CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
MAY 2, 2006, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: City of Porterville v. County of Tulare
   2- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

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

Pledge of Allegiance Led by Council Member Kelly West

PRESENTATIONS
Employee of the Month - Richard Higginbotham
Recognition of Don Callison, Redevelopment Advisory Committee
Recognition of Gilbert Ynigues, Redevelopment Advisory Committee

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 the City Council Minutes of March 21, 2006 and March 28, 2006

2. Authorization to Reject the Bid and Re-advertise Morton Avenue Chip Seal Project
   Re: Rejecting the sole bid which exceeded the engineer’s estimate by 59.8% and requesting authorization to rebid when another local agency bids a project utilizing a hot applied rubberized asphalt binder material.
3. Award of Contract - Tiny Tot Playground  
Re: Proposed award of contract to Sierra Range Construction of Visalia, CA in the amount of $65,751.55 for the playground, gates, and landscaping at the Porterville Heritage Center.

4. Award of Contract - Skateboard Park  
Re: Proposed award of contract to California Landscape in the amount of $386,352 for the construction of a 15,000 sf. Skateboard Park at Veterans’ Park on Newcomb Avenue.

5. Approval of Community Civic Event - Annual Porterville Fair, May 17-21, 2006  
Re: Approving annual event to be held from May 17 through May 21, 2006, with street closures generally involving Olive Avenue from Third Street to Plano Street; Garden Avenue from Fig Street to Plano Street; and the Westerly lane of Plano Street from Garden Street to Olive Avenue, subject to stated restrictions.

Re: Information item relating the hiring of two police officers and one firefighter to date, with a spreadsheet displaying anticipated expenditures and revenue from Measure H.

7. Resolution to Endorse and Implement Character Counts! Program for the City of Porterville  
Re: Adoption of a resolution to endorse and implement Character Counts! Program for the City in conjunction with the local schools.

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

PUBLIC HEARINGS
8. Adoption of the 2006-2007 Action Plan for Investment of Community Development Block Grant (CDBG) Entitlement  
Re: A public hearing to solicit comments on the 2006/07 Action Plan and proposed use of CDBG funds for Administration-$155,941; City-Operated Youth Center-$144,956; Murry Park Improvement Project-$112,765; and Section 108 Debt Service-$316,045.

9. Island Annexation Round II - An Annexation Program Consisting of Nineteen Island Annexations and One Standard Annexation  
Re: Consideration of approving the Negative Declarations for five annexations (Nos. 465-469) consisting of 19 unincorporated islands, and a standard annexation (No. 470); consideration of initiating annexation proceedings for Annexations No. 469 and 470; and, approving ordinances for Zone Changes 18-2005 and 19-2005.

SCHEDULED MATTERS
10. Appeal of Zoning Administrator Decision Regarding Lot Coverage for the Claremont Terrace Subdivision  
Re: Reconsideration of decision to deny a request to approve an administrative adjustment for lot coverage, with an option to initiate amendment of the zoning ordinance increasing the minimum lot size to 45%.

11. A City Council Appeal of a City Manager’s Action to Approve for Thursday and Friday Only a Bingo Permit for the Kings/Tulare County Area Agency on Aging at 280 North F Street
Re: Consideration of sustaining, overturning, or modifying City Manager’s approval of a Bingo Permit.

12. **Authorization to Pay for a Regional Sewer Improvement**
   Re: Authorization to expend funds to cover the cost of a sewer lateral along W. North Grand Avenue north approximately 550' within a dedicated 20' maintenance easement.

13. **Criteria for Connecting to City Sewer**
   Re: Request for Council to provide direction on the proper course relative to the installation of septic tanks connecting to City sewer, such as temporarily adopting the Tulare County “Building Sewers” policy, with a “sunset clause” of 12 months, and adopting language stating that sewer be considered unavailable if further than 200' from the property line, to address the unincorporated islands recently annexed into the City.

14. **Consideration of Appointments to the Transactions and Use Tax Oversight Committee**
   Re: The appointment of Dick Eckhoff, Shirley Hickman, Gregory Gillett, Greg Sheldon, Teresa de la Rosa, Carmen Martinez-Eoff, Bob Gray, Rick McIntire, John D. Baumgartner and Jack Irish to the Transactions and Use Tax Oversight Committee.

15. **Truck Parking Options**
   Re: Consideration of various options for parking commercial trucks within the City, such as special parking lots and parking in designated areas at the Airport.

16. **Short Range Transit Plan/Study Session**
   Re: Setting a study session on May 9, 2006, at either 6 p.m. or 7 p.m., to review the City’s Short Range Transit Plan.

17. **Allocation of Funds for Disaster Preparedness Planning**
   Re: Consideration of joining the Chamber of Commerce as co-sponsor of a Disaster Preparedness Program for the local business community, and donating $1,000 for printed materials.

**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**

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.
Call to Order at 7:02 p.m.
Roll Call: Council Member Irish, Council Member West, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez

City Attorney Julia Lew informed everyone that the Closed Session scheduled for 6:00 p.m. had been cancelled.

Pledge of Allegiance Led by Council Member Ron Irish
Invocation - a moment of silence was observed.

PRESENTATIONS
- “Welcome Back” for Marine Corps Sgt. Michael Benas, Porterville Police Officer
- Nathan Timmerman, Monache High School - Winner of State Wrestling Title
- City Manager’s Featured Projects for March, 2006
  - New Ladder Truck
  - Cal Home Loan

The Council recessed for ten minutes.

It was announced that Item No. 23 - Discussion of Bingo Permits-Senior Complex would be moved to a Closed Session as:

A. Closed Session pursuant to:

Ms. Lew then clarified for the audience the appropriate time for making public commentary on the item.

ORAL COMMUNICATIONS
- Ben Harvey, 99 S. Ohio, identified himself as a recently annexed resident, and spoke of the need for a code enforcement officer. He suggested hiring an independent contractor with a salary based on performance.
- Ben Webb, 724 West Morton Avenue, requested permission to speak on Item No. 22 when the matter was before the Council.
- Aaron Burgin, a Visalia resident and Porterville Recorder Reporter, invited everyone to the “Hoopin’ For The Homeless” event to be held on May 6, 2006 at 9:00 a.m. at Monache High School to benefit the Central California Family Crisis Center.

CONSENT CALENDAR
Items 4, 12, 13 and 14 were removed for further discussion.
1. CITY COUNCIL MINUTES OF FEBRUARY 21, 2006

Recommendation: That the City Council approve the City Council Minutes of February 21, 2006.

Documentation: M.O. 01-032106
Disposition: Approved.

2. BUDGET ADJUSTMENT - FIRE DEPARTMENT

Recommendation: That the City Council:
1. Authorize staff to accept the donation.
2. Authorize a budget adjustment to the Fire Department in the amount of the donation.

Documentation: M.O. 02-032106
Disposition: Approved.

3. THIS ITEM WAS PULLED FROM THE AGENDA.

5. AUTHORIZATION TO ADVERTISE FOR BIDS - CENTRAL CORE CONCRETE IMPROVEMENTS - AREA 2 & 4 PROJECT

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 03-032106
Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR BIDS - MORTON AVENUE CHIP SEAL PROJECT

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids.

Documentation: M.O. 04-032106
Disposition: Approved.

7. AWARD OF CONTRACT - TRAFFIC SIGNAL NO. 8 (PLANO STREET AND MULBERRY AVENUE PROJECT - SAFE ROUTES TO SCHOOL GRANT)

Recommendation: That the City Council:
1. Award the Traffic Signal No. 8 Project to Halopoff & Sons, Inc. in the amount of $322,698.08;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.
8. ACCEPTANCE OF FINAL SUBDIVISION MAP - RIVERNVIEW ESTATES, PHASE FOUR (GREAT WESTERN LAND, LLC)

Recommendation: That the City Council:
1. Approve the final map of Riverview Estates, Phase Four 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.

Documentation: M.O. 06-032106
Disposition: Approved.

9. ACCEPTANCE OF FINAL SUBDIVISION MAP - VERITAS ESTATES (VERITAS DEVELOPMENT GROUP, LLC)

Recommendation: That the City Council:
1. Approve the final map of Veritas Estates Subdivision;
2. Accept the offer of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 07-032106
Disposition: Approved.

10. APPROVAL OF EXPENDITURE OF MATCH FUNDS FOR TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) GRANT FOR ACQUISITION AND INSTALLATION OF BICYCLE STORAGE FACILITIES

Recommendation: That the City Council approve the expenditure of Local Transportation Funds of $5,400 for the match for the TEA Grant for acquisition and installation of bicycle storage facilities on City-owned locations.

Documentation: M.O. 08-032106
Disposition: Approved.

11. GENERAL PLAN AMENDMENT 1-2006 (A) (FORMERLY 5-2004) (PORTERVILLE COMMERCIAL CENTER) - RESOLUTION OF DENIAL

Recommendation: That the City Council adopt the draft resolution containing the finds for denial of General Plan Amendment 1-2006 (A) (Formerly 5-2004).

