, stating that the expanded open space square footage might allow for greater enrollment. He suggested that the shortened term might affect that potential.

- Mr. Wobrock came forward and elaborated on the State requirement, stating that the extra square footage would allow an increase in enrollment by 5 children, from 115 to 120. He added that the fence would likely cost approximately $2,000.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council approve the Lease Agreement, as amended to reduce the lease term to 36 months, and direct the Mayor to execute it on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

9. RESOLUTION IN SUPPORT OF A PROPOSED JUVENILE COURT WORK PROGRAM BY THE TULARE COUNTY PROBATION DEPT.

Recommendation: That the City Council approve the draft resolution in support of the proposed Juvenile Court Work Program.

Mayor Pro Tem Hamilton noted that the item would be going before the Board of Supervisors, and voiced concern with giving the appearance of pressing the Board into a decision. He suggested approving the item as a letter of interest rather than a resolution.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council approve a letter of interest regarding the proposed Juvenile Court Work Program. The motion carried unanimously.
Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS
At the Mayor’s request, staff presented Item 24 next.

24. OPTIONS FOR HOMELESS ASSISTANCE

Recommendation: Discussion item only.

City Manager John Longley presented the item and called on Community Development Director Brad Dunlap for the staff report. Mr. Dunlap called upon Development Associate Denise Marchant for the staff report. Ms. Marchant presented the report and then invited Mr. John Davis of Tulare County Health and Human Services Department to come forward.

- John Davis, Tulare County Health and Human Services Department, came forward and spoke of the County programs that assist the homeless.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Dunlap indicated that the census of the homeless was taken on an annual basis and was required by the Department of Housing and Urban Development.

Mayor Martinez commented on the importance of outreach to ensure that homeless individuals were taking advantage of the available programs. He then commented that he was aware of a meeting being scheduled between homeless individuals and the Porterville Area Ministerial Association, and suggested that a City representative also participate. He then spoke of the challenges of meeting the needs of the homeless population and stressed the importance of finding a way.

Mayor Pro Tem Hamilton noted the importance of the issue, yet informed the audience that the item was before Council as a discussion item only and that no action would be taken that evening. He stated that the Council would continue to look at the matter.

Council Member Stadtherr commented that he would be interested in hearing about the viability of some of the potential courses of action raised that evening, noting that there were individuals looking for a place to sleep that evening. He then stated that he believed the Council Members were unified in their desire to help the homeless help themselves, and questioned how that could be done.

Council Member Irish commented that he supported finding a solution that did not perpetuate homelessness.

- Elva Beltran, Coordinating Council President, came forward and spoke of the challenges of homelessness facing the community and the efforts by local non-profit organizations.

Mayor Martinez requested that a regular meeting be set up between himself and Mr. Longley so as to discuss homelessness issues. He then noted the bureaucratic process and speed by which the
government moved, spoke of the assistance he personally gained through the system, and urged those to take advantage of programs in place.

Mayor Pro Tem Hamilton suggested that the non-profit organizations be kept apprised of the situation.

- An unidentified individual came forward and requested that the Council help Ms. Foster with her plans to allow the homeless access to her property.

Mayor Martinez requested that the individual contact the City Manager in order to schedule a meeting with himself and Mr. Longley.

- An unidentified individual came forward and stated that his organization, Christian Bicyclists Association, had agreed to provide security on Ms. Foster’s property in the event the tent city was approved.

Disposition: Informational item only.

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

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.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report. He then suggested that Condition No. 2 which stated, “consumption of alcoholic beverages should be prohibited at all locations within the shopping center” should be amended to add “within Target’s control.” He noted that Target should not be responsible for areas of the shopping center for which Target had no authority.

Mayor Martinez left the Council Chambers at 9:04 p.m. to take an emergency telephone call. He then returned, informed everyone of a family emergency and excused himself from the meeting. Mayor Pro Tem Hamilton presided over the remainder of the meeting.

The public hearing opened at 9:05 p.m.

- Beth Aboulafia, San Francisco resident and Target representative, informed the Council of Target’s current experience with selling wine, which she indicated was taking place at approximately twenty locations throughout California. She requested the Council’s approval.
The public hearing closed at 9:10 p.m.

Council Member Stadtherr voiced concern with not abiding by the Council’s desire to hold everyone to the same rules and limit the number of exceptions. He indicated that if the Council approved the item, they would go against that rule. He added, however, that he was not morally opposed to Target selling alcohol.

Council Member West agreed with Council Member Stadtherr’s comments regarding limiting exceptions and suggested that the Council reject the C.U.P.

Council Member Irish noted that there would be no increase in licenses, as Grocery Warehouse was closing. He commented that he did not see how the Council could reject the item, pointing to other instances throughout the City.

In response to comments made by the Council, Mr. Dunlap indicated that the Council would not be granting an exception if the subject C.U.P. was approved that evening. He indicated that the C.U.P. was nothing more than a tool for use by the Council. He emphasized that the C.U.P. merely placed certain conditions on the use, but did not mean that the facility could not exist within 600 feet.

**COUNCIL ACTION:**

MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution conditionally approving Conditional Use Permit 11-2005, as amended to add “within Target’s control” to Condition No. 2; and authorize the Mayor to sign a Letter of Public Convenience or Necessity.

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

Disposition: Approved, as amended.

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)**

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 12-2005.

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

The public hearing opened at 9:20 p.m.
• Neil Smith, Smith’s Enterprise, 55 N. Hockett Street, voiced support for approval.
• Ryan Taylor, Springville resident and co-applicant, spoke of the proposed business and requested that the Council approve the item.
• Erinn Taylor, Visalia resident and co-applicant, came forward and spoke in favor of the proposed C.U.P.
• Greg Shelton, 888 North Williford Drive, voiced support for the item, noting the need for businesses that encouraged foot traffic.
• Camero Martinez, 1760 Success Drive, voiced support for the Council approving the item, citing the need for a revitalization of downtown.
• Dick Eckhoff, Downtown Porterville Association Chairman, voiced support for the item, stating that food establishments were always number one on the list of businesses needed to revitalize the downtown area. He then commented on the need for more parking.
• Felipe Martinez, 195 West Putnam, spoke in favor of the item, emphasizing the lack of local restaurants with a full bars.
• Dick Eckhoff, came forward and added that he did not believe an establishment that served both food and alcohol would pose a problem.

The public hearing closed at 9:32 p.m.

Council Member West commented that he was not opposed to an on-sale license, as long as the alcohol was served with food and not sold to take off site.

Council Member Stadtherr queried the applicants on certain language in their business plan suggesting a pricing structure to “keep out undesirables.” One of the applicants came forward and apologized, agreeing that the sentence had not been worded appropriately.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member West that the City Council adopt the draft resolution approving Conditional Use Permit 12-2005.

AYES: Irish, West, Hamilton, Stadtherr

NOES: None

ABSTAIN: None

ABSENT: Martinez

Disposition: Approved.


Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 13-2005.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.
The public hearing opened at 9:36 p.m. and closed at 9:37 p.m. when nobody came forward.

In response to a question posed by Council, Mr. Dunlap indicated that the C.U.P would be valid for 24 months, or until such time as the residences were sold, whichever occurred first.

Mayor Pro Tem Hamilton inquired as to a height restriction, to which Mr. Dunlap responded that the applicant was restricted to sign area, but not to height. Mayor Pro Tem Hamilton commented that he would feel more comfortable with a height restriction, with which staff agreed.

City Attorney Julia Lew indicated that the C.U.P. before the Council that evening specifically pertained to a particular sign, therefore the applicant would be limited to the specifications that were submitted. She then suggested that an additional condition be added which would limit the height to 10 feet.

Mr. Dunlap suggested that in the alternative, language could be added that required the applicant to comply with the sign specifications as submitted.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council adopt the draft resolution approving Conditional Use Permit Resolution 07-2005 13-2005, as amended to add Condition No. 6 requiring compliance with sign specifications as submitted with the application.

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

Disposition: Approved, as amended.

15. COST ALLOCATION PLAN AND USER FEE STUDY, INCLUDING ALL OTHER FEES

Recommendation: That the City Council 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.

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

The public hearing opened at 9:42 p.m. and was continued to the Meeting of February 7, 2006.

Disposition: Continued to February 7, 2006.

16. CARTER PROPERTY WILLIAMSON ACT CANCELLATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for the
Councillor Irish requested that future visual presentations be made so that the content was legible.

COUNCIL ACTION: MOVED by Councillor Irish, SECONDED by Councillor Stadtherr that the Council adopt the draft resolution approving the Negative Declaration for the Cancellation of Williamson Act Contract No. 10699; approve the draft ordinance, give first reading, waive reading, and order the ordinance to print, being 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 OF SOUTH OF MORTON AVENUE.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

17. ZONE CHANGE 11-2005 (PRE-ZONING) AND ANNEXATION 454 (WASTE DISCHARGE REQUIREMENT 05-01-103)

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; and
3. Waive further reading of the draft ordinance approving Zone Change 11-2005 and order it to print.
City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:50 p.m. and closed at 9:51 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; approve the proposed Zone Change and give first reading to the draft Ordinance 1688

Ordinance 1688: 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.

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

City Manager John Longley read the ordinance by title only.

Disposition: Approved.

18. ZALUD HOUSE GARDEN RENTAL FEES

Recommendation: That the City Council conduct a public hearing on the proposed Zalud House Garden Rental Fee and adopt the draft resolution to adjust the fee effective March 1, 2006.

The public hearing opened at 9:54 p.m.

- Greg Shelton, address on record, came forward and noted the presence of the Vice-Chairman of the Parks & Leisure Services Commission, should the Council have questions.
- Dick Eckhoff, address on record, spoke in favor of the proposed fee adjustments, and suggested that the venue was under-promoted by the City.
- Pete McCracken, 657 Village Green, spoke in favor of the fee adjustments, and suggested that the cleaning deposit might be too low.

The public hearing closed at 9:59 p.m.

Council Member Irish suggested that “security” be added to the reservation and cleaning deposit so as to clearly indicate that said amount could be applied to an outstanding balance on the account, with which the City Attorney agreed. He then spoke in favor of increasing the deposit amount to $175.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution to adjust the Zalud House Garden Rental Fee effective March 1, 2006, as amended to make the Resolution 10-2006 Reservation and Cleaning Deposit a Reservation/Cleaning/Security Deposit; to clearly indicate that said deposit may be applied to any outstanding charges; and to increase said deposit to $175.

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

Disposition: Approved, as amended.

The Council recessed for ten minutes.

19. AN EXTENSION OF AN INTERIM URGENCY ORDINANCE PROHIBITING CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council hold a public hearing and adopt the draft ordinance extending the Interim Urgency Ordinance prohibiting the use of residentially-zoned land and land within 1,200 feet of residentially-zone land for the construction, operation, and maintenance of towers for wireless communications.

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

The public hearing opened at 10:17 p.m.

• Daryl Nicholson, 26914 Avenue 140, came forward in opposition to the restriction within 1,200 feet of residentially-zone property, suggesting that such restriction amounted to a moratorium.

The public hearing closed at 10:20 p.m.

Council Member Irish spoke of the Council’s rationale in moving forward with the Interim Urgency Ordinance with the 1,200 foot restriction.

Council Member Stadtherr invited Mr. Greg Woodard to come forward and speak of another style of communications tower that was recently viewed. He then commented on ideas to camouflage towers, such as making them appear to be water towers, or the like.

• Greg Woodard, Woodard Homes, came forward and spoke of an alternate form of communications tower that was inconspicuous and appeared to be a utility pole.
Mayor Pro Tem Hamilton commented that the Council’s intent had been to make the Interim Urgency Ordinance as restrictive as possible until permanent standards were developed.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft ordinance, being 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.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

20. **ZONE VARIANCE 3-2005, TENTATIVE PARCEL MAP 6-2005 (JAMES SHELTON)**

Recommendation: That the City Council:
1. Adopt the draft resolution approving Zone Variance 3-2005; and
2. Adopt the draft resolution approving Tentative Parcel Map 6-2005.

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

The public hearing opened at 10:26 p.m.

- Jim Winton, address on record, came forward on behalf of applicant Greg Shelton, and requested approval of the item. Mr. Winton then noted the inapplicability of Condition 16 and requested its removal.
- Greg Shelton, applicant, address on record, spoke in favor of the item and requested elimination of Condition 16.

The public hearing closed at 10:29 p.m.

Council Member Irish thanked Mr. Shelton for his efforts in appropriately sizing the lots.

Council Member Stadtherr noted the proximity of the railroad line to the subject property and questioned how the proposed variance would affect the Rails to Trails Project. Community Development Director Brad Dunlap clarified that at the subject location, the Rails to Trails segment did
not actually follow the rail alignment.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish that the Council adopt the draft resolution approving Zone Variance 3-2005; and adopt the draft resolution approving Tentative Parcel Map 6-2005, as amended to strike Condition No. 16 and renumber the remaining Conditions accordingly.

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

Disposition: Approved, as amended.

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)

Recommendation: That the City Council:
   1. Adopt the draft resolution ordering the vacation, including reservations, and closing to public use a portion of Willow Avenue;
   2. Adopt the draft resolution ordering the vacation, including reservations, and closing to public use an easement for irrigation line purposes; and
   3. Authorize the City Clerk to record the Resolutions of Vacation with the County Recorder.

Council Member Irish noted a conflict of interest, recused himself from the discussion, and left the Council Chambers.

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

At Mr. Longley’s request, City Attorney Julia Lew clarified that in order for the resolution to be approved, three affirmative votes would be needed.

The public hearing opened at 10:34 p.m.

- Donna Shamley, Roberts Engineering, 342 North Second Street, came forward on behalf of applicant Smith’s Enterprises, and requested that the Council approve the item.

The public hearing closed at 10:35 p.m.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt the draft resolution ordering the vacation, including reservations, and closing to public use a portion of Willow Avenue;
Resolution 13-2006 adopt the draft resolution ordering the vacation, including reservations, and closing to public use an easement for irrigation line purposes; and authorize the City Clerk to record the Resolutions of Vacation with the County Recorder.

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

Disposition: Approved.

Council Member Irish returned to the Council Chambers.

22. VACATE PUBLIC EASEMENTS FOR ACCESS AND MAINTENANCE OF UNDERGROUND UTILITIES, SLOPES AND PAVEMENT RELATED TO THE DEVELOPMENT OF AMALENE ESTATES, PHASE ONE SUBDIVISION (BECARAH CONSTRUCTION, INC.)

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.

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

The public hearing opened at 10:38 p.m. and closed at 10:39 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish that the Council 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.

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

Disposition: Approved.

SECOND READINGS
23. ORDINANCE 1686, AMENDING CHAPTER 19, CONCERNING PARKS AND LEISURE SERVICES COMMISSION EX-OFFICIO MEMBERS

Recommendation: That the City Council give Second Reading to Ordinance No. 1686, waive
further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1686, waive further reading and adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 19-2, 19-3, 19-4, 19-5, AND 19-7 OF CHAPTER 19, OR ARTICLE 1, OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PARTICIPATION BY PORTERVILLE UNIFIED SCHOOL DISTRICT ON THE PARKS AND LEISURE SERVICES COMMISSION BOARD.

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

Mayor Pro Tem Hamilton commented that there were certain instances on which the Council should not waste the Commission’s time. He voiced concern with sending all Parks and Leisure Services items to the Commission.

Parks and Leisure Services Director Jim Perrine clarified that the Commission had reviewed the Ordinance before the Council and had provided a recommendation.

Mr. Longley reminded the Council that the Council had the authority to refer any Parks and Leisure Services item to the Commission.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS
25. TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

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 the
council with a copy of said Agreement for final approval.

City Manager John Longley presented the item and called on Deputy City Manager Frank
Guyton for the staff report. Mr. Guyton introduced Linda Clark, Assistant to City Manager, who
presented the staff report.

Council Member Irish complimented Ms. Clark on her knowledge and oversight of the City’s
transit services.

Council Member West complimented Sierra Management on the cleanliness of the vehicles.

Council Member Stadtherr moved that the Council approve staff’s recommendation.

Council Member West seconded the motion.

Mayor Pro Tem Hamilton spoke of the previous adjustment made to Sierra Management’s
agreement to compensate for increased Workers’ Compensation rates, noted the recent decrease in
Workers’ Comp costs, and questioned whether the proposed agreement accounted for that decrease.

Ms. Clark informed the Council that the agreement had been renegotiated following the decrease
in rates and that the savings had already been realized by the City. She indicated that when the actual
contract returned to the Council for approval, sufficient detail would be provided for review.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member
West that the City Council 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 authorize staff to negotiate the new contract with
Sierra Management under the same terms and conditions as presently exist,
and provide the council with a copy of said Agreement for final approval.

M.O. 09-011706

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

Disposition: Approved.

26. ACCEPTANCE OF FINAL SUBDIVISION MAP - AMALENE ESTATES, PHASE
ONE(BECHARA CONSTRUCTION, INC.)

Recommendation: That the 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.

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

Council Member Irish moved that the Council approve staff’s recommendation.

Council Member Stadtherr seconded the motion.

Mayor Pro Tem Hamilton questioned the timeline on the item.

- Jim Winton, address on record, came forward and elaborated on the applicant’s timeline and the requirements set by statute.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the final map of Amalene Estates, Phase One Subdivision; accept all offers of dedications and vacations shown on the M.O. 10-011706 Final Map; and authorize the City Clerk to file said Map with the County Recorder.

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

Disposition: Approved.

27. HILLSIDE DEVELOPMENT ORDINANCE STATUS REPORT

Recommendation: That the City Council received and file the status report.

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

Disposition: No action required.

28. SUMMARY OF WALKABLE COMMUNITIES PUBLIC INFORMATION MEETING

Recommendation: Informational report only.

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

Council Member Stadtherr suggested that another meeting be held due to the low turn-out at the previous meeting, which he attributed to scheduling the meeting during the holidays. The Council
agreed.

Disposition: No action required.

29. AUTHORIZATION TO ADVERTISE FOR BIDS - TRAFFIC SIGNAL NO. 8 AND FOLLOW-UP COMMENTARY ON ROUNDABOUTS

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, with appurtenances, at the intersection of Plano Street and Mulberry Avenue.

City Manager John Longley presented the item. The staff report was waived by the Council.

Council Member Stadtherr commented on the estimated number of traffic lanes needed to accommodate projected traffic loads and the cost to the City if it pursued a traffic signal. The cost was estimated to be approximately $500,000 per mile. He pointed out that the costs associated with the signal did not only pertain to the intersection itself, but also to the street.

Public Works Director Baldo Rodriguez indicated that pursuant to a recently completed traffic study, the volume of traffic was not as great as staff had originally anticipated.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council approve the Plans and Project Manual for Traffic Signal No. 8; and authorize staff to advertise for bids to construct a traffic signal, with appurtenances, at the intersection of Plano Street and Mulberry Avenue.

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

Disposition: Approved.

City Manager John Longley requested staff be allowed to present Items 30 and 31 concurrently.

30. INTERIM FINANCIAL STATUS REPORT AND GRANT STATUS SUMMARY

Recommendation: That the City Council accept the Interim Financial Status Reports as presented.

City Manager John Longley suggested, and the Council agreed that Items 30 and 31 be presented concurrently. Deputy City Manager Frank Guyton then proceeded to present both staff reports.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council accept the Interim Financial Status Report and Grant Status Summary for the 2nd Fiscal Quarter Ended December 31, 2005; and accept the Portfolio Summary for the 2nd Fiscal Quarter Ended December 31, 2005, in accordance with SB 564 and SB 866.

31. QUARTERLY PORTFOLIO REPORT

Recommendation: That the City Council accept the Portfolio Summary for the 2nd Fiscal Quarter Ended December 31, 2005, in accordance with SB 564 and SB 866.

(Note: This item was combined with Item No. 30.)

 Documentation: M.O. 12-011706
 Disposition: Approved.

32. CONSIDERATION OF AN ALTERNATIVE METHODOLOGY FOR THE SELECTION OF THE MAYOR

Recommendation: Item presented for Council consideration.

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

Council Member Irish questioned what was wrong with the current system.

Council Member Stadtherr requested that the Council wait until such time as a full Council was available, noting that traditionally, the Council had deferred important issues until all five Council Members were present to participation in the discussion.

Mayor Pro Tem Hamilton commented that he believed the item to be the least important item to ever be discussed by the Council.

Council Member Irish commented that there was currently nothing wrong with the system, but rather with the players.

In response to a procedural question posed to the City Attorney, Ms Lew clarified that the Council need not vote on continuing the item, but rather the Council could simply continued the item until the next meeting.

Mayor Pro Tem Hamilton commented that the matter would be brought back for discussion.

Council Member Irish suggested that the item be brought back at the second meeting in March.

Mayor Pro Tem Hamilton responded that the date sounded good, and noted that the selection process could not then be a ballot measure for the upcoming election.
City Manager confirmed that the item would be brought back at the second meeting in March.

Disposition: Continued.

**ORAL COMMUNICATIONS**

- Greg Shelton, address on record, agreed with comments made by Council Member Irish regarding the need for greater involvement by the Parks & Leisure Services Commission. He cited the lack of the Commission’s involvement in Items 6 and 7, voicing concern with both items. Mr. Shelton then commented on Item No. 32, speaking in favor of maintaining the status quo.

**OTHER MATTERS**

None

**ADJOURNMENT**

The Council adjourned at 11:11 p.m. to the meeting of February 7, 2006 at 6:00 p.m.

______________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

______________________________
Cameron J. Hamilton, Mayor Pro Tem
SUBJECT: REQUEST FOR PROPOSALS (RFP) FOR ON-CALL ENVIRONMENTAL SERVICES.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: February 8, 2006 City staff prepared and sent out a RFP (attachment A) for On-Call Environmental Services because the current contract with Quad-Knopf ends in April 2006. Current agreement with Quad-Knopf has already been extended and as per agreement cannot be extended again. Proposals are due back March 3, 2006 for review. Staff will review proposals and make recommendations at the March 21, 2006, City Council Meeting.

The services to be rendered under this contract would consist of, but not be limited to the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments, Environmental Impact Studies and other documents as necessary to comply with state and federal environmental guidelines. It is anticipated that the majority of the work effort would be focused on CEQA compliance. The selected environmental consultant must have a substantial working knowledge of CEQA and NEPA, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or Senior Planner will review the consultant’s work, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized from time to time. It is intended that the successful consultant will perform on both public and private sector projects. The City provides an option to developers to utilize the City’s on-call services in lieu of going through the separate RFP process.

RECOMMENDATION: That City Council:

1) Ratify the distribution of RFP for On-Call Environmental Services Consultant

ATTACHMENTS: RFP for an On-Call Environmental Services Consultant
Environmental Consultants List

[Signatures]

Item No. 2
CITY OF PORTERVILLE

REQUEST FOR PROPOSALS (RFP) FOR ON-CALL ENVIRONMENTAL SERVICES IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND WHERE APPLICABLE, WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) FOR PROJECTS WITH IDENTIFIED FUNDING SOURCES

The City of Porterville seeks the services of an environmental consultant or consulting firm to provide assistance to City Staff as necessary in the preparation of environmental documents for certificates of participation and other projects with identified funding sources. The services to be rendered under this contract would consist of the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments, Environmental Impact Studies and other documents as necessary to comply with state and federal environmental guidelines. It is anticipated that the majority of the work effort would be focused on CEQA compliance. The selected environmental consultant must have a substantial working knowledge of CEQA and NEPA, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or Senior Planner will review the consultant’s work, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized from time to time. It is intended that the successful consultant will perform on both public and private sector projects. The City provides an option to developers to utilize the City’s on-call services in lieu of going through the separate RFP process.

SCOPE OF ENVIRONMENTAL CONSULTANT SERVICES:

The environmental consultant will respond directly to the Community Development Director or his designee on a particular project. It may be appropriate that a portion of the work be performed at City Hall in order to coordinate with various City departments, access City records, and to obtain other information via the internet and telephone.

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

1. Compile background data necessary for the preparation of the appropriate environmental documents.
2. Prepare Initial Study checklists, technical studies, categorical exemptions, environmental assessments, and categorical exclusions, etc.
3. Develop timelines and work hour estimates necessary for the preparation of the environmental documents.
4. Identify key factors that need to be evaluated and that may require hiring a specialist(s) in a particular area of analysis (i.e. air quality, noise, etc.). This may be addressed through services normally rendered by the consultant under this contract.

5. Coordinate early consultation and ongoing meetings with City staff and staff at other agencies.

6. Prepare appropriate forms associated with the applicable environmental document such as public hearing notices, notices of determination, negative declarations, notice of completion, etc.

7. Prepare requests for proposals for the preparation of technical studies to be utilized in the preparation of the environmental documents.

8. Provide biological and archaeological staff for project studies, reporting and site monitoring during construction activities in response to project specific mitigation measures.

9. Other Requirements:

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

<table>
<thead>
<tr>
<th>Liability Type</th>
<th>Minimum Coverage</th>
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<tbody>
<tr>
<td>General Liability</td>
<td>$1,000,000 per occurrence</td>
</tr>
<tr>
<td>Automobile Liability</td>
<td>$1,000,000 per occurrence</td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>Statutory Limits</td>
</tr>
</tbody>
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The General Liability is to contain or be endorsed to name the City, its officers, officials, employees and agents as Additional Insured as respects liability arising out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful firm.

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

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

d) Worker’s Compensation policy(ies) are to be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.
c) The firm and its employees are independent contractors and not employees of the City of Porterville. The Firm and/or its insurers are responsible for payment of any liability arising out of worker's compensation, unemployment, or employee benefits offered to its employees.

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

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

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

i) A service contract will be provided, by the City, to the selected contractor.

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

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

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

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

DESI RABLE QUALIFICATIONS OF THE ENVIRONMENTAL CONSULTANT

The City is seeking a qualified environmental consultant to provide on-call consulting services for the preparation of environmental documents, studies, related notices and mitigation monitoring for compliance with biological and archaeological project specific requirements. The desired consultant shall have the following qualifications:

1) Extensive experience in the preparation of environmental documents in compliance with CEQA and NEPA.

2) The Consultant's proven ability to expeditiously and accurately produce the required product in a concise and useable format.
3) Knowledge of the City of Porterville development and environmental review process is highly desirable.

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

5) Be equipped with qualified biologists available for construction monitoring for project specific mitigation measures.

6) Provide archaeological services and other technical support either in house or through a sub-consultant. Archaeological sub-consultants must be listed on the Southern San Joaquin Valley Information List of qualified consultants.

**CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY**

Environmental Consultants/Consulting firms wishing to be considered for selection to provide the services to the City described herein should submit Statements of Qualifications in their proposals containing the following information:

1) A description, including background, size and orientation of the firm.

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

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

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

The proposal shall contain the fee(s) the firm proposes to charge for the services to be provided. The fee(s) shall be in the form of an hourly rate(s) which considers all billable expenses such as mileage,
materials, insurance, phones, etc. Time will be of the essence in completing the services described in relation to this project. It is anticipated that this effort may require significant staff resources at times, as the city has typically had multiple projects in the preparation stage over the past three (3) plus years. It is also important that when services are requested, that the consultant will return to the City for work within five (5) working days in the event a lapse in service occurs.

Four (4) copies of the proposal should be submitted by not later than 5:00 P.M., March 3, 2006 to:

City of Porterville
Planning Division
Attn: Bradley D. Dunlap, AICP
Community Development Director
291 North Main Street
Porterville, CA 93257

The proposals must be submitted in an envelope clearly marked with the proposer’s name and “Proposal for Environmental Services”. Late or incomplete proposals will not be considered by the City.

SELECTION PROCESS:

Proposals will be evaluated based on their qualifications and capacity and Exhibit “B” the Consultant Selection Rating Form. The amount of the contract could exceed $100,000 over a two (2) year period.

INQUIRIES REGARDING THIS RFP:

Any inquiries regarding this RFP or the project described herein should be directed to Bradley D. Dunlap, Community Development Director, or Julie Boyle, Senior Planner, by calling (559) 782-7460.
RESPONSE TO REQUEST FOR PROPOSALS FOR ENVIRONMENTAL CONSULTING SERVICES

TO: City of Porterville

FROM: 

Name/Company

Address

City, State, Zip Code

Telephone No. Fax No.

<table>
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<th>Proposal Amount:</th>
<th>Hourly Rate</th>
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Notice prior to commencing work on particular project ________ hours/days.

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

Signature Date

Name and Title (Printed)
SUBJECT:  "WILLIAMS RANCH" TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT:  Ennis Homes
            643 N. Westwood
            Porterville, CA 93257

COMMENT:  The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS:  Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY:  The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last phase of the subdivision.

RECOMMENDATION:  That the City Council

1.  Adopt the draft resolution approving a two (2) year extension of time for "Williams Ranch" Tentative Subdivision.

ATTACHMENT:

1.  Complete Staff Report
SUBJECT:  “WILLIAMS RANCH” TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE:  COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

APPLICANT:  Ennis Homes
643 N. Westwood
Porterville, CA 93257

PROJECT LOCATION:  The site is generally located on the southeast corner of Westfield Avenue and Westwood Street.

SPECIFIC REQUEST:  The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS:  Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY:  The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last phase of the subdivision.

RECOMMENDATION:  That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for “Williams Ranch” Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 36-2001 (tentative map approval)
4. Draft Resolution approving the extension of time
February 7, 2006

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

RE: Williams Ranch

Dear Mr. Dunlap,

Our files indicate that the Tentative Subdivision Map for Williams Ranch will expire on or about March 6, 2006. The Improvement Plans and Final Map for the last phase of the project are presently being developed, however will not be completed prior to the expiration date. We have enclosed a check in the amount of $225 and are requesting a two year time extension.

If you have any questions, please let me know.

Very Truly Yours,

[Signature]

James S. Winton  
Civil Engineer

JSW/bg  
Encls.
RESOLUTION NO. 36-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVING “WILLIAMS RANCH” TENTATIVE SUBDIVISION MAP GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WESTFIELD AVENUE AND WESTWOOD STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 6, 2001, conducted a public hearing to consider “Williams Ranch” being a 184± lot tentative subdivision map to be developed in four (4) phases, generally located on the southeast corner of Westfield Avenue and Westwood Street; and

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

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.

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

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

4. That a Negative Declaration was approved for this project in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment.

5. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

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.

ATTACHMENT
ITEM NO. 3
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; and

8. Lot Nos. 1-6, 36-41 and 56-58 are double frontage lots.

9. Special circumstances justify a deviation from the rule prohibiting double frontage lots as follows:
   
   a. Westwood Street is designated as an Arterial and Westfield Avenue is designated as a Collector by the Circulation Element which contains policies discouraging direct residential access to such facilities.

   b. The developer/applicant has agreed to Conditions of Approval requiring the dedication of access rights and the construction of a six foot high concrete block wall along the frontages of Westwood Street and Westfield Avenue.

10. Lots 163, 164 and 168 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 (b) of the Subdivision Ordinance. The developer/applicant has requested an exception to the lot depth standards.

11. That the excessive lot depth is a result of the unusual configuration of the subject parcel which angles sharply to the southeast along its southerly boundary to accommodate the Porter Slough.