Documentation: Resolution 42-2006
Disposition: Approved.
15. AGREEMENT FOR SERVICES WITH PORTERVILLE COLLEGE AND THE KERN COMMUNITY COLLEGE DISTRICT

Recommendation: That the City Council approve the Physical Fitness Training and Fitness Testing Agreement with Porterville College and the Kern Community College District, and authorize the Mayor to execute the same on behalf of the City of Porterville.

Documentation: M.O. 09-032106
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Hamilton that the City Council approve Items 1, 2, 3, 5 through 11, and 15. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - PERCOLATION POND EXPANSION AND EFFLUENT PIPELINE EXTENSION PROJECT

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

In response to Mayor Pro Tem Hamilton’s request, staff clarified the demolition line items in the Engineer’s Cost Estimate.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve the Plans and Project Manual; and M.O. 10-041806 authorize staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

12. AGREEMENT WITH STEPHEN J. GILWITZ FOR GOLF MANAGEMENT SERVICES

Recommendation: That the City Council approve the Agreement and authorize and direct the Mayor to execute same.

Mayor Pro Tem Hamilton spoke of Mr. Gilwitz’s enthusiasm for managing the Golf Course, and invited him to address the Council. Mr. Gilwitz came forward and introduced himself to everyone.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council approve the Agreement and authorize and direct the Mayor to execute same.

Documentation: M.O. 10-032106
Disposition: Approved.
13. ADOPTION OF POLICE FEES

Recommendation: That the City Council adopt the draft resolution setting forth the Police Fees for fingerprinting and Police Accident/Crime Report copying.

Council Member Irish commented that he did not want to merely give a blanket approval of the proposed fees and suggested that a study session might be needed to review each of them. He then voiced concern with raising too many fees, and questioned whether such increases would increase service levels.

The City Manager indicated that the fees before the Council that evening had already been through a public hearing as well as a study session. He commented that the fee increases would assist the City in addressing a potential deficit situation. Mr. Longley then elaborated on the fee increase in 1988, and the lengthy review process to date for the proposed fees.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution setting forth the Police Resolution 43-2006 Fees for fingerprinting and Police Accident/Crime Report copying.

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

Disposition: Approved.

14. ADOPTION OF PLANNING FEES

Recommendation: That the City Council adopt the draft resolution setting forth the Planning Fees as recalculated.

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

Council Member Irish inquired as to how much the fees would have been increased had the 1988 increase included an annual CPI adjustment, and whether any fees had been raised since that time. He then pointed out that the proposed increase had not included an automatic adjustment and warned that the City would run into the same problem in years to come. He added that in the event a CPI increase was considered in the future, the San Francisco base line should be appropriately adjusted to suit the economics of Tulare County.

Mr. Longley indicated that he was unaware of any fee increases since 1988, and that the CPI calculation could be provided to Council Member Irish. With regard to Council Member Irish’s concern of the exclusion of an annual adjustment, Mr. Longley clarified that the Council could consider a general Ordinance setting forth adjustments.
City Attorney Julia Lew indicated that some adjustment could be made to the San Francisco figure to make it more relevant to the local area. She added that she could look into how other jurisdictions handled the situation, and stated that Engineering News Record might be appropriate.

Council Member Irish questioned how Porterville’s fees would compare to other cities in the region, to which Mr. Longley responded that the comparison would likely differ on a fee to fee basis. He indicated that a comparison chart had been previously provided to the Council, and that his recollection was that if full cost recovery was pursued, Porterville would be near or at the top of the chart. He then surmised that since the fee increase before the Council that evening was one-third of full cost recovery, Porterville’s fees would likely fall closer to the middle on the comparison chart.

Council Member Irish voiced an interest in waiting to take action until such time as the comparison chart was available.

Mr. Longley indicated that the chart had been distributed a couple of times to the Council, and then requested a three-minute recess so as to allow him time to get the comparison chart.

The Council recessed for five minutes.

The Council and staff proceeded to review each of the fees and how they compared to other cities.

Council Member West inquired as to why the proposed increase for a Zone Variance was so substantial. An explanation as to methodology and process was provided.

Council Member Irish then questioned whether having a Planning Commission would impact the fee amount. Mr. Dunlap indicated that it might add an additional step in the process, and emphasized how greatly processes varied from city to city.

Mayor Martinez questioned whether the City’s process regarding Project Review Committee (“PRC”) was the most cost effective compared to other cities. A discussion ensued as to PRC, during which Mr. Dunlap elaborated on what staff perceived to be benefits of PRC to the applicant.

Council Member Irish voiced concern with the Home Occupation Permit Fee, suggesting that the service amounted to nothing more than receiving and processing the form. He also voiced concern with the Temporary Structure Permit Fee, questioning the justification for increasing the fee from $50 to $454.

Mr. Dunlap clarified the process for each of the permits, elaborating on the involvement of staff time in terms of research, inspection and review. He then clarified that the Temporary Structure Permit Fee did not pertain to temporary structures for developers at construction sites. He indicated that those types of structures were determined by the Council to not require Council approval.

Council Member West referenced Fee PL 19 - Development Application Fees, and questioned why the increase was so substantial. It was stated that the proposed fee was based on the amount of staff time taken to process the permit.
Mr. Longley reiterated that he was not aware of any fee that had been increased, and that the last fee review conducted by the City was in 1988.

Mr. Dunlap added that he had monitored the planning fees on an annual basis and spoke of the large disparity between the fee amounts and cost of delivery the services.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution setting forth the Planning Resolution 44-2006 fees as recalculated.

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

Disposition: Approved.

PUBLIC HEARINGS

16. FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS NO. 30 THROUGH 37, AND ESTABLISHING ASSESSMENTS

Recommendation: That the City Council adopt the draft resolution ordering formation of Landscape and Lighting Maintenance District Numbers 30, 31, 32, 33, 34, 35, 36 and 37, approving Engineer’s Reports, and the method and levy of assessments.

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

The public hearing opened at 8:19 p.m. and closed at 8:20 p.m. when nobody came forward.

Staff clarified for Mayor Pro Tem Hamilton that District No. 32 did not include landscaping.

COUNCIL ACTION: MOVED by Council member Stadtherr, SECONDED by Council Member West that the Council adopt the draft resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 30, 31, 32, 33, 34, 35, 36 and 37, approving Engineer’s Reports, and the method and levy of assessments pursuant to the preliminary approval granted by the Council on March 7, 2006. The motion carried unanimously.

Disposition: Approved.
1. Open the public hearing on the revised Cost Allocation Plan for Engineering, Building and Police Fees; and  
2. Adopt the draft resolutions outlining the new fee schedule.

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

The public hearing opened at 8:26 p.m.

- Jim Winton, business address of 150 W. Morton Avenue, questioned why Item 14 - Adoption of Planning Fees had been placed on the Consent Calendar. He then inquired as to various fees and whether the $434 PRC fee included the engineering portion, or if engineering would also be an additional $319, bringing the total to $753. He then commented that the proposed fees appeared to be in line with other cities.

The public hearing closed at 8:31 p.m.

Council Member Stadtherr noted that the Council had reviewed the fees multiple times, that Mr. Winton believed them to be consistent with other cities, and that the Building Industry Association had also approved of the proposed fees. As such, he moved that the Council approve the proposed fees.

Council Member West seconded Council Member Stadtherr’s motion.

Council Member Irish commented that there had not been a fee that the Council had not approved.

Mayor Pro Tem Hamilton agreed, pointing to the inaction of previous Councils. He then clarified with staff that an engineering component and a planning component could be involved in some fees, as was suggested by Mr. Winton. He then stated that he would have liked to have seen those instances identified.

Mr. Dunlap indicated that the original fee schedule provided to the Council had included the combined planning/engineering fees, yet when it had been amended to remove indirect costs, that detail was removed from the schedule.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West that the City Council adopt the draft resolutions approving the new engineering, building and police fee schedules.

Resolution 46-2006
Resolution 47-2006

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

Disposition: Approved.
SECOND READING
18. ORDINANCE NO. 1694, ZONE CHANGE 2-2006 (PACIFIC WEST
ARCHITECTURE)

Recommendation: That the City Council give Second Reading to Ordinance No. 1694, 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 Mayor Pro Tem
Hamilton that the Council give Second Reading to Ordinance No. 1694, waive
further reading, and adopt said Ordinance, being AN ORDINANCE
Ordinance 1694 OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 2-2006 FROM M-1 (LIGHT
MANUFACTURING) TO R-2 (FOUR FAMILY RESIDENTIAL) FOR
THAT 4.48± ACRE VACANT SITE LOCATED GENERALLY ON THE
SOUTHEAST CORNER OF DATE AVENUE AND “E” STREET. The
motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE NO. 1695, ZONE CHANGE 3-2006 (SMEE)

Recommendation: That the City Council give Second Reading to Ordinance No. 1695, 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 Mayor Pro Tem
Hamilton that the City Council give Second Reading to Ordinance No. 1695, waive
further reading, and adopt said Ordinance, being AN ORDINANCE
Ordinance 1695 OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 3-2006 FROM R-3 (D) (MULTIPLE
FAMILY RESIDENTIAL WITH A “D” OVERLAY SITE REVIEW) TO C-
3 (HEAVY COMMERCIAL) FOR THAT SITE LOCATED ON THE
SOUTHWEST CORNER OF MATHEW STREET AND WEST OLIVE
AVENUE. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS
20. REPORT OF CURBSIDE RECYCLING SELECTION COMMITTEE CONCERNING RESPONSES TO REQUEST FOR PROPOSALS FOR COLLECTION OF RESIDENTIAL CURBSIDE RECYCLABLES: RECOMMENDATION TO CITY COUNCIL

Recommendation: That the City Council award the provision of curbside recycling collection services to the City, pursuant to the City’s Response to the RFP.