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council may modify the requirements of the Subdivision Ordinance provided the following findings are made:

1. That there are special circumstances or conditions affecting such property.

2. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

3. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated; and
WHEREAS: The City Council determined that there are special circumstances or conditions affecting said property that warrant consideration of a lot depth modification pursuant to Section 21-1.4 of the Subdivision Ordinance; and

WHEREAS: The granting of this modification pursuant to Section 21-1.4 of the Subdivision Ordinance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

WHEREAS: The granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve “Williams Ranch” tentative subdivision map, and the requested modifications to the regulations of the Subdivision Ordinance to allow double frontage lots and lots exceeding the maximum depth standards, subject to the following conditions:

GENERAL CONDITIONS


2. 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 they have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). The developer/applicant has 90 days from the date fees are paid to file a written protest.
3. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (City Code Section 21-23).

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

5. The developer/applicant shall dedicate access rights along the rear lot frontages along Westfield Street and Westwood Avenue and in such other locations where, in the opinion of the City Engineer, it is undesirable to allow access.

6. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have a new Lighting and Landscape Maintenance District formed for the subdivision at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said district: (1) Lighting, (2) Public Landscaping, if any, (3) Public walls/fences, if any (4) Drainage reservoir, if any, (5) Porter Slough Maintenance Access Road.

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and appendix Chapter 33 of the Uniform 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. The developer/applicant shall provide the reports indicated below:

   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133); and

   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (UBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;

   c. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Municipal Handbook, and approved by the City Engineer, for that portion of the subdivision adjacent to Porter Slough.
8. The developer/applicant shall comply with City Retaining Wall Standards at Lot Lines where such standards are applicable.

9. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

10. Prior to start of grading on any phase, the developer/applicant shall abandon and cap existing wells in that unit. 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.

11. Prior to recording the final map, the developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across parcels created, if pipes will continue in use, along with the curing of leaks in any irrigation pipe that will continue in use.

12. Prior to recording the final map, or in accordance with an approved subdivision agreement, the developer/applicant shall provide off-site improvements, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g., street access, water, sewer, drainage, "turn arounds", etc.). Off-site improvements include the construction, with Phase 1, of two lanes of Westfield Avenue (26' wide) with curb and gutter, from the westerly boundary of the subdivision to Westwood Street. The developer/applicant may enter into a reimbursement agreement to cover this cost.

13. 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, the developer/applicant shall construct sidewalks in a timely manner to facilitate NBU installation.

14. 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.).

15. The developer/applicant shall assure compliance with San Joaquin Valley Unified Air Pollution Control District Rules 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.

16. 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), 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.

17. 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 is in place for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.
DRAINAGE CONDITIONS

18. 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. A drainage easement shall be dedicated 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.

19. The developer/applicant is advised that they are obligated to comply with Federal Regulations for storm water runoff discharges issued by the U.S. EPA on November 16, 1990 (40 CFR Part 122, 123, and 124). The regulations require all construction activity including clearing, grading, and excavation activities (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) discharging to waters of the United States or the State of California to file a notice of intent (NOI) on Form NOI-1 (Available in the City Engineering Division) and appropriate fee with the State Water Board prior to start of construction activity. Prior to approval of the final map or the start of grading, the NOI shall be sent to the State with a copy sent to the City Engineering Division.

STREET CONDITIONS

20. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets. If this condition cannot be met for the easterly terminus of Theta Street (offsite), the stub shall be removed and replaced with an additional residential lot or by enlarging nearby lots.

21. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate 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.

22. 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.

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

24. 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.

25. The sewer system shall either be extended from Mathew Street across the adjacent parcel to the east or from the lift station at the intersection of Westfield Avenue and Westwood Street. If the lift station is utilized, the developer/applicant shall provide calculations on impacts to the capacity of the lift station.

UTILITY CONDITIONS

26. Prior to recording the final map, the developer/applicant shall relocate or provide surety for relocation of existing utility structures (e.g. poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space from the curb face to the structures unless they are below grade (Ordinance No. 1306, Title 24 OSA).

27. 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 required and approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

WATER CONDITIONS

28. 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 in each phase of the subdivision shall not exceed one for each ten lots. The model homes shall be clustered.

FLOOD CONDITIONS:

30. 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: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation...
shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.

SPECIAL CONDITIONS

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

32. The developer/applicant shall coordinate the installation of the infrastructure in Westwood Street with the City’s Westwood Street and Henderson Avenue improvement project. If the developer/applicant has not constructed frontage improvements on Westwood Street before the City’s project is constructed, the developer/applicant shall provide the City with a deposit for construction of sidewalk, curb, gutter and 18 feet of paving for the Westwood Street frontage of the subject subdivision.

33. The developer/applicant shall construct the master plan storm drain pipe and a pipe for the Porter Slough Ditch in an easement that satisfies the City of Porterville and the Porterville Irrigation District.

34. The developer/applicant shall construct a six-foot high concrete block wall along the full frontages of Westfield Avenue and Westwood Street.

35. The developer/applicant shall install a landscape strip along the full frontages of Westfield Avenue and Westwood Street.

36. The developer/applicant shall install a 15 foot wide access service road along the north side of the Porter Slough measured from the top hinge point of the slough to the fence at the rear of the residential lots with Phase 4 of the subdivision.

37. The developer/applicant shall install or plant or pay a planting deposit for the installation of 252 street trees as follows: 214 trees within the subdivision (one tree per interior lot and two trees per corner lot) installed as each phase develops; 24 trees along the Westfield Avenue frontage installed with Phase 1; 6 trees along the Westwood Avenue frontage installed with Phase 2; 4 trees along the Porter Slough maintenance access road installed with Phase 4.
38. The developer/applicant shall install water valves to City standards for each phase of the subdivision. Each phase will require "isolation."

39. A soils report will be required prior to the issuance of any building permits on the subject property.

[Signature]
Virginia R. Gurrola, Mayor

ATTEST:

[Signature]
C.G. Huffaker, City Clerk
STATE OF CALIFORNIA
(County of Tulare)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 6th day of March, 2001.

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

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<th>WILSON</th>
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C. G. HUFFAKER, 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 THE APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME FOR “WILLIAMS RANCH” TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WESTFIELD AVENUE AND WESTWOOD STREET

WHEREAS: The Porterville City Council at its regularly scheduled meeting of February 21, 2006, considered a two (2) year extension of time request for “Williams Ranch” Tentative Subdivision Map, generally located on the southeast corner of Westfield Avenue and Westwood Street; and

WHEREAS: The subject tentative subdivision map was originally approved on March 6, 2001; and

WHEREAS: On March 18, 2003, the Porterville City Council approved a three (3) year extension of time for Williams Ranch; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.

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

3. That a Negative Declaration was approved for the project.

4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

5. That the design of the project or the proposed improvements are not likely to cause health problems.

6. Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

7. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last phase of the subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for “Williams Ranch” Tentative Subdivision Map and that the conditions specified in City Council Resolution 36-2001 shall remain in full force and effect. Said extension of time shall commence March 6, 2006, and shall expire on March 6, 2008.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
    Georgia Hawley, Chief Deputy City Clerk
SUBJECT: "NEW EXPRESSIONS" TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Ennis Homes
643 N. Westwood
Porterville, CA 93257

COMMENT: The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY: The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last two (2) phases of the subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for "New Expressions" Tentative Subdivision.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: FEBRUARY 21, 2006

STAFF REPORT

SUBJECT: “NEW EXPRESSIONS” TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

APPLICANT: Ennis Homes
643 N. Westwood
Porterville, CA 93257

PROJECT LOCATION: The site is generally located on the southeast corner of State Highway 65 and State Highway 190.

SPECIFIC REQUEST: The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY: The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last two (2) phases of the subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for “New Expressions” Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 34-2001 (tentative map approval)
4. Draft Resolution approving the extension of time
February 7, 2006

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

RE: New Expressions

Dear Mr. Dunlap,

Our files indicate that the Tentative Subdivision Map for New Expressions will expire on or about March 6, 2006. The Improvement Plans and Final Map for the last phase of the project are presently being developed, however will not be completed prior to the expiration date. We have enclosed a check in the amount of $225 and are requesting a two year time extension.

If you have any questions, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

JSW/bg
Encls.
RESOLUTION NO. 34-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVING "NEW EXPRESSIONS PHASES TWO THROUGH SIX" TENTATIVE SUBDIVISION MAP LOCATED ON THE NORTHEAST CORNER OF STATE HIGHWAY 65 AND STATE HIGHWAY 190

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 6, 2001, conducted a public hearing to consider "New Expressions Phases Two through Six" being a 257 lot tentative subdivision map to be developed in five phases, located on the northeast corner of State Highway 65 and State Highway 190; and

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

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan and the approved Specific Plan for the "Viejo Robles" Planned Unit Development.

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

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

4. That a Negative Declaration was approved for this project in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment.

5. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

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.
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; and

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve “New Expressions Phases Two Through Six” tentative subdivision map, subject to the following conditions:

GENERAL CONDITIONS


2. 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 they have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). The developer/applicant has 90 days from the date fees are paid to file a written protest.

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

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

5. The developer/applicant shall dedicate a one foot limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. It is the City’s intent to prevent access directly from the subdivision lots to Drainage Reservoir No. 55, the jogging path, and the Tule River Parkway.
6. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, in accordance with State Law, to have said subdivision annexed to Lighting and Maintenance District No. 1 at the time the final map is approved. Said petition shall include a request that the Annexation contain a fee adjustment clause tied to the Consumer Price Index. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annexation to the district: (1) Lighting; (2) Public Landscaping, (including the area adjacent to Lot 73); and (3) Sound barrier.

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and appendix Chapter 33 of the Uniform 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. The developer/applicant shall provide the reports indicated below:

a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133); and

b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (UBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

8. The developer/applicant shall comply with City Retaining Wall Standards at Lot Lines where such standards are applicable.

9. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

10. Prior to start of grading on any phase, the developer/applicant shall abandon and cap existing wells in that unit. 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.

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

12. Prior to recording the final map, or in accordance with an approved subdivision agreement, the developer/applicant shall provide off-site improvements, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g., water, sewers, drainage, street transitions, etc.). Prior to construction of any phase that extends more than one lot depth south of Springville Avenue, the developer/applicant shall reconstruct Indiana St., from Springville Avenue to State Highway 190 and terminate it in a full City Standard offset cul-de-sac, including sidewalk in the westerly half of the cul-de-sac. The developer/applicant shall construct a driveway, in said cul-de-sac, that connects to the existing emergency access road. The developer/applicant shall relocate the existing gate to a position just behind said driveway. The half street improvements, adjacent to the drainage reservoir, are eligible for reimbursement from the Storm Drain Development Fund after fee title to Drainage Reservoir No. 55 is transferred to the City. The City will accept a request for a reimbursement agreement for the street improvements on the east half of Indiana Street, south of Springville Avenue.

13. 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 (NBU’s) are to be used, the developer/applicant shall construct sidewalks in a timely manner to facilitate NBU installation.

14. 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.).

15. The developer/applicant shall assure compliance with San Joaquin Valley Unified Air Pollution Control District Rules 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.
16. 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), 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.

17. 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 is in place for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

DRAINAGE CONDITIONS

18. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drainage Master Plan. The developer/applicant shall construct Drainage Reservoir No. 55. A percolation rate of not faster than 30 minutes per inch shall be used in the calculations. The bottom of Reservoir No. 55 must be shown to be not less than ten feet (10') above the high water table elevation. The developer/applicant shall dedicate a drainage easement across each lot requiring an easement, unless all lots are graded

5
to drain to the street. The developer/applicant shall construct drainage swales, along the trail, connecting to the proposed storm drain pipe inlets (C.C. Sec. 21-50).

19. The developer/applicant is advised that they are obligated to comply with Federal Regulations for storm water runoff discharges issued by the U.S. EPA on November 16, 1990, (40 CFR Part 122, 123, and 124). The regulations require all construction activity including clearing, grading, and excavation activities (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) discharging to waters of the United States or the State of California to file a notice of intent (NOI) on Form NOI-1 (Available in the City Engineering Division) and appropriate fee with the State Water Board prior to start of construction activity. Prior to approval of the final map or the start of grading, the NOI shall be sent to the State with a copy sent to the City Engineering Division.

20. In Phase 2, the developer/applicant shall deepen the northwest corner of the drainage reservoir to accommodate percolation of summer nuisance water while the rest of the reservoir, except for a drainage swale, is dry. The developer/applicant shall construct a drainage swale along the north toe of slope from the pipe discharges to the deepened portion of the drainage reservoir.

STREET CONDITIONS

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

22. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate 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.

23. 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.

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

SEWER CONDITIONS

25. 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.
UTILITY CONDITIONS

26. Prior to recording the final map, the developer/applicant shall relocate or provide surety for relocation of existing utility structures (e.g., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space from the curb face to the structures unless they are below grade (Ordinance No. 1306, Title 24 OSA).

27. Prior acceptance of improvements the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications, as required and approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

WATER CONDITIONS

28. 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 in each phase of the subdivision shall not exceed one for each ten lots. The model homes shall be clustered.

29. The developer/applicant shall install water valves to City standards for each phase of the subdivision. Each phase will require "isolation."

FLOOD CONDITIONS:

30. 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 hazard (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.

SPECIAL CONDITIONS

31. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
32. The developer/applicant shall have the cul-de-sacs adjacent to the jogging path designed so pedestrians can walk directly to and from said path via baffle walls or other construction that will not allow highway noise to pass through above acceptable levels.

33. The developer/applicant shall construct a solid continuous (except for baffle wall pass throughs) sound wall along Highway 65 in accordance with the detail shown on the tentative map.

34. The developer/applicant shall construct a 10,000 square foot graded pad adjacent to Lots 74 through 80, out of the flood plane, that will satisfactorily accommodate a playground.

35. The developer/applicant shall deed the 35 foot wide property for the jogging path and sound barrier, adjacent to State Highway 65, to the City of Porterville, in fee simple title, no later than Phase 5.

36. The developer/applicant shall install or plant or pay a planting deposit for the installation of 292 trees within the subdivision (one tree per interior lot and two trees per corner lot) installed as each phase develops.

37. All model home landscaping shall conform to the City’s Water Efficient Landscape Ordinance.

\[signature\]
Virginia R. Gurrola, Mayor

ATTEST:

\[signature\]
C.G. Huffaker, City Clerk
STATE OF CALIFORNIA)  
COUNTY OF TULARE  

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 6th day of March, 2001.

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

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C. G. HUFFAKER, 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 THE APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME FOR “NEW EXPRESSIONS” TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 65 AND STATE HIGHWAY 190

WHEREAS: The Porterville City Council at its regularly scheduled meeting of February 21, 2006, considered a two (2) year extension of time request for “New Expressions” Tentative Subdivision Map, generally located on the southeast corner of State Highway 65 and State Highway 190; and

WHEREAS: The subject tentative subdivision map was originally approved on March 6, 2001; and

WHEREAS: On March 18, 2003, the Porterville City Council approved a three (3) year extension of time for New Expressions; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.

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

3. That a Negative Declaration was approved for the project.

4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

5. That the design of the project or the proposed improvements are not likely to cause health problems.

6. Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

7. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last two (2) phases of the subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for “New Expressions” Tentative Subdivision Map and that the conditions specified in City Council Resolution 34-2001 shall remain in full force and effect. Said extension of time shall commence March 6, 2006, and shall expire on March 6, 2008.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
    Georgia Hawley, Chief Deputy City Clerk
SUBJECT: AFFIRM USE OF CALTRANS PROCEDURES FOR ACQUISITION OF RIGHT OF WAY

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans is requesting that the City of Porterville affirm that the City will use Caltrans procedures to negotiate and acquire right of way whenever a project involves State or Federal funds. Presently, the City uses its own procedures whenever local monies are the sole funding source.

The City's procedures are more streamlined and do not require the services of a State certified right of way agent. Further, City procedures allow City Council to approve or reject a signed agreement even if the acceptance offer is at the appraised value. Caltrans procedures require that the Council pre-approve the offer prior to any negotiations or, automatically approve the signed document negotiated by the right of way agent.

Caltrans reviewed the City's procedures and found, in their opinion, that the City's procedures do not include the necessary steps to fully protect the seller's interests. Because the City has never formally agreed to use Caltrans procedures and because Caltrans is aware that the City has its own procedures, Caltrans is insisting that the City affirm and commit to using Caltrans procedures on all projects involving State and Federal funds.

Caltrans recently notified the City that all State and Federally funded projects are on hold until the City affirms that it will abide by Caltrans procedures when using State or Federal funds.

RECOMENDATION: That the City Council:

1. Affirm by resolution that right of way negotiations and acquisition procedures will adhere to Caltrans procedures;

2. Direct the City Clerk to transmit said approved resolution to Caltrans Right of Way Division; and

3. Direct the Public Works Director to transmit under separate cover a letter to the Caltrans right of way agent requesting that Caltrans remove the hold on all City projects.

ATTACHMENT: Resolution

P:\pubworks\Engineering\Council Items\Affirm Use of Caltran RW Procedures.doc

Approved/Funded

CM Item No.
RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMATION OF THE USE OF CALTRANS
PROCEDURES FOR THE ACQUISITION OF
RIGHT OF WAY FOR STATE OR FEDERALLY
FUNDED PROJECTS

WHEREAS, Caltrans has notified the City of Porterville that it must use Caltrans
procedures to negotiate and acquire right of way whenever a project involves State or
Federal funds, even if right of way purchase monies are funded locally; and

WHEREAS, Caltrans has also notified the City of Porterville it has placed on hold all
State and Federally funded projects for the City until such time as the City of Porterville
affirms through resolution that it will use Caltrans procedures to negotiate and acquire right
of way for all State and Federally funded projects;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does affirm and assure that Caltrans procedures to negotiate and acquire right of
way for all State and Federally funded projects will be adhered to.

PASSED AND ADOPTED this 21st day of February, 2006.

______________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

______________________________________________
By: Georgia Hawley, Deputy Chief City Clerk
SUBJECT: ESTABLISHMENT OF THE INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE FOR MEASURE H

SOURCE: Administration/City Clerk Division

COMMENT: During the 2004/2005 Budget year, the City Council began a review process to determine a vehicle by which to designate a revenue stream to fund increased levels of public safety. After detailed analyses, surveys and input by community members, the Council conducted a public hearing and adopted a resolution which included a proposed Ordinance to be implemented by the People of the City of Porterville, with Program Guidelines and the Expenditure Plan as an attachment. The action of the Council authorized the submission of the proposition for a special sales tax increase to the City’s Transaction and Use Tax by a rate of 0.50% to the qualified voters of the City at the special election held on November 8, 2005. The Porterville Police, Fire and Emergency Response/9-1-1 Measure, known as Measure H, was approved by a two-thirds majority of the eligible voters. With the passage of Measure H on the November ballot, the City of Porterville will be receiving a ½ cent sales and use tax increase to help fund public safety and literacy programs.

The proceeds from the initiative are to be divided by the following formula. The literacy component is on a floating scale and shall be funded at a rate set each year by the City Council. The Council may establish a rate as low as 0% or as high as 15% depending on the priorities of the presiding Council. The remaining funds shall be divided equally between the Porterville Fire Department and the Porterville Police Department. These funds are placed in a separate account (non contiguous to the General Fund support) and used to augment the General Fund support for the Fire Department and the Police Department. The literacy component is funded by this measure with additional support from the General Fund only when the Council so directs.

The General Fund support of the Fire Department and Police Department cannot be reduced or supplanted because of this initiative. The level of support for the Fire Department and the Police Department as authorized by the City Council with the adoption of the 2005/2006 budgets shall be used as the basis for future budget allocations.

It was the stated intent of the electorate that these funds be used specifically for their intended purpose and without reducing General Fund support, and to assure the same, Ordinance No. 1684 contained a provision to establish an independent “Citizen’s Oversight Committee.” Anyone wishing to serve on the committee will be invited to submit his or her name to the City Clerk during an open recruiting time.
period. After which, the names will be forwarded to the City Council for consideration. Whenever there is an opening on the committee, the Council will discuss the names presented, make nomination to the committee and vote on their nominee until all open seats are filled.

Proposed central features of the oversight committee include the following:

**Name:** The committee is to be known as the *Transactions and Use Tax Oversight Committee.*

**Purpose:**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

   Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments; their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the methodology listed above.

2. *Oversight:* Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

**Charge of Committee:**

1. *Monitoring of expenditures:* To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection.

2. *Inform public of failure to expend revenues:* To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.*

The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall
also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

**Committee Composition:** The committee shall consist of 10 members as follows:

1. Each member of the City Council shall appoint two individuals to the committee. Each member shall be either a resident of Porterville or own or operate a business in Porterville pursuant to Porterville City Council Resolution No. 138-2005.

2. To establish the committee in May of 2006, each Council member will appoint one member to a two-year term and a second member to a four-year term.

3. The first two-year term will be from June 1, 2006 to May 31, 2008. The first four-year term will be from June 1, 2006 to May 31, 2010.

4. Subsequent members shall be appointed to serve overlapping four-year terms.

**Powers:** To properly carry out its charge, the City Council empowers the committee as follows:

1.  *Oversight:* Oversight responsibility to review expenditures related to certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. *Review financial statements:* Authority to review independent financial and performance audits and the City of Porterville annual budget as pertains to General Fund No. 4, Public Safety Sales Tax.

The City Council, through the Office of the City Manager and/or his designee, will provide any necessary administrative and technical assistance to the committee, including resources to publicize conclusions of the committee. For purposes of publication, the minimum resource to be made available shall be a page on the City of Porterville website.

**Committee Operations:** The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

- The committee shall meet at least once annually (between December and May) and before the adoption of the next budget in June.
- Meetings of the committee are subject to the open meeting requirements of the Ralph M. Brown Act. Meetings shall be noticed and open to the public.
- The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and
minutes of the committee shall be published on the City of Porterville website.

- The committee shall make decisions by a simple majority vote of those members in attendance.
- The committee shall maintain a record of its meetings.
- The committee shall meet at City Hall, 291 N. Main Street, Porterville, California, at a time convenient to the members and the public.
- The committee shall elect a chairperson, vice chairperson, and secretary.
- The City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution establishing an independent citizen's oversight committee charged to monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection and allocated through the Public Safety Sales Tax Fund;

2. Direct staff to provide notification to the public and accept applications to serve on the Transactions and Use Tax Oversight Committee; and

3. Set the Council meeting date of May 2, 2006, to bring back a list of applications for consideration by Council.

Attachment: 1) Draft Resolution
2) Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan
RESOLUTION NO. ______-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING AN INDEPENDENT CITIZEN’S OVERSIGHT COMMITTEE
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on
December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part
1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of
the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that
shall become operative if at least two-thirds of the electors voting on the measure vote to approve the
tax at an election called for that purpose; and

WHEREAS, Ordinance No. 1684 imposes, upon all retailers in the incorporated territory of the
City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross
receipts of any retailer from the sale of all tangible personal property subject to the State sales and use
tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the Transactions and Use Tax for
Public Safety, Police and Fire Protection appeared on the November 8, 2005 Special Consolidated
Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to
provide a source of revenue to be used to provide additional public safety, police, fire protection
services and undertake necessary capital projects to support those services, and to restore and maintain
literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special
fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public
Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety
Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long
as the funds are utilized for public safety, police and fire protection services. For the purposes of the
Ordinance, “Public Safety Services” means (a) obtaining, furnishing, operating, and/or maintaining
police protection equipment or apparatus, paying the salaries and benefits of police protection
personnel, and such other police protection service expenses as are deemed necessary by the City
Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or
maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection
personnel, and such other fire protection service expenses, including capital expenses, as are deemed
necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no
more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy
programs due to the established connection between illiteracy and crime; and
WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen’s oversight committee as follows:

A. **Name:** The committee shall be known as the *Transactions and Use Tax Oversight Committee.*

B. **Purpose**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

   Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the approved funding levels.

2. **Oversight:** Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. **Charge of Committee**

1. **Monitoring of expenditures:** To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.*

The charge of the committee may be revised from time-to-time by the Porterville City Council.
D. **Powers:** The Porterville City Council empowers the committee with the following powers:

1. **Oversight:** Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. **Review financial statements:** Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

3. **Review of General Fund Budgets:** Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

**The committee shall not have the following authority:**

1. **No authority to recommend or advise:** The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. **Committee Operations**

1. **Establishing the committee:** The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. **First meeting:** The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

3. **Open meeting requirements:** Meetings of the committee are subject to the open meeting requirements of the *Ralph M. Brown Act.* Meetings shall be noticed and open to the public.

4. **Annual report:** The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. **Meet at least once annually:** The committee shall meet at least once annually after adoption of the City budget.
6. **Quorum:** The committee shall make decisions by a simple majority vote of those members in attendance.

7. **Record:** The committee shall maintain a record of its meetings.

8. **Location of meetings:** The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. **Officers:** The committee shall elect a chairperson, vice chairperson, and secretary.

10. **Effective operation of meetings:** The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. **Administrative staff:** The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. **Resources available to the committee:** The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. **City Council appointments:** For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. **Criteria for appointment:** No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. **Length of appointment; rescission of appointment:** For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. **Recommendation to remove by committee:** Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.
5. *Appointment of new members*: At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. *Dissolution of committee*: Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

___________________________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Georgia Hawley, Chief Deputy City Clerk
Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter's direction, and to ensure the public is well-informed of the progress and process.

Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen's Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City's budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

Dedicated Accounting Structure

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community's public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City’s General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.
NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville's safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2005-06 Sales Tax Revenue available (partial year)</td>
<td>$600,000</td>
</tr>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td>$50,903</td>
</tr>
<tr>
<td>Total Resources Available</td>
<td>$650,903</td>
</tr>
<tr>
<td>Increase Police Sworn by 5 positions to the base and outfit (partial year)</td>
<td>$412,803</td>
</tr>
<tr>
<td>Increase Fire Sworn by 7 positions to the base and outfit (partial year)</td>
<td>$148,100</td>
</tr>
<tr>
<td>Restore Literacy Programs/hours (partial year)</td>
<td>$90,000</td>
</tr>
<tr>
<td>Total 2005-06 Fiscal Year Expenditures</td>
<td>$650,903</td>
</tr>
<tr>
<td>Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y)</td>
<td>$1,792,000</td>
</tr>
<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$85,000</td>
</tr>
<tr>
<td>Maintain and Expand Patrol Operations</td>
<td>$405,000</td>
</tr>
<tr>
<td>Maintain and Expand Gang Suppression and Narcotics Operations</td>
<td>$215,000</td>
</tr>
<tr>
<td>Maintain 7 additional Sworn Fire personnel</td>
<td>$521,156</td>
</tr>
<tr>
<td>Purchase additional Fire Rescue Apparatus</td>
<td>$140,000</td>
</tr>
<tr>
<td>Purchase Rescue Equipment for new Fire Apparatus</td>
<td>$25,000</td>
</tr>
<tr>
<td>Purchase Personal Safety Equipment for additional Fire Fighters</td>
<td>$14,000</td>
</tr>
<tr>
<td>Maintain Literacy Program/Hours</td>
<td>$180,000</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$80,000</td>
</tr>
<tr>
<td>Establish Capital Reserve Fund for New Fire Station</td>
<td>$126,844</td>
</tr>
<tr>
<td>Total 2006-07 Fiscal Year Expenditures</td>
<td>$1,792,000</td>
</tr>
<tr>
<td>Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y)</td>
<td>$1,863,680</td>
</tr>
<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$87,000</td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td>$508,000</td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$255,250</td>
</tr>
<tr>
<td>Maintain 7 additional Sworn Fire personnel</td>
<td>$557,637</td>
</tr>
<tr>
<td>Hire 1 additional Fire Investigator</td>
<td>$74,167</td>
</tr>
<tr>
<td>Station and Equipment</td>
<td>$20,000</td>
</tr>
<tr>
<td>Maintain Literacy Programs/hours</td>
<td>$187,200</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$83,200</td>
</tr>
<tr>
<td>Increase Established Capital Reserve Fund for New Fire Station</td>
<td>$91,226</td>
</tr>
<tr>
<td>Total 2007-08 Fiscal Year Expenditures</td>
<td>$1,863,680</td>
</tr>
</tbody>
</table>
### Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)</td>
<td><strong>$1,938,227</strong></td>
</tr>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td><strong>$50,000</strong></td>
</tr>
<tr>
<td>Total Resources Available</td>
<td><strong>$1,988,227</strong></td>
</tr>
</tbody>
</table>

- Increase Police Sworn by 1 additional position to the base: **$91,000**
- Maintain Expanded Patrol Operations: **$566,000**
- Maintain Expanded Gang Suppression and Narcotics Operations: **$320,763**
- Maintain 8 additional Sworn Fire personnel: **$676,030**
- Safety Equipment: **$5,000**
- Maintain Literacy Programs/hours: **$194,688**
- Expand Homework Assistance and Creative Expression Program: **$86,528**
- Increase Established Capital Reserve Fund for New Fire Station: **$48,218**

Total 2007-08 Fiscal Year Expenditures: **$988,227**

### Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)</td>
<td><strong>$2,015,756</strong></td>
</tr>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td><strong>$75,000</strong></td>
</tr>
<tr>
<td>Total Resources Available</td>
<td><strong>$2,090,756</strong></td>
</tr>
</tbody>
</table>

- Maintain 8 additional Sworn Police personnel: **$630,000**
- Maintain Expanded Patrol Operations: **$396,651**
- Maintain Expanded Gang Suppression and Narcotics Operations: **$723,352**
- Maintain 8 additional Sworn Fire personnel: **$202,476**
- Expand Homework Assistance and Creative Expression Program: **$89,989**
- Partial Year Debt Service Payment on New Fire Station Financing: **$48,288**

Total 2009-10 Fiscal Year Expenditures: **$2,090,756**

### Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)</td>
<td><strong>$2,096,387</strong></td>
</tr>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td><strong>$150,000</strong></td>
</tr>
<tr>
<td>Total Resources Available</td>
<td><strong>$2,246,387</strong></td>
</tr>
</tbody>
</table>

- Maintain 8 additional Sworn Police personnel: **$664,000**
- Maintain Expanded Patrol Operations: **$413,983**
- Maintain Expanded Gang Suppression and Narcotics Operations: **$773,352**
- Maintain Literacy Programs/hours: **$210,575**
- Expand Homework Assistance and Creative Expression Program: **$93,589**
- Debt Service on New Fire Station Financing: **$90,889**

Total 2010-11 Fiscal Year Expenditures: **$2,246,387**

* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09. **$266,288**
1. Assumes 4% growth rate in annual sales tax revenue.

2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.

3. Additional General Fund Utility User's Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.

4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.

5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.
SUBJECT: RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (1,620 SQ. FEET) LOCATED AT APN #261-094-008 - OWNER ROGELIO N. AND JOANDREW ZELENY ORTIZ - FOR THE PROPOSED DATE AVENUE RECONSTRUCTION PROJECT

SOURCE: City Attorney's Office

COMMENT: Staff has been working with the owners of the subject property, Rogelio and Joandrew Ortiz, to acquire the above-referenced portion of property. This portion of the property needs to be acquired in order to commence construction for the Date Avenue Reconstruction Project, a project to widen and improve the street between Main Street and “A” Street. While there have been recent discussions between the parties, the City and property owner have not yet been able to reach an agreement.

Staff is asking City Council to adopt a Resolution of Necessity, as the plans for the proposed project are complete and the City wishes to commence construction work. The City Attorney has prepared the attached Resolution of Necessity for adoption by City Council. The statutory offer and summary of the basis for just compensation, pursuant to Government Code Sections 7267.1 and 7267.2(a) and prepared by Paragon Partners, Ltd., the City's Acquisition Agent, have been sent to the owners. The City Attorney has also notified the above owners, in writing via certified mail, and more than 15 days prior to the Council meeting, that this matter would be scheduled for this meeting's agenda. As of today, no written request to be heard has been received by the City from the property owners. In adopting a Resolution of Necessity, the City Council must find that the public interest and necessity require the project, that the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury, and that the property sought to be acquired is necessary for the project.

RECOMMENDATION: That City Council:

1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;

2. Adopt the attached Resolution of Necessity; and

3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

Attachment:

1. Resolution of Necessity, with Appendices 1 and 2
RESOLUTION NO. _______


WHEREAS, the City of Porterville intends to construct a street improvement project (entitled the “Date Avenue Reconstruction Project”), which involves the widening and improving of Date Avenue between Main Street and “A” Street.

WHEREAS, after notice and opportunity have been given to the property owner(s) at issue, the City Council of the City of Porterville hereby finds and determines as follows:

1. The City of Porterville intends to construct the aforementioned Project, a public use, together with related improvements to carry out and make effective the principal purpose pursuant to Code of Civil Procedure Section 1240.120(a), and in connection therewith, acquire interest in certain real property. Said public use is a function of the City of Porterville.

2. The City of Porterville is authorized to acquire the portion of the parcel described in Appendix 1 herein and exercise the power of eminent domain for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 et seq. and pursuant to Government Code Section 37350.5, Streets and Highways Code Section 5100 et seq., Streets and Highways Code Section 1810, Public Resources Code Sections 5301 and 5302, and Sections 3 and 4 of the Charter of the City of Porterville.

3. The property to be acquired consists of a portion of one parcel and is generally located at the northwest corner of Plano Street and Mulberry Avenue. The property to be acquired is more particularly described in Appendix 1, attached hereto and incorporated herein by reference together with a map thereof.

4. On January 27, 2006, there was mailed a Notice of Hearing on the intent of the City of Porterville to adopt a Resolution of Necessity for acquisition by eminent domain of the real property described in Appendix 1 herein, which Notice of Hearing is attached hereto as Appendix 2 and is incorporated herein by this reference. Said Notice of Hearing was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the property described in Appendix 1, and to the situs address appearing on said Roll. Said Notice advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein. Said persons received the Notice of the Hearing.
5. The hearing set out in said Notice was held on February 21, 2006, at the
time and place stated therein, and all interested parties were given an opportunity to be
heard. The hearing was closed.

Based upon the evidence presented, this City Council by vote of two-thirds or
more of its members, further finds, determines, declares, and resolves each of the
following:

a. The public interest and necessity require the proposed project.

b. The proposed project is planned or located in the manner that will
be most compatible with the greatest public good and the least
private injury.

c. The property described herein in Appendix 1 is necessary for the
proposed project.

d. The offer required by Section 7267.2(a) of the Government Code,
and the summary of the basis for the amount established as just
compensation, was made to the owner or owners of record.

e. All conditions and statutory requirements necessary to exercise the
power of eminent domain ("the right to take") to acquire the
property described herein have been complied with by the City of
Porterville.

f. A portion of the property described in Appendix 1 may be acquired
for a more necessary public use pursuant to Code of Civil
Procedure Section 1240.610. The City Council further finds and
determines that insofar as and to the extent that said parcel has
heretofore been dedicated to a public use for telephone and/or
electric utility purposes, the acquisition and use of said parcel by
the City of Porterville for the public use described above is for a
more necessary public use than the use to which the property has
already been appropriated.

6. The City Attorney is hereby AUTHORIZED and EMPOWERED:

a. To acquire in the name of the City of Porterville, by condemnation,
the property described in Appendix 1, attached hereto and
incorporated herein by this reference in accordance with the
provisions of the California Eminent Domain Law and the
Constitution of California;

b. To acquire the property in fee simple unless a lesser estate is
described in Appendix 1, herein;
c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the City of Porterville such proceedings in the proper court as are necessary for such acquisition;

d. To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the City of Porterville to take immediate possession and use of said property for said public uses and purposes.

This Resolution was passed by the City Council members of the City of Porterville at a regularly scheduled meeting thereof on the _____ day of February, 2006.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
APPENDIX 1
Exhibit "A"

That portion of Lot 16 of Block 37 of the Map of the Town of Porterville, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 3 of Maps, at page 18 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the southeast corner of said Lot 16;

THENCE, North 00° 58' 22" East, along the east line of said Lot 16, 20.53 feet;

THENCE, South 45° 57' 47" West, 14.14 feet, to a point being 10.00 feet West of the east line of said Lot 16 and 10.52 feet North of the south line of said Lot 16;

THENCE, North 89° 02' 48" West, 139.83 feet, to a point in the west line of said Lot 16;

THENCE, South 00° 57' 21" West, along said west line, 10.43 feet, to the southwest corner of said Lot 16;

THENCE, South 89° 00' 37" East, along the south line of said Lot 16, 149.82 feet, to the POINT OF BEGINNING.

CONTAINING 1,620 square feet more or less.

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: [Date]
January 27, 2006

[VIA CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED]

Rogelio Ortiz
Joandrew Ortiz
1370 W. Jean Ave.
Porterville, California 93257

Re: Notice of Hearing regarding Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain [California Code of Civil Procedure 1245.235]

Dear Mr. and Mrs. Ortiz:

1. Notice of Intent of City of Porterville to Adopt a Resolution of Necessity. The City Council of the City of Porterville intends to consider the adoption of a Resolution of Necessity on February 21, 2006, which, if adopted, will authorize the City to acquire the property described herein by eminent domain for the proposed Date Avenue Improvement Project. A description of the property being considered for acquisition is attached to this Notice and is marked Exhibit A.

2. Notice of Your Right to Appear and Be Heard. Please take notice that the City Council of the City of Porterville, at a regular meeting to be held on Tuesday, February 21, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, at City Hall, 291 North Main Street, Porterville, California, will hold an hearing on whether such Resolution of Necessity should be adopted, as required by California Code of Civil Procedure Section 1245.220 for the commencement of an eminent domain proceeding to acquire real property.

You have the right to appear and be heard before the City Council at the above scheduled hearing on the following matters and issues, and to have the City Council give judicious consideration to your testimony prior to deciding whether or not to adopt the proposed Resolution of Necessity:

a. Whether the public interest and necessity require the proposed project;
b. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

c. Whether the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed project;

d. Whether the offer required by Government Code Section 7267.2(a), and the summary of the basis for the amount established as just compensation, was actually made to you and whether said offer and summary were sufficient pursuant to Government Code Section 7267.2(a);

e. Whether the City of Porterville has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the right to take) to acquire the property described herein, as well as any other matter regarding the right to take said property by eminent domain; and

f. Whether the City has the authority to acquire the property by eminent domain.

A copy of the proposed Resolution of Necessity will be available, upon your request, for inspection at the office of the Clerk of the City Council of the City of Porterville at City Hall ten (10) days prior to the hearing.

Your name appears on the last equalized Tulare County assessment roll and as Owner in our preliminary title report of the property required for the proposed project.

The statutes which authorize the City of Porterville to acquire the property by eminent domain for this proposed project are Code of Civil Procedure Section 1240.010, Streets and Highways Code Section 1810, Streets and Highways Code Sections 5100 et seq., Government Code Section 37350.5, and Public Resources Code Sections 5301 and 5302.

3. Failure to File a Written Request to Be Heard within Five (5) Days of the Hearing Will Result in Waiver of the Right to Appear and Be Heard. If you desire to be heard, please be advised that you must file a written request with the clerk of the governing board no later than five (5) days prior to the hearing. You must file your request to be heard with the City Clerk, Porterville City Hall, P.O. Box 432, Porterville, California 93258.

Should you elect to mail your request to the clerk of the governing board, it must be actually received by the clerk five (5) days prior to the hearing.
Rogelio Ortiz  
Joandrew Ortiz  
1370 W. Jean Ave.  
January 27, 2006  
Page 3

The date of Mailing appears at the end of this Notice.

California Code of Civil Procedure Section 1245.235(b)(3) provides that failure to file a written request to appear and be heard within fifteen (15) days after the Notice was mailed will result in waiver of the right to appear and be heard on the above matters and issues which are the subject of the hearing. Note that the City of Porterville, in an effort to allow further time for negotiations, is giving you more time than statutorily required to file a written request to appear. If you fail to file a written request at least five days prior to the hearing, however, this failure will result in waiver of the right to appear and be heard.

If you elect not to appear and be heard in regard to compensation, your nonappearance will not be a waiver of your right to claim greater compensation in a court of law. The amount to be paid for the property will not be considered by the board at this hearing.

If you elect not to appear and not to be heard, your failure to appear will be a waiver of your right to later challenge the right of the City of Porterville to take the property by eminent domain.

This Notice is not intended to foreclose future negotiations between you and the representatives of the City of Porterville on the amount of compensation to be paid for your property.

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues which are the subject of this noticed hearing and which are concerned with the right to take the property by eminent domain.

If the City Council elects to adopt the Resolution of Necessity, then within six months of the adoption of the Resolution, the City of Porterville will commence eminent domain proceedings in Superior Court. In that proceeding, the Court will determine the amount of compensation to which you are entitled.


Very truly yours,

[Signature]

Julia M. Lew

Enclosure

cc: City of Porterville
APN 261-094-008

Exhibit "A"

That portion of Lot 16 of Block 37 of the Map of the Town of Porterville, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 3 of Maps, at page 18 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the southeast corner of said Lot 16;

THENCE, North 00° 58' 22" East, along the east line of said Lot 16, 20.53 feet;

THENCE, South 45° 57' 47" West, 14.14 feet, to a point being 10.00 feet West of the east line of said Lot 16 and 10.52 feet North of the south line of said Lot 16;

THENCE, North 89° 02' 48" West, 139.83 feet, to a point in the west line of said Lot 16;

THENCE, South 00° 57' 21" West, along said west line, 10.43 feet, to the southwest corner of said Lot 16;

THENCE, South 89° 00' 37" East, along the south line of said Lot 16, 149.82 feet, to the POINT OF BEGINNING.

CONTAINING 1,620 square feet more or less.

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: Michael K. Reed
Licensed Land Surveyor

Date: [Signature]

[Stamp: Licensed Land Surveyor]

[Stamp: State of California]
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage
Certified Fee
Return Receipt Fee
Postmark Here

$1.03
2.40
1.85

1-27-06

Total Postage & Fees

$4.88

TO
ROGELIO ORTIZ
1970 W. JENN AVE.
PORTERVILLE, CA 93257

PS Form 3811, August 2001

SENDER: COMPLETE THIS SECTION

☑ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☑ Print your name and address on the reverse so that we can return the card to you.
☑ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
ROGELIO ORTIZ
1970 W. JENN AVE.
PORTERVILLE, CA 93257

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

B. Received by (Printed Name)

☐ Yes

C. Is delivery address different from item?

☑ No

☐ Yes

☐ Express Mail

D. Restricted Delivery? (Extra Fee)

☐ Registered

☐ Certified Mail

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

PS Form 3811, August 2001
Domestic Return Receipt
102592-02-M-1541
SUBJECT:  SECOND READING - ORDINANCE 1690, REQUEST FOR SPECIAL FIREWORKS PERMIT

SOURCE:  Administrative Services Department/City Clerk Division

COMMENT:  Ordinance No. 1690, amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code to allow that for Calendar Year 2006 the Exchange Club of Porterville shall be granted a permit without participation in the lottery. The ordinance was given First Reading on February 7, 2006, and has been printed.

RECOMMENDATION:  That Council give Second Reading to Ordinance No. 1690, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1690
ORDINANCE NO. 1690

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS,
OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS, on May 1, 2001, the City Council did adopt Ordinance No. 1601 revising Chapter 12, Article II, Fireworks, to allow for the sale of Safe and Sane Fireworks within the City of Porterville; and

WHEREAS, The City Council has determined that eligible non-profit organizations may be instrumental in presenting the public fireworks displays for the benefit of the community as a whole; and

WHEREAS, the City Council has determined that for Calendar Year 2006 the Exchange Club of Porterville shall be granted a permit without participation in the lottery;

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

Section 1. For Calendar Year 2006, the following eligible organization shall be granted a permit to sell safe and sane fireworks, in addition to those permits issued by the lottery pursuant to Section 12.2.5., within the City of Porterville:

The Exchange Club of Porterville

This organization must adhere to all other rules and requirements set forth in Chapter 12, Article II, in order to receive their permit.

Section 2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SECOND READING - ORDINANCE 1691, ZONE CHANGE NO. 13-2005 (PRE-ZONING)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1691, approving Zone Change 13-2005 (Pre-Zoning), being a pre-zoning from County C-3 (Service Commercial) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) and City R-1 (One Family Residential) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) for that site generally located at the southwest corner of Westwood Street and Olive Avenue, was given First Reading on February 7, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1691, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1691

Item No. 14
ORDINANCE NO. 1691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 13-2005 BEING A PRE-ZONING FROM COUNTY C-3 (SERVICE COMMERCIAL) TO CITY C-3 (D) (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) AND CITY R-1 (ONE FAMILY RESIDENTIAL) TO CITY C-3 (D) (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR THAT SITE GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WESTWOOD STREET AND OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 7, 2006, conducted a public hearing to consider Zone Change 13-2005 (Pre-zoning) and Annexation 463 for that site generally located on the southwest corner of Westwood Street and Olive Avenue; and

WHEREAS: The entire site consist of 7.12± acres. The portion of the site to be annexed has 4.32 ± acres consisting of two (2) parcels. This area is located at the southwest corner of Westwood Street and Olive Avenue extending west. The parcel to the east has an existing car wash and an existing mobile home and outbuilding just west of the car wash. The westerly parcel has an existing Tulare County Fire Station. The remaining vacant 2.80± acre portion of the site is located on the west side of Westwood Street contiguous to the 4.32± acre site to the north; and

WHEREAS: Zone Change 13-2005 (pre-zoning) proposes to change the existing County C-3 Zoning (Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the entire 4.32 ± acre site; and

WHEREAS: A change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for a 2.80± acre portion of the site is also proposed; and

WHEREAS: In conjunction with Zone Change 13-2005, Annexation No. 463 proposes the incorporation of 4.32± acres of land into the City Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 463 to the Local Agency Formation Commission (LAFCo) for its review and approval; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed pre-zoning from County C-3 (Service Commercial) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for the entire 4.32± acre site fronting on Olive Avenue: and
WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the southerly 2.80± acres; and

WHEREAS: Upon approval of the annexation and zone change, the developer/applicant shall be required to submit a lot line adjustment prior to development approvals; and

WHEREAS: Upon approval of the zone change, the existing mobile home will be considered as a “legal non-conforming use” which could not be replaced if it were destroyed by more than 75% of its assessed value. However, the present residential use will be allowed to continue.

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 13-2005:

1. That the proposed zoning will conform with the land use designation of the General Plan.

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act.

3. That this zoning designation will allow for the logical establishment of the existing car wash and County Fire Department.

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.

5. That the Negative Declaration prepared for this project was made available for public review and comment.

On December 19, 2005, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from December 27, 2005 to January 17, 2006. At the end of that period, no agencies responded.

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

Section 1: Zone Change 13-2005 is contingent upon approval of Annexation 463.

Section 2: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby pre-zoned from County C-3
(Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the entire 4.32± acre site fronting on Olive Avenue more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 3: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby re-zoned from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the 2.80± acre vacant portion of the site more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A.”

Section 4: 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. 463.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE NO. 13–2005

OLIVE AVE

WESTWOOD ST.

PROPOSED CHANGE

= COUNTY C–3 TO CITY C–3(D)

= CITY R–1 TO CITY C–3(D)

CITY COUNCIL
ORDINANCE NO. 1691

EXHIBIT "A"
SUBJECT: “NEW EXPRESSIONS” TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Ennis Homes
643 N. Westwood
Porterville, CA 93257

COMMENT: The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY: The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last two (2) phases of the subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for “New Expressions” Tentative Subdivision.

ATTACHMENT:

1. Complete Staff Report
STAFF REPORT

SUBJECT: “NEW EXPRESSIONS” TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

APPLICANT: Ennis Homes
643 N. Westwood
Porterville, CA 93257

PROJECT LOCATION: The site is generally located on the southeast corner of State Highway 65 and State Highway 190.

SPECIFIC REQUEST: The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY: The subject tentative subdivision map was originally approved on March 6, 2001. On March 18, 2003, the Porterville City Council approved a three (3) year extension of time. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last two (2) phases of the subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for “New Expressions” Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 34-2001 (tentative map approval)
4. Draft Resolution approving the extension of time
February 7, 2006

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

RE: New Expressions

Dear Mr. Dunlap,

Our files indicate that the Tentative Subdivision Map for New Expressions will expire on or about March 6, 2006. The Improvement Plans and Final Map for the last phase of the project are presently being developed, however will not be completed prior to the expiration date. We have enclosed a check in the amount of $225 and are requesting a two year time extension.

If you have any questions, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

JSW/bg
Encls.
RESOLUTION NO. 34-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVING "NEW EXPRESSIONS PHASES TWO THROUGH SIX" TENTATIVE SUBDIVISION MAP LOCATED ON THE NORTHEAST CORNER OF STATE HIGHWAY 65 AND STATE HIGHWAY 190

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 6, 2001, conducted a public hearing to consider "New Expressions Phases Two through Six" being a 257 lot tentative subdivision map to be developed in five phases, located on the northeast corner of State Highway 65 and State Highway 190; and

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

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan and the approved Specific Plan for the "Viejo Robles" Planned Unit Development.

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

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

4. That a Negative Declaration was approved for this project in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment.

5. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

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.
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; and

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve “New Expressions Phases Two Through Six” tentative subdivision map, subject to the following conditions:

GENERAL CONDITIONS


2. 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 they have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). The developer/applicant has 90 days from the date fees are paid to file a written protest.

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

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

5. The developer/applicant shall dedicate a one foot limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. It is the City’s intent to prevent access directly from the subdivision lots to Drainage Reservoir No. 55, the jogging path, and the Tule River Parkway.
6. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, in accordance with State Law, to have said subdivision annexed to Lighting and Maintenance District No. 1 at the time the final map is approved. Said petition shall include a request that the Annexation contain a fee adjustment clause tied to the Consumer Price Index. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annexation to the district: (1) Lighting; (2) Public Landscaping, (including the area adjacent to Lot 73); and (3) Sound barrier.

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and appendix Chapter 33 of the Uniform 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. The developer/applicant shall provide the reports indicated below:

   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133); and
   
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (UBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

8. The developer/applicant shall comply with City Retaining Wall Standards at Lot Lines where such standards are applicable.

9. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

10. Prior to start of grading on any phase, the developer/applicant shall abandon and cap existing wells in that unit. 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.

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

12. Prior to recording the final map, or in accordance with an approved subdivision agreement, the developer/applicant shall provide off-site improvements, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g., water, sewers, drainage, street transitions, etc.). Prior to construction of any phase that extends more than one lot depth south of Springville Avenue, the developer/applicant shall reconstruct Indiana St., from Springville Avenue to State Highway 190 and terminate it in a full City Standard offset cul-de-sac, including sidewalk in the westerly half of the cul-de-sac. The developer/applicant shall construct a driveway, in said cul-de-sac, that connects to the existing emergency access road. The developer/applicant shall relocate the existing gate to a position just behind said driveway. The half street improvements, adjacent to the drainage reservoir, are eligible for reimbursement from the Storm Drain Development Fund after fee title to Drainage Reservoir No. 55 is transferred to the City. The City will accept a request for a reimbursement agreement for the street improvements on the east half of Indiana Street, south of Springville Avenue.

13. 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, the developer/applicant shall construct sidewalks in a timely manner to facilitate NBU installation.

14. 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.).

15. The developer/applicant shall assure compliance with San Joaquin Valley Unified Air Pollution Control District Rules 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.
16. 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), 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.

17. 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 is in place for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

DRAINAGE CONDITIONS

18. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drainage Master Plan. The developer/applicant shall construct Drainage Reservoir No. 55. A percolation rate of not faster than 30 minutes per inch shall be used in the calculations. The bottom of Reservoir No. 55 must be shown to be not less that ten feet (10') above the high water table elevation. The developer/applicant shall dedicate a drainage easement across each lot requiring an easement, unless all lots are graded
to drain to the street. The developer/applicant shall construct drainage swales, along
the trail, connecting to the proposed storm drain pipe inlets (C.C. Sec. 21-50).

19. The developer/applicant is advised that they are obligated to comply with Federal
Regulations for storm water runoff discharges issued by the U.S. EPA on November
16, 1990, (40 CFR Part 122, 123, and 124). The regulations require all construction
activity including clearing, grading, and excavation activities (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) discharging to waters of the United
States or the State of California to file a notice of intent (NOI) on Form NOI-1
(Available in the City Engineering Division) and appropriate fee with the State Water
Board prior to start of construction activity. Prior to approval of the final map or the
start of grading, the NOI shall be sent to the State with a copy sent to the City
Engineering Division.

20. In Phase 2, the developer/applicant shall deepen the northwest corner of the drainage
reservoir to accommodate percolation of summer nuisance water while the rest of the
reservoir, except for a drainage swale, is dry. The developer/applicant shall construct
a drainage swale along the north toe of slope from the pipe discharges to the
dep deepen portion of the drainage reservoir.

STREET CONDITIONS

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

22. The developer/applicant shall construct all weather alternative vehicular access road
equipped with a double 2.5" pipe security gate 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.

23. 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.

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

SEWER CONDITIONS

25. 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.
UTILITY CONDITIONS

26. Prior to recording the final map, the developer/applicant shall relocate or provide surety for relocation of existing utility structures (e.g. poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space from the curb face to the structures unless they are below grade (Ordinance No. 1306, Title 24 OSA).

27. Prior acceptance of improvements the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications, as required and approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

WATER CONDITIONS

28. 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 in each phase of the subdivision shall not exceed one for each ten lots. The model homes shall be clustered.

29. The developer/applicant shall install water valves to City standards for each phase of the subdivision. Each phase will require "isolation."

FLOOD CONDITIONS:

30. 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: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.

SPECIAL CONDITIONS

31. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
32. The developer/applicant shall have the cul-de-sacs adjacent to the jogging path designed so pedestrians can walk directly to and from said path via baffle walls or other construction that will not allow highway noise to pass through above acceptable levels.

33. The developer/applicant shall construct a solid continuous (except for baffle wall pass throughs) sound wall along Highway 65 in accordance with the detail shown on the tentative map.

34. The developer/applicant shall construct a 10,000 square foot graded pad adjacent to Lots 74 through 80, out of the flood plane, that will satisfactorily accommodate a playground.

35. The developer/applicant shall deed the 35 foot wide property for the jogging path and sound barrier, adjacent to State Highway 65, to the City of Porterville, in fee simple title, no later than Phase 5.

36. The developer/applicant shall install or plant or pay a planting deposit for the installation of 292 trees within the subdivision (one tree per interior lot and two trees per corner lot) installed as each phase develops.

37. All model home landscaping shall conform to the City’s Water Efficient Landscape Ordinance.

[Signature]
Virginia R. Gurrola, Mayor

ATTEST:
[Signature]
C.G. Huffaker, City Clerk
STATE OF CALIFORNIA)
      (SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 6th day of March, 2001.

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

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<th>IRISH</th>
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<th>WILSON</th>
<th>LEAVITT</th>
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C. G. HUFFAKER, 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 THE APPROVAL
OF A TWO (2) YEAR EXTENSION OF TIME FOR “NEW EXPRESSIONS”
TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE SOUTHEAST CORNER
OF STATE HIGHWAY 65 AND STATE HIGHWAY 190

WHEREAS: The Porterville City Council at its regularly scheduled meeting of February
21, 2006, considered a two (2) year extension of time request for “New Expressions” Tentative
Subdivision Map, generally located on the southeast corner of State Highway 65 and State Highway
190; and

WHEREAS: The subject tentative subdivision map was originally approved on March
6, 2001; and

WHEREAS: On March 18, 2003, the Porterville City Council approved a three (3) year
extension of time for New Expressions; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.

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

3. That a Negative Declaration was approved for the project.

4. That the design of the project or the proposed improvements are not likely to cause
substantial environmental damage.

5. That the design of the project or the proposed improvements are not likely to cause
health problems.

6. Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions
of time for tentative maps (both subdivisions and parcel maps) for a period not to
exceed a total of five (5) years.

7. The extension of time will allow the developer an opportunity to keep the map active
and fulfill the development requirements for the last two (2) phases of the
subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for “New Expressions” Tentative Subdivision Map and that the conditions specified in City Council Resolution 34-2001 shall remain in full force and effect. Said extension of time shall commence March 6, 2006, and shall expire on March 6, 2008.

_________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By  ____________________________________
   Georgia Hawley, Chief Deputy City Clerk
SUBJECT: COMMUNITY CLEAN UP EVENTS

SOURCE: Public Works Department - Field Services Division

COMMENT: In 2005, to encourage property maintenance and beautification, the City sponsored a Spring Clean Up Day on April 23. This event offered residential refuse customers free disposal of general trash, bulky items, woodwaste and yard clippings at the City’s Corporation Yard. The event was well received, with nearly 400 residents participating. Approximately 29 tons of general refuse was received, and an additional 44 tons of recyclable material was diverted from the landfill. Total cost of the event, including disposal fees and personnel, was approximately $4,400.

Based on the success of the 2005 event, staff recommends the City host two Community Clean Up Events in 2006. Proposed event dates are Saturday, May 13, and Saturday, October 21. As in the past, the events would be open to all residents receiving City refuse service. Staff estimates City disposal costs for both events to be approximately $7,000 funded through the Solid Waste Operating Budget.

RECOMMENDATION: That City Council:


2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City; and

3. Authorize the City to accept trash, litter and yard clippings delivered to the Spring and Fall Clean Up Events for free disposal.
SUBJECT: AFFIRM USE OF CALTRANS PROCEDURES FOR ACQUISITION OF RIGHT OF WAY

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans is requesting that the City of Porterville affirm that the City will use Caltrans procedures to negotiate and acquire right of way whenever a project involves State or Federal funds. Presently, the City uses its own procedures whenever local monies are the sole funding source.

The City's procedures are more streamlined and do not require the services of a State certified right of way agent. Further, City procedures allow City Council to approve or reject a signed agreement even if the acceptance offer is at the appraised value. Caltrans procedures require that the Council pre-approve the offer prior to any negotiations or, automatically approve the signed document negotiated by the right of way agent.

Caltrans reviewed the City's procedures and found, in their opinion, that the City's procedures do not include the necessary steps to fully protect the seller's interests. Because the City has never formally agreed to use Caltrans procedures and because Caltrans is aware that the City has its own procedures, Caltrans is insisting that the City affirm and commit to using Caltrans procedures on all projects involving State and Federal funds.

Caltrans recently notified the City that all State and Federally funded projects are on hold until the City affirms that it will abide by Caltrans procedures when using State or Federal funds.

RECOMENDATION: That the City Council:

1. Affirm by resolution that right of way negotiations and acquisition procedures will adhere to Caltrans procedures;

2. Direct the City Clerk to transmit said approved resolution to Caltrans Right of Way Division; and

3. Direct the Public Works Director to transmit under separate cover a letter to the Caltrans right of way agent requesting that Caltrans remove the hold on all City projects.

ATTACHMENT: Resolution

P:\pub\work\engineering\council items\affiliate Use of Caltrans RW Procedures.doc

Item No. 6
RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMATION OF THE USE OF CALTRANS
PROCEDURES FOR THE ACQUISITION OF
RIGHT OF WAY FOR STATE OR FEDERALLY
FUNDED PROJECTS

WHEREAS, Caltrans has notified the City of Porterville that it must use Caltrans procedures to negotiate and acquire right of way whenever a project involves State or Federal funds, even if right of way purchase monies are funded locally; and

WHEREAS, Caltrans has also notified the City of Porterville it has placed on hold all State and Federally funded projects for the City until such time as the City of Porterville affirms through resolution that it will use Caltrans procedures to negotiate and acquire right of way for all State and Federally funded projects;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does affirm and assure that Caltrans procedures to negotiate and acquire right of way for all State and Federally funded projects will be adhered to.

PASSED AND ADOPTED this 21st day of February, 2006.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley, Deputy Chief City Clerk
SUBJECT: AMENDMENTS TO THE EMPLOYEE PAY AND BENEFIT PLAN AND THE EMPLOYEE RETIREMENT SYSTEM

SOURCE: Administration

COMMENT: Staff is prepared to present those matters to the Council which pertain to compensation and benefits for the Executive Management group of employees who do not fall within the scope and purview of the Meyers-Millas-Brown Act, i.e., employees not designated for purposes of recognition and representation as an organized group for purposes of labor relations.

City Council acceptance and approval of authorized changes in wages, benefits and conditions of employment are commonly made by amendments, when applicable, to those documents necessary to implement such changes. The attached resolution, covering unrepresented Local Safety Management Employees and unrepresented Local Miscellaneous Management Employees, is consistent with the guidelines provided by the Council, and will achieve the aforementioned.

RECOMMENDATION: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

ATTACHMENT: Draft Resolution
RESOLUTION NO. _____-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN AND THE EMPLOYEE RETIREMENT SYSTEM

WHEREAS: The City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan, and Retirement Plan are essential for the proper administration of the City’s affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS: The City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of same; and

WHEREAS: The City Council agrees that unrecognized executive employees should also be acknowledged through such amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan and the Employee Retirement System, for employees holding positions designated as unrepresented Local Safety Management Employees and unrepresented Local Miscellaneous Management Employees, i.e., employees not designated for purposes of recognition and representation, are hereby amended as follows:

CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS) AND EMPLOYEE PAY AND BENEFIT PLAN

Effective 02-15-06, or as soon thereafter as possible, the employee’s share of the monthly CalPERS contribution, i.e., 9% for Local Safety Members and currently 7% increasing to 8% effective 07-01-06 for Local Miscellaneous Members, shall be converted to salary for
all unrepresented Safety Management Employees and unrepresented Miscellaneous Management Employees, providing said employees participate in paying the employee’s pre-taxed monthly retirement contribution on the same date as the salary conversion.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

______________________________
Pedro R. Martinez, Mayor

Attest:

______________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: ESTABLISHMENT OF THE INDEPENDENT CITIZENS’ OVERSIGHT COMMITTEE FOR MEASURE H

SOURCE: Administration/City Clerk Division

COMMENT: During the 2004/2005 Budget year, the City Council began a review process to determine a vehicle by which to designate a revenue stream to fund increased levels of public safety. After detailed analyses, surveys and input by community members, the Council conducted a public hearing and adopted a resolution which included a proposed Ordinance to be implemented by the People of the City of Porterville, with Program Guidelines and the Expenditure Plan as an attachment. The action of the Council authorized the submission of the proposition for a special sales tax increase to the City’s Transaction and Use Tax by a rate of 0.50% to the qualified voters of the City at the special election held on November 8, 2005. The Porterville Police, Fire and Emergency Response/9-1-1 Measure, known as Measure H, was approved by a two-thirds majority of the eligible voters. With the passage of Measure H on the November ballot, the City of Porterville will be receiving a ½ cent sales and use tax increase to help fund public safety and literacy programs.