City Manager John Longley presented the item, and City Attorney and Selection Committee Member Julia Lew presented the Committee’s report.

Mayor Pro Tem Hamilton opined that the City’s savings with regard to not purchasing new vehicles for collection was only short term. He suggested that at some point down the road, the vehicles would need to be replaced, and questioned whether that replacement had been accounted for.

Public Works Director Baldo Rodriguez responded that the City had included $10,000 for vehicle replacement, which staff estimated was the cost for two surplus vehicles. A discussion ensued as to surplus vehicles, new vehicles, and the City’s eight-year rotation policy, during which Mayor Pro Tem Hamilton voiced concern with a policy that would replace a vehicle every eight years regardless of whether it was necessary.

City Manager John Longley informed the Council that the eight-year rotation policy provided reliable service and ensured that the equipment was in good condition.

Mayor Pro Tem Hamilton confirmed with staff that the cost of a new vehicle was approximately $180,000 and that the City had not included the amount in its bid. Mr. Longley elaborated that the City had not included accounting for new vehicles because staff had intended on utilizing surplus vehicles for the service. He indicated that the City’s proposal had been put together as a business, and had applied advantages available to it in order to provide the citizens of Porterville a better deal.

After Mayor Pro Tem Hamilton voiced dissatisfaction with the City’s exclusion of costs for new vehicles in its bid, a discussion ensued as to the replacement of a particular refuse vehicle recently involved in an accident. It was stated by staff that replacement of the vehicle’s cab and chassis would be paid by the City’s insurance company. Mayor Pro Tem Hamilton requested a report on the replacement of the damaged vehicle.

Mayor Pro Tem Hamilton clarified with Ms. Lew that the public education/outreach program would be the primary responsibility of the collector, however Sunset Waste, as the processor, had indicated their intention to provide supplemental services to support the collector. Staff then elaborated on the City’s proposed public outreach plan included in its bid.

The disparity in costs for carts between the two participants was discussed next. It was explained that the City was able to purchase its carts through a cooperative agreement with other public agencies thereby allowing significant price savings.
Mr. Jim Greco of California Work Associates came forward and spoke to Mayor Pro Tem Hamilton’s question re Exhibit B, Item 22. It was clarified that Exhibit C provided the information that the Mayor Pro Tem was seeking.

Mayor Pro Tem Hamilton then voiced concern with being told on a previous project that the City had no surplus funds, yet the use of surplus from the Equipment Replacement Fund had been proposed for this item. City Manager John Longley indicated that the funds to which he referred could not have been used for the Indiana Street Project. Staff elaborated on the funding and the inability to utilize said funds for a streets project. Mayor Pro Tem Hamilton requested that information on all unrestricted monies in the General Fund be provided to the Council.

A discussion ensued as to the Committee’s process in analyzing the data and deriving at its recommendation.

Mayor Pro Tem Hamilton voiced concern with the City’s amortization over a five-year period for carts. Mr. Greco indicated that he had chose to utilize the 5-year amortization as a way to balance the two bids.

Council Member Stadtherr indicated that his questions had been similar to those raised by Mayor Pro Tem Hamilton, with a couple of exceptions. He stated that he had reconstructed his own analysis and had arrived at a similar conclusion. He stated that while his figures were slightly different, the City still came in lower than that of Sunset Waste. He then confirmed Mr. Greco’s recommendation to award the contract to the City of Porterville, and confirmed that Mr. Greco believed he had discharged his duties in a professional and independent manner.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Martinez that the Council award the provision of curbside recycling collection services to the City, pursuant to the City’s Response to the RFP.

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

Disposition: Approved.

21. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE IRRIGATION DISTRICTS AND THE CITY OF PORTERVILLE FOR THE PURCHASE OF SURFACE WATER FOR GROUND WATER RECHARGE

Recommendation: That the Council authorize:
1. The Public Works Director to negotiate a three (3) year MOU with the irrigation districts for the purchase of surface water;
2. The Mayor to sign the agreement; and
3. Payment to be made each year for the purchase of surface water of up to $34,000.
City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council authorize the Public Works Director to negotiate a three (3) year MOU with the irrigation districts for the purchase of surface water; the Mayor to sign the agreement; and payment to be made each year for the purchase of surface water of up to $34,000. The motion carried unanimously.

Disposition: Approved.

22. SECTION 108 LOAN FUNDING OPPORTUNITIES

Recommendation: That the City Council:
1. Approve the use of the remaining Section 108 funds for 1) the construction of unlighted baseball fields at the Heritage Center; and 2) the reconstruction of the parking lot located at the southeast corner of Hockett Street and Mill Avenue;
2. Authorize the Mayor to sign an amendment of the contract with KTU+A for the preparation of plans and specifications for the construction of unlighted baseball fields at the Heritage Center; and
3. Authorize staff to prepare plans and specifications for the reconstruction of the parking lot located at the southeast corner of Hockett Street and Mill Avenue.

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

- Ben Webb, 724 West Morton Avenue, came forward on behalf of the owner of real property located at Second and Oak. He indicated that the property was available for purchase to be utilized for parking.
- Dick Eckhoff, Downtown Porterville Association, 180 North Main Street, voiced support for the City purchasing the property for development of a parking lot. He then emphasized the need for repairs to the parking lot at Mill Avenue and Hockett Street.

Council Member West clarified with the City Manager that enough funds were likely available to purchase the property and repair the Mill/Hockett parking lot if the ball fields were not funded. He added that he believed that the Council had been provided with a memorandum with regard to the property.

A discussion next ensued as to the estimated annual cost of $75,000 for maintenance of the ball fields and the fact that said maintenance costs could not be funded with Section 108 monies.

In response to Mayor Pro Tem Hamilton, Mr. Longley indicated that enough funds were likely available for lighted ball fields if the parking lot reconstruction was not pursued. Mayor Pro Tem Hamilton spoke favorably of proceeding with only the lighted ball fields.
Council Member West spoke of the need reconstructing the parking lot. It was stated that parking district funds had not been available for a very long time.

A discussion next ensued as to ball fields within the City.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve the use of the remaining Section 108 funds for the construction of two lighted baseball fields at the Heritage Center; and authorize the Mayor to sign an amendment of the contract with KTU+A for the preparation of plans and specifications for the construction of lighted baseball fields at the Heritage Center.

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

Disposition: Approved.

23. DISCUSSION OF BINGO PERMITS - SENIOR COMPLEX

Recommendation: Discussion item pursuant to a request from a Council Member.

This Item was moved to Closed Session.

**ORAL COMMUNICATIONS**

At the Mayor’s request, the following City Council Candidates came forward and introduced themselves:

- Pete McCracken
- Lloyd Johnson
- Felipe Martinez

**OTHER MATTERS**

- City Manager informed the Council of the Enterprise Zone’s impending expiration and requested that a Study Session be set for March 28, 2006 at 5:30 p.m. Mayor Martinez requested that the meeting commence at 6:00 p.m.
- Mayor Pro Tem Hamilton referenced a recent article in the Valley Voice publication pertaining to the City of Tulare’s recent actions with respect to acquiring more industrially-zoned land, and concluded that the Council had taken the appropriate action when it denied Porterville Commercial Center’s request for a General Plan Amendment.
- Council Member Stadtherr informed everyone that the Consolidated Waste Management Authority had requested the appointment of alternates on the Board, and stated that he had requested the item be placed on the next Agenda.

The Council closed the public portion of the meeting at 9:48 p.m. and convened in Closed Session.
CLOSED SESSION:
A. Closed Session Pursuant to:

   The Council reconvened at 10:45 p.m. and reported that no action had been taken in Closed Session.

ADJOURNMENT
   The Council adjourned at 10:46 pm. to the meeting of March 28, 2006 at 6:00 p.m.

__________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

__________________________
Pedro R. Martinez, Mayor
PORTERVILLE CITY COUNCIL AGENDA
ADJOURNED MEETING - MARCH 28, 2006
MIKKABI ROOM - CITY HALL
291 N. MAIN ST. - 6:00 P.M.