The proceeds from the initiative are to be divided by the following formula. The literacy component is on a floating scale and shall be funded at a rate set each year by the City Council. The Council may establish a rate as low as 0% or as high as 15% depending on the priorities of the presiding Council. The remaining funds shall be divided equally between the Porterville Fire Department and the Porterville Police Department. These funds are placed in a separate account (non contiguous to the General Fund support) and used to augment the General Fund support for the Fire Department and the Police Department. The literacy component is funded by this measure with additional support from the General Fund only when the Council so directs.

The General Fund support of the Fire Department and Police Department cannot be reduced or supplant because of this initiative. The level of support for the Fire Department and the Police Department as authorized by the City Council with the adoption of the 2005/2006 budgets shall be used as the basis for future budget allocations.

It was the stated intent of the electorate that these funds be used specifically for their intended purpose and without reducing General Fund support, and to assure the same, Ordinance No. 1684 contained a provision to establish an independent “Citizen’s Oversight Committee.” Anyone wishing to serve on the committee will be invited to submit his or her name to the City Clerk during an open recruiting time.
period. After which, the names will be forwarded to the City Council for consideration. Whenever there is an opening on the committee, the Council will discuss the names presented, make nomination to the committee and vote on their nominee until all open seats are filled.

Proposed central features of the oversight committee include the following:

**Name:** The committee is to be known as the *Transactions and Use Tax Oversight Committee*.

**Purpose:**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments; their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the methodology listed above.

2. **Oversight:** Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

**Charge of Committee:**

1. **Monitoring of expenditures:** To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection.

2. **Inform public of failure to expend revenues:** To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan*.

The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall
also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

Committee Composition: The committee shall consist of 10 members as follows:

1. Each member of the City Council shall appoint two individuals to the committee. Each member shall be either a resident of Porterville or own or operate a business in Porterville pursuant to Porterville City Council Resolution No. 138-2005.

2. To establish the committee in May of 2006, each Council member will appoint one member to a two-year term and a second member to a four-year term.

3. The first two-year term will be from June 1, 2006 to May 31, 2008. The first four-year term will be from June 1, 2006 to May 31, 2010.

4. Subsequent members shall be appointed to serve overlapping four-year terms.

Powers: To properly carry out its charge, the City Council empowers the committee as follows:

1. **Oversight:** Oversight responsibility to review expenditures related to certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. **Review financial statements:** Authority to review independent financial and performance audits and the City of Porterville annual budget as pertains to General Fund No. 4, Public Safety Sales Tax.

The City Council, through the Office of the City Manager and/or his designee, will provide any necessary administrative and technical assistance to the committee, including resources to publicize conclusions of the committee. For purposes of publication, the minimum resource to be made available shall be a page on the City of Porterville website.

Committee Operations: The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

- The committee shall meet at least once annually (between December and May) and before the adoption of the next budget in June.
- Meetings of the committee are subject to the open meeting requirements of the Ralph M. Brown Act. Meetings shall be noticed and open to the public.
- The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and
minutes of the committee shall be published on the City of Porterville website.

- The committee shall make decisions by a simple majority vote of those members in attendance.
- The committee shall maintain a record of its meetings.
- The committee shall meet at City Hall, 291 N. Main Street, Porterville, California, at a time convenient to the members and the public.
- The committee shall elect a chairperson, vice chairperson, and secretary.
- The City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

RECOMMENDATION: That the City Council:

1) Adopt the draft resolution establishing an independent citizen’s oversight committee charged to monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection and allocated through the Public Safety Sales Tax Fund;

2) Direct staff to provide notification to the public and accept applications to serve on the Transactions and Use Tax Oversight Committee; and

3) Set the Council meeting date of May 2, 2006, to bring back a list of applications for consideration by Council.

Attachment: 1) Draft Resolution
2) Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan
RESOLUTION NO.____-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that shall become operative if at least two-thirds of the electors voting on the measure vote to approve the tax at an election called for that purpose; and

WHEREAS, Ordinance No.1684 imposes, upon all retailers in the incorporated territory of the City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property subject to the State sales and use tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the Transactions and Use Tax for Public Safety, Police and Fire Protection appeared on the November 8, 2005 Special Consolidated Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to provide a source of revenue to be used to provide additional public safety, police, fire protection services and undertake necessary capital projects to support those services, and to restore and maintain literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for public safety, police and fire protection services. For the purposes of the Ordinance, “Public Safety Services” means (a) obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy programs due to the established connection between illiteracy and crime; and
WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen’s oversight committee as follows:

A. Name: The committee shall be known as the Transactions and Use Tax Oversight Committee.

B. Purpose

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the approved funding levels.

2. Oversight: Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. Charge of Committee

1. Monitoring of expenditures: To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

The charge of the committee may be revised from time-to-time by the Porterville City Council.
D. **Powers:** The Porterville City Council empowers the committee with the following powers:

1. **Oversight:** Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. **Review financial statements:** Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

3. **Review of General Fund Budgets:** Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

The committee shall not have the following authority:

1. **No authority to recommend or advise:** The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. **Committee Operations**

1. **Establishing the committee:** The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. **First meeting:** The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

3. **Open meeting requirements:** Meetings of the committee are subject to the open meeting requirements of the *Ralph M. Brown Act*. Meetings shall be noticed and open to the public.

4. **Annual report:** The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. **Meet at least once annually:** The committee shall meet at least once annually after adoption of the City budget.
6. **Quorum:** The committee shall make decisions by a simple majority vote of those members in attendance.

7. **Record:** The committee shall maintain a record of its meetings.

8. **Location of meetings:** The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. **Officers:** The committee shall elect a chairperson, vice chairperson, and secretary.

10. **Effective operation of meetings:** The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. **Administrative staff:** The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. **Resources available to the committee:** The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. **City Council appointments:** For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. **Criteria for appointment:** No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. **Length of appointment; rescission of appointment:** For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. **Recommendation to remove by committee:** Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.
5. *Appointment of new members:* At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. *Dissolution of committee:* Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

____________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Georgia Hawley, Chief Deputy City Clerk
Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter's direction, and to ensure the public is well-informed of the progress and process.

Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen’s Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City’s budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

Dedicated Accounting Structure

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community’s public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City’s General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.
Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Sales Tax Revenue Available (partial year)</th>
<th>Additional Supplemental Resources (General Fund)</th>
<th>Total Resources Available</th>
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<tbody>
<tr>
<td>2005-06</td>
<td>$600,000</td>
<td>$50,903</td>
<td>$650,903</td>
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<tr>
<td></td>
<td>Increase Police Sworn by 5 positions to the base and outfit (partial year)</td>
<td>$412,803</td>
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<tr>
<td></td>
<td>Increase Fire Sworn by 7 positions to the base and outfit (partial year)</td>
<td>$148,100</td>
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<tr>
<td></td>
<td>Restore Literacy Programs/hours (partial year)</td>
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<td></td>
<td>Total 2005-06 Fiscal Year Expenditures</td>
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<td>2006-07</td>
<td>$1,792,000</td>
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<tr>
<td></td>
<td>Increase Police Sworn by 1 additional position to the base</td>
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<td></td>
<td>Maintain and Expand Patrol Operations</td>
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<td></td>
<td>Maintain and Expand Gang Suppression and Narcotics Operations</td>
<td>$215,000</td>
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<td></td>
<td>Maintain 7 additional Sworn Fire personnel</td>
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<tr>
<td></td>
<td>Purchase additional Fire Rescue Apparatus</td>
<td>$140,000</td>
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<tr>
<td></td>
<td>Purchase Rescue Equipment for new Fire Apparatus</td>
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<td></td>
<td>Purchase Personal Safety Equipment for additional Fire Fighters</td>
<td>$14,000</td>
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<td></td>
<td>Maintain Literacy Program/hours</td>
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<tr>
<td></td>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$80,000</td>
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<td></td>
<td>Establish Capital Reserve Fund for New Fire Station</td>
<td>$126,844</td>
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<tr>
<td></td>
<td>Total 2006-07 Fiscal Year Expenditures</td>
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<td></td>
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<tr>
<td>2007-08</td>
<td>$1,863,680</td>
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<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$87,000</td>
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<td></td>
<td>Maintain Expanded Patrol Operations</td>
<td>$508,000</td>
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<td></td>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$255,250</td>
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<td></td>
<td>Maintain 7 additional Sworn Fire personnel</td>
<td>$557,637</td>
<td></td>
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<td></td>
<td>Hire 1 additional Fire Investigator</td>
<td>$74,167</td>
<td></td>
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<td></td>
<td>Station and Equipment</td>
<td>$20,000</td>
<td></td>
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<td></td>
<td>Maintain Literacy Programs/hours</td>
<td>$187,200</td>
<td></td>
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<td></td>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$83,200</td>
<td></td>
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<tr>
<td></td>
<td>Increase Established Capital Reserve Fund for New Fire Station</td>
<td>$91,226</td>
<td></td>
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<tr>
<td></td>
<td>Total 2007-08 Fiscal Year Expenditures</td>
<td>$1,863,680</td>
<td></td>
</tr>
</tbody>
</table>
Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y) $1,938,227

**Additional Supplemental Resources (General Fund)** $50,000

**Total Resources Available** $1,988,227

- Increase Police Sworn by 1 additional position to the base $91,000
- Maintain Expanded Patrol Operations $566,000
- Maintain Expanded Gang Suppression and Narcotics Operations $320,763
- Maintain 8 additional Sworn Fire personnel $676,030
- Safety Equipment $5,000
- Maintain Literacy Programs/hours $194,688
- Expand Homework Assistance and Creative Expression Program $86,528
- Increase Established Capital Reserve Fund for New Fire Station $48,218

**Total 2007-08 Fiscal Year Expenditures** $1,988,227

Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y) $2,015,756

**Additional Supplemental Resources (General Fund)** $75,000

**Total Resources Available** $2,090,756

- Maintain 8 additional Sworn Police personnel
- Maintain Expanded Patrol Operations $630,000
- Maintain Expanded Gang Suppression and Narcotics Operations $396,651
- Maintain 8 additional Sworn Fire personnel $723,352
- Maintain Literacy Programs/hours $202,476
- Expand Homework Assistance and Creative Expression Program $89,989
- Partial Year Debt Service Payment on New Fire Station Financing $48,288

**Total 2009-10 Fiscal Year Expenditures** $2,090,756

Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y) $2,096,387

**Additional Supplemental Resources (General Fund)** $150,000

**Total Resources Available** $2,246,387

- Maintain 8 additional Sworn Police personnel
- Maintain Expanded Patrol Operations $664,000
- Maintain Expanded Gang Suppression and Narcotics Operations $413,983
- Maintain 8 additional Sworn Fire personnel $773,352
- Maintain Literacy Programs/hours $210,575
- Expand Homework Assistance and Creative Expression Program $93,589
- Debt Service on New Fire Station Financing $90,889

**Total 2010-11 Fiscal Year Expenditures** $2,246,387

* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09. $266,288
1. Assumes 4% growth rate in annual sales tax revenue.

2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.

3. Additional General Fund Utility User’s Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.

4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.

5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.
CITY COUNCIL AGENDA: FEBRUARY 21, 2006

SUBJECT: REDEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The three-year terms for the members of the Redevelopment Advisory Committee expired on July 10, 2005, and the Committee has not met since the expiration of their terms. The members have been contacted regarding their interest to continue serving on this committee for the remainder of the three-year term, which will expire July 10, 2008. All eligible members have responded favorably. A list of the committee members is provided as Attachment 1.

Gilbert Yniques, one of the original members of the committee, has sold his business located within Project Area #1 and no longer meets the eligibility criteria for serving on the committee. A press release was issued soliciting Letters of Interest from individuals willing to serve on the committee. As of 5:00 p.m. on February 13, 2006, the following interested individuals submitted their Letter of Interest:

Richard Eckhoff – 197 N. Main Street (business address)
Gary Giraudi – 195 N. Hockett Street (business address)
Renay Sprague – 75 N. D Street (business address)

RECOMMENDATION: That the Mayor:

1) Reappoint for a three-year term ending July 10, 2008, the eight members consenting to continue serving on the Redevelopment Advisory Committee for Project Area #1; and

2) Appoint one new member to the Redevelopment Advisory Committee for the remainder of the three-year term ending July 10, 2008.

ATTACHMENTS: 1) List of Redevelopment Advisory Committee members to be Reappointed.
2) Letters of Interest (3)
3) Letter of Recommendation

DD13 Appropriated/Funded CM Item No. 9
LIST OF REDEVELOPMENT ADVISORY COMMITTEE MEMBERS TO BE REAPPOINTED

Art Cardell
Dean Craig
Donnette Silva-Carter
Ken Goodwin
Daren Griswold
Francisco Madrigal
Marlene Marques
Steve Tree

ATTACHMENT
ITEM NO. 1
Richard Eckhoff

33352 Globe Drive  
Springville, CA 93265  
559-539-1500

Business

Sierra Trophies  
197 North Main Street  
Porterville, CA 93257  
559-784-4213  
sierratrophy@ocsnet.net

Education

California Polytechnic College  
San Luis Obispo, California  
Architecture - 1 year

Porterville Community College  
Porterville, California

Pertinent Work Experience

Sierra Trophies  
Porterville, California  
Main Street retail - Owner

KTIP Radio  
Porterville, California  
Radio Announcer - Ad sales

Alexander's Trailhead  
Porterville, California  
Main Street retail - Owner

Pixley Irrigation District  
Pixley, California  
Rights-of-way, Systems design, Operations Superintendent

U.S. ARMY - Signal Corps  
Circuit Controller, Company Clerk
Volunteer Experience

Chairman - Yes on "H" committee
President - Porterville auxiliary, City of Hope
Chairman - Downtown Porterville Association
Vice President - Porterville Chamber of Commerce
Ambassador - Porterville Chamber of Commerce
Chairman - Committee to elect Sharon Gill, Trustee, Porterville Unified School District
Chairman - Porterville High School District Boundary Committee
President - SPEBSQSA, (Barbershop music group), Porterville chapter
President - California/Nevada/Hawaii District church youth

Comments

If you aren't part of the solution, you are part of the problem.

When I joined the Main Street Porterville board 5 years ago, I used my years as a member of the chamber, especially as an Ambassador and a member of the board, and my contacts with city staff and council members to create a solid working relationship with those entities. Being a member of the Redevelopment District will help cement communication and understanding between DPA and the Redevelopment Agency.

I have spoken frequently for the need for additional police and fire protection, and when a chance came to actively work for funding to fill that need, I joined the effort. I actively participated in the development of Centennial Park and new sign and vendor ordinances. I attend all PRC meetings that concern projects in, or that will have an effect on, the Downtown area, and regularly attend and actively participate in City Council meetings.

As a member of the Redevelopment Agency, I will be an active two-way liaison between the Agency and the public. I will be an active participant, will attend meetings regularly and will study issues thoroughly so that I will be able to make decisions that will be to the best interest of the Redevelopment area in particular and the city in general.
February 13, 2006

Linda Wammack  
Community Development  
City of Porterville

Please consider my participation as a member on the Redevelopment Advisory Committee.

I have managed a business in downtown Porterville for almost 20 years, have served on the Board of the Downtown Porterville Association, am a current member and Past President of the Porterville Chamber of Commerce, and have a vested interest in Porterville and the Redevelopment Agency.

Your consideration of my membership is appreciated.

Sincerely,

[Signature]

Gary Giraudi  
General Manager

195 North Hockett  
Porterville, CA 93257  
Telephone: 559-784-6485  
Facsimile: 559-784-3438
February 11, 2006

Renay Sprague  
17480 Dillon Court  
Porterville, CA  93257

Redevelopment Agency  
c/o Linda Womack  
City of Porterville  
291 N. Main St.  
Porterville, CA  93257

Dear members of the Redevelopment Agency:

I would like to be considered for the appointed position available on the Porterville Redevelopment Advisory Committee for Project Area No. 1. I am very interested in the future of the Redevelopment Project Area 1 as I believe it holds the City together as it’s “root” and it’s continued upgrade and improvement is absolutely necessary to the City’s successful growth plan.

I am a business owner of Sprague’s Outdoor Power Center located in the Redevelopment Area since 1990 and have served on the following committees and boards:

- Chamber of Commerce Ambassador for 7 years – Served as Chairman 1995
- Downtown Porterville Association – Served as a board member for 4 three-year terms and held positions as Chairman, Vice-Chairman and Treasurer.
- Zonta Club of Porterville since 1991 – served as Recording Secretary, Treasurer, 1st VP, 2nd VP, and President 1998-2000
- Participated with the Committee for Measure H
- Currently a General Planning Committee member
- I am also currently working with City staff on re-writing the City’s Sign Ordinance

I feel I am qualified because of my continued interest and concern in what affects the downtown area of Porterville. I am very leveled headed, able to consider options with an open mind and I take time to understand other people’s point of view. I would work very hard to consider projects that would best benefit the Redevelopment Project Area No. 1.

I would consider it a great privilege to be appointed to this position and I thank you for your consideration of my application.

Sincerely,

Renay Sprague
Hanson Travel Ideas
311 North Second St
Porterville, CA 93257

February 13, 2006

Linda Wammack
City of Porterville
291 North Main Street
Porterville, CA 93257

Subject: Redevelopment Advisory Committee for Project Area #1

Dear Linda,

I would like to recommend Richard (Dick) Eckhoff or Renay Sprague to be appointed to the vacancy on the city’s Redevelopment Advisory Committee for Project Area #1.

Both are longtime business owners in downtown Porterville. They are actively involved in civic and community organizations and committees. I have served with them, as board members, for the Downtown Porterville Association. They have worked tirelessly to promote Downtown Porterville for the past 5 years. Their interest and concern for Porterville is made obvious by their many hours of service and dedication to the City of Porterville.

I believe that Renay or Dick would be a great asset to the Redevelopment Advisory Committee for Project Area #1.

Sincerely,

Sara Guinn, Owner
SUBJECT: RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (1,620 SQ. FEET) LOCATED AT APN #261-094-008 - OWNER ROGELIO N. AND JOANDREW ZELENY ORTIZ - FOR THE PROPOSED DATE AVENUE RECONSTRUCTION PROJECT

SOURCE: City Attorney's Office

COMMENT: Staff has been working with the owners of the subject property, Rogelio and Joandrew Ortiz, to acquire the above-referenced portion of property. This portion of the property needs to be acquired in order to commence construction for the Date Avenue Reconstruction Project, a project to widen and improve the street between Main Street and “A” Street. While there have been recent discussions between the parties, the City and property owner have not yet been able to reach an agreement.

Staff is asking City Council to adopt a Resolution of Necessity, as the plans for the proposed project are complete and the City wishes to commence construction work. The City Attorney has prepared the attached Resolution of Necessity for adoption by City Council. The statutory offer and summary of the basis for just compensation, pursuant to Government Code Sections 7267.1 and 7267.2(a) and prepared by Paragon Partners, Ltd., the City’s Acquisition Agent, have been sent to the owners. The City Attorney has also notified the above owners, in writing via certified mail, and more than 15 days prior to the Council meeting, that this matter would be scheduled for this meeting’s agenda. As of today, no written request to be heard has been received by the City from the property owners. In adopting a Resolution of Necessity, the City Council must find that the public interest and necessity require the project, that the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury, and that the property sought to be acquired is necessary for the project.

RECOMMENDATION: That City Council:

1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;

2. Adopt the attached Resolution of Necessity; and

3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

Attachment:

1. Resolution of Necessity, with Appendices 1 and 2
RESOLUTION NO. ________


WHEREAS, the City of Porterville intends to construct a street improvement project (entitled the “Date Avenue Reconstruction Project”), which involves the widening and improving of Date Avenue between Main Street and “A” Street.

WHEREAS, after notice and opportunity have been given to the property owner(s) at issue, the City Council of the City of Porterville hereby finds and determines as follows:

1. The City of Porterville intends to construct the aforementioned Project, a public use, together with related improvements to carry out and make effective the principal purpose pursuant to Code of Civil Procedure Section 1240.120(a), and in connection therewith, acquire interest in certain real property. Said public use is a function of the City of Porterville.

2. The City of Porterville is authorized to acquire the portion of the parcel described in Appendix 1 herein and exercise the power of eminent domain for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 et seq. and pursuant to Government Code Section 37350.5, Streets and Highways Code Section 5100 et seq., Streets and Highways Code Section 1810, Public Resources Code Sections 5301 and 5302, and Sections 3 and 4 of the Charter of the City of Porterville.

3. The property to be acquired consists of a portion of one parcel and is generally located at the northwest corner of Plano Street and Mulberry Avenue. The property to be acquired is more particularly described in Appendix 1, attached hereto and incorporated herein by reference together with a map thereof.

4. On January 27, 2006, there was mailed a Notice of Hearing on the intent of the City of Porterville to adopt a Resolution of Necessity for acquisition by eminent domain of the real property described in Appendix 1 herein, which Notice of Hearing is attached hereto as Appendix 2 and is incorporated herein by this reference. Said Notice of Hearing was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the property described in Appendix 1, and to the situs address appearing on said Roll. Said Notice advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein. Said persons received the Notice of the Hearing.
5. The hearing set out in said Notice was held on February 21, 2006, at the time and place stated therein, and all interested parties were given an opportunity to be heard. The hearing was closed.

Based upon the evidence presented, this City Council by vote of two-thirds or more of its members, further finds, determines, declares, and resolves each of the following:

a. The public interest and necessity require the proposed project.

b. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property described herein in Appendix 1 is necessary for the proposed project.

d. The offer required by Section 7267.2(a) of the Government Code, and the summary of the basis for the amount established as just compensation, was made to the owner or owners of record.

e. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City of Porterville.

f. A portion of the property described in Appendix 1 may be acquired for a more necessary public use pursuant to Code of Civil Procedure Section 1240.610. The City Council further finds and determines that insofar as and to the extent that said parcel has heretofore been dedicated to a public use for telephone and/or electric utility purposes, the acquisition and use of said parcel by the City of Porterville for the public use described above is for a more necessary public use than the use to which the property has already been appropriated.

6. The City Attorney is hereby AUTHORIZED and EMPOWHERED:

a. To acquire in the name of the City of Porterville, by condemnation, the property described in Appendix 1, attached hereto and incorporated herein by this reference in accordance with the provisions of the California Eminent Domain Law and the Constitution of California;

b. To acquire the property in fee simple unless a lesser estate is described in Appendix 1, herein;
c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the City of Porterville such proceedings in the proper court as are necessary for such acquisition;

d. To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the City of Porterville to take immediate possession and use of said property for said public uses and purposes.

This Resolution was passed by the City Council members of the City of Porterville at a regularly scheduled meeting thereof on the _____ day of February, 2006.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
APN 261-094-008

Exhibit "A"

That portion of Lot 16 of Block 37 of the Map of the Town of Porterville, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 3 of Maps, at page 18 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the southeast corner of said Lot 16;

THENCE, North 00° 58' 22" East, along the east line of said Lot 16, 20.53 feet;

THENCE, South 45° 57' 47" West, 14.14 feet, to a point being 10.00 feet West of the east line of said Lot 16 and 10.52 feet North of the south line of said Lot 16;

THENCE, North 89° 02' 48" West, 139.83 feet, to a point in the west line of said Lot 16;

THENCE, South 00° 57' 21" West, along said west line, 10.43 feet, to the southwest corner of said Lot 16;

THENCE, South 89° 00' 37" East, along the south line of said Lot 16, 149.82 feet, to the POINT OF BEGINNING.

CONTAINING 1,620 square feet more or less.

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: Michael K. Reed
Licensed Land Surveyor

Date: 9/22/06

[Stamp]
EXHIBIT B
PROPERTY ACQUISITION MAP

NORTH
SCALE 1"=30'

DATE AVE

ALLEY

LOT 15
1,620 S.F. PROPERTY ACQUISITION
261-094-008
14.14'
10.43'

LOT 16
139.83'

149.82'
10.52'

A ST

A ST

LEGEND

PROPERTY ACQUISITION
January 27, 2006

[VIA CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED]

Rogello Ortiz
Joandrew Ortiz
1370 W. Jean Ave.
Porterville, California 93257

Re: Notice of Hearing regarding Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain
[California Code of Civil Procedure 1245.235]

Dear Mr. and Mrs. Ortiz:

1. Notice of Intent of City of Porterville to Adopt a Resolution of Necessity. The City Council of the City of Porterville intends to consider the adoption of a Resolution of Necessity on February 21, 2006, which, if adopted, will authorize the City to acquire the property described herein by eminent domain for the proposed Date Avenue Improvement Project. A description of the property being considered for acquisition is attached to this Notice and is marked Exhibit A.

2. Notice of Your Right to Appear and Be Heard. Please take notice that the City Council of the City of Porterville, at a regular meeting to be held on Tuesday, February 21, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, at City Hall, 291 North Main Street, Porterville, California, will hold an hearing on whether such Resolution of Necessity should be adopted, as required by California Code of Civil Procedure Section 1245.220 for the commencement of an eminent domain proceeding to acquire real property.

You have the right to appear and be heard before the City Council at the above scheduled hearing on the following matters and issues, and to have the City Council give judicious consideration to your testimony prior to deciding whether or not to adopt the proposed Resolution of Necessity:

a. Whether the public interest and necessity require the proposed project;
b. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

c. Whether the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed project;

d. Whether the offer required by Government Code Section 7267.2(a), and the summary of the basis for the amount established as just compensation, was actually made to you and whether said offer and summary were sufficient pursuant to Government Code Section 7267.2(a);

e. Whether the City of Porterville has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the right to [take]) to acquire the property described herein, as well as any other matter regarding the right to take said property by eminent domain; and

f. Whether the City has the authority to acquire the property by eminent domain.

A copy of the proposed Resolution of Necessity will be available, upon your request, for inspection at the office of the Clerk of the City Council of the City of Porterville at City Hall ten (10) days prior to the hearing.

Your name appears on the last equalized Tulare County assessment roll and as Owner in our preliminary title report of the property required for the proposed project.

The statutes which authorize the City of Porterville to acquire the property by eminent domain for this proposed project are Code of Civil Procedure Section 1240.010, Streets and Highways Code Section 1810, Streets and Highways Code Sections 5100 et seq., Government Code Section 37350.5, and Public Resources Code Sections 5301 and 5302.

3. Failure to File a Written Request to Be Heard within Five (5) Days of the Hearing Will Result in Waiver of the Right to Appear and Be Heard. If you desire to be heard, please be advised that you must file a written request with the clerk of the governing board no later than five (5) days prior to the hearing. You must file your request to be heard with the City Clerk, Porterville City Hall, P.O. Box 432, Porterville, California 93258.

Should you elect to mail your request to the clerk of the governing board, it must be actually received by the clerk five (5) days prior to the hearing.
Rogelio Ortiz
Joandrew Ortiz
1370 W. Jean Ave.
January 27, 2006
Page 3

The date of Mailing appears at the end of this Notice.

California Code of Civil Procedure Section 1245.235(b)(3) provides that failure to file a written request to appear and be heard within fifteen (15) days after the Notice was mailed will result in waiver of the right to appear and be heard on the above matters and issues which are the subject of the hearing. Note that the City of Porterville, in an effort to allow further time for negotiations, is giving you more time than statutorily required to file a written request to appear. If you fail to file a written request at least five days prior to the hearing, however, this failure will result in waiver of the right to appear and be heard.

If you elect not to appear and be heard in regard to compensation, your nonappearance will not be a waiver of your right to claim greater compensation in a court of law. The amount to be paid for the property will not be considered by the board at this hearing.

If you elect not to appear and not to be heard, your failure to appear will be a waiver of your right to later challenge the right of the City of Porterville to take the property by eminent domain.

This Notice is not intended to foreclose future negotiations between you and the representatives of the City of Porterville on the amount of compensation to be paid for your property.

If you elect not to appear and not to be heard, you will only be foreclosed from raising in a court of law the issues which are the subject of this noticed hearing and which are concerned with the right to take the property by eminent domain.

If the City Council elects to adopt the Resolution of Necessity, then within six months of the adoption of the Resolution, the City of Porterville will commence eminent domain proceedings in Superior Court. In that proceeding, the Court will determine the amount of compensation to which you are entitled.


Very truly yours,

[Signature]

Julia M. Lew

Enclosure
cc: City of Porterville
APN 261-094-008

Exhibit "A"

That portion of Lot 16 of Block 37 of the Map of the Town of Porterville, in the City of Porterville, County of Tulare, State of California, as shown on map filed in Book 3 of Maps, at page 18 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the southeast corner of said Lot 16;

THENCE, North 00° 58' 22" East, along the east line of said Lot 16, 20.53 feet;

THENCE, South 45° 57' 47" West, 14.14 feet, to a point being 10.00 feet West of the east line of said Lot 16 and 10.52 feet North of the south line of said Lot 16;

THENCE, North 89° 02' 48" West, 139.83 feet, to a point in the west line of said Lot 16;

THENCE, South 00° 57' 21" West, along said west line, 10.43 feet, to the southwest corner of said Lot 16;

THENCE, South 89° 00' 37" East, along the south line of said Lot 16, 149.82 feet, to the POINT OF BEGINNING.

CONTAINING 1,620 square feet more or less.

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: [Signature Date]
CITY COUNCIL AGENDA: FEBRUARY 21, 2006

PUBLIC HEARING

SUBJECT: RED HAWK ESTATES - TENTATIVE SUBDIVISION MAP (JORDAN)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Red Hawk Estates Tentative Subdivision Map to divide a 66± acre vacant parcel zoned City R-1 into approximately 180 single family residential units; all units would be developed in a single phase. Project is located in Northeast Porterville, North of East Olive Avenue (See Figures 2 & 3). Of the 66± developable acres, approximately 15 acres in the southeast corner would be used for a future school site. Other amenities of the project site include a pocket park-central to the project area, and a 40-foot equestrian trail along the northern boundary of the project area.

The project is bounded on the north by Rocky Hill (approximately 1500 feet in elevation) and to the north and east are other hillsides and grazing lands. Olive Avenue defines the project’s southern boundary, and rural residential lands on the south side of the street. The proposed El Dorado Estates subdivision and Granite Hills High School are to the west of the project site.

Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer has submitted, schematics of the proposed development. Prior to approval, City Staff has worked with the project proponent on the design theme for the development.

On January 31, 2006, the Environmental Review Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for review and comment. As of this date, no comments have been received.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Red Hawk Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Red Hawk Estates Tentative Subdivision Map.