The Council Meeting was relocated to the Council Chambers in order to accommodate Burton School District’s request to provide a visual presentation.

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

Pledge of Allegiance Led by Council Member Kelly West
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. STATUS REPORT ON THE PORTERVILLE ENTERPRISE ZONE

Recommendation: That the City Council:
1. Approve a change in the scope of the General Plan consultant to integrate the Enterprise Zone concept into the General Plan Environmental Impact Report at a substantial cost savings from an independent Environmental Impact Report;
2. Appropriate $10,000 from the Economic Development budget and $15,000 from the Planning budget that was previously allocated for a grant writer, to be used for integrating the Enterprise Zone environmental analysis into the Environmental Impact Report being prepared for the General Plan update;
3. Authorize the Mayor to sign a change order for the General Plan Update contract with Dyett and Bhatia;
4. Allow the expiration of the Porterville Enterprise Zone in October 2006, and authorize staff to begin making preparations for the expiration; and
5. Authorize staff to collaborate with the Business Incentive Zone and advocate for the inclusion of preference points on Industrial Development Bonds and State contracts and expand the businesses eligible for the Targeted Tax Area incentives.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented a visual presentation on economic development. The presentation began with demographics comparing Porterville with Tulare County, the State of California, and the Nation; and an overview of the importance of economic development in general. Noting the importance of proximity to major transportation thoroughfares, such as Highway 99 or Interstate 5, and
Porterville’s lack thereof, Mr. Dunlap elaborated on the types of businesses that Porterville should seek. He indicated that businesses producing lightweight, high-value goods would be optimal as such products could be transported by air. He stated that industries that would be beneficial to Porterville included education (such as a private college), medical services (such as hospital expansion), and retirement communities.

Porterville’s industrial land sites were discussed next, with Mr. Dunlap noting that the sites were generally scattered, too small, and lacked adequate infrastructure. Mr. Dunlap indicated that a major location needed to be established for new industrial uses with sites of adequate, yet varying sizes. He stated that 10-20 acre sites and 75 to 100 acre sites comprised the majority of the inquiries received by staff, adding that staff had also received requests for existing structures of 20,000 sq. ft. Mr. Dunlap then spoke in favor of re-designating land within the City limits and annexing additional land for industrial development. He stated that design requirements needed to be adopted for new industry so as to minimize visual and functional conflicts to ensure that uses related to one another and surrounding land uses. Mr. Dunlap advised that the small scattered sites should be re-designated for other uses that would be more suitable to their locations. With regard to existing structures, he stated that financing opportunities should be sought for re-use, and cited the placement of Pro Document Solutions in a vacant 100,000 sq. ft. building as one success.

Mr. Dunlap then addressed current deficiencies in terms of infrastructure, noting the current need for the Water Inter-Tie Project at the Airport as an example, as well as the lack of fiber optic capabilities in some locations. He then spoke of the importance of assessing infrastructure needs and formulating strategies to bring infrastructure to areas in advance of development. He also noted the possible need for public sector investment.

The concept of nurturing growth from within was addressed next, for which Mr. Dunlap proposed working with the local community college to establish a branch of the Kern Community College District’s Small Business Development Center (“SBDC”) in Porterville. He explained that SBDC was a program that offered classes for starting and operating a business. Mr. Dunlap next proposed creating a business incubator to foster the development of local start-ups, which he indicated provided space, and often on-site technical assistance and training, for small businesses looking to grow.

Mr. Dunlap then spoke of the importance of maintaining good relationships with existing businesses and taking a proactive approach so as to identify and mitigate potential issues and conditions that might prompt businesses to relocate. He added that educational opportunities should also be provided for the labor force.

Mr. Dunlap then updated the Council on the current efforts of the Community Development Department with regard to recruiting new business, such as providing extensive economic development information on the City’s website, contacting current and prospective businesses, and working with the County EDC.

The presentation of the staff report focusing on the City’s designation as an Enterprise Zone commenced next. Mr. Dunlap provided the history on the City’s designation, the benefits of the designation, application criteria, pending legislation with regard to enterprise zones, and how the City’s designation was set to expire in October 2006.
Mr. Dunlap discussed the Targeted Tax Areas; how Porterville was a part of the Business Enterprise Zone; and how that existing designation might negatively impact Porterville’s ability to again receive an Enterprise Zone designation. In terms of the costs for preparing the Enterprise Zone application, it was stated that considerable staff time would be spent and the cost was estimated to be between $100,000 to $150,000. Additionally, it was explained that an Environmental Impact Report (“EIR”) would be a necessary component of the application process, the cost of which was estimated to be approximately $75,000. Mr. Dunlap suggested, however, that incorporating the Enterprise Zone EIR with the General Plan EIR already underway could potentially save approximately $50,000. He then reviewed potential funding sources; the necessary timing of the application process in the event the Council wished to proceed; and further miscellaneous considerations. Mr. Dunlap then reviewed the following options for the Council’s consideration:

Option No. 1: Allow the Porterville Enterprise Zone to expire in October 2006 and focus efforts on enhancing the Targeted Tax Area (“TTA”) incentives to include preference points on Industrial Development Bonds (“IDB”) and State contracts and expanding the types of businesses eligible for TTA incentives to include business services and agriculture-related businesses.

Option No. 2: Authorize the preparation of an application for a new 15-year designation as a California Enterprise Zone.
   a. Identify a funding source for payment of a consultant to prepare the application and environmental; and
   b. Authorize staff to issue a RFP for consulting services for preparation of the California Enterprise Zone application and environmental; or
   c. Authorize staff to issue a RFP for consulting services for preparation of the California Enterprise Zone application and fund the environmental work through the contract with the consultant preparing the General Plan update at a much-reduced cost.

The Council recessed for five minutes.

In response to questions posed by Mayor Pro Tem Hamilton, Development Associate Linda Wammack came forward and elaborated on entities eligible to apply for an Enterprise Zone designation. She indicated that the only Enterprise Zones currently in Tulare County were Lindsay and Porterville.

Council Member West confirmed with staff that the possibility existed of expending the $100,000 in the application process and not receiving the designation, either through denial or in the event legislation changed making Porterville ineligible. Staff indicated that because the work would have already been completed, the money would not be refundable.
Ms. Wammack then elaborated on the differences between Targeted Tax Areas and Enterprise Zones. She explained that in Targeted Tax Areas, eligible businesses were identified via SIC Codes, generally in manufacturing and transportation-type activities. In Enterprise Zones, Ms. Wammack explained, any business was eligible, and the benefits included preference points on State contracts and Industrial Development Bonds, and also a net interest deduction for lenders.

Mayor Pro Tem Hamilton questioned if any businesses would suffer consequences if the Enterprise Zone designation was not renewed. Ms. Wammack indicated that those businesses that were currently taking advantages of the Enterprise Zone were allowed to continue the tax credits until they were exhausted. She continued that approximately 13 business within the Enterprise Zone actively took advantage of the hiring credit on an annual basis, and of those 13 businesses, 10 would be eligible under the Targeted Tax Area, while 3 would not.

Council Member Irish spoke of the irony of attempting to market Porterville by referencing all of the community’s good qualities, while at the same time attempting to convince the State that Porterville needs help, and that it has to spend $100,000 to get that help. He then requested further elaboration on how permit fast-tracking would potentially be facilitated, which staff provided. Council Member Irish opined that raising fees was not beneficial to economic development, and noted the need to recruit more businesses. He complemented staff of their efforts, and voiced support for pursuing trade schools. He suggested that a four-year college was a goal, but that trade schools should be sought first. Council Member Irish then spoke against the continued reference to Lake Success as a recreational lake, asserting that it was an irrigation lake.

Council Member Stadtherr agreed with comments raised by Council Member Irish with regard to the irony of pointing out all of Porterville’s negative characteristics, while at the same time selling the great quality of life Porterville had to offer potential businesses. Mr. Dunlap noted the positive aspects of the area, such as the Sierra Nevada Mountains, that could and did in fact draw people and businesses to the area. He noted the opportunities available to children in music, the arts, and academia, and pointed out that community development was a work in progress.

City Manager John Longley added that he did not believe that there was a lack of quality of life, but rather there were certain factors considered to be adverse for economic development, such as Porterville’s distant location from Highway 99.

Council Member Irish suggested that more should be done to create an environment to help expand existing businesses.

Mayor Martinez commented on what he considered to be significant risk in pursuing the Enterprise Zone, and voiced support for funding a portion of the EIR as staff had proposed.