ATTACHMENT: 1. Complete Staff Report
CITY COUNCIL AGENDA: FEBRUARY 21, 2006

STAFF REPORT - PUBLIC HEARING

TITLE: RED HAWK ESTATES - TENTATIVE SUBDIVISION MAP (JORDAN)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Daryl Jordan, P.E.
Jordan Pacific Engineering
Turlock, CA 95382

AGENT: Daryl Jordan, P.E.
Jordan Pacific Engineering
Turlock, CA 95382

PROJECT LOCATION: N.E. Porterville, North of East Olive Avenue (See Figure 2 & 3).

SPECIFIC REQUEST: The applicant is requesting approval for Red Hawk Estates Tentative Subdivision Map.

PROJECT DETAILS: Description of project: See attached maps, Figures 1, 2, and 3

The project would result in the subdivision of a 66± acre vacant parcel zoned City R-1 into approximately 180 single family residential units; all units would be developed in a single phase. Of the 66± developable acres, approximately 15 acres in the southeast corner would be used for a future school site. Other amenities of the project site include a pocket park, central to the project area, and a 40-foot equestrian trail along the northern boundary of the project area.

 Portions of the site have slopes up to 22%. See Section VI Geology and Soils for more information.

Surrounding land uses and setting:

The project is bounded on the north by Rocky Hill (approximately 1500 feet in elevation) and to the north and east are other hillsides and grazing lands. Olive Avenue defines the project’s southern boundary, and rural residential lands on the south side of the street. The proposed El Dorado Estates subdivision and Granite Hills High School are to the west of the project site.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None

STAFF ANALYSIS: Development of the site as proposed will provide housing in
conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the 66± acre site with a single family residential subdivision in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer has submitted, schematics of the proposed development. Prior to approval City Staff has worked with the project proponent on the design theme for the development. The lower southern section of the subdivision is more flat with homes aligned to be consistent and parallel to the contours of the land. The northern section of the subdivision increasingly slopes and has been designed to flow parallel with the contours of the hillside. The subdivision street infrastructure is also consistent with the topography and parallel with the hillside contours.

The subject site was surveyed by City Staff in Spring of 2005, and the presence of one elderberry shrub (Sambucus mexicana) was detected. This species of elderberry shrub is the sole habitat of the Valley Elderberry Longhorn Beetle (VELB), a federally listed, threatened species. Removal of this shrub or construction within too close a proximity could result in an impact to the VELB, by mode of habitat reduction. The potential for impact will be reduced to less than significant by compliance with the US Fish and Wildlife Service’s Conservation Guidelines for the Valley Elderberry Longhorn Beetle (1999), as follows:

**Protective Measures**

1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the drip-line of each elderberry plant.
2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
3. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

The project, after construction, will not generate noise levels inconsistent with local plans, including the City’s General Plan. During construction, there will be a short term increase in noise associated with construction equipment that may exceed City noise level standards. These activities will be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on weekends. These impacts will be short term in nature and with the defined mitigation measures will be less than significant. However, the project area is adjacent to the Rocky Hill Raceway, a racetrack outside the City Limits, permitted by Tulare County by a Special Use Permit. The racetrack does not hold regularly scheduled events, but when an event is held, a significant amount of noise is generated. A noise study was conducted by Eilar and
Associates in January of 2005. As no event has been scheduled at the track for at least one year, it was impossible for Eilar to measure noise generated at the Rocky Hill Raceway. Instead, the acoustical team took measurements of the most conservative type—a NASCAR race. Although the track itself is not designed or appropriately sized for such a type of race, the existing Special Use Permit does not limit or specify any type of race, so the consultant determined it would be most prudent to evaluate this “worst case scenario”. The study found that while noise levels generated by such an event on the Rocky Hill Racetrack would create a significant impact, those impacts were mitigable by implementing a number of control measures. To reduce the interior noise measurements to 35 dBA $L_{EQ}$ or less with windows closed, the residences must have special building materials and an exterior to interior analysis must be completed as part of the permitting process. To mitigate exterior noise impacts, the developer must either construct a 20-foot tall sound attenuation barrier along the eastern and southeastern property boundaries of the Red Hawk Subdivision or increase the height of the existing concrete barrier along the western and northern edges of the Rocky Hill Racetrack to a height of 12 feet. Implementation of these mitigation measures will reduce the impact to less than significant.

All streets within the subdivision are 60 feet wide. Ingress and egress from the south portion of the subject site will be from one (1) street (Red Hawk Drive) intersecting with Olive Avenue a designated Collector Street capable of handling 12,500 ADT. Ingress and egress from the north portion of the subdivision will be from Putnam Avenue. Putnam Avenue extends east and west through the middle of the subdivision from Conner Street, which was recently reconstructed, to the eastern City limits. The road alignment will be left open to allow for future continuation of Putnam when the City grows to the east. West of the project site, Putnam Avenue is a local street on a 50-foot wide right of way. The current easterly terminus of Putnam Avenue is at Granite Hills High School; one condition of the project is the extension of Putnam to and through the project, maintaining at minimum the 50-foot right of way, a width wide enough to accommodate two travel lanes and one parking lane. Olive Avenue west of the project site is a two-lane street on a 50-foot right of way, and has been recently improved with curb, gutter, and sidewalk.

Interior circulation is consistent with City standards, and a variety of cul-de-sacs and intersecting local roads will complete the circulation necessary for a subdivision of this size. See Figure 3 for a site plan. On November 16, 2004 a 24-hour traffic count was concluded. Putnam Avenue extending east of Conner Street had a total count of 1,143 ADT. Olive Avenue extending east of Conner Street had a total count of 1,439 ADT. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant.
ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

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

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

ENVIRONMENTAL: On January 31, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project recommending that the City Council adopt a Negative Declaration prepared for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: FEBRUARY 16, 2006

DATE ACCEPTED AS COMPLETE: FEBRUARY 10, 2006

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Red Hawk Estates Tentative Subdivision Map; and

2. Adopt the draft resolution approving Red Hawk Estates Tentative Subdivision Map.

ATTACHMENTS:

1. Red Hawk Estates Tentative Subdivision Map
2. Land Use Map
3. Negative Declaration
4. Initial Study
5. Draft Environmental Resolution
6. Draft Resolution of Approval
8.-11. Residential Design Elevations
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Daryl Jordan, P.E.
Jordan Pacific Engineering
Turlock, CA 95382

PROJECT TITLE: Red Hawk Estates Tentative Subdivision Map

ADDRESS/LOCATION: Approximately 1350+ feet east of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

PROJECT APPLICANT: Daryl Jordan, Jordan Pacific Engineering

PROJECT DESCRIPTION: The Tentative Subdivision Map for Red Hawk Estates proposes to divide a 66+ acre vacant parcel zoned City R-1 (One Family Residential) into 180 single family residential lots in one (1) phase.

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

On January 31, 2006, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment described herein and has found that this project will have no significant impact on the environment for the following reasons:

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

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

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

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

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

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: January 31, 2006

Approved: Bradley D. Dunlap, Environmental Coordinator

Word REDhawk

ATTACHMENT
ITEM NO. 3
City of Porterville

Environmental Checklist Form

1. Project title: Red Hawk Estates

2. Lead agency name and address: City of Porterville
   291 North Main St.
   Porterville, CA 93257

3. Contact person and phone number: Julie Boyle, Senior Planner
   (559) 782-7460

4. Project location: Northeast Porterville, North of East Olive Avenue. See Figure 1

5. Project sponsor's name and address: Daryl Jordan, P.E.
   Jordan Pacific Engineering
   2930 Geer Road, Suite 193
   Turlock, CA 95382

6. General plan designation: Low Density Residential

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

8. Description of project: See attached maps, Figures 1, 2, and 3

   The project would result in the subdivision of a 66± acre vacant parcel zoned City R-1 into
   approximately 180 single family residential units; all units would be developed in a single
   phase. Of the 66± developable acres, approximately 15 acres in the southeast corner would
   be used for a future school site. Other amenities of the project site include a pocket park,
   central to the project area, and a 40-foot equestrian train along the northern boundary of the
   project area.

   Portions of the site have slopes up to 22%. See Section VI Geology and Soils for more
   information.

9. Surrounding land uses and setting:

   The project is bounded on the north by Rocky Hill (approximately 1500 feet in elevation) and
   to the north and east are other hillsides and grazing lands. Olive Avenue defines the
   project's southern boundary, and rural residential lands on the south side of the street. The
   proposed El Dorado Estates subdivision and Granite Hills High School are to the west of the
   project site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or
    participation agreement.)

    None
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.

Bradley D. Dunlap, Community Development Director

[Signature]

3/1/06 Date
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
Figure 1
Vicinity Map
**Issues:**

<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>

I. **AESTHETICS** – Would the project:

a) Have a substantial adverse effect on a scenic vista?  
   - [ ] Potentially Significant Impact  
   - [x] Less than Significant Impact with Mitigation Incorporation  
   - [ ] Less than Significant Impact  
   - [ ] No Impact

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  
   - [ ] Potentially Significant Impact  
   - [ ] Less than Significant Impact with Mitigation Incorporation  
   - [ ] Less than Significant Impact  
   - [x] No Impact

c) Substantially degrade the existing visual character or quality of the site and its surroundings?  
   - [ ] Potentially Significant Impact  
   - [x] Less than Significant Impact with Mitigation Incorporation  
   - [ ] Less than Significant Impact  
   - [ ] No Impact

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  
   - [ ] Potentially Significant Impact  
   - [x] Less than Significant Impact with Mitigation Incorporation  
   - [ ] Less than Significant Impact  
   - [ ] No Impact

**Responses:**

a), c), d): Less Than Significant Impact with Mitigation Incorporation - Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer will submit, prior to project approval, schematics of the proposed development. City Staff will work with the project proponent to ensure an appropriate design theme for the development of the hillsides, and enhance the quality of development while reducing the aesthetic impact to the hillsides. The implementation of specific color and material palettes and design styles will reduce aesthetic impacts to less than significant. The development will require installation of low profile exterior lighting, which will be directed away from adjacent properties, and will reduce the impact of outside lighting. Minimal glare is anticipated from street light and onsite lighting, but enforcement of Section 2618f of the Porterville Zoning Ordinance will reduce any negative effect to less than significant. The Code reads as follows: No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.

b): **No Impact** - The project area is not within the vicinity of a state scenic highway.
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:

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), b), c): No Impact. The subject site is not currently used for farming operations, nor are adjacent lands. The subject property does not have a Williamson Act contract, and it is not zoned for agricultural operations. The land is not shown on the Farmland Mapping and Monitoring Program maps as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
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:**

a), b), c): Less Than Significant Impact With Mitigation Incorporation — Air Quality Impacts from this project will come mainly from two sources — particulate (dust) emissions from project construction, and operational emissions from vehicular trips associated with the project. Construction emissions are temporary in nature, and are considered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to be less than significant if the SJVAPCD’s Regulation VIII mandatory dust control measures are followed. Because these measures are mandatory, and therefore part of the regulatory setting of the project, they do not constitute mitigation. Regulation VIII also contains optional dust control measures that will be followed during project construction and will help further reduce particulate emissions. Because these measures are voluntary, they are considered to be mitigation. Regulation VIII mandatory and optional dust control measures are listed in Tables 3-1 through 3-4.

The project exceeds the 142-unit threshold established by the San Joaquin Valley Air Pollution Control District in the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) for residential developments (Reference: Guide for Assessing and Mitigating Air Quality Impacts, San Joaquin Valley Air Pollution Control District, January 10, 2002). Therefore the project was analyzed at the Cursory Analysis Level (CAL), which requires that an URBEMIS computer emissions model be run for the project.

Operational emissions from the project are almost exclusively a function of automobile trips generated by the project. An URBEMIS 2002 8.7 computer program was used to estimate
operational project emissions, based on the estimated number of trips generated by the project, estimated average miles per trip (4.89 miles), and the large percentage of workers who live and work in Porterville (93% in 2000 Census). The results, summarized in Table 3-5, indicate that impacts from this project will not be significant.

d) Less Than Significant Impact – Significant carbon monoxide pollutant concentrations would be created if there is significant congestion on roadways or at intersections which exceed the standards set forth in the GAMAQI which stipulates that carbon monoxide levels will not constitute a significant impact unless levels of service (LOS) fall below D (GAMAQI Guidelines, SJVAPCD, 2002, Section 5.6.3). The Transportation/Traffic Section of this Initial Study (Section XV) has concluded that this project will not cause LOS to fall below D, therefore the project's potential to expose sensitive receptors to substantial pollutant concentrations will be less than significant.

e) No Impact – Development of the site as a residential subdivision will not generate objectionable odors.

Table 3-1
Regulation VIII Control Measures for Construction Emissions of PM10

<table>
<thead>
<tr>
<th>Regulation VIII Control Measures – The following controls are required to be implemented at all construction sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>All disturbed areas, including storage piles, which are not being effectively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</td>
</tr>
<tr>
<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities shall be effectively controlled of fugitive dust emissions using water or by presoaking.</td>
</tr>
<tr>
<td>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</td>
</tr>
<tr>
<td>When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space form the top of the container shall be maintained.</td>
</tr>
<tr>
<td>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</td>
</tr>
<tr>
<td>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</td>
</tr>
<tr>
<td>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</td>
</tr>
<tr>
<td>Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.</td>
</tr>
</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002, and SJVAPCD Regulation VII
Table 3-2
Information to be Contained in a Dust Control Plan as Required by Regulation VIII

<table>
<thead>
<tr>
<th>A dust control plan shall contain all of the following information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan and responsible for the dust generating operation and the application of dust control measures.</td>
</tr>
<tr>
<td>A plot plan which shows the type and location of each project.</td>
</tr>
<tr>
<td>The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.</td>
</tr>
<tr>
<td>The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.</td>
</tr>
<tr>
<td>The actual and potential sources of fugitive dust emissions on the site and the location of bulk material handling and storage areas, paved and unpaved roads; entrances and exits where carryout/trackout may occur; and traffic areas.</td>
</tr>
<tr>
<td>Dust suppressants to be applied, including: product specifications; manufacturer’s usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</td>
</tr>
<tr>
<td>Specific surface treatment(s) and/or control measures utilized to control material carryout, trackout, and sedimentation where unpaved and/or access points join paved public access roads.</td>
</tr>
<tr>
<td>At least one key individual representing the owner/operator or any person who prepares a Dust Control Plan must complete a Dust Control Training Class conducted by the District. The District will conduct Dust Control Training Classes on an as needed basis.</td>
</tr>
</tbody>
</table>

Table 3-3
Enhanced and Additional Control Measures for Construction Emissions of PM10

<table>
<thead>
<tr>
<th>Enhanced Control Measures – The following measure should be implemented at construction sites when required to mitigate significant PM10 impacts (note this measure is to be implemented in addition to Regulation VIII requirements).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
</tr>
<tr>
<td>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.</td>
</tr>
<tr>
<td>Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.</td>
</tr>
<tr>
<td>Install wind breaks at windward side(s) of construction areas</td>
</tr>
<tr>
<td>Suspend excavation and grading activity when winds exceed 20 mph*; and</td>
</tr>
<tr>
<td>Limit area subject to excavation, grading, and other construction activity at any one time</td>
</tr>
</tbody>
</table>

*Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.
Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002
Table 3-4
Construction Equipment Mitigation Measures

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy duty equipment (scrapers,</td>
<td>Use of alternative fueled or catalyst equipped diesel</td>
</tr>
<tr>
<td>graders, trenchers, earth movers,</td>
<td>construction equipment</td>
</tr>
<tr>
<td>etc.)</td>
<td>Minimize idling time (e.g., 10 minute maximum) Limit the</td>
</tr>
<tr>
<td></td>
<td>hours of operation of heavy duty equipment and/or the</td>
</tr>
<tr>
<td></td>
<td>amount of equipment in use</td>
</tr>
<tr>
<td></td>
<td>Replace fossil-fueled equipment with electrically driven</td>
</tr>
<tr>
<td></td>
<td>equivalents (provided they are not run via a portable</td>
</tr>
<tr>
<td></td>
<td>generator set)</td>
</tr>
<tr>
<td></td>
<td>Curtail construction during periods of high ambient pollutant</td>
</tr>
<tr>
<td></td>
<td>concentrations; this may include ceasing of construction</td>
</tr>
<tr>
<td></td>
<td>activity during the peak-hour of vehicular traffic on adjacent</td>
</tr>
<tr>
<td></td>
<td>roadways</td>
</tr>
<tr>
<td></td>
<td>Implement activity management (e.g. rescheduling</td>
</tr>
<tr>
<td></td>
<td>activities to reduce short-term impacts.</td>
</tr>
</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002

Table 3-5
Project Emissions (Tons/Year)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO₂</th>
<th>PM₁₀</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Unmitigated</td>
<td>3.38</td>
<td>0.55</td>
<td>7.51</td>
<td>0.03</td>
<td>1.10</td>
</tr>
<tr>
<td>Operational Unmitigated</td>
<td>4.00</td>
<td>5.62</td>
<td>50.07</td>
<td>0.04</td>
<td>4.09</td>
</tr>
<tr>
<td>Total Unmitigated</td>
<td>7.38</td>
<td>6.17</td>
<td>57.58</td>
<td>0.07</td>
<td>5.19</td>
</tr>
<tr>
<td>Significant</td>
<td>No</td>
<td>No</td>
<td>No 1</td>
<td>No 2</td>
<td>No 3</td>
</tr>
</tbody>
</table>

1) "Not significant" result based on conclusion from the Traffic Report that level of service (LOS) will not fall below D, as specified in GAMAQI Guidelines, SJVAPCD, 2002 Section 5.6.3.

2) San Joaquin Valley is in compliance for SO2 (Heather Ellison, Bakersfield office of SJVAPCD, May 2005).

3) In compliance, and impacts will not be at a significant level, if lead agency follows Regulation VIII requirements (Heather Ellison, Bakersfield office of SJVAPCD, May 2005).
IV. BIOLOGICAL RESOURCES -- Would the project:

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?

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?

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?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Response:

a) Less Than Significant Impact with Mitigation Incorporation. The subject site was surveyed by City Staff in Spring of 2005, and the presence of one elderberry shrub (Sambucus mexicana) was detected. This species of elderberry shrub is the sole habitat of the Valley Elderberry Longhorn Beetle (VELB), a federally listed, threatened species. Removal of this shrub or construction within too close a proximity could result in an impact to the VELB, by mode of habitat reduction. The potential for impact will be reduced to less than significant by compliance with the US Fish and Wildlife Service’s Conservation Guidelines for the Valley Elderberry Longhorn Beetle (1999), as follows:

   Protective Measures
   1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the drip-line of each elderberry plant.
   2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
3. Erect signs every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.

4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

b), c), d), e), f): No Impact. The project is not within or adjacent to any riparian habitat, wetland area, or wildlife migratory corridor. The project does not conflict with any local policies or habitat conservation plans.
V. CULTURAL RESOURCES -- 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>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
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<td>☐</td>
</tr>
</tbody>
</table>

Response:

a), b), c), d): No Impact- A cultural resource assessment was completed in June of 1990 and supplemented in July 1997 for previously proposed subdivisions on adjacent properties. Although the results of these surveys indicated archaeological mortars and rock art on the adjacent property northwest of the site, the surveys indicated that no resources were identified on the subject site. No historical, archaeological, or paleontological resources are known or thought to exist on site, nor are any human remains. However, in the unlikely event that any as-yet undetected cultural resources are encountered on this property at a future time, work will cease within a 50-foot area of the find, and the City will contact a qualified archaeologist to evaluate any such discoveries.
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?

b) Result in substantial soil erosion or the loss of topsoil?

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?

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?

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?

Response:

a) i, ii, iii, e): No Impact- The project area is not in the vicinity of any Alquist-Priolo Earthquake Fault Zones as defined by the State Geologist, and would not result in any seismic related impacts. The project will be fully served by the City wastewater treatment facility, and would not require installation of any septic tanks.

b), c), d): Less Than Significant Impact with Mitigation Incorporation- The project is located on three soil types as defined by the US Department of Agriculture’s Natural Resources Conservation Service. In the Soils Survey of Tulare County, Central Part, the project area is described with the following soils types: Greenfield Sandy Loam, San Joaquin Loam, and Vista Rock Outcrops. The slopes associated with the San Joaquin Loam (up to 22% within the project area) results in some risk of landslides, instability, erosion, and expansion. These risks will be mitigated by the developer through a thorough soils study and engineering methods to stabilize the soils. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant.
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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), e), f), g): No Impact: The project proposes to construct 180 residential units, with open space amenities. No hazardous materials are intended for use within the project area, nor would they be transported through the project area. The project site is not listed on a hazardous materials site. The project area is not within the vicinity of a public airport or private airstrip, and would not interfere with the implementation of the City's emergency response plan.

h): Less Than Significant Impact: The project area is adjacent to County lands, used mostly as grazing land. Those areas are beyond the City's jurisdiction, but compliance with City Code for the
parcels in the project area will sufficiently buffer the proposed residences from wildlands and potential wildland fires.
**VIII. HYDROLOGY AND WATER QUALITY** – 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>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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)?</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
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</tbody>
</table>

**Response:**

a), c), d), e), f), g), h): Less Than Significant with Mitigation Incorporation. Water quality standards could be violated by oils, chemicals, and residues conveyed by stormwater runoff along streets, driveways, and other impervious surfaces. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of
pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan.

The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986 indicates the lots fronting on Olive Avenue and those lots located on the southeast corner of the subject site are located in Flood Zone A (areas of 100-year flood; base flood elevations and flood hazard factors not determined). The remaining portion of the subdivision is located in Flood Zone C (areas of minimal flooding). The Base Flood Elevation will be required to be determined and met throughout the project site prior to the approval of improvements plans, filing a final map or the issuance of any building permit. The City Engineer, acting as the Floodplain Administrator, is working on the modification to FEMA’s records, and action must be taken by FEMA prior to issuance of building permits.

b) Less Than Significant Impact- It is not anticipated that the development of the site as proposed would significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer. The City has recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The proposed use is consistent with the General Plan; the capital water system projects are intended to serve projects such as this, and the impact is therefore less than significant.

i) j): No Impact- The project site is outside the Success Dam flood inundation area, as defined by the Army Corps of Engineers. The project site is not in an area that could generate seiche or tsunami effects. The site would not be subject to mudflow events.
IX. LAND USE AND PLANNING - 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) Physically divide an established community?

- ☐ Potentially Significant Impact
- ☐ Less than Significant With Mitigation Incorporation
- ☒ Less than Significant Impact
- ☒ No Impact

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?

- ☐ Potentially Significant Impact
- ☒ Less than Significant With Mitigation Incorporation
- ☒ Less than Significant Impact
- ☒ No Impact

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

- ☒ Potentially Significant Impact
- ☒ Less than Significant With Mitigation Incorporation
- ☒ Less than Significant Impact
- ☒ No Impact

**Response:**

a), b), c): No Impact: The project area is adjacent to, but will not physically divide, an established community. Porterville’s General Plan designates the subject area for Low Density Residential Uses (2 to 7 dwelling units per acre) and the site is located within the R-1 (One Family Residential) zone. The project proposes the division of a vacant 50.65± acre parcel into 180 single family residential lots in one phase. The proposed subdivision would have a gross residential density of approximately 3.6 units per acre. The subdivision as proposed is consistent with the policies and guidelines set forth in the Land Use Element and Circulation Element of the General Plan; it is also consistent with the City’s Zoning Ordinance. The project as proposed will not violate and of the existing policies. The project will not conflict with any habitat conservation plan or natural community conservation plan.
X. MINERAL RESOURCES — Would the project:

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
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</table>

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): No Impact—There are no known mineral resources in the project site, and the project as proposed would not result in the loss of availability of a locally-important mineral resource recovery.
XI. NOISE – Would the project result in:

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<table>
<thead>
<tr>
<th>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</table>

<table>
<thead>
<tr>
<th>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<table>
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<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</table>

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</tbody>
</table>

Response:

a), b), d): Less Than Significant Impact With Mitigation Incorporation- The project, after construction, will not generate noise levels inconsistent with local plans, including the City's General Plan. During construction, there will be a short term increase in noise associated with construction equipment that may exceed City noise level standards. These activities will be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on weekends. These impacts will be short term in nature and with the defined mitigation measures will be less than significant. However, the project area is adjacent to the Rocky Hill Raceway, a racetrack outside the City Limits, permitted by Tulare County by a Special Use Permit. The racetrack does not hold regularly scheduled events, but when an event is held, a significant amount of noise is generated. A noise study was conducted by Eilar and Associates in January of 2005. As no event has been scheduled at the track for at least one year, it was impossible for Eilar to measure noise generated at the Rocky Hill Raceway. Instead, the acoustical team took measurements of the most conservative type- a NASCAR race. Although the track itself is not designed or appropriately sized for such a type of race, the existing Special Use Permit does not limit or specify any type of race, so the consultant determined it would be most prudent to evaluate this "worst case scenario". The study found that while noise levels generated by such an event on the Rocky Hill Racetrack would create a significant impact, those impacts were mitigable by implementing a number of control measures. To reduce the interior noise measurements to 35 dBA L_{10} or less with windows closed, the residences must have special building materials and an exterior to interior analysis must be completed as part of the permitting process. To mitigate exterior noise impacts, the developer must either construct a 20-foot tall sound attenuation barrier along the eastern and southeastern property boundaries of the
Red Hawk Subdivision or increase the height of the existing concrete barrier along the western and northern edges of the Rocky Hill Racetrack to a height of 12 feet. Implementation of these mitigation measures will reduce the impact to less than significant.

c), e), f): No Impact- The project area will not result in a substantial permanent increase in ambient noise, and is not within the vicinity of a public airport or private airstrip.
XII. POPULATION AND HOUSING — Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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): Less Than Significant Impact. The proposed project is consistent with the growth planned in the General Plan, and will not induce substantial growth beyond the City's anticipated 2.5% annual growth rate.

b, c): No Impact. There are no existing residences or residents on the project site; no displacements will occur as a result of the project.
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:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

Response:

a) Fire protection – The subject site is within the service area of the Porterville Fire Department.

Police protection – The subject site is within the service area of the Porterville Police Department.

Schools – The proposed project is within the Alta Vista and Porterville Unified School Districts. The Districts’ student enrollment impacts will be compensated through developer-financed school impact fees.

Parks – The City standard is currently 3.5 acres of parkland per 1,000 population. Applying this ratio to the proposed increase of 450 people results in a need for approximately 1.6 acres of parkland needed. The sum area of the proposed pocket park and the equestrian trail meet this requirement. In addition, the developer will pay applicable impact fees to the City.

Public Facilities – Other Public Facilities are discussed in Sections VIII Hydrology, XIV Recreation, XV Transportation/Traffic, and XVI Utilities Service Systems of this report.
XIV. RECREATION —

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): Less Than Significant Impact- The project includes an appropriate amount of park area to serve the future residents. However, the project will have the potential to increase demand on recreational facilities in other areas of the City in proportion to on-site population. In addition to the construction of parkland, the developer will also pay any required impact fees to offset any potential impacts in this regard.
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), d), g): Less Than Significant Impact with Mitigation Incorporation — Eventual development of the complete 180 lot subdivision is anticipated to result in additional daily trips. Based on the Circulation Element of the General Plan, 9.55 daily trips would be generated per unit, for a total of 1,719 average daily trips (ADT).

All streets within the subdivision are 60 feet wide. Ingress and egress from the south portion of the subject site will be from one (1) street (Red Hawk Drive) intersecting with Olive Avenue a designated Collector Street capable of handling 12,500 ADT. Ingress and egress from the north portion of the subdivision will be from Putnam Avenue. Putnam Avenue extends east and west through the middle of the subdivision from Conner Street, which was recently reconstructed, to the eastern City limits. The road alignment will be left open to allow for future continuation of Putnam when the City grows to the east. West of the project site, Putnam Avenue is a local street on a 50-foot wide right of way. The current easterly terminus of Putman Avenue is at Granite Hills High School; one condition of the project is the extension of Putnam to and through the project, maintaining at minimum the 50-foot right of way, a width wide enough to accommodate two travel lanes and one parking lane. Olive Avenue west of the project site is a two-lane street on a 50-foot right of way, and has been recently improved with curb, gutter, and sidewalk.

Interior circulation is consistent with City standards, and a variety of cul-de-sacs and intersecting local roads will complete the circulation necessary for a subdivision of this size. See Figure 3 for a site plan. On November 16, 2004 a 24-hour traffic count was concluded. Putnam Avenue extending east of Conner Street had a total count of 1,143 ADT. Olive Avenue extending east of Conner
Street had a total count of 1,439 ADT. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant.

c), e), f): No Impact. The project is not adjacent to any public or private airport or airstrip. It will provide adequate access to public streets for emergency access, and would provide appropriate on-site parking in conformance with the Porterville Zoning Ordinance.
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?

| Potentially Significant Impact | Less than Significant Impact With Mitigation Incorporation | Less than Significant Impact | No Impact |

Response:

a), b), c), d), e), f): Less Than Significant Impact- With regards to wastewater, the project will be served by the City of Porterville. The Porterville Wastewater treatment plant can accommodate the flows generated by this development; the project area is within the City limits and was master-planned in regards to water and sewer to ensure adequate capacity and service. (See Section VIII). To accommodate storm water flows, the project will extend the existing pipeline in Olive Avenue from its terminus at the eastern point of the Granite Hills High School property to the project area. Pipe sizing shall be in accordance with the City’s adopted master plan. In addition, the County Reservoir designated as Reservoir No. 26 in the City’s adopted master plan will require coordination between the developer, County of Tulare, and City of Porterville. The construction and expansion of these facilities will be in already disturbed areas and will have a less than significant effect on the environment. The City of Porterville has recently approved a number of water system improvements that will provide sufficient water supply to serve the project. The Teapot Dome landfill has sufficient capacity to handle the waste generated by the project during the life of the landfill; after closure of the landfill, all wastes generated in the City will be transferred to another landfill.

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?

   Potentially Significant Impact Less than Significant With Mitigation Incorporation Less than Significant Impact No Impact

   ☐   ☒   ☐   ☐   ☐

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)?