Mayor Pro Tem Hamilton spoke in favor of letting the Enterprise Zone lapse, and commented that he understood staff’s request for $25,000 for the EIR. He then confirmed with staff that the EIR would remain applicable for approximately 3 years.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECOND by Council Member West that the Council approve a change in the scope of the General Plan consultant to integrate the Enterprise Zone concept into the General Plan Environmental Impact Report at a substantial cost savings from an independent Environmental Impact Report; appropriate $10,000 from the Economic Development budget and $15,000 from the Planning budget that was previously allocated for a grant writer, to be used for integrating the Enterprise Zone environmental analysis into the Environmental Impact Report being prepared for the General Plan update; authorize the Mayor to sign a change order for the General Plan Update contract with Dyett and Bhatia; allow the expiration of the Porterville Enterprise Zone in October 2006, and authorize staff to begin making preparations for the expiration; and authorize staff to collaborate with the Business Incentive Zone and advocate for the inclusion of preference points on Industrial Development Bonds and State contracts and expand the businesses eligible for the Targeted Tax Area incentives. The motion carried unanimously.

Disposition: Approved.

2. CONSIDERATION OF BURTON DEVELOPMENT STRATEGY AND RECONSIDERATION OF ZONING CONSISTENCY FOR SCHOOL SITE

Recommendation: That the City reconsideration its decision of February 21, 2006 and 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.

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

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

Dr. Don Brown of Burton School District came forward and advocated for the Council’s reconsideration of its previous decision with regard to the Lombardi property. Dr. Brown proceeded to review the history of the District’s interest in the subject property, which he indicated began approximately 2 years prior, with the City’s knowledge.

Dr. Brown spoke of the District’s growth, which he estimated was increasing at a rate of 8 to 10 percent per year in student population. He then proceeded to demonstrate graphically the District’s need for expansion, and indicated that every two years, the District would need an another new school. He emphasized the need to continue to build new schools to maintain the quality of education that Burton School District was known to provide to its students.

A historical review of Burton’s quest for securing a future school site on the west side of Porterville was provided next. Dr. Brown indicated that in 1990, the City and the School District...
had worked together to reserve a parcel of land as a potential elementary school site. However, Dr. Brown indicated, the residential subdivision Orchard Ridge was subsequently developed at the site. He stated the proposed school site then shifted to another location in close proximity to the first. Following that relocation, Dr. Brown stated that the District received a letter from the City in which the City referred to the proposed school site as a “floating designation” and indicated that the District would need to consider selecting another site due to another residential development, Meadow Breeze. Dr. Brown stated that in 2004, the former Superintendent of Burton School District noticed the City of the District’s interest in the Lombardi property. He stated that an agreement had been reached with the Lombardis and that the District had been working with the State. Dr. Brown emphasized that the Lombardi property was the third location which the District had selected for its elementary school.

Dr. Brown then proceeded to discuss a recent Project Review Committee Meeting which representatives from the District had attended. He indicated that the concerns raised by staff at that meeting had been worked out to the satisfaction of City staff. Dr. Brown noted the action of the Council on February 21, 2006 which determined the proposed site to be inconsistent with the City’s General Plan, and commented that because of the City’s past actions, the District would now have to look for yet another action. He spoke of increased development and emphasized the need for an elementary school in the proposed vicinity.

Dr. Brown next spoke of a recent meeting with Patricia Penn, a representative of the California Department of Education, and of the necessity of the School District to receive the State’s approval of any proposed site. He elaborated on the criteria used by the State in its determination as to whether or not a particular site would be suitable, and reviewed comments made for various alternative sites. He pointed out the lack of negative comments by Ms. Penn as to the proposed Lombardi site, yet the presence of comments with regard to proposed alternative sites. Said comments primarily pertained to traffic issues and close proximity to other schools.

Dr. Brown then emphasized the expense incurred by the District to date in terms of legal and consulting fees for the Lombardi site, which he estimated to be approximately $65,000 to date. He discussed the General Plan Update Committee’s discussions and Plans for the subject area, and suggested that ample access to the site would be available. He commented that all three of the proposed plans under consideration by the General Plan Update Committee recognized the need for a school in the proposed area. Dr. Brown concluded by requesting that the Council reconsider its decision of February 21, 2006 and determine that the project was consistent with the City’s General Plan. Dr. Brown noted the presence of the other representatives of the School District, as well as from the Lombardi family, and invited any of them to come forward and address the Council.

John Demingus, Vice President of School Site Solutions, came forward and addressed the Council. He spoke of State timelines and potential consequences if said timelines were missed. He elaborated on State guidelines to which School Districts were required to adhere, and stressed the importance of meeting those in order to receive financial hardship funding for which the District was eligible.
Chris McClain, an architect with Mangini Associates, spoke of the need for the City’s support in the planning of circulation issues relative to the site selected, regardless of which site that was. He invited the Council to take action or provide documentation which would allow the District the ability to pursue additional funding from the State to improve Castle Avenue, if the subject site was developed. He stated that he did not believe that any of the parties involved, nor the community, wanted a land-locked campus, and commented that the proposed site was consistent with the General Plan. He requested the Council’s support and spoke of the benefits in working together in seeing the project through.

Council Member Stadtherr referred everyone to an overhead display of a proposed General Plan map and noted the possibility of extending the Rails to Trails project to create a green belt surrounding the City. He spoke of the benefits to the citizens of Porterville in creating such a recreational element in the City. It was suggested that children could utilize the bike paths to get to and from school. Community Development Director Brad Dunlap indicated that such a green designation could be found on the proposed plans, yet there were still circulation issues to be investigated.

Mayor Pro Tem Hamilton requested that Mr. Lombardi come forward and discuss potential impacts to his farming operation.

Allen Lombardi came forward and spoke of his family’s farming operation. He stated that his family recognized the fact that Porterville was growing and would one day encompass the area. He provided a brief history of his family’s ownership of the property, the contributions made by his family’s farm to the community, and the challenges of operating a farm in such close proximity to residential neighborhoods. Mr. Lombardi commented that dissecting the farm land, as would be the case if a more southerly location on the parcel was selected for the school site, would hasten the demise of the farm. He spoke against moving the site to a more southerly location, and voiced support for the Council’s reconsideration for the more northerly site. He then noted the general support for farming by the local residents, and the likelihood of successful coexistence.

In response to a question posed by Mayor Pro Tem Hamilton as to extending Castle Avenue, City Engineer Mike Reed came forward and informed the Council that currently no public access existed through to Lombardi Street. He indicated that in the typical scenario, the City would generally attempt to acquire the entire right-of-way, which he estimated to be approximately 60 feet. He commented that he was aware of several structures in the alignment, as well as power poles and possibly a well, that would need to be addressed to make that connection. He then stated that the burden would be placed on the School District.

Mayor Pro Tem Hamilton pointed to the situation on Mathew Street and the consequences to the City when the State denied funding to the District. He questioned what would happen if the State denied funding for road improvements for the subject site. He then commented that while he recognized the need to move forward with the project, he was concerned with the access issues, especially noting the State’s track record. He pointed out that access would again then fall to the City, as was the case for Mathew Street.

Dr. Brown commented that the School District was able to work out an agreement with the City and finance the project on Mathew. He then stated that he was unaware of how to prevent a
similar situation from occurring at the subject site, but voiced confidence in obtaining the right-of-way to extend Caste Avenue. He noted that the Castle extension and the extra 26 feet would be acceptable to provide access for daily drop-offs and for emergency vehicles. Dr. Brown then assured the Council that the project would not move forward unless the State confirmed the funding, at least for the 26 feet. With regard to the widening, he voiced interest in continuing to work with the City. He indicated that the District did not have the funding necessary to acquire the land to develop a full road with curbs, gutters and sidewalks. He stated, that if the District had such funds, it would not be eligible for the hardship program.

Mayor Pro Tem Hamilton stated that if the District could work out the easement issue, he would recommend that the Council bring the item back for reconsideration. He then confirmed with the City Manager that the Council could vote to reconsider the item, and then take action on that item that evening, without the need to bring it back.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council reconsider its decision of February 21, 2006 in which it determined that the proposed elementary school to be located on the southwest corner of Lombardi Street and the prolongation of Castle Avenue was not consistent with the General Plan of the City of Porterville.

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

Council Member Stadtherr moved that the Council direct staff to bring the item back to the Council for consideration at the meeting of April 4, 2006.

Council Member West seconded the motion.

Mayor Pro Tem Hamilton voiced support for voting on the item that evening. Staff clarified that a consistency finding could be conditioned on the District securing the easement.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council direct staff to bring the item back for consideration on April 4, 2006.

M.O. 03-042806

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council determine that the proposed elementary school – to be located generally on the southwest corner of Lombardi
M.O. 04-042806  Street and the prolongation of Castle Avenue – is consistent with the General Plan of the City of Porterville, conditioned upon Burton School District obtaining an easement for the prolongation of Castle Avenue.

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

Mr. Longley clarified with Mayor Pro Tem Hamilton that the condition pertained to obtaining the easement, and not constructing the road.

Mayor Martinez voiced appreciation and agreement for the comments made with regard to the City and the District working together.

Community Development Director Brad Dunlap informed everyone that prior to the District constructing the school, the Fire Department would require the second access.

Dr. Brown thanked the Council for their support.

Council Member Stadtherr clarified that he supported the site, and had voted no simply to continue the item until April 4, 2006 so as to allow him time to review.