   Potentially Significant Impact Less than Significant With Mitigation Incorporation Less than Significant Impact No Impact

   ☐   ☐   ☐   ☒   ☐

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

   Potentially Significant Impact Less than Significant With Mitigation Incorporation Less than Significant Impact No Impact

   ☐   ☐   ☐   ☐   ☐

Response:

a), c): Less Than Significant with Mitigation Incorporation- In the far east side of the project area is located one elderberry shrub. Elderberry shrubs are the sole habitat of the Valley Elderberry Longhorn Beetle, a Federally listed, threatened species. The elderberry shrub will be avoided in compliance with the US Fish and Wildlife Service’s Conservation Guidelines. Any impact will be mitigated to a less than significant effect, see Section IV – Biological Resources for more detail. The noise generated by the Rocky Hill Raceway will be audible throughout the project area without sufficient mitigation. As discussed in Section XI- Noise, a sound wall 12 feet high relative to the base of the existing concrete barrier would effectively reduce noise levels below exterior thresholds, and additional measures including construction materials and methods will allow the residences to meet interior noise threshold requirements. Noise impacts can be reduced to a less than significant level through implementation of these measures.

b): No Impact- The proposed development is consistent with the City’s General Plan. The project would not create cumulative effects beyond those anticipated and planned for in the General Plan.
NOISE IMPACT ANALYSIS

Red Hawk Subdivision
Porterville, California
APN #255-170-022

Prepared For
Summerton Homes, LLC
Attention: Don Grey
767 East Yosemite Avenue, Suite A
Merced, California 95340
Phone: 209-383-1211

Mason, Robbins Gnass & Browning
Attention: William E. Gnass, Esq.
700 Loughborough Drive, Suite D
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Job # A51213N1

January 12, 2006
EILAR ASSOCIATES
ACoustical & Environmental Consulting
January 12, 2005

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Subject: Racetrack Noise Impacts to the Proposed Red Hawk Subdivision in Porterville, California

Introduction

A site visit and a noise measurement were made on Wednesday, December 21, 2005 at the location of the proposed Red Hawk Subdivision in Porterville, California. Please refer to the Vicinity Map, Assessor’s Parcel Map, Satellite Aerial Photograph and the Topographic Map provided as Figures 1 through 4, respectively.

The proposed Red Hawk residential subdivision will include the development of approximately 180 new private single family, detached residences. These homes are in an extraordinarily quiet area with little or no ambient noise impacts, other than some noise from nearby farms. There is currently a permitted 1/3 mile (approximate) oval; auto/motorcycle dirt track nearby to the southeast, with a loudspeaker system and grandstands. The dirt track is surrounded by a low concrete wall, approximately 4 feet high. This racetrack is operated under an existing permit; on an unknown schedule (no published schedule could be obtained).

The City of Porterville is concerned about the potential racetrack noise impacts from this racetrack to the proposed Red Hawk subdivision, and has required the applicant to provide a noise study documenting these potential noise impacts.

The construction of a school site adjacent to the Red Hawk subdivision’s property line is also being proposed. The proposed school site is directly adjacent to the racetrack; to be located between the majority of the proposed subdivision and the racetrack.

Project Location

The proposed Red Hawk subdivision is at the eastern edge of the City Porterville in an unincorporated area; on the north side of Olive Avenue. The Assessors Parcel Number for the site is 255-172-02-20. The racetrack is at the western side of the unincorporated section of the County of Tulare.
Project Description

The site is predominately a semi-level field, with the northern property line sloping upwards with rocky outcroppings. The project proponent has prepared a tentative subdivision map which is attached to this report (Appendix A).

The proposed subdivision will also include the development of streets needed to access approximately 180 new homes.

Noise Descriptors

All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A-weighting, abbreviated "dBA," to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol "L_{EQ}" unless a different time period is specified "L_{EQ}" is implied to mean a period of one hour. Some of the data may also be presented as octave-band-filtered and/or A-octave-band-filtered data, which are a series of sound spectra centered about each stated frequency, with half of the bandwidth above and half of the bandwidth below each stated frequency. This data is typically used for machinery noise analysis and barrier-effectiveness calculations.

The Community Noise Equivalent Level (CNEL) is a 24-hour average, where sound levels during evening hours of 7 p.m. to 10 p.m. have an added 5 dB weighting, and sound levels during nighttime hours of 10 p.m. to 7 a.m. have an added 10 dB weighting. This is similar to the Day-Night Sound Level (L_{DN}), which is a 24-hour average with 10 dB added weighting on the same nighttime hours but no added weighting on the evening hours. Sound levels expressed in CNEL are always based on A-weighted decibels. These data unit metrics are used to express noise levels for both measurement and municipal noise ordinances and regulations, for land use guidelines, and enforcement of noise ordinances. Further explanation can be provided upon request.

Noise emission data is often supplied per the industry standard format of Sound Power, which is the total acoustic power radiated from a given sound source as related to a reference power level. Sound Power differs from Sound Pressure, which is the fluctuations in air pressure caused by the presence of sound waves, and is generally the format that describes noise levels as heard by the receiver.

Sound Pressure is the actual noise experienced by a human or registered by a sound level instrument. When Sound Pressure is used to describe a noise source it must specify the distance from the noise source to provide complete information. Sound Power, on the other hand, is a specialized analytical method to provide information without the distance requirement, but it may be used to calculate the sound pressure at any desired distance.

Applicable Noise Standards

The City of Porterville has proposed new noise standards. These standards are not yet ratified but are listed below:

0.00.030 Noise Measurement Criteria

Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the "A" weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical
calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference calibration levels shall be performed immediately prior to recording noise level data.

Exterior noise levels shall be measured from the nearest residential, school, hospital, church or public library property line to the noise source. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

0.00.040 Exterior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected residence, school, hospital, church or public library to exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative Number of minutes in any one-hour time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>55</td>
<td>50</td>
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<tr>
<td>3</td>
<td>5</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dBA for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

0.00.050 Residential Interior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City, to operate or cause to be operated within a dwelling unit, any source of sound or to allow the creation of any noise which causes the noise level when measured inside another dwelling unit to exceed the noise level standards as set forth in the following table:
<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative Number of Minutes in any one-hour time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>45</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>50</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>55</td>
<td>45</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

**Methodology**

The loudest noise sources at a racetrack are from the following activities:

1. Cars/motorcycles racing around the track
2. The loudspeaker annunciation system
3. Cars in the pits
4. People in the stands
5. Noise in and around parking lots

Noise level information for a car/motorcycle racetrack is not readily available. Fortunately, a member of the National Acoustical Council of Acoustical Consultant (NCAC) is an avid racing fan and has published a paper on racing car noise. We want to acknowledge the assistance of Charles Kulman, the author of a paper entitled *Race Car Sound Abatement*, dated October 90, for his graciously providing a copy for our review.

The conclusions which we drew from Mr. Kulman's report indicate that the "pass by" noise from a racing car will vary dependent on a number of factors, including the engine size and type of mufflers (or lack thereof). However, even with a top quality muffler system the "pass by" noise is still relatively loud due to the engine block radiation noise and the cooling fan. Ultimately, the "pass by" noise varies between a low of 95 dBA and a high of about 105 dBA at the edge of the race course. An hourly average noise level of about 99 dBA was used in this analysis.

The literature from several loudspeaker manufacturers indicate that the loudspeaker system should be approximately 10 to 12 dBA louder in the same area than the expected track noise level. However, the loudspeaker does not operate continuously and is normally on for less than 40 percent of the time. Therefore, a distributed directional system is analyzed that produces an average noise level of about 85 dBA $L_{EQ}$ in the seating area.
Research indicates that the noise from the bleacher area may have very large variations in average noise levels, and are dependent on the situation. These noise level measurements range between approximately 70 dBA measured in the stands, to a known maximum of 120 dBA with a typical 80 dBA average at the stands. This level is relatively low enough when compared to the racetrack and it will not be considered due to the significantly higher racetrack noise levels.

Likewise, the parking lot noise is insignificant when compared to the track noise.

Computer noise modeling for the racetrack is based on the aforementioned noise levels using the Cadna Noise Modeling Software Ver. 3.4, which is a model-based computer program developed by DataKustik for predicting noise impacts in a wide variety of conditions. Cadna (Computer Aided Noise Abatement) assists in the calculation, presentation, assessment, and mitigation of noise exposure. It allows for the input of project information such as noise source data, barriers, structures, and topography to create a detailed CAD model, and uses the most up-to-date calculation standards to predict outdoor noise impacts.

Impacts

This preliminary noise analysis provides a color graphic, which displays the hourly average noise levels based on the aforementioned bleacher area, racetrack, and speaker noise. This color graphic is overlaid on the subdivision map and is included as Appendix B.

Calculations show that the unmitigated noise level is between 75 and 80 dBA $L_{EQ}$ at the eastern edge of the proposed school site. The proposed school site will be predominately impacted with between 60 and 70 dBA $L_{EQ}$, dependent on the eventual building layout.

The unmitigated noise level is between 60 and 62 dBA $L_{EQ}$ at the eastern edge of the proposed Red Hawk subdivision closest to the racetrack without the benefit of school buildings. The majority of the proposed site will be predominately impacted with an overall racetrack noise level between 55 and 60 dBA $L_{EQ}$, dependent on the eventual building layout.

Limitations

Clearly, actual racetrack noise levels will vary from these predicted noise levels due to the type and number of cars/motorcycles on the tracks and unusual occurrences, such as engine explosions, backfires, wrecks, and other unpredictable events. However, the predicted noise levels are expected to provide a reasonable basis for analysis of typical noise impacts.

It should be noted that the racetrack is a permitted operation, but is clearly not in compliance with any commonly accepted property line noise ordinances when in use, which is normally a required permit element.

Mitigation

Several noise mitigation scenarios were tested to determine if a feasible level of mitigation could be developed. Unfortunately, due to the type of noise, the size of the track, and the distances to the track, all scenarios provide insignificant levels of noise control reduction unless built to significant heights.
Noise Control Fences Analyzed:

1. A sound attenuation barrier along the Red Hawk subdivision property boundaries in common with the future proposed school boundaries and the rest of the eastern property edge where the future home lot would have a full or partial view of the racetrack was analyzed. This barrier along the property boundaries would need to be over 20 feet tall in order to provide any significant noise reduction shadow over the project site from the race track noise.
2. Sound barriers at all residential back yards: The sound barriers would need to be in excess of 10 feet high in order to provide a significant noise shadowed area.
3. Increasing the height of the concrete barrier fence around the racetrack (if allowed): The height would need to be 12 feet or higher relative to the base of the existing barrier in order to provide significant control.

Exterior site mitigation is feasible but would require significantly high noise control barriers for the reduction of racetrack noise when the race track is in operation.

A noise control wall may be constructed as a combination berm with wall atop the berm or berm only provided the top of the final noise control element is at the required height.

Recommendations

1. The proposed residences should be planned and constructed to provide an interior noise level in compliance with the proposed City of Porterville noise ordinances. This means that the residences should be planned and required to have an exterior-to-interior impact analysis as part of the permit process, which documents an average interior noise level from exterior source to achieve an interior level of less than 35 dBA L_{eq} with windows closed or as amended by local ordinance. The exterior noise impacts provide in the attached plot (Appendix B) may be used for a basis of this planning.

2. To avoid possible individual residence litigation, the future residential owners should be supplied with a copy of this report or other disclosure document. This report or other disclosure document should also be attached to the property title verifying that this noise source exists. The future owners should sign a receipt acknowledging acceptance of and understanding the noise impacts represented within this report.

Certification

This report is based on the information received and represents a true and factual analysis of the acoustical issues associated with the proposed Red Hawk subdivision located in Porterville, California. This report was prepared by Charles Terry.

EILAR ASSOCIATES

[Signature]

Charles Terry, Senior Acoustical Consultant
Figures

1. Vicinity Map
2. Assessor's Parcel Map
3. Satellite Aerial Photograph
4. Topographic Map

Appendices

A. Tentative Subdivision Map
B. Hourly Average Noise Levels of Racetrack and Speakers
APPENDIX A

Tentative Subdivision Map
APPENDIX B

Hourly Average Noise Levels of Racetrack and Speakers
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 AMALENE ESTATES
TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of February 21, 2006, conducted a public hearing to consider approval of Red Hawk
Estates Tentative Subdivision Map, being a division of a 66± acre site into one hundred-eighty
(180) single family residential lots in one (1) phase, generally located North East Porterville,
North of Olive Avenue, and

WHEREAS: The City Council considered the following findings in its review of the
environmental circumstances for this project:

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

2. That the proposed project will not create adverse environmental impacts as
   indicated in the initial study prepared for the project;

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;

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

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

7. That the project may proceed subsequent to approval and/or conditional approval
   of the State Department of Fish and Game relative to said State Department’s
   consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the
   Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project
   supporting the Negative Declaration reflects the independent judgement of the
   City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration and Mitigation Monitoring Program for Red Hawk Estates Tentative Subdivision Map as described herein, and commits to carry out those items identified as City responsibilities within the Mitigation Monitoring Report.

________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Deputy
<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact 1: Aesthetics – Light and Glare / Visual Resources</strong></td>
<td>Proponent</td>
<td>Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer will submit, prior to project approval, schematics of the proposed development. City Staff will work with the project proponent to ensure an appropriate design theme for the development of the hillsides, and enhance the quality of development while reducing the aesthetic impact to the hillsides. The implementation of specific color and material palettes and design styles will reduce aesthetic impacts to less than significant. The development will require installation of low profile exterior lighting, which will be directed away from adjacent properties, and will reduce the impact of outside lighting. Minimal glare is anticipated from street light and onsite lighting, but enforcement of Section 2618f of the Porterville Zoning Ordinance will reduce any negative effect to less than significant. The Code reads as follows: No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td><strong>Impact 2: Air Quality – Construction</strong></td>
<td>Proponent</td>
<td>Air Quality Impacts from this project will come mainly from two sources – particulate (dust) emissions from project construction, and operational emissions from vehicular trips associated with the project. Construction emissions are temporary in nature, and are considered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to be less than significant if the SJVAPCD's Regulation VIII mandatory dust control measures are followed. Because these measures are mandatory, and therefore part of the regulatory setting of the project, they do not constitute mitigation. Regulation VIII also contains optional dust control measures that will be followed during project construction and will help further reduce particulate emissions. Because these measures are voluntary, they are considered to be mitigation. Regulation VIII mandatory and optional dust control measures are listed in Tables 3-1 through 3-4. The project exceeds the 142-unit threshold established by the San Joaquin Valley Air Pollution Control District in the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) for residential developments (Reference: Guide for Assessing and Mitigating Air Quality Impacts, San Joaquin Valley Air Pollution Control District, January 10, 2002). Therefore the project was analyzed at the Cursory Analysis Level (CAL), which requires that an URBEMIS computer emissions model be run for the project.</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>
## Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Operational emissions from the project are almost exclusively a function of automobile trips generated by the project. An URBEMIS 2002 8.7 computer program was used to estimate operational project emissions, based on the estimated number of trips generated by the project, estimated average miles per trip (4.89 miles), and the large percentage of workers who live and work in Porterville (93% in 2000 Census). The results, summarized in Table 3-5, indicate that impacts from this project will not be significant.</td>
<td></td>
</tr>
<tr>
<td>Impact 3: Biological Resources</td>
<td>Proponent</td>
<td>The subject site was surveyed by City Staff in Spring of 2005, and the presence of one elderberry shrub (<em>Sambucus mexicana</em>) was detected. This species of elderberry shrub is the sole habitat of the Valley Elderberry Longhorn Beetle (VELB), a federally listed, threatened species. Removal of this shrub or construction within too close a proximity could result in an impact to the VELB, by mode of habitat reduction. The potential for impact will be reduced to less than significant by compliance with the US Fish and Wildlife Service's Conservation Guidelines for the Valley Elderberry Longhorn Beetle (1999), as follows: Protective Measures 1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the drip-line of each elderberry plant. 2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. 3. Erect signs every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. 4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact 4: Geology/Soils</td>
<td>Proponent</td>
<td>The project is located on three soil types as defined by the US Department of Agriculture's Natural Resources Conservation Service. In the Soils Survey of Tulare County, Central Part, the project area is described with the following soils types: Greenfield Sandy Loam, San Joaquin Loam, and Vista Rock Outcrops. The slopes associated with the San Joaquin Loam (up to 22% within the project area) results in some risk of landslides, instability, erosion, and expansion. These risks will be mitigated by the developer through a thorough soils study and engineering methods to stabilize the soils. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant.</td>
<td>City of Porterville</td>
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</table>
## Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
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<tr>
<td>Impact 5:</td>
<td>Proponent</td>
<td>Water quality standards could be violated by oils, chemicals, and residues conveyed by stormwater runoff along streets, driveways, and other impervious surfaces. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The site is within the boundaries of the City's Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area. The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plant. The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986 indicates the lots fronting on Olive Avenue and those lots located on the southeast corner of the subject site are located in Flood Zone A (areas of 100-year flood; base flood elevations and flood hazard factors not determined). The remaining portion of the subdivision is located in Flood Zone C (areas of minimal flooding). The Base Flood Elevation will be required to be determined and met throughout the project site prior to the approval of improvements plans, filing a final map or the issuance of any building permit. The City Engineer, acting as the Floodplain Administrator, is working on the modification to FEMA's records, and action must be taken by FEMA prior to issuance of building permits.</td>
<td>City of Porterville</td>
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<tr>
<td>Impact No.</td>
<td>Responsible Party</td>
<td>Mitigation Measure</td>
<td>Monitoring Agency</td>
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<td>Impact 6: Noise</td>
<td>Proponent</td>
<td>The project, after construction, will not generate noise levels inconsistent with local plans, including the City's General Plan. During construction, there will be a short term increase in noise associated with construction equipment that may exceed City noise level standards. These activities will be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on weekends. These impacts will be short term in nature and with the defined mitigation measures will be less than significant. However, the project area is adjacent to the Rocky Hill Raceway, a racetrack outside the City Limits, permitted by Tulare County by a Special Use Permit. The racetrack does not hold regularly scheduled events, but when an event is held, a significant amount of noise is generated. A noise study was conducted by Eilar and Associates in January of 2005. As no event has been scheduled at the track for at least one year, it was impossible for Eilar to measure noise generated at the Rocky Hill Raceway. Instead, the acoustical team took measurements of the most conservative type—a NASCAR race. Although the track itself is not designed or appropriately sized for such a type of race, the existing Special Use Permit does not limit or specify any type of race, so the consultant determined it would be most prudent to evaluate this &quot;worst case scenario&quot;. The study found that while noise levels generated by such an event on the Rocky Hill Racetrack would create a significant impact, those impacts were mitigable by implementing a number of control measures. To reduce the interior noise measurements to 35 dBA Lₐₑₚ or less with windows closed, the residences must have special building materials and an exterior to interior analysis must be completed as part of the permitting process. To mitigate exterior noise impacts, the developer must either construct a 20-foot tall sound attenuation barrier along the eastern and southeastern property boundaries of the Red Hawk Subdivision or increase the height of the existing concrete barrier along the western and northern edges of the Rocky Hill Racetrack to a height of 12 feet. Implementation of these mitigation measures will reduce the impact to less than significant. Provide Notification to prospective homebuyers, in the form of a recorded document, of potential noise source(s).</td>
<td>City of Porterville</td>
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<tr>
<td>Impact 7: Traffic</td>
<td>Proponent</td>
<td>Eventual development of the complete 180 lot subdivision is anticipated to result in additional daily trips. Based on the Circulation Element of the General Plan, 9.55 daily trips would be generated per unit, for a total of 1,719 average daily trips (ADT). Streets within the subdivision are 60 feet wide. Ingress and egress from the south portion of the subject site will be from one (1) street (Red Hawk Drive) intersecting with Olive Avenue a designated Collector Street capable of handling 12,500 ADT. Ingress and egress from the north portion of the subdivision will be from Putnam Avenue. Putnam Avenue extends east and west through the middle of the subdivision from Conner Street, which was recently reconstructed, to the eastern City limits. The road alignment will be left open to allow for future continuation of Putnam when the City grows to the east. West of the project site,</td>
<td>City of Porterville</td>
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<tr>
<td>Impact No.</td>
<td>Responsible Party</td>
<td>Mitigation Measure</td>
<td>Monitoring Agency</td>
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<td>Putnam Avenue is a local street on a 50-foot wide right of way. The current easterly terminus of Putman Avenue is at Granite Hills High School; one condition of the project is the extension of Putnam to and through the project, maintaining at minimum the 50-foot right of way, a width wide enough to accommodate two travel lanes and one parking lane. Olive Avenue west of the project site is a two-lane street on a 50-foot right of way, and has been recently improved with curb, gutter, and sidewalk. Interior circulation is consistent with City standards, and a variety of cul-de-sacs and intersecting local roads will complete the circulation necessary for a subdivision of this size. See Figure 3 for a site plan. On November 16, 2004 a 24-hour traffic count was concluded. Putnam Avenue extending east of Conner Street had a total count of 1,143 ADT. Olive Avenue extending east of Conner Street had a total count of 1,439 ADT. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant.</td>
<td>City of Porterville</td>
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<tr>
<td>Impact 8 : Mandatory Findings</td>
<td>Proponent</td>
<td>In the far east side of the project area is located one elderberry shrub. Elderberry shrubs are the sole habitat of the Valley Elderberry Longhorn Beetle, a Federally listed, threatened species. The elderberry shrub will be avoided in compliance with the US Fish and Wildlife Service's Conservation Guidelines. Any impact will be mitigated to a less than significant effect, see Section IV - Biological Resources for more detail. The noise generated by the Rocky Hill Raceway will be audible throughout the project area without sufficient mitigation. As discussed in Section XI- Noise, a sound wall 12 feet high relative to the base of the existing concrete barrier would effectively reduce noise levels below exterior thresholds, and additional measures including construction materials and methods will allow the residences to meet interior noise threshold requirements. Noise impacts can be reduced to a less than significant level through implementation of these measures.</td>
<td>City of Porterville</td>
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RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR REDHAWK ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 21, 2006, conducted a public hearing to consider approval of Red Hawk Estates Tentative Subdivision Map, being a division of a 66± acre site into one hundred-eighty (180) single family residential lots in one (1) phase, generally located North East Porterville, North of Olive Avenue, 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.

2. That the site is physically suitable for the type and density of the proposed development. The Land Use Element of the General Plan designates the site for Low Density Residential. The proposed subdivision will be developed within the density allowed by the General Plan.

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer has submitted, schematics of the proposed development. Prior to approval City Staff has worked with the project proponent on the design theme for the development. 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.

5. 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.
6. 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.

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


2. 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.

3. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

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

5. 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.

6. Fifteen (15) gallon trees approved as City Street Trees are required in the front yard of each lot. One (1) additional tree is required on each corner lot.

7. The pocket park, and Olive Avenue Streetscape shall comply with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

8. A park shall be dedicated to the City on the final map, and shall be fully landscaped by the applicant/developer. Landscaping shall include no more than 35% turf and sufficient trees to provide 70% shading of the park area within seven years. Pedestrian pathways with interspersed tables and benches shall be provided in the park area.
9. A 6-foot high PCC or masonry fence along all common lines with residential lots shall border the pocket park. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.

10. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the sidewalk along the Olive Avenue frontage. A masonry wall of articulated alignment and minimum 6-foot height shall be located along Olive Avenue, which shall ensure adequate sight distance at street intersections. The masonry wall is not to continue across the school site frontage. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear yards of lots abutting Olive Avenue.

11. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City and pay a $375.00 fee, to have the development included within a Lighting and Landscape Maintenance District. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public landscaping, if any; (4) Public walls/fences, if any; (5) Drainage reservoirs, if any, and (6) any other public improvement.

12. The developer/applicant shall prepare an Engineer’s Report for the establishment of assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision.

13. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner during a twelve-month period following acceptance of the subdivision improvements.

14. An irrevocable offer of dedication shall be provided on the final map for a minimum forty-foot wide equestrian trail along the northerly boundary of the subdivision, together with a minimum twenty-five foot wide access strip extending north from Golden Eagle at its intersection with Peregrine Way.

15. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform 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. The developer/applicant shall provide the reports 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 Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

c. Soils Reports in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to addresses slope stability, prior to approval of improvement plans (or prior to approval of a Vesting Tentative Map). 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. Prior to recording the final map for each phase, 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 in that unit. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development, if applicable.

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. The developer/applicant shall remove and replace the existing irrigation shown within the street right of way. The developer/applicant shall coordinate this effort with the irrigation district and City of Porterville. The district shall specify appropriate size and material of piping shall be in accordance with current City Standards and policies.

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), 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 recommendations contained in the Preliminary Soils Report; and
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. The developer/applicant shall install pipeline in Olive Avenue from the easterly boundary of
the proposed development to the point of connection at the easterly boundary of the Granite Hills High School property. Pipe sizing shall be in accordance the City’s adopted Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. The County Reservoir designated as Drainage Reservoir No. 26 in the City’s adopted Master Plan will require coordination between the developer, County of Tulare, and City of Porterville. The developer/applicant shall provide all calculations necessary to satisfy the County and the City on the enlargement of this reservoir.

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 one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

28. To accommodate refuse vehicles and street sweepers, the developer/applicant shall construct, dedicate and improve, to City standards, temporary turn-arounds at such time that phased development of the subdivision results in creation of dead end streets. These temporary turn-arounds are to be enclosed with chain link fencing.

29. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate 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. Cul-de-sacs shall be limited to a maximum of 600 feet. Street grades shall not exceed 12%. The grade at any fire hydrant must not exceed 7%.
30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

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

32. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision. Nearest point of connection for this proposed subdivision is Olive Avenue at the easterly boundary of Granite Hills High School.

33. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four (4') feet of clear space in the sidewalk area and a minimum of two (2') feet of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA) or provide surety in lieu of (Section 2616.b of the Zoning Ordinance).

34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

35. The developer/applicant shall construct the water system in a maximum of two sections for 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 shall comply with the City's Flood Damage Prevention Ordinance No. 1397 and the requirements of the Emergency Management Agency (FEMA) Community letter dated August 5, 2005 - Case No. 05-09-0326R. The FEMA letter is attached hereto and made at part hereof by reference. All documentation required within the FEMA letter shall be prepared by the developer/applicant's responsible civil engineer and delivered to City's Flood Plan Administer for review and processing. Building permit issuance is contingent upon the submittal of a complete FEMA package.

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

38. The developer/applicant is hereby notified that in order to comply with Section 66499.35 of the Subdivision Map Act, Phase 1, Lot 1 must be included as a lot within the Final Map for the first phase and developed in accordance with City Standards, Specifications and these conditions of approval. Vine Avenue is the only acceptable access to this parcel.
39. The required twelve (12) foot side yard setback to include six (6) fences for all reverse corner lots shall be shown on the final map. As currently designed, Lots 177 and 174 are reverse corner lots.

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

41. All model home landscaping must conform to the City’s Water Efficient Landscape.

42. 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 the submittal of the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

43. Comply with all residential design provisions incorporated in Attachments 8-11. A mixed use of floor plans will range from 1277 to 3500 sq ft. Use of earth tones for the color palette and the roofing materials are composition shingles (textured or flat depending on the floor plan).

44. Lots that are lower than the upstream sewer manhole should be required to have a check valve on the private sewer lateral.

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

46. Relocate fire hydrants at the following locations as shown on the tentative map:

a. Between lots 60/61 to the corner of Park Site, between lots 34/35 to the corner of lot 101.

b. Between lots 54/55 to corner of lot 109.

c. East end of the south side of Mill Avenue to corner of Lot 71.

d. Add hydrants between 88/89 and 20/21.

e. The remaining location of the fire hydrants as shown of the tentative map are okay.
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
  Georgia Hawley, Deputy
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 05-09-0326R

Community: Tulare County, CA
Community No.: 063066

The Honorable Steve Worthley
Chairman, Board of Supervisors
Tulare County
2800 West Burrel Avenue
Visalia, CA 93291

Dear Mr. Worthley:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) for your community, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated November 5, 2004, Mr. Daryl Jordan, P.E., Sierra Del Pacifico Incorporated, requested that FEMA evaluate the effects that updated topographic and hydrologic information, existing and proposed storm drains, and existing retention basins along the former Pioneer Ditch from approximately 2,100 feet downstream of Olive Avenue to approximately 2,700 feet upstream of Roby Avenue would have on the flood hazard information shown on the effective FIRM. Although the revised area is shown on the effective FIRM as within the unincorporated areas of Tulare County, the area from approximately 2,100 feet downstream to approximately 600 feet downstream of Olive Avenue has been annexed by the City of Porterville.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Jordan.

Because this revision request also affects the City of Porterville, a separate CLOMR for that community was issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. We believe that, if the proposed project is constructed as shown on the undated plans entitled "City of Porterville Storm Drain Master Plan," prepared by Charles W. Roberts Consulting Civil Engineer, Inc., and the data listed below are received, a revision to the FIRM would be warranted.

As a result of the proposed project, the Special Flood Hazard Area (SFHA), the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), along Pioneer Ditch will be eliminated from approximately 600 feet downstream of Olive Avenue to approximately 2,700 feet upstream of Roby Avenue.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM.
Detailed application and certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview & Concurrence Form," must be included. (A copy of this form is enclosed.)

The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology & Hydraulics Form"

Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood, together with a topographic work map showing the revised floodplain boundaries, must be submitted with Form 2.

Effective September 1, 2002, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $3,800 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

Federal Emergency Management Agency
Fee-Charge System Administrator
P.O. Box 22787
Alexandria, VA 22304

As-built plans, certified by a registered professional engineer, of all proposed project elements

Community acknowledgment of the map revision request

An officially adopted maintenance and operation plan for Storage Reservoir 26. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM.

The basis of this CLOMR is, in whole or in part, a channel-modification/culvert project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel and culvert rests with your community.
This CLOMIR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California, at (510) 627-7175. If you have any questions regarding this CLOMIR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael B. Godesky, CFM, Project Engineer
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

For:  Doug Bellomo, P.E., Chief
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

Enclosures

cc:  Mr. Mike Whitlock
Flood Control Engineer
County of Tulare

              The Honorable Richard M. Stadtherr
Mayor, City of Porterville

              Mr. Daryl Jordan, P.E.
Sierra Del Pacifico Inc.
Federal Emergency Management Agency
Washington, D.C. 20472
AUG 5 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 05-09-0326R

Community: City of Porterville, CA
Community No.: 060407

The Honorable Richard M. Stadtherr
Mayor, City of Porterville
P.O. Box 432
Porterville, CA 93258-0432

Dear Mayor Stadtherr:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) for your community, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated November 5, 2004, Mr. Daryl Jordan, P.E., Sierra Del Pacifico Incorporated, requested that FEMA evaluate the effects that updated topographic and hydrologic information, existing and proposed storm drains, and existing retention basins along the former Pioneer Ditch from approximately 2,100 feet downstream of Olive Avenue to approximately 2,700 feet upstream of Roby Avenue would have on the flood hazard information shown on the effective FIRM. Although the revised area is shown on the effective FIRM as within the unincorporated areas of Tulare County, the area from approximately 2,100 feet downstream to approximately 600 feet downstream of Olive Avenue has been annexed by the City of Porterville.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Jordan.

Because this revision request also affects Tulare County, a separate CLOMR for that community was issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. We believe that, if the proposed project is constructed as shown on the undated plans entitled "City of Porterville Storm Drain Master Plan," prepared by Charles W. Roberts Consulting Civil Engineer, Inc., and the data listed below are received, a revision to the FIRM would be warranted.

As a result of the proposed project, the Special Flood Hazard Area (SFHA), the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), along Pioneer Ditch will be eliminated from approximately 2,100 feet to 600 feet downstream of Olive Avenue.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM.
• Detailed application and certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview & Concurrence Form," must be included. (A copy of this form is enclosed.)

• The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology & Hydraulics Form"

Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood, together with a topographic work map showing the revised floodplain boundaries, must be submitted with Form 2.