Disposition: Approved, as amended.

ADJOURNMENT

The Council adjourned at 7:47 p.m. to the meeting of April 4, 2006 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Pedro R. Martinez, Mayor
SUBJECT: AUTHORIZATION TO REJECT THE BID AND RE-ADVERTISE MORTON AVENUE CHIP SEAL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENTS: On April 20, 2006, staff received one (1) bid for the Morton Avenue Chip Seal Project. Staff chose a hot applied rubberized asphalt binder material and pre-coated aggregate product to extend the life of Morton Avenue. Later in this report the rationale as to why this product was chosen will be explained. Currently, the top asphalt concrete layer on Morton Avenue, east of Plano Street is disintegrating to the point where it is becoming important to remediate before significant failures occur. Some small areas will require reconstruction in the form of grinding and repaving prior to the chip seal application.

The Base Bid, Area 1, is Morton Avenue from Plano Street to 230 feet east of Park Street. The Add Alternate Bid, Area 2, continues east past Leggett Street. The sole bid exceeded the $76,848 engineer’s estimate by 59.8%.

The sole bid is as follows:

1. International Surfacing Systems Modesto, CA

   $122,828.00

Staff found the sole bid to be unacceptable.

Staff worked with a representative of the proposed material to finalize specifications and prepare an engineer’s estimate. The following are some of the reasons why the bid is well over the engineer’s estimate:

- The bidder was unable to obtain a sub-contractor to perform the grind and repaving portion of the project. This contractor is able to perform this type of work, but not proficiently. Therefore, the contractor marked up this portion of the work significantly.
- The high bid was also attributed to the size of the project. The estimate was based on the assumption that other agencies within Tulare County would be utilizing the same material for their jurisdictional streets. That did not happen.
- Product availability was also an issue. The material requires the use of a local asphalt plant to mix the chip seal product. The size of the project limited the ability of the contractor to secure materials from a local asphalt plant.

Morton Avenue is a strong candidate for the hot applied rubberized asphalt binder material. The process using this material is very convenient to the public because it sets up quickly. Vehicular traffic can travel over the material within 30 to 60 minutes after completing the application. Conventional chip seals are also readily available to traffic once it is applied. The product actually depends on traffic to force the aggregate to adhere to the oil.

The drawback to the conventional chip seal process is the loose aggregates. Rolling traffic will dislodge and propel these aggregates resulting in possible damage to vehicles’ paint and windshields. Controlling speeds, specific traffic control measures and special contract provision (instructions) can minimize the vehicular damage once the conventional chip seal is applied. However, there is a cost associated with these measures that make the hot applied rubberized asphalt binder material a competitive product.

The sole bidder and other agencies indicate that it will be difficult to perform a hot applied rubberized asphalt binder material or a conventional chip seal project with the available funding. The project may be a viable project at its current funding level if another project is planned geographically close to the City. Staff recognized this reality and pursued the request for bids with the understanding that another agency would be using the same material relatively close to our schedule. Regrettably, this did not happen.

**RECOMMENDATION:** That the City Council:

1) Reject the sole bid for the Morton Avenue Chip Seal Project; and

2) Authorize staff to re-advertise for bids when another agency or other agencies in Porterville’s proximity bid a project utilizing a hot applied rubberized asphalt binder material.

**ATTACHMENT:** Locator Map
SUBJECT: AWARD OF CONTRACT - TINY TOT PLAYGROUND

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING

COMMENT: On April 19, 2006, Staff received two (2) bids for the Tiny Tot Playground. This project consists of the construction and installation of a tiny tot playground, gates and landscaping at the new Porterville Heritage Center. The estimated probable cost of the project is $61,687.21. Funding is from a Housing & Urban Development Section 108 guaranteed loan. The two bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Range Construction</td>
<td>$65,751.55</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>Hobbs Construction</td>
<td>$70,661.50</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

The low bid is within 6.5% of the designer's estimate and staff finds the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Tiny Tot Playground Project to Sierra Range Construction in the amount of $65,751.55;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

D.D. Appropriated/Funded  C.M.  Item No. 3
SUBJECT: AWARD OF CONTRACT – SKATEBOARD PARK

SOURCE: Public Works Department - Engineering Division

COMMENT: On April 11, 2006, staff received 3 bids for the Skateboard Park Project. This project consists of the 15,000 square foot concrete skate park on the west side of Veterans Park.

The estimated probable cost for the project is $374,461.20. Funding is from the Skate Park grant and related matching funding. The Porterville Rotary Club has also pledged financial support. The low bid is within 3.1% of the Engineer’s Estimate.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. California Landscape &amp; Design dba California Skateparks Upland, CA</td>
<td>$386,212.00</td>
</tr>
<tr>
<td>2. Webb &amp; Son Porterville, CA</td>
<td>$452,347.19</td>
</tr>
<tr>
<td>3. Rising Sun Exeter, CA</td>
<td>$773,290.06</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Skateboard Park Project to California Landscape & Design dba California Skateparks in the amount of $386,212;

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

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

ATTACHMENT: Locator Map
City of Porterville's Proposed Skateboard Park
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ANNUAL PORTERVILLE FAIR - MAY 17 - 21, 2006

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: The Porterville Community Fair Board is requesting approval for its annual Fair to be held from Wednesday, May 17 to Sunday, May 21, 2006. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.”

The following are the requested street closures during the Annual Porterville Fair, from May 17 to May 21, 2006:

<table>
<thead>
<tr>
<th>May 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday, 17th</td>
</tr>
<tr>
<td>Olive Avenue - 3rd St. to Plano St.</td>
</tr>
<tr>
<td>Garden Avenue - Fig St. to Murry St.</td>
</tr>
<tr>
<td>Garden Avenue - Murry St. to Plano St.</td>
</tr>
<tr>
<td>Plano Street - Garden Ave. to Olive Ave (Westerly lane only)</td>
</tr>
</tbody>
</table>

Street Closures would be done with barricades and would not limit the access to the residents along the residential street frontages.

RECOMMENDATION: 1. That Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the restrictions and Requirements contained in the Applications, Agreement and Exhibit “A;” and

2. That Council approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 17 - 21, 2006.

ATTACHMENT: Community Civic Event application, Agreement, Vendor List, Exhibit “A,” request for street closures, outside amplifier permit.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 4-12-06  Event date: MAY 17-21, 2006

Name of Event: PORTERVILLE FAIR

Sponsoring organization: PORTERVILLE FAIR
Address: PO Box 369 - 300 E OLIVE AVE PORTERVILLE

Authorized representative: NANCY JORDAN
Address: PO Box 369 PORTERVILLE CA 93258

Event chairperson: JOHN CORKINS

Location of event (location map must be attached):

Type of event/method of operation: COMMUNITY FAIR
REQUEST FOR STREET CLOSURES

Nonprofit status determination: 501 C 3

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

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

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

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

Approve  Deny

Bus Lic Spvr  See Attached
Pub Works Dir  Exhibit A
Comm Dev Dir  
Field Svcs Mgr  
Fire Chief  
Parks Dir  
Police Chief  
Risk Manager  

1 of 4
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

Porterville Fair  Nancy Jones  4/13/06
(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

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

Name of event: **Porterville Fair**

Sponsoring organization: **Porterville Fair**

Location: **Fairgrounds’s Ball Park**  Event date: **MAY 17-21, 2006**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will be provided</td>
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</tbody>
</table>

3 of 4
CITY OF PORTERVILLE

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

Name of event: **PORTERVILLE FAIR**

Sponsoring organization: **PORTERVILLE FAIR**

Event date: **MAY 17-21, 2006**

Hours: **7:00 am - Midnight**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Ave</td>
<td>Third St</td>
<td>Plano St</td>
<td>7:00am - 12:00am</td>
</tr>
<tr>
<td>Garden Ave</td>
<td>Fig St</td>
<td>Murray St</td>
<td>6:00pm - 11:00pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plano St</td>
<td>Garden Ave</td>
<td>Murray St</td>
<td>WEST TRADE LANE</td>
</tr>
<tr>
<td>Garden Ave</td>
<td>Murray St</td>
<td>Plano St</td>
<td>7:00 pm</td>
</tr>
<tr>
<td>Murray St</td>
<td>Garden Ave</td>
<td>South to Fair</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TO 11:00 pm SATURDAY</td>
</tr>
</tbody>
</table>

Parking lots and spaces

**Location**

**Activity**
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE COMMUNITY FAIR BOARD
ANNUAL PORTERVILLE FAIR
MAY 17 - 21, 2006

Business Licence Supervisor:  
S. Perkins  
Vendor list required prior to event

Public Works Director:  
B. Rodriguez  
Provide general clean up after event.

Community Development Director:  
B. Dunlap  
See attached.

Field Services Manager:  
B. Styles  
No comments.

Chief of Fire Operations:  
M.G. Garcia  
Fire apparatus access must be maintained.

Parks and Leisure Services Director:  
J. Perrine  
Reservation form to be filled out.