• Effective September 1, 2002, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $3,800 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

Federal Emergency Management Agency
Fee-Charge System Administrator
P.O. Box 22787
Alexandria, VA 22304

• As-built plans, certified by a registered professional engineer, of all proposed project elements

• Community acknowledgment of the map revision request

• An officially adopted maintenance and operation plan for Storage Reservoir 26. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM.

The basis of this CLOMR is, in whole or in part, a channel-modification/culvert project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel and culvert rests with your community.
This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California, at (510) 627-7175. If you have any questions regarding this CLOMR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

[Signature]

Michael B. Godesky, CFM, Project Engineer
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

For: Doug Bellomo, P.E., Chief
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

Enclosures

cc: The Honorable Steve Worthley
Chairman, Board of Supervisors
Tulare County

Mr. Michael Reed
Associate Engineer
City of Porterville

Mr. Daryl Jordan, P.E.
Sierra Del Pacifico Inc.
FEE SCHEDULE FOR PROCESSING REQUESTS FOR MAP CHANGES

This notice contains the fee schedule for processing certain types of requests for changes to National Flood Insurance Program (NFIP) maps. The fee schedule allows FEMA to further reduce the expenses to the NFIP by more fully recovering the costs associated with processing conditional and final map change requests. The fee schedule for map changes is effective for all requests dated September 1, 2002, or later and supersedes the fee schedule that was established on June 1, 2000.

To develop the fee schedule for conditional and final map change requests, FEMA evaluated the actual costs of reviewing and processing requests for Conditional Letters of Map Amendment (CLOMAs), Conditional Letters of Map Revision – based on Fill (CLOMR-Fs), Conditional Letters of Map Revision (CLOMRs), Letters of Map Revision – based on Fill (LOMR-Fs), Letters of Map Revision (LOMRs), and Physical Map Revision (PMRs).

Based on our review of actual cost data for Fiscal Years 2000 and 2001, FEMA has established the following review and processing fees, which are to be submitted with all requests that are not otherwise exempted under 44 CFR 72.5.

**Fee Schedule for Requests for CLOMAs, CLOMR-Fs, and LOMR-Fs**

<table>
<thead>
<tr>
<th>Request Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for single-lot/single-structure CLOMA and CLOMR-F</td>
<td>$500</td>
</tr>
<tr>
<td>Request for single-lot/single-structure LOMR-F</td>
<td>$425</td>
</tr>
<tr>
<td>Request for single-lot/single-structure LOMR-F based on as-built</td>
<td></td>
</tr>
<tr>
<td>information (CLOMR-F previously issued by us)</td>
<td>$325</td>
</tr>
<tr>
<td>Request for multiple-lot/multiple-structure CLOMA</td>
<td>$700</td>
</tr>
<tr>
<td>Request for multiple-lot/multiple-structure CLOMR-F and LOMR-F</td>
<td>$800</td>
</tr>
<tr>
<td>Request for multiple-lot/multiple-structure LOMR-F based on as-built</td>
<td></td>
</tr>
<tr>
<td>information (CLOMR-F previously issued)</td>
<td>$700</td>
</tr>
</tbody>
</table>

**Fee Schedule for Requests for CLOMRs**

<table>
<thead>
<tr>
<th>Request Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request based on new hydrology, bridge, culvert, channel, or combination of any of these</td>
<td>$4,000</td>
</tr>
<tr>
<td>Request based on levee, berm, or other structural measure</td>
<td>$4,500</td>
</tr>
</tbody>
</table>

**Fee Schedule for Requests for LOMRs and PMRs**

Requesters must submit the review and processing fees shown below with requests for LOMRs and PMRs that are not based on structural measures or alluvial fans.

<table>
<thead>
<tr>
<th>Request Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request based on bridge, culvert, channel, or combination thereof</td>
<td>$4,200</td>
</tr>
<tr>
<td>Request based on levee, berm, or other structural measure</td>
<td>$6,000</td>
</tr>
<tr>
<td>Request based on as-built information submitted as follow-up to CLOMR</td>
<td>$3,800</td>
</tr>
</tbody>
</table>

**Fees for CLOMRs, LOMRs, and PMRs Based on Structural Measures on Alluvial Fans**

FEMA has maintained $5,000 as the initial fee for requests for CLOMRs and LOMRs based on structural measures on alluvial fans. FEMA will also continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. The prevailing private-sector labor rate charged to FEMA ($50 per hour) will continue to be used to calculate the total reimbursable fees.

**Payment Submission Requirements**

Requesters must make fee payments for non-exempt requests before we render services. This payment must be in the form of a check or money order or by credit card payment. Please make all checks and money orders in U.S. funds payable to the National Flood Insurance Program. We will deposit all fees collected to the National Flood Insurance Fund, which is the source of funding for providing this service.
B. HYDRAULICS (CONTINUED)

FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. These review programs verify that the hydraulic estimates and assumptions in the model data are in accordance with NFIP requirements, and that the data are comparable with the assumptions and limitations of HEC-2/HEC-RAS. CHECK-2 and CHECK-RAS identify areas of potential error or concern. These tools do not replace engineering judgment. CHECK-2 and CHECK-RAS can be downloaded from http://www.fema.gov/fhm/fhm_soft.shtml. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS. If you disagree with a message, please attach an explanation of why the message is not valid in this case. Review of your submittal and resolution of model modeling discrepancies will result in reduced review time.

HEC-2/HEC-RAS models reviewed with CHECK-2/CHECK-RAS?

☐ Yes ☐ No

Models Submitted

Duplicate Effective Model

Corrected Effective Model

Existing or Pre-Project Conditions Model

Revised or Post-Project Conditions Model

Other (attach description)

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name: 

Natural File Name: 

Floodway File Name:

*Not required for revisions to approximate 1%-annual-chance floodplains (see above) for details, refer to the corresponding section of the instructions.

The document "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at http://www.fema.gov/fhm/en_modl.shtml.

C. MAPPING REQUIREMENTS

A certified topographic map must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1% and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

Note that the boundaries of the existing or proposed conditions floodplains and regulatory floodway to be shown on the revised FIRM and/or FBFM must tie in with the effective floodplain and regulatory floodway boundaries. Please attach a copy of the effective FIRM and/or FBFM, annotated to show the boundaries of the revised 1%- and 0.2%-annual-chance floodplains and regulatory floodway that tie in with the boundaries of the effective 1%- and 0.2%-annual-chance floodplain and regulatory floodway at the upstream and downstream limits of the area of revision.

D. COMMON REGULATORY REQUIREMENTS

1. For LOMR requests, do Base Flood Elevations (BFEs) increase?

☐ Yes ☐ No

For LOMR requests, if either of the following is true, please submit evidence of compliance with Section 65.12 of the NFIP regulations:

- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot.
- The proposed project encroaches upon a SFHA with BFEs established and would result in increases above 1.00 foot.

2. Does the request involve the placement or proposed placement of fill?

☐ Yes ☐ No

If yes, the community must be able to certify that the area to be removed, from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(a)(3), 65.5(a)(4), and 65.5(a)(14). Please see the MT-2 instructions for more information.

3. For LOMR requests, is the regulatory floodway being revised?

☐ Yes ☐ No

If yes, refer to 2.

4. For LOMR requests, does this request require property owner notification and acceptance of BFE increases?

☐ Yes ☐ No

If yes, please attach proof of property owner notification and acceptance (if available). Elements and examples of property owner notification can be found in the MT-2 Form 2 Instructions.
A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)
   - [ ] Not revised (skip to section 2)
   - [ ] No existing analysis
   - [ ] Alternative methodology
   - [ ] Proposed Conditions (CLOMR)
   - [ ] Improved data
   - [ ] Changed physical condition of watershed

2. Comparison of Representative 1% Annual-Chance Discharges
   - Location
   - Drainage Area (Sq. Mi.)
   - FIS (cfs)
   - Revised (cfs)

3. Methodology for New Hydrologic Analysis (check all that apply)
   - [ ] Statistical Analysis of Gage Records
   - [ ] Regional Regression Equations
   - [ ] Precipitation/Runoff Model
   - [ ] Other (please attach description)
   - [TR-20, HEC-1, HEC-HMS etc.]

   Please enclose all relevant models in digital format, maps, computations (including computation of parameters) and documentation to support the new analysis. The document, "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtml

4. Review/Approval of Analysis
   - If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

5. Impacts of Sediment Transport on Hydrology
   - Was sediment transport considered?  [ ] Yes  [ ] No
   - If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation for why sediment transport was not considered.

B. HYDRAULICS

1. Reach to be Revised
   - Description
   - Cross Section
   - Water-Surface Elevations (ft.)
   - Effective  Proposed/Revised
   - Downstream Limit
   - Upstream Limit

2. Hydraulic Method Used
   - Hydraulic Analysis
   - [HEC-2, HEC-RAS, Other (Attach description)]
C. REVIEW FEE

Has the review fee for the appropriate request category been included?

☐ Yes  Fee amount: $

☐ No, Attach Explanation

Please see the FEMA Web site at http://www.fema.gov/hmb/frm_fees.shtml for Fee Amounts and Exemptions.

D. SIGNATURE

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name:  
Company:  
Mailing Address:  
Daytime Telephone No.:  
Fax No.:  
E-Mail Address:  
Signature of Requester (required):  
Date:  

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.

Community Official's Name and Title:  
Telephone No.:  
Community Name:  
Community Official's Signature (required):  
Date:  

CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name:  
License No.:  
Expiration Date:  
Company Name:  
Telephone No.:  
Fax No.:  
Signature:  
Date:  

Ensure the forms that are appropriate to your revision request are included in your submittal.

Form Name and (Number)  Required if...

☐ Riverine Hydrology and Hydraulics Form (Form 2)  New or revised discharges or water-surface elevations

☐ Riverine Structures Form (Form 3)  Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam  

☐ Coastal Analysis Form (Form 4)  New or revised coastal elevations

☐ Coastal Structures Form (Form 5)  Addition/revision of coastal structure

☐ Alluvial Fan Flooding Form (Form 6)  Flood control measures on alluvial fans
A. REQUESTED RESPONSE FROM FEMA

☐ CLOMR: A letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes (See 44 CFR/Ch. 1, Parts 60, 65 & 72).

☐ LOMR: A letter from FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See Parts 60 & 65 of the NFIP Regulations.)

B. OVERVIEW

1. The NFIP map panel(s) affected for all impacted communities can be found in the table below:

<table>
<thead>
<tr>
<th>Community No.</th>
<th>Community Name</th>
<th>State</th>
<th>Map No.</th>
<th>Panel No.</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex: 480301</td>
<td>City of Katy</td>
<td>TX</td>
<td>480301</td>
<td>0005D</td>
<td>02/08/83</td>
</tr>
<tr>
<td>480287</td>
<td>Harris County</td>
<td>TX</td>
<td>48201C</td>
<td>0220G</td>
<td>09/29/90</td>
</tr>
</tbody>
</table>

2. Flooding Source:

3. Project Name/Identifier:


5. Basis for Request and Type of Revision:

a. The basis for this revision request is (check all that apply)

☐ Physical Change ☐ Improved Methodology/Data

☐ Regulatory Floodway Revision ☐ Other (Attach Description)

Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

b. The area of revision encompasses the following types of flooding and structures (check all that apply)

Types of Flooding: ☐ Riverine ☐ Coastal ☐ Shallow Flooding (e.g., Zones AO and AH)

☐ Alluvial fan ☐ Lakes ☐ Other (Attach Description)

Structures: ☐ Channelization ☐ Levee/Floodwall ☐ Bridge/Culvert

☐ Dam ☐ Fill ☐ Other, Attach Description
FEDERAL EMERGENCY MANAGEMENT AGENCY
RIVERINE STRUCTURES FORM

PAPERWORK REDUCTION ACT
Public reporting burden for this form is estimated to average 7 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0148). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. Please do not send your completed survey to the above address.

Flooding Source:
Note: Fill out one form for each flooding source studied

A. GENERAL

Complete the appropriate section(s) for each Structure listed below:

Channelization .......... complete Section B
Bridge/Culvert ........... complete Section C
Dam .......................... complete Section D
Levee/Floodwall .......... complete Section E
Sediment Transport...... complete Section F (if required)

Description Of Structure

1. Name of Structure:
   Type (check one): □ Channelization □ Bridge/Culvert □ Levee/Floodwall □ Dam
   Location of Structure:
   Downstream Limit/Cross Section:
   Upstream Limit/Cross Section:

2. Name of Structure:
   Type (check one): □ Channelization □ Bridge/Culvert □ Levee/Floodwall □ Dam
   Location of Structure:
   Downstream Limit/Cross Section:
   Upstream Limit/Cross Section:

3. Name of Structure:
   Type (check one) □ Channelization □ Bridge/Culvert □ Levee/Floodwall □ Dam
   Location of Structure:
   Downstream Limit/Cross Section:
   Upstream Limit/Cross Section:

NOTE: For more structures, attach additional pages as needed.
B. CHANNELIZATION

Flooding Source:

Name of Structure:

1. Accessory Structures

   The channelization includes (check one):
   - [ ] Levees  [Attach Section E (Levees/Floodwall)]
   - [ ] Superelevated sections
   - [ ] Debris basin/detention basin
   - [ ] Other (Describe):

   [ ] Drop structures
   [ ] Transitions in cross sectional geometry
   [ ] Energy dissipator

   Drawing Checklist

   Attach the plans of the channelization certified by a registered professional engineer, as described in the instructions.

3. Hydraulic Considerations

   The channel was designed to carry (cfs) and/or the "year flood."

   The design elevation in the channel is based on (check one):
   - [ ] Subcritical flow
   - [ ] Critical flow
   - [ ] Supercritical flow
   - [ ] Energy grade line

   If there is the potential for a hydraulic jump at the following locations, check all that apply and attach an explanation of how the hydraulic jump is controlled without affecting the stability of the channel.
   - [ ] Inlet to channel
   - [ ] Outlet of channel
   - [ ] At Drop Structures
   - [ ] At Transitions
   - [ ] Other locations (specify):

4. Sediment Transport Considerations

   Was sediment transport considered? [ ] Yes [ ] No
   If Yes, then fill out Section F (Sediment Transport). If No, then attach your explanation for why sediment transport was not considered.

C. BRIDGE/CULVERT

Flooding Source:

Name of Structure:

1. This revision reflects (check one):

   - [ ] New bridge/culvert not modeled in the FIS
   - [ ] Modified bridge/culvert previously modeled in the FIS
   - [ ] New analysis of bridge/culvert previously modeled in the FIS

2. Hydraulic model used to analyze the structure (e.g., HEC-2 with special bridge routine, WSPRO, HY8):
   If different than hydraulic analysis for the flooding source, justify why the hydraulic analysis used for the flooding source could not analyze the structures. Attach justification.

3. Attach plans of the structures certified by a registered professional engineer. The plan detail and information should include the following (check the information that has been provided):

   - [ ] Dimensions (height, width, span, radius, length)
   - [ ] Shape (culverts only)
   - [ ] Material
   - [ ] Beveling or Rounding
   - [ ] Wing Wall Angle
   - [ ] Skew Angle
   - [ ] Distances Between Cross Sections
   - [ ] Erosion Protection
   - [ ] Low Chord Elevations – Upstream and Downstream
   - [ ] Top of Road Elevations – Upstream and Downstream
   - [ ] Structure Invert Elevations – Upstream and Downstream
   - [ ] Stream Invert Elevations – Upstream and Downstream
   - [ ] Cross-Section Locations

   Sediment Transport Considerations:

   Was sediment transport considered? [ ] Yes [ ] No
   If yes, then fill out Section F (Sediment Transport). If No, then attach your explanation for why sediment transport was not considered.
Flood Source:

Name of Structure:

1. This request is for (check one):
   - [] Existing dam
   - [x] New dam
   - [ ] Modification of existing dam

2. The dam was designed by (check one):
   - [] Federal agency
   - [] State agency
   - [ ] Local government agency
   - [ ] Private organization

   Name of the agency or organization:

3. Does the project involve revised hydrology?  [ ] Yes  [ ] No

   If Yes, complete the Riverine Hydrology & Hydraulics Form (FORM 2).

4. Does the submittal include debris/sediment yield analysis?  [ ] Yes  [ ] No

   If yes, then fill out Section F (Sediment Transport).
   If No, then attach your explanation for why debris/sediment analysis was not considered.

5. Does the Base Flood Elevation behind the dam or downstream of the dam change?
   [ ] Yes  [ ] No

   If Yes, complete the Riverine Hydrology & Hydraulics Form (FORM 2) and complete the table below:

<table>
<thead>
<tr>
<th>FREQUENCY (% annual chance)</th>
<th>FIS</th>
<th>REVISED</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-year (10%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50-year (2%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-year (1%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500-year (0.2%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Normal Pool Elevation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please attach a copy of the formal Operation and Maintenance Plan.
E. LEVEE/FLOODWALL

1. System Elements
   a. This levee/floodwall analysis is based on (check one):
      □ upgrading of an existing levee/floodwall system
      □ a newly constructed levee/floodwall system
      □ reanalysis of an existing levee/floodwall system

   b. Levee elements and locations are (check one):
      □ earth embankment, dike, berm, etc.
      □ structural floodwall
      □ Other (describe):

   c. Structural Type (check one):
      □ monolithic cast-in place reinforced concrete
      □ reinforced concrete masonry block
      □ sheet piling
      □ Other (describe):

   d. Has this levee/floodwall system been certified by a Federal Agency to provide protection from the base flood?
      □ Yes □ No
      If Yes, by which agency?

   e. Attach certified drawings containing the following information (indicate drawing sheet numbers):
      1. Plan of the levee embankment and floodwall structures.
         Sheet Numbers:
      2. A profile of the levee/floodwall system showing the Base Flood Elevation (BFE), levee and/or wall crest and foundation, and closure locations for the total levee system.
         Sheet Numbers:
      3. A profile of the BFE, closure opening outlet and inlet invert elevations, type and size of opening, and kind of closure.
         Sheet Numbers:
      4. A layout detail for the embankment protection measures.
         Sheet Numbers:
      5. Location, layout, and size and shape of the levee embankment features, foundation treatment, floodwall structure, closure structures, and pump stations.
         Sheet Numbers:

2. Freeboard
   a. The minimum freeboard provided above the BFE is:
      Riverside
      3.0 feet or more at the downstream end and throughout
      3.5 feet or more at the upstream end
      4.0 feet within 100 feet upstream of all structures and/or obstructions
      Coastal
      1.0 foot above the height of the one percent wave associated with the 1%-annual-chance stillwater surge elevation or maximum wave runup (whichever is greater).
      2.0 feet above the 1%-annual-chance stillwater surge elevation
      □ Yes □ No

FEMA Form 81-896, SEP 02 Riverine Structures Form
MT-2 Form 3 Page 4 of 10
2. Freeboard (continued)

Please note, occasionally exceptions are made to the minimum freeboard requirement. If an exception is requested, attach documentation addressing Paragraph 65.10(b)(1)(ii) of the NFIP Regulations.

If No is answered to any of the above, please attach an explanation.

b. Is there an indication from historical records that ice-jamming can affect the SFE?  [ ] Yes  [ ] No

If Yes, provide ice-jam analysis profile and evidence that the minimum freeboard discussed above still exists.

3. Closures

a. Openings through the levee system (check one):
   [ ] No  [ ] Yes, does not exist; state procedures for maintenance and operation.
   If opening exists, list all closures:

<table>
<thead>
<tr>
<th>Channel Station</th>
<th>Left or Right Bank</th>
<th>Opening Type</th>
<th>Highest Elevation for Opening Invert</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Extend table on an added sheet as needed and reference)

Note: Geotechnical and geologic data

In addition to the required detailed analysis reports, data obtained during field and laboratory investigations and used in the design analysis for the following system features should be submitted in a tabulated summary form. (Reference U.S. Army Corps of Engineers [USACE] EM-1110-2-1906 Form 2086.)

4. Embankment Protection

a. The maximum levee slope landside is:

b. The maximum levee slope floodside is:

c. The range of velocities along the levee during the base flood is: (min.) to (max.)

d. Embankment material is protected by-(describe what kind):

e. Riprap Design Parameters (check one):
   [ ] Velocity  [ ] Tractive stress
   Attach references

<table>
<thead>
<tr>
<th>Reach</th>
<th>Sideslope</th>
<th>Flow Depth</th>
<th>'Velocity</th>
<th>Curve of Straight</th>
<th>Stone Riprap</th>
<th>Depth of Toedown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sta</td>
<td>to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sta</td>
<td>to</td>
<td></td>
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<tr>
<td>Sta</td>
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<td>Sta</td>
<td>to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Extend table on an added sheet as needed and reference each entry)
4. Embankment Protection (continued)

f. Is a bedding/filter analysis and design attached? [ ] Yes [ ] No

g. Describe the analysis used for other kinds of protection used (include copies of the design analysis):


Attache engineering analysis to support construction plans.

5. Embankment And Foundation Stability

a. Identify locations and describe the basis for selection of critical location for analysis:

- Overall height: Sta. ______ ft
- Limiting foundation soil strength:
  - Sta. ______, depth ______ ft
  - Strength \( \phi = \) degrees, \( c = \) psf
  - Slope: \( SS = \) ______ (h) to (v)

(Repeat as needed on an added sheet for additional locations)

b. Specify the embankment stability analysis methodology used (e.g., circular arc, sliding block, infinite slope, etc.):

c. Summary of stability analysis results:

<table>
<thead>
<tr>
<th>Case</th>
<th>Loading Conditions</th>
<th>Critical Safety Factor</th>
<th>Criteria (Min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>End of construction</td>
<td>( F_s = 1.3 )</td>
<td>1.3</td>
</tr>
<tr>
<td>II</td>
<td>Sudden drawdown</td>
<td>( F_s = 1.0 )</td>
<td>1.0</td>
</tr>
<tr>
<td>III</td>
<td>Critical flood stage</td>
<td>( F_s = 1.4 )</td>
<td>1.4</td>
</tr>
<tr>
<td>IV</td>
<td>Steady seepage at flood stage</td>
<td>( F_s = 1.4 )</td>
<td>1.4</td>
</tr>
<tr>
<td>V</td>
<td>Earthquake (Case I)</td>
<td>( F_s = 1.0 )</td>
<td>1.0</td>
</tr>
</tbody>
</table>

(Reference: USACE EM-1110-2-1913, Table 6-1)

[ ] Was a seepage analysis for the embankment performed? [ ] Yes [ ] No

- If Yes, describe methodology used:

a. Was a seepage analysis for the foundation performed? [ ] Yes [ ] No

b. Were uplift pressures at the embankment landslide toe checked? [ ] Yes [ ] No

c. Were seepage exits detected for piping potential? [ ] Yes [ ] No

h. The duration of the base flood hydrograph against the embankment is ______ hours.

Attach engineering analysis to support construction plans.
6. **Floodwall and Foundation Stability**

   a. Describe analysis submittal based on Code (check one):
      - UBC (1988) or Other (specify):

   b. Stability analysis submitted provides for:
      - Overturing, Sliding
      - If not, explain:

   c. Loading included in the analyses were:
      - Lateral earth, P w
      - Surcharge-Slope
      - Wind, P w
      - Seepage (Uplift), Earthquake, P eq
      - 1%-annual-chance significant wave height:
      - 1%-annual-chance significant wave period:

   d. Summary of Stability Analysis Results: Factors of Safety

      Itemize for each range in site layout dimension and loading condition limitation for each respective reach.

<table>
<thead>
<tr>
<th>Loading Condition</th>
<th>Criteria (Min)</th>
<th>Sta To</th>
<th>Sta To</th>
<th>Sta To</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Overturn</td>
<td>Sliding</td>
<td>Overturn</td>
<td>Sliding</td>
</tr>
<tr>
<td>Dead &amp; Wind</td>
<td>1.5</td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dead &amp; Soil</td>
<td>1.5</td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dead, Soil, Flood, &amp; Impact</td>
<td>1.5</td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dead, Soil, &amp; Seismic</td>
<td>1.3</td>
<td>1.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ref: FEMA 114 Sept 1988; USACE EM 1110-2-2302)

(Note: Extend table on an added sheet as needed and reference).

e. Foundation bearing strength for each soil type:

<table>
<thead>
<tr>
<th>Bearing Pressure</th>
<th>Sustained Load (psf)</th>
<th>Short Term Load (psf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computed design maximum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum allowable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

f. Foundation scour protection: □ is, □ is not provided. If provided, attach explanation and supporting documentation:

Attach engineering analysis to support construction plans.
E. LEVEE/FLOODWALL (CONTINUED)

a. Has anticipated potential settlement been determined and incorporated into the specified construction elevations to maintain the established freeboard margin?  □ Yes □ No

b. The computed range of settlement is ft. to ft.

c. Settlement of the levee crest is determined to be primarily from:
   □ Foundation consolidation
   □ Embankment compression
   □ Other (Describe):

   

d. Differential settlement of floodwalls □ has □ has not been accommodated in the structural design and construction. Attach engineering analysis to support construction plans.

3. Interior Drainage

   a. Specify size of each interior watershed:
      □ Draining to pressure conduit: acres
      □ Draining to ponding area: acres

   b. Relationships Established
      □ Ponding elevation vs. storage
      □ Ponding elevation vs. gravity flow
      □ Differential head vs. gravity flow

   c. The river flow duration curve is enclosed: □ Yes □ No

   d. Specify the discharge capacity of the head pressure conduit: cfs

   e. Which flooding conditions were analyzed?
      □ Gravity flow (Interior Watershed) □ Yes □ No
      □ Common storm (River Watershed) □ Yes □ No
      □ Historical ponding probability □ Yes □ No
      □ Coastal wave overtopping □ Yes □ No

   If No for any of the above, attach explanation.

   f. Interior drainage has been analyzed based on joint probability of interior and exterior flooding and the capacities of pumping and outlet facilities to provide the established level of flood protection? □ Yes □ No

   If No, attach explanation.

   g. The rate of seepage through the levee system for the base flood is cfs

   h. The length of levee system used to drive this seepage rate in item g: ft.
8. **Interior Drainage (continued)**
   
   i. Will pumping plants be used for interior drainage? □ Yes □ No

   If Yes, include the number of pumping plants:

   For each pumping plant, list:

<table>
<thead>
<tr>
<th>Plant #1</th>
<th>Plant #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of pumps</td>
<td></td>
</tr>
<tr>
<td>The ponding storage capacity</td>
<td></td>
</tr>
<tr>
<td>The maximum pumping rate</td>
<td></td>
</tr>
<tr>
<td>The maximum pumping head</td>
<td></td>
</tr>
<tr>
<td>The pumping starting elevation</td>
<td></td>
</tr>
<tr>
<td>The pumping stopping elevation</td>
<td></td>
</tr>
<tr>
<td>Is the discharge facility protected?</td>
<td></td>
</tr>
<tr>
<td>Is there a flood warning plan?</td>
<td></td>
</tr>
<tr>
<td>How much time is available between warning and flooding?</td>
<td></td>
</tr>
</tbody>
</table>

   Will the operation be automatic? □ Yes □ No

   If the pumps are electric, are there backup power sources? □ Yes □ No

   (Reference: USACE EM-1110-2-3101, 3102, 3103, 3104, and 3105)

   Include a copy of supporting documentation of data and analysis. Provide a map showing the flooded area and maximum ponding elevations for all interior watersheds that result in flooding.

9. **Other Design Criteria**

   a. The following items have been addressed as stated:

      Liquefaction □ is □ is not a problem
      Hydrocompaction □ is □ is not a problem
      Heave differential movement due to soils of high shrink/swell □ is □ is not a problem

   b. For each of these problems, state the basic facts and corrective action taken:

      Attach supporting documentation

   c. If the levee/floodwall is new or enlarged, will the structure adversely impact flood levels and/or flow velocities floodside of the structure? □ Yes □ No

      Attach supporting documentation

   d. Sediment Transport Considerations:

      Was sediment transport considered? □ Yes □ No

      If Yes, then fill out Section F (Sediment Transport).
      If No, then attach your explanation for why sediment transport was not considered.
E. LEVEE/FLOODWALL (CONTINUED)

10. Operational Plan And Criteria
   a. Are the planned/installed works in full compliance with Part 65.10 of the NFIP Regulations? 
      □ Yes □ No
   b. Does the operation plan incorporate all the provisions for closure devices as required in Paragraph 65.10(c)(1) of the NFIP regulations? 
      □ Yes □ No
   c. Does the operation plan incorporate all the provisions for interior drainage as required in Paragraph 65.10(c)(2) of the NFIP regulations? 
      □ Yes □ No

   If the answer is No to any of the above, please attach supporting documentation.

11. Maintenance Plan
   a. Are the planned/installed works in full compliance with Part 65.10 of the NFIP Regulations? 
      □ Yes □ No
   If No, please attach supporting documentation.

12. Operations and Maintenance Plan
   Please attach a copy of the formal Operations and Maintenance Plan for the levee/floodwall.

F. SEDIMENT-TRANSPORT

Flooding Source:

Name of Structure:

If there is any indication from historical records that sediment transport (including scour and deposition) can affect the Base Flood Elevation (BFE); and/or based on the stream morphology, vegetative cover, development of the watershed and bank conditions, there is a potential for debris and sediment transport (including scour and deposition) to affect the BFEs, then provide the following information along with the supporting documentation:

Sediment load associated with the base flood discharge: Volume acre-feet

Debris load associated with the base flood discharge: Volume acre-feet

Sediment transport rate (percent concentration by volume)

Method used to estimate sediment transport:

Most sediment transport formulas are intended for a range of hydraulic conditions and sediment sizes; attach a detailed explanation for using the selected method.

Method used to estimate scour and/or deposition:

Method used to revise hydraulic or hydrologic analysis (model) to account for sediment transport:

Please note that bulked flows are used to evaluate the performance of a structure during the base flood; however, FEMA does not map BFEs based on bulked flows.

If a sediment analysis has not been performed, an explanation as to why sediment transport (including scour and deposition) will not affect the BFEs or structures must be provided.
Please select the first floor choices that best suit your family's Lifestyle.

OPTION A
HALF WALL

OPTION B
FULL WALL

NOT AVAILABLE WITH
OFFICE / DEN OPTION
LIFESTYLE - 1, 4, 5 ONLY

LIFESTYLE - 1
COUNTRY KITCHEN

OPTIONAL OFFICE / DEN
LIFESTYLES - 1, 4, 5 ONLY

ISLAND OPTION
LIFESTYLE - 1, 2, 3 ONLY

Floor plans and elevations are an artist's conception and are subject to change at any time. © 2003 Heritage Homes LLC
License# 723921
Please select the first floor choices that best suit your family's Lifestyle.

LIFESTYLE - 2
PEENISLULA KITCHEN

LIFESTYLE - 3
EAT-IN KITCHEN
Please select the first floor choices that best suit your family's Lifestyle.