Police Chief:  
S. Rodriguez  
Street closure requires council approval; adequate barricades; warnings for motorists and pedestrians. Security at beer booth.

Deputy City Manager:  
F. Guyton  
See attached exhibit A, page 2.

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

Sponsor: Porterville Fair Board  
Event: Annual Porterville Fair  
Event Chairman: John Corkins  
Location: Olive Avenue, Garden Avenue and Plano Street  
Date of Event: May 17 - 21, 2006

RISK MANAGEMENT: Conditions of Approval

That the Porterville Fair Board provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee’s operation of a beer garden.

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

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

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

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

1. Name and home address of the applicant:
   PORTERVILLE FAIR Phone # 781-6522
   P.O. Box 369 PORTERVILLE CA 93258

2. Address where amplification equipment is to be used:
   300 E OLIVE AVE Phone # 781-6522

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

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

5. Dates and hours of operation of amplification equipment:

6. A general description of the sound amplifying equipment to be used:
I hereby certify that all statements and answers on this registration form are true and correct.

Nancy最好的

Applicant

4/12/06

Date

Chief of Police

Date

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

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

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

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

cc: ____________________________

______________________________

______________________________

3/27/01
SUBJECT: STATUS REPORT ON MEASURE “H” AND ANNEXATION HIRING

SOURCE: City Administration

COMMENT:

At the Council meeting of December 20, 2005, Council authorized staff to start hiring police officers and firefighters to comply with the requirements of Measure H and the anticipated annexation.

The Police Department was authorized to hire one officer per month, starting in January 2006, and ending when 11 additional officers are hired; the Fire Department was allocated three additional positions in April and four in May 2006.

The Police Department has hired two new officers and is expecting to hire two more by the end of May. This is one officer behind the authorized hiring schedule and was caused by delays in the hiring process.

The Fire Department has hired one additional firefighter with the remaining six firefighters scheduled to start work on May 22, 2006.

Attached is the spreadsheet delivered to Council when the original authorization to hire was granted. This spreadsheet shows the anticipated Measure H expenditures and revenue along with anticipated Utility User Tax revenues. Staff anticipates receiving a small portion of Measure H sales tax revenue at the end on May. The majority of our quarterly disbursement from the State should be received in August. The August amount will be offset by any estimated payments received by the City between May and July.

Recommendations: None, informational item only

Attachments: Estimate of Cumulative Cash flow to Implement New Sales Tax and Utility User Tax Revenue (14 Dec 05)
## Estimate of Cumulative Cashflow to Implement New Sales Tax and Utility User Tax Revenues (14 Dec 05)

<table>
<thead>
<tr>
<th>Month</th>
<th>Library Cost</th>
<th>Cost of Police</th>
<th>Cost of Fire</th>
<th>UUT Revenue</th>
<th>Sales Tx Revenue</th>
<th>Total Cum Expend</th>
<th>Total Cum Expend</th>
<th>Cashflow Cumulative</th>
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<td>Dec-2005</td>
<td>0.00%</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0.00%</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Jan-2006</td>
<td>1</td>
<td>0.00%</td>
<td>$0</td>
<td>$7,083</td>
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<td>$21,250</td>
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<tr>
<td>Apr-2006</td>
<td>1 3</td>
<td>0.00%</td>
<td>$0</td>
<td>$28,333</td>
<td>0.00%</td>
<td>$0</td>
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<tr>
<td>May-2006</td>
<td>1 4</td>
<td>0.00%</td>
<td>$0</td>
<td>$35,417</td>
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<td>Jul-2006</td>
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<tr>
<td>Aug-2006</td>
<td>1 15.00%</td>
<td>$53,760</td>
<td>$56,667</td>
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<td>8.30%</td>
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<td>Oct-2006</td>
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<td>$30,000</td>
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<td>Nov-2006</td>
<td>1 15.00%</td>
<td>$67,200</td>
<td>$77,917</td>
<td>$43,430</td>
<td>9.00%</td>
<td>$30,000</td>
<td>25.00%</td>
<td>$448,000</td>
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<td>Dec-2006</td>
<td>1 15.00%</td>
<td>$0</td>
<td>$77,917</td>
<td>$43,430</td>
<td>9.00%</td>
<td>$30,000</td>
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<tr>
<td>Jan-2007</td>
<td>1 15.00%</td>
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<td>$77,917</td>
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<td>1 15.00%</td>
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<td>$43,430</td>
<td>9.00%</td>
<td>$30,000</td>
<td>25.00%</td>
<td>$448,000</td>
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</tbody>
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^2ayment to Board of Equalization to Administer Sales Tax
SUBJECT: Resolution to Endorse And Implement Character Counts!
Program for City of Porterville

SOURCE: City Manager’s Office

The City has been working with School Districts at the Joint City District Committee. The schools embrace the Character Counts program which models good character for young people.

The concept introduced at the Committee was to extend the program to the entire City. A resolution has been formulated which will endorse and implement the Character Counts! Program for the City of Porterville.

RECOMMENDATION: Approve the resolution as presented

Item No. 7
Resolution No _____

Resolution to Endorse and Implement
CHARACTER COUNTS!
Program for City of Porterville

Whereas, representatives of the City of Porterville have met with representatives of Porterville area schools at a coordination committee where the Character Counts! program has been discussed and reviewed, and

Whereas, the Porterville City Council affirms the need to join with other community groups to actively engage in the development and demonstration of ethical behavior among youth, adults, and

Whereas, the Porterville City Council recognizes that no single community institution can instill ethical behavior in youth and adults if it is acting without the support of families, other institutions and groups, and

Whereas, the Porterville City council recognizes the important role-played by community leaders and other adults in the community in modeling good character for young people.

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

1. The Porterville City Council endorses CHARACTER COUNTS! Program in ways to develop character based on six ethical values:
   - Trustworthiness
   - Respect
   - Responsibility
   - Fairness
   - Caring
   - Citizenship

2. The Porterville City Council will enter into community-wide discussions with other institutions and groups to reach agreement about the role of each in promoting ethical behavior among young people and adults in various aspects of life.

PASSED, APPROVED AND ADOPTED this _______ day of May, 2006.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: _______________________
   Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: ADOPTION OF THE 2006/2007 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all CDBG entitlement cities to prepare a three or five year Consolidated Plan. Porterville’s 2005 Five-Year Consolidated Plan was approved by the City Council and submitted to HUD in May 2005. This 2006/2007 Action Plan reflects the second year investment plan within the scope of the approved Consolidated Plan.

The Action Plan, provided as Attachment No. 1, identifies activities the City will undertake during the next year to address priority needs of lower income households and objectives identified in the Consolidated Plan. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, providing public facilities, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meeting under served needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year (FY) beginning July 1, 2006 through June 30, 2007. Implementation of the Action Plan includes administering approximately $729,707 of 2006 CDBG Entitlement funds for a variety of programs and projects accompanied by program income generated by the First-Time Low-Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Loan Program, and the Business Assistance Loan Program. This year’s entitlement reflects a $78,839 reduction from last year due to an across the board cut in CDBG funding.

Providing ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department has been operating the City’s Youth Center since 1997 and last year moved it to its new home in the Heritage Center. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program inclusive of new program elements within Census Tract 41 is $144,956 which represents the allowed 15%
of the entitlement for a public service project plus an additional 15% of the previous year’s program income as allowed by HUD. The budget shown in the attachment is actually $132,148 with the remainder available planned to be carried forward to the 07/08 budget.

For the 2006/07 program year, a proposed allocation of $112,765 in entitlement funds are planned to be used for the continuation of the Murry Park Improvement Project.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development of the ball fields, will utilize the remaining loan funds. The entitlement allocation for debt payments on the Section 108 loan in 2006/07 will be $316,045, or nearly 44% of the entitlement allocation.

It is proposed that the continuation of the City’s ongoing Owner Occupied Housing Rehabilitation Loan Program (HRLP), the First-Time Low-Income Home Buyer Program (FTHB), the Homebuyer Education Program, the Business Assistance Program, and the Public Utility Loan Program be funded by previous years’ entitlement funds, program income, and other grant sources including HOME and CalHome funds.

In summary, the proposed expenditure of $729,707 in 06/07 Entitlement funds includes:

| Administration                     | $155,941 |
| City-Operated Youth Center         | $127,650 |
| Murry Park Improvement Project     | $112,765 |
| Section 108 Debt Service           | $316,045 |

The proposed Action Plan and accompanying program models are provided as Attachment No. 2.

On March 13, 2006, the CDBG Citizens’ Advisory and Housing Opportunity Committee held a public hearing to consider the proposed 2006/2007 Action Plan and subsequently recommended approval of the Action Plan.