LIFESTYLE - 4
FORMAL KITCHEN

LIFESTYLE - 5
FAMILY KITCHEN

ISLAND OPTION 2
LIFESTYLES - 4, 5 ONLY

Floor plans and elevations are an artist’s conception and are subject to change at any time. © 2003 Heritage Homes LLC
License# 723921
SUBJECT: CONSIDERATION OF MAYOR SELECTION PROCESS

SOURCE: Administration/City Clerk Division

COMMENT: On February 7, 2006, the City Council considered an item requesting that Council discuss the method for the selection of the Mayor. After discussion, a majority of the Council voted to schedule the matter for a public hearing on February 21 in order to take testimony on the selection process for Mayor.

RECOMMENDATION: That the City Council hold the public hearing, consistent with the February 7, 2006 action.
SUBJECT: SECOND READING - ORDINANCE 1690, REQUEST FOR SPECIAL FIREWORKS PERMIT

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1690, amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code to allow that for Calendar Year 2006 the Exchange Club of Porterville shall be granted a permit without participation in the lottery. The ordinance was given First Reading on February 7, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1690, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1690
ORDINANCE NO. 1690

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS, on May 1, 2001, the City Council did adopt Ordinance No. 1601 revising Chapter 12, Article II, Fireworks, to allow for the sale of Safe and Sane Fireworks within the City of Porterville; and

WHEREAS, The City Council has determined that eligible non-profit organizations may be instrumental in presenting the public fireworks displays for the benefit of the community as a whole; and

WHEREAS, the City Council has determined that for Calendar Year 2006 the Exchange Club of Porterville shall be granted a permit without participation in the lottery;

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

Section 1. For Calendar Year 2006, the following eligible organization shall be granted a permit to sell safe and sane fireworks, in addition to those permits issued by the lottery pursuant to Section 12.2.5., within the City of Porterville:

The Exchange Club of Porterville

This organization must adhere to all other rules and requirements set forth in Chapter 12, Article II, in order to receive their permit.

Section 2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

_______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SECONg READING - ORDINANCE 1691, ZONE CHANGE NO. 13-2005 (PRE-ZONING)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1691, approving Zone Change 13-2005 (Pre-Zoning), being a pre-zoning from County C-3 (Service Commercial) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) and City R-1 (One Family Residential) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) for that site generally located at the southwest corner of Westwood Street and Olive Avenue, was given First Reading on February 7, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1691, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1691

Item No. _14_

Dir ___ Appropriated/Funded ___ CM ___
ORDINANCE NO. 1691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 13-2005 BEING A
PRE-ZONING FROM COUNTY C-3 (SERVICE COMMERCIAL) TO
CITY C-3 (D)(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW)
AND CITY R-1 (ONE FAMILY RESIDENTIAL) TO CITY C-3 (D)(HEAVY
COMMERCIAL “D” OVERLAY SITE REVIEW) FOR THAT SITE
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF
WESTWOOD STREET AND OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly
scheduled meeting of February 7, 2006, conducted a public hearing to consider Zone Change 13-
2005 (Pre-zoning) and Annexation 463 for that site generally located on the southwest corner of
Westwood Street and Olive Avenue; and

WHEREAS: The entire site consist of 7.12± acres. The portion of the site to be annexed has
4.32 ± acres consisting of two (2) parcels. This area is located at the southwest corner of Westwood
Street and Olive Avenue extending west. The parcel to the east has an existing car wash and an
existing mobile home and outbuilding just west of the car wash. The westerly parcel has an existing
Tulare County Fire Station. The remaining vacant 2.80± acre portion of the site is located on the
west side of Westwood Street contiguous to the 4.32± acre site to the north; and

WHEREAS: Zone Change 13-2005 (pre-zoning) proposes to change the existing County C-3
Zoning (Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review)
Zone for the entire 4.32 ± acre site; and

WHEREAS: A change of zone from City R-1 (One Family Residential) to City C-3 (D)
(Heavy Commercial with a “D” Overlay Site Review) Zone for a 2.80± acre portion of the site is
also proposed; and

WHEREAS: In conjunction with Zone Change 13-2005, Annexation No. 463 proposes the
incorporation of 4.32± acres of land into the City Limits of Porterville. In accordance with the
Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may
authorize filing of the necessary application and proposal for presenting Annexation No. 463 to the
Local Agency Formation Commission (LAFCo) for its review and approval; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest would
best be served by approval of the proposed pre-zoning from County C-3 (Service Commercial) to
City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for the entire 4.32± acre site fronting
on Olive Avenue: and
WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the southerly 2.80± acres; and

WHEREAS: Upon approval of the annexation and zone change, the developer/applicant shall be required to submit a lot line adjustment prior to development approvals; and

WHEREAS: Upon approval of the zone change, the existing mobile home will be considered as a “legal non-conforming use” which could not be replaced if it were destroyed by more than 75% of its assessed value. However, the present residential use will be allowed to continue.

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 13-2005:

1. That the proposed zoning will conform with the land use designation of the General Plan.

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act.

3. That this zoning designation will allow for the logical establishment of the existing car wash and County Fire Department.

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.

5. That the Negative Declaration prepared for this project was made available for public review and comment.

On December 19, 2005, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from December 27, 2005 to January 17, 2006. At the end of that period, no agencies responded.

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

Section 1: Zone Change 13-2005 is contingent upon approval of Annexation 463.

Section 2: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby pre-zoned from County C-3 (Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone
for the entire 4.32± acre site fronting on Olive Avenue more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 3: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby re-zoned from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the 2.80± acre vacant portion of the site more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A.”

Section 4: 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. 463.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE NO. 13-2005

OLIVE AVE

WESTWOOD ST.

NORTH

PROPOSED CHANGE

□ = COUNTY C-3 TO CITY C-3(D)

■ = CITY R-1 TO CITY C-3(D)

CITY COUNCIL
ORDINANCE NO. 1691

EXHIBIT "A"
SUBJECT: SELECTION OF CITY FLAG DESIGN

SOURCE: Administration

COMMENT: On November 15, 2005, the City Council concurred on the development of an Official City Flag for display and use by the City. At that time the City Council authorized the formation of a City Flag Contest Committee. The Council authorized 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.

The Committee, consisting of Linda Clark, Milt Stowe and Georgia Hawley, developed the basic Guidelines as follows:

- Submit Flag Design on 8 ½ x 11, or 11 x 14-inch paper. (Final design chosen will be incorporated into a regular 3 x 5-foot flag for City use.)
- Flag Design should be submitted in full color.
- Please do not use specific school colors, mascots, etc. The City flag needs to symbolize a community-wide representation.
- Incorporate “City of Porterville” into the Flag Design.

On December 5, 2005, City Flag Design Contest Guidelines and Entry Forms were mailed to the local Middle Schools, High Schools, Porterville College, service organizations, Chamber of Commerce, Downtown Porterville Association, etc. Linda Clark, as the City Information Officer, provided three press releases to the Porterville Recorder to help promote the Contest. The final date for submitting designs was set for January 20, 2006, and eighty submissions were received. The Committee met on January 24, 2006, to review all the designs, and six designs were selected for submittal to Council which followed the criteria of incorporating various aspects of the City without focusing on just one area—incorporating agricultural, industrial and recreational/historical components which reflect the City’s composition. Those six designs are attached.

The six designs varied in complexity—some were professionally completed while others hold real potential but the final product would need to be reproduced professionally. Because of the variety and not knowing which design would be chosen, staff felt Council direction was required before obtaining quotes for graphic artist and flag reproduction costs for the design chosen.
The selected finalists in the contest, with their design number, are as follows:
   Design A - Ariel Villanueva, Pioneer Middle School
   Design B - Rosemary Schultz, Porterville
   Design C - Nancy Schellhase, Terra Bella
   Design D - Rosemary Schultz, Porterville
   Design E - Matt Phillips, Monache High School
   Design F - Adrian Vidrio, Porterville

RECOMMENDATION: That the City Council:
   1. Select a flag design and authorize staff to obtain costs and time estimates to develop the design into the Official City Flag;
   2. Direct staff to bring back the cost estimates for final Council approval; and
   3. Direct staff to present Council with a draft policy on the use of the Official City Flag upon the presentation of the completed project to the Council.

Attachments: Six Contest Designs (A-F)
   Guidelines and Entry Form
Design A
Design B
Design C
Design D
Design E
Design F
Name(s) of Designer(s):___________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Contact Person: _________________________________________________________________
Address: _______________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Telephone: _____________________________________________________________________

Title of Flag (if any): __________________________________________________________________

What your flag represents: __________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Please submit your Flag Design to the City Manager’s Office, 291 N. Main Street, Porterville, CA 93257, no later than 4:00 p.m., on Friday, January 20, 2006, for consideration by the City Flag Design Contest Committee.

If you have any questions relating to the contest, please contact either Georgia Hawley at 782-7442, or Linda Clark at 782-7448.

Guidelines on Back
CITY FLAG CONTEST GUIDELINES:

• Submit Flag Design on 8 ½ x 11, or 11 x 14-inch paper. (Final design chosen will be incorporated into a regular 3 x 5-foot flag for City use.)

• Flag Design should be submitted in full color.

• Please do not use specific school colors, mascots, etc. The City flag needs to symbolize a community-wide representation.

• Incorporate “City of Porterville” into the Flag Design.

• Colored copies of the City Seal and/or City Logo are available in the City Clerk’s Office for anyone choosing to incorporate them into their Flag Design.
SUBJECT: ZONING ORDINANCE AMENDMENT 2-2005

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: During a public hearing on August 16, 2005 the City Council approved Zoning Ordinance Amendment 2-2005, which reorganized Zoning Ordinance Section 801 Uses (C-2) to allow "indoor building material sales" with the approval of a Conditional Use Permit. In addition, the amendment reclassified a number of permitted uses to uses requiring a conditional use permit.

After a review of Section 801 by staff, it was determined that because of typographical errors, some uses were inadvertently omitted from the final version of the updated Zoning Ordinance. Although the agenda item, including EXHIBIT A, which was presented to the City Council on August 16, 2005, was correct, the final version of ORDINANCE NO. 1679 had typographical errors (omissions). when presented to City Council for approval.

Therefore, Staff recommends these uses listed in Zoning Ordinance Section 801 (C-2) be re-inserted, reflecting the correct version of the intended allowed uses.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to sign the corrected ordinance.

ATTACHMENT:

1. Exhibit A, Outlining proposed changes
2. Draft Corrected Ordinance No. 1679
EXHIBIT A

Section 801. Uses (C-2 Zone):

A. In a C-2 zone, the following uses only are permitted. Any such use involving an off-sale license for alcoholic beverages shall be subject to the provisions of subsections 2100C and D of this appendix.

(1) Any use permitted in the C-1 zone except that office, business and professional, is not limited to five thousand (5,000) square feet in size per lot or integrated commercial development.

(2) Accessory buildings and uses customarily incidental to any of the uses herein when located on the same or parcel of land.

(3) Antique stores.

(4) Auction-yards or sales.

(5) Auto supply store.

(6) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair and reconditioning of vehicles, subject to approval of a conditional use permit and the provisions of article twenty-six of this appendix.

(7) Bar and nightclub, subject to approval of a conditional use permit pursuant to the provisions of subsection 2100B of this appendix.

(8) Billiard and pool hall, bowling lanes, subject to obtaining approval of a conditional use permit, and the provisions of subsection 2100B of this appendix.

(9) Bird or pet shop.

(10) Blueprinting and photocopying.

(11) Bus depot and taxi terminal, no repair or storage on site.

(12) Call centers, subject to obtaining approval of a conditional use permit.

(13) Christmas tree sales, provided all pertinent temporary and mobile structures are removed from the subject site by January 15 of each year.

(14) Churches, conducted wholly within a building enclosed on all sides, and subject to the requirements of article twenty-two, "Off Street Parking", of this appendix and other requirements of article twenty-one of this appendix.

ATTACHMENT

ITEM NO. 1
(15) Commercial recreation, including, but not limited to, arcades, subject to obtaining approval of a conditional use permit. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this appendix.

(16) Dancing instruction

(17) Department store.

(18) Drive-in restaurant or open air restaurant not serving alcoholic beverages

(19) Drive-in theater, subject to the approval of a conditional-use permit.

(20) Dwellings, provided that no such use shall be on the ground floor of any structure.

(21) Electrical appliance store and incidental repairs.

(22) Electrical distribution substations, microwave facilities and communication equipment buildings.

(23) Furniture or household appliance store.

(24) Gymnasium.

(25) Hotels and apartment hotels up to two (2) stories. Third story and above subject to obtaining approval of a conditional-use permit from the planning commission.

(26) Institutional buildings such as schools, colleges, hospitals, sanitariums, and buildings of an educational, charitable or philanthropic nature (but excluding veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

(27) Interior decorating shop.

(28) Meat, retail sales, no limitation on numbers of employees.

(29) Motel.

(30) Music or vocal instruction.

(31) Nursery, flower or plant, and commercial greenhouses; provided that fertilizer and soil conditioners shall be stored and sold in packaged form only.
(32) Printing shop and newspaper publishing.

(33) Public or private parking, subject to other provisions contained herein.

(34) Radio and television store and repair service.

(35) Radio or television studio.

(36) Restaurant or café, including dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this appendix. Restaurant or café not providing dancing, entertainment, or alcoholic beverages.

(37) Secretarial services.

(38) Service stations, subject to obtaining approval of a conditional use permit from the planning commission.

(39) Signing, subject to the stipulations of article twenty of this appendix.

(40) Sporting goods.

(41) Supermarket.

(42) Temporary auto sales subject to approval by the zoning administrator as described in article thirty of this appendix.

(43) Theater or auditorium.

(44) Toy store.

B. For general provisions and exceptions, see article twenty six of this appendix. (Ord. 1198, 5-6-1980; Ord. 1273, 12-21-1982; Ord. 1363, §§ 4, 5, 8-19-1986; Ord. 1393, §§ 2C(1) - (5), 11-17-1987; Ord. 1400, § A(1), 5-19-1988; Ord. 1416, § 2B, 4-18-1989; Ord. 1486, §§ 2, 3, 2-16-1993; Ord. 1497, § 9, 5-17-1994; Ord. 1550, § 2, 10-7-1997; Ord. 1556, § 1, 5-5-1998; Ord. 1589, § 1, 1-16-2001; Ord. 1658, § 3, 9-7-2004)

Section 801.5 Uses Allowed with a Conditional Use Permit:

A. The following uses may be allowed upon approval of a Conditional Use Permit and the provisions of Section 2100B of this Ordinance:

(1) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles, subject to the provisions of Article 26 of this Ordinance.
(2) Auction yards or sales

(3) Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(4) Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(5) Bus depot and taxi terminal, no repair or storage on site

(6) Call Center

(7) Church

(8) Commercial recreation, including but not limited to arcades. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(9) Drive-In Theatre

(10) Gymnasium

(11) Hotel/Motel and apartment Hotel

(12) Institutional buildings such as schools, colleges, hospitals, sanitariums, and Buildings of an educational, charitable or philanthropic nature (but excluding Veterinarian or animal hospital or shelter, penal, correctional or mental, institutions or hospitals).

(13) Large Retail over 50,000 sq. ft.

(14) Nursery, flower or plant and commercial greenhouses; provided that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

(15) Restaurant or café, including dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(16) Service Station

(17) Theater or auditorium

Section 802. Limitations On Uses (C-2 Zone):
A. No manufacturing or processing of any article or commodity shall be permitted, except as follows:

(1) Only where incidental to a permitted use; and

(2) Only where sold at retail on the premises; and

(3) Only where not more than five (5) persons are engaged in such manufacturing or processing; and

(4) Only where all such manufacturing or processing conducted on the premises is not obnoxious or offensive by reason of noise, odor, refuse, heat, glare, dust, smoke, vibration or other similar causes.

B. All uses shall be conducted wholly within a building enclosed on all sides, excepting:

(1) Advertising structures.

(2) Christmas tree sales.

(3) Commercial recreation.

(4) Drive-in restaurants.

(5) Electrical distribution substations.

(6) Plant nurseries.

(7) Public and private parking.

(8) Super service stations.

(9) Other similar uses customarily conducted in the open.

C. Wholesale sales and services shall not be conducted as the primary use under any circumstances.

D. No use shall be permitted in the C-2 zone, which may be obnoxious or offensive by reason of noise, odor, dust, smoke, vibrations, heat, glare, refuse or other similar causes.

E. Good standard practices generally observed with respect to the operation of the corresponding permitted uses specifically enumerated in Section 801 of this
article shall be referred to as a general standard in the interpretation of this section. (Ord. 1198, 5-6-1980)

Note:
Existing Language to remain appears in normal print.
Proposed language to be added appears in underline print.
Existing language proposed to be removed is shown crossed out.
CORRECTED
ORDINANCE NO. 1679

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE ZONING ORDINANCE PERTAINING TO C-2 USES IN THE
CENTRAL COMMERCIAL DISTRICT

WHEREAS, on June 29, 2005, the Community Development Department was requested by CEI
Engineering Associates, Inc. to prepare a General Zoning Ordinance Amendment to allow “indoor
building material sales” under the C-2 Zone, Central Commercial District, with a Conditional Use Permit.

WHEREAS, Staff reviewed Zoning Ordinance Section 801 Uses (C-2 Zone), in its entirety, and
believes that it would benefit the City to re-evaluate all of the current allowable uses in the C-2 zone. This
amendment would allow some flexibility in considering currently allowed uses as well as new uses of
retail and commercial activities emerging in the marketplace today. Those uses which have the potential
of having a greater impact on the central commercial district environment would be subject to review by
the City Council under the Conditional Use Permit process. All other existing uses would remain the
same.

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of
August 16, 2005, conducted a public hearing on Zoning Ordinance Amendment 2-2005 to consider those
uses that would continue to be allowed in a C-2 zone and those uses that would be allowed in a C-2 zone
with a Conditional Use Permit.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Porterville does
hereby amend Article 8, Section 801A 1-44, and add Article 8, Section 801.5A 1-16 as follows:

SECTION 1: Article 8, Section 801, is hereby amended to read as follows:

SECTION 801: Uses (C-2 Zone)

A. In a C-2 zone, the following uses only are permitted. Any such use involving an off-sale
license for alcoholic beverages shall be subject to the provisions of Section 2100 C and D of this
Ordinance.
(1) Any use permitted in the C-1 Zone except that office, business and professional, is not limited to five thousand (5,000) square feet in size per lot or integrated commercial development.

(2) Accessory buildings and uses customarily incidental to any of the uses herein when located on the same or parcel of land.

(3) Antique store.

(4) Auto supply store.

(5) Bird or pet shop.

(6) Blueprinting and photocopying.

(7) Christmas tree sales, provided all pertinent temporary and mobile structures are removed from the subject site by January 15 of each year.

(8) Dancing instruction.

(9) Department store.

(10) Drive-in restaurant or open-air restaurant not serving alcoholic beverages.

(11) Dwellings, provided that no such use shall be on the ground floor of any Structure.

(12) Electrical appliance store and incidental repairs.

(13) Electrical distribution substations, microwave facilities and communication equipment buildings.

(14) Furniture or household appliance store.

(15) Interior decorating shop.

(16) Meat, retail sales, no limitation on number of employees.

(17) Music or vocal instruction.

(18) Printing shop and newspaper publishing.

(19) Public or private parking, subject to other provisions contained herein.

(20) Radio and television store and repair service.

(21) Radio or television studio.

(22) Restaurants or cafes which do not provide dancing, entertainment, or alcoholic beverages.
(23) Secretarial services.

(24) Signing, subject to the stipulations of article twenty of this appendix.

(25) Sporting goods.

(26) Supermarket.

(27) Temporary auto sales subject to approval by the Zoning Administrator as described in Article 30 of this appendix.

(28) Toy store.

SECTION 2: Article 8, Section 801.5, is hereby added to read as follows:

SECTION 801.5 Uses Allowed in C-2 Zone with a Conditional Use Permit

A. The following uses may be allowed upon approval of a Conditional Use Permit and the provisions of Section 2100B of this Ordinance.

(1) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles, subject to the provisions of Article 26 of this Ordinance.

(2) Auction yards or sales.

(3) Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of 2100B of this Ordinance.

(4) Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(5) Bus depot and taxi terminal, no repair or storage on site.

(6) Call Center.

(7) Church.

(8) Commercial recreation, including but not limited to arcades. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(9) Drive-In Theater.

(10) Gymnasium.

(11) Hotel/Motel and apartment Hotel
(12) Indoor building material sales

(13) Institutional buildings such as schools, colleges, hospitals, sanitariums, and Buildings of an educational, charitable or philanthropic nature (but excluding Veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

(14) Large Retail over 50,000 sq. ft.

(15) Nursery, flower or plant and commercial greenhouse; provided that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

(16) Restaurant or café which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(17) Service Station.

(18) Theater or auditorium.

SECTION 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ADOPTED this ___ day of ____________, 2006.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
SUBJECT: GENERAL PLAN REFERRAL - BURTON ELEMENTARY SCHOOL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Pursuant to Public Resources Code Section 21151.2 and Government Code Section 65402, the Burton School District has requested review of a proposed site for a new elementary school. The school would be located generally on the southwest corner of Lombardi Street and the westerly prolongation of Castle Avenue. The District is required to carry out such consultation prior to purchasing for the construction of a school. The City is required to respond to such request within 40 days or the proposal is deemed to conform to the General Plan.

The request was received by the Planning Division on January 20, 2006. On February 8, 2006, the Project Review Committee discussed the matter with the representatives of the Burton School District. At this meeting, District representatives noted that there is a limited amount of vacant land within their District, in the city and on the east side of the Friant-Kern Canal. The subject site is one of only a few.

The proposed site would consist of an 11.77± acre portion of a 72.8± acre parcel being utilized as a prune orchard. The 72.8± acre site is currently in an Agricultural Preserve.

The Land Use Element of the General Plan designates the subject site for Agricultural Uses. This is intended to act as a “holding” zone which would generally discourage urban development until such time as the Urban Development Boundary is amended and the area is annexed into the City.

The City is currently working on an update of the current General Plan. It is anticipated that within a year, the plan will have been amended. It is anticipated, that as part of the revisions to the General Plan, the Urban Development Boundary may be moved which would bring this site/area within the Urban Development Boundary. However, until such time as the final analysis of proposed changes have been determined, it is not possible to predict the likely extent or direction of boundary expansions.

The Land Use Element also designates an area of approximately 10 acres for Public/Quasi Public (School) Use, approximately one-half mile to the southeast of the subject site (east of Mathew Street and south of Castle Avenue). As the location of public facilities such as schools in the General Plan is intended to be broadly
applied, rather than applied to specific parcels, Staff recommends that the City Council determine that the elementary school complies with both the Agricultural Land Use Designation and the Public/Quasi Public Land Use (School) Designations. An attachment is attached identifying the subject site and the location of the school designation on the General Plan Land Use Map.

Other issues communicated to the School District at the PRC meeting included the following:

1. Lombardi Street is considered as a two-lane local street in the Circulation Element of the General Plan. Currently, Lombardi Street is developed as a three-quarter street from approximately 1,000± feet south of the subject site to Westfield Avenue. Since a portion of Castle Avenue has been abandoned to the east of the proposed site, the only access in and out of the proposed school site would be via Lombardi Street. Staff has informed the Burton School District of the need to include a traffic study in their CEQA review, with the expectation that such a study will indicate that Lombardi Street and the possibility of Castle Avenue be developed to their full widths with offsite improvements necessary for safe vehicular and pedestrian access to the proposed school as a component of the development.

2. The Traffic Impact Study and/or Environmental Document should also clearly address the potential impacts to the following intersections: Westwood/Westfield; Lombardi/Westfield; Mathew/Westfield; Newcomb/Westfield; Mathew/Castle; Newcomb/Castle. Particular note should be made that some of the major to minor intersections, including the Lombardi/Westfield and the Mathew/Westfield intersections may experience large left-hand turn movements that may reduce the Level of Service to an LOS E or LOS F for periods lasting from 30 to 60 minutes during a.m. and p.m. peaks. Unless new information is received, the City of Porterville would expect to recommend traffic mitigations measures (i.e. traffic signals, widening, etc) and cost sharing disclosures for intersections approaching a LOS E.”

3. The Circulation Element of the General Plan and the Water, Sewer and Storm Drain Master Plans are designed to provide adequate infrastructure to the limits of the current Urban Development Boundary. As the subject site is not within the Urban Development Boundary, these elements of the General Plan have not considered the extension of services to the proposed school site and anticipated residential development.
RECOMMENDATION: That the City Council:

1. Determine that the proposed elementary school to be located generally on the southwest corner of Lombardi Street and the prolongation of Castle Avenue is consistent with the General Plan of the City of Porterville.

ATTACHMENTS:

1) Letter from Burton School District Requesting Review
2) Site Plan of the Proposed Elementary School
3) General Plan Land Use Map
January 18, 2006

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

Re: Burton School District/Proposed New Elementary School Projects; Notification
Pursuant to Public Resources Court Section 21151.2 and Government Code
Section 65402

Dear Mr. Dunlap:

This is to advise you that the Burton School District has been evaluating a parcel of
property for a proposed new elementary school site. The property consists of
approximately 11.77 acres of a 72.8 acre-prune orchard located at the southwest corner of
Lombardi Street and Castle Avenue, east of Westwood Street, and is a portion of
Assessors Parcel No. 245-010-040. A diagram showing the property is attached for your
use.

This letter is to provide you with formal notice under Public Resources Code section
21151.2 and Government Code section 65402 regarding the possible acquisition of the
property for the proposed new elementary school site. Copies of those code sections also
are attached for your use.

Please process this notice in accordance with the above-referenced code sections. If you
have any questions, please contact Assistant School Superintendent Sally Mailand, or me,
at your convenience. Thank you.

Sincerely,

Don Brown
District Superintendent

Enclosures
cc: Sally Mailand
Jeffrey L. Kuhn, Esq.
65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, disposions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, disposions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof.

Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the
planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

CALIFORNIA PUBLIC RESOURCES CODE SECTION 21151.2.

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.
RURAL DENSITY
(0 - 2 DU/ACRE)

LOW DENSITY 2 - 7

AGRICULTURE (1 DU/20 ACRES)

URBAN DEVELOPMENT BOUNDARY
COUNCIL AGENDA: FEBRUARY 21, 2006

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, replacement of flooring and floor surfacing, plumbing replacement, electrical sub-panel replacements, attic draft stop installations, repainting of both inside and outside, disability access improvement, and other improvements to make it fully usable for City conducted public assembly activities or rentals.

Staff estimates the cost for the design and construction of these improvements at $2.7 million. Following direction by the City Council, an independent estimate of cost for the needed improvements was determined to be between $1.5 million and $2.1 million according to Mr. John Gifford, a local contractor. 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 any proceeds from sale of the property can be directed at the time that the matter is brought back to the City Council.
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 January 23, 2006
Letter from John Gifford Construction dated January 30, 2006
DATE: January 23, 2006

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 last Thursday, January 19, 2006, 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. Compliance with ADA is another major expense and concern.

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30 January 2006

Bob Oates
Chief Building Official
City of Porterville
291 N. Main St.
Porterville, CA 93257

RE: Community Center

Thanks for meeting with me to tour the Porterville Community Center. At your request, I have compiled an estimated cost for the repairs and improvements necessary to return it to a useful condition. This estimate and list of suggested repairs are based solely on a visual inspection of the building performed during our meeting and in no way should be interpreted as a complete analysis. They are preliminary in nature and intended to assist the City in determining the proper course of action only and should not be relied upon or used as an actual construction cost estimate.

For the purposes of determining the scope of the work, I used the following assumptions;

- The occupancy would remain Assembly, Division 2 as defined by the California Building Code
- All repairs and renovations would be required to comply with the currently adopted Codes and Regulations of the City and State
- Access to and within the building should comply with ADA
- The intent of the repairs and renovation would be to return the building to a stable condition and one which would require the minimum of repairs in the 10 year period following completion
- The continued use as a social and recreational facility, owned by the City and rented out to the public for multiple functions
- All work would be subject to the prevailing wage rates as determined by the CDL

I was unable to visually verify or deny the existence of asbestos in several of the building components, at a minimum the roofing, roof mastic, floor tiles and mastic, pipe duct insulation, water heater and HVAC venting. Given the age and type of construction of the building, I think it would be safe to assume that asbestos is present and would require remediation prior to any repairs.

The repairs and renovations included in this estimate are;

- Roof replacement
- Repairs to all water damaged fascia and roof structural members and sheathing
- Demolition of the existing restrooms and reconfiguring to ADA compliant restrooms
- Demolition of the (e) Kitchen and construction of a commercial kitchen, complete with range, hood and Ansul extinguishing system
- Repairs of all water damaged floor substrates and structural members
- Reconfiguring the main portion of the building by removing the (e) interior wall
- Reconfiguration of the East wing from individuals offices to larger spaces
- Replacement of broken or settling concrete areas, including portions of the patio, steps and railing where appropriate
- Installation of two new ADA compliant ramps at the primary entrances front and back
- Replacement of all (e) doors and hardware with ADA and CBC compliant hollow metal doors, jambs and exiting devices
- Installation of a manual fire alarm in accordance with CBC and NFPA 72
- Installation of a fire sprinkler system, at a minimum to include the stage area and the basement
- Exit signage and emergency lighting
- Replacement of HVAC systems
- Upgrades and repairs to the building electrical and plumbing systems
- Replacement and upgrades to exterior and interior lighting, fixtures and controls
- Repairs to the asphalt parking areas
- Repairs or replacement of acoustic and plaster ceilings
- Interior and exterior wall repairs and painting
- Architectural design and engineering fees

The estimated minimum cost for the above listed items is $1,500,000.00. In addition, there is a high probability that more concealed damage may be discovered to the structural portions of the building necessitating more extensive repairs and Code upgrades than noted here. This of course would add to the estimated cost presented here and is difficult to determine, but may raise the overall cost to as high as $2,100,000.00.

I hope this helps in your deliberations,

John Gifford
SUBJECT: FIREWORKS PERMITS

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT: The Porterville Municipal Code section for the issuance of fireworks permits is listed below. Under this section, the City may issue one fireworks permit for every four thousand (4000) residents. The Fire Department currently issues ten (10) permits under the lottery system and one permit outside the lottery for a public benefit (fireworks show). Staff is requesting direction from Council as to their desire to increase the number of permits to eleven, or maintain the current number of ten. The issue of a permit outside the lottery process for the fireworks show will come back to Council as needed.

12.2.4. Number of permits limited/Pre-Application

The maximum number of permits to sell "safe and sane fireworks" which may be issued pursuant to this chapter during any one calendar year shall not exceed one (1) permit for each four thousand (4000) residents of the City, or major fraction thereof, based on the most recent population figure as determined by the Federal Decennial Census and updated annually by the California State Department of Finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this chapter exceeds the number of permits to be issued for the City, the Fire Chief shall thereafter supervise a public drawing to determine an order of priority for each pre-application. All applicants will be assigned a number in the order in which the pre-application is received and applicants for permits will be notified of date and time of drawing. Pre-applications can be obtained at the Fire Department between January 15 and March 15 each year. The drawing will be held between March 16 and March 31 each year. With the exception that the application time lines for the Calendar Year 2001 shall be set by separate resolution.

RECOMMENDATION: As directed by Council

ATTACHMENTS: 1- None

Item No. 19