The Annual Community Assessment for Program Year 2004/2005 is provided as Attachment No. 3. This is HUD’s review of the City’s performance in implementing its fiscal year objectives.
RECOMMENDATION: That the City Council:

1. Conduct a public hearing to solicit comments on the 2006/2007 Action Plan;

2. Adopt the 2006/2007 Action Plan resolution of approval; and

3. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS: 1. Draft resolution approving the 2006/2007 Action Plan
              2. 2006/2007 Action Plan and Accompanying Program Models
              3. 2004/2005 Program Year Annual Community Assessment
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE 2006/2007 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2006/2007 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds with a 2006 Program Year Entitlement Allocation as follows:

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<tr>
<th>Administration</th>
<th>$155,941</th>
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</thead>
<tbody>
<tr>
<td>City-Operated Youth Center</td>
<td>$144,956</td>
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<tr>
<td>Murry Park Improvement Project</td>
<td>$112,765</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$316,045</td>
</tr>
</tbody>
</table>

Total Funding: $729,707

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy

ATTACHMENT NO. 1
CITY OF PORTERVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT

2006/2007 ACTION PLAN

ENTITLEMENT APPLICATION

May 2006

Contact: Community Development Department
Bradley D. Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257
(559) 782-7460

ATTACHMENT NO. 2
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>Executive Summary</td>
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<tr>
<td>I. Introduction</td>
<td>2</td>
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<tr>
<td>PRIORITY NEEDS (as established in the 2005 Consolidated Plan)</td>
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<tr>
<td>A. Housing</td>
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<tr>
<td>B. Community Development Needs</td>
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<td>1. Public Facility Needs</td>
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<td>2. Infrastructure Improvements</td>
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<td>3. Public Service Needs</td>
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<td>4. Accessibility needs</td>
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<td>8. Planning</td>
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<td>ACTIVITIES FOR THE NEXT YEAR</td>
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<td>Local Objectives</td>
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<td>Objective No. 1</td>
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<tr>
<td>a. Owner Occupied Housing Rehabilitation Loan Program</td>
<td>6</td>
</tr>
<tr>
<td>b. Public Utility Assistance Loan Program</td>
<td>7</td>
</tr>
<tr>
<td>c. Homebuyer Education Program</td>
<td>7</td>
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<tr>
<td>d. First time Low Income HomeBuyers Loan Program</td>
<td>7</td>
</tr>
<tr>
<td>e. Rental and Public Housing</td>
<td>8</td>
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EXECUTIVE SUMMARY

CITY OF PORTERVILLE
2006/2007 ACTION PLAN

The 2006/2007 Action Plan reflects the City’s second year investment plan within the scope of the Five-Year Consolidated Plan adopted May 2005. Community development and services remain a high priority for the City of Porterville. Carrying out this Action Plan includes Porterville’s plans for administering approximately $729,707 of CDBG funds based on anticipated Congressional budget approvals. These funds will be primarily spent on the Murry Park Improvement Project, continuation of the Community Youth Center Program, administration of the programs, and debt service payments for the Section 108 loan which funded the construction of the Heritage Community Center.

The 2006/2007 Action Plan Investment Programs for the $729,707 Entitlement allocation are summarized as follows:*

<table>
<thead>
<tr>
<th>Program</th>
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<tr>
<td>Administration</td>
<td>$155,941 (20% of Entitlement allocation plus anticipated program income of $50,000)</td>
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<td>City-Operated Youth Center</td>
<td>$144,956 (15% of Entitlement allocation plus part of previous year’s program income)</td>
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*The Owner Occupied Housing Rehabilitation Program and the Low-Income First-Time Home Buyer Assistance Program will be funded from other grant sources and program income. The Public Utility Revolving Loan Fund, Homebuyer Education Program, and Business Assistance Program will utilize unexpended entitlement funds from previous years’ allocations and program income.
INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) regulations require all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year "Consolidated Plan." In compliance with this requirement, the City of Porterville submitted a five-year vision for investing CDBG and other appropriate funds in May of 2005. This 2006/2007 Action Plan reflects the second investment plan within the scope of the Five-Year Consolidated Plan.

The 2006/2007 Action Plan reflects programs to address the high priority needs for the City of Porterville established in the Consolidated Plan. Community Development Department administration of CDBG programs, maintenance of the City’s Youth Center, continued rehabilitation of the nearly 100 year old Murry Park, and debt service payments for the Section 108 loan are designated to utilize the 2006/2007 Entitlement funds. The Action Plan also addresses programs that have funding available from previous entitlement funds and program income including residential connections to public utilities, business assistance loans, and homebuyer education. In addition, with program income and other funding resources, the City plans to continue owner-occupied housing rehabilitation, and low-income first-time home buyer assistance, both of which are successful programs and priorities for the City in meeting housing needs. With the construction of the Heritage Community Center with Section 108 funds, the debt service on the loan must be paid out of the CDBG Entitlement.

Porterville, located approximately 150 miles northeast of Los Angeles in Tulare County, is situated in one of the most productive agricultural regions in the world. Porterville’s economy is historically dominated by agriculture and agriculturally based industries. Citrus production and processing constitute a major segment of the local employment market. Being an agriculturally based economy also translates into high unemployment figures and relatively low median income. Essentially, the entire City meets the criteria of being at least 51% low and moderate income and thus eligible for the expenditure of CDBG funds. Several of the City’s programs, such as the First Time Low Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Assistance Loan Program, and the Business Assistance Program are available City wide while others such as Murry Park Improvement Project and the new Heritage Community Center where the Youth Center is located are project specific located within the City’s lowest income neighborhoods.

Priorities, objectives and activities to implement the City’s 2006/2007 Action Plan are outlined in the following paragraphs. These are in accordance with the Five Year Consolidated Plan. It is the City’s primary goal to sustain existing developments and public services, and promote new housing, job opportunities, and public services for its residents and employers.
Priority Needs (as established in the 2005 Consolidated Plan)

A. Housing

Housing needs were prioritized by income group based primarily on tenancy, cost burden and housing availability and affordability. Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the four low income housing tax credit projects, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City will be giving it a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds, such as HOME funds, and will help in the streamlined permit processing. Other large households with greater than 50 percent of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the decreasing senior population, the relatively small number of elderly who rent rather than own their units, and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories-those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer’s, self-help, and other homebuyer’s assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.

B. Community Development Needs

1. Public Facility Needs

The highest priority need for public facilities in the five year Consolidated Plan is for parks and/or recreation facilities. The City is in the midst of a multi year improvement project for the nearly 100 year old Murry Park. Even though the Heritage Center has been completed and is serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. Child care, health facilities, and other public facilities are assigned a low priority as these are categories for which the City does not have resources and
there are other agencies, such as the County, that provide these services. However, Parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

2. **Infrastructure Improvement**

Although no expenditure of funds is planned for general neighborhood improvements, a medium priority is given to most of the infrastructure categories listed as they may also become issues in conjunction with other City improvement projects.

3. **Public Service Needs**

Public service needs are generally met by non-profit organizations funded by several public and private sources. Priorities have been assigned based on input from these organizations as well as input from public social services providers. The highest priorities are assigned to youth services and fair housing counseling, which are both programs funded by the City with CDBG funds. Transportation services that were a medium priority in the last Consolidated Plan have now become a low priority with the addition of the fixed route bus system and the new transportation center constructed downtown.

Other public services including senior services, handicapped services, substance abuse services, employment training, crime awareness, tenant/landlord counseling, child care services, health services, and other public service needs are designated as a low priority as these are all areas in which other agencies provide the services. The City will strive to work cooperatively with these agencies in any way to help their programs, but the lack of adequate resources prohibits the City from assisting them financially.

4. **Accessibility Needs**

Accessibility needs are assigned a medium priority based on an inventory of handicapped accessibility needs compiled by the City.

5. **Historic Preservation Needs**

Historic preservation needs for non-residential uses are given a medium priority based on the historic significance of commercial structures in the downtown area and the potential need to assist in preservation, possibly through the City’s CDBG Business Assistance Program. Residential historic preservation is also given a medium priority as efforts are made to address these issues in the Owner Occupied Housing Rehabilitation Program, and the First Time Low Income Homebuyer Program.
6. Economic Development

Economic development remains a high priority for the City as unemployment is still in the double digits in Porterville and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis. In light of the agriculture industry domination of the area, which can be very prone to economic down turns from natural disasters, it is desirable that the area strive for diversification of employment opportunities.

Economic development needs are highest for commercial-industrial infrastructure, other business and technical assistance, particularly as they relate to development within the City's State designated Enterprise Zone, Recycling Market Development Zone, the Business Incentive Zone (BIZ), and in the vicinity of the airport industrial park. Funds expended to meet these needs should be coordinated with redevelopment financing where practicable and industrial job creation within the designated zones identified above.

7. Other Community Development Needs

Because of the lack of resources available for sustainable funding, code enforcement is given a medium priority for other community development needs. If funding were to become available, this category would become a high priority for the community.

Energy efficiency and lead based Paint/Hazards are both given a medium priority as they may become issues in a housing rehabilitation project.

8. Planning

Planning and administration is given a high priority based on the identified need for specific planning for the Murry Park improvements and low and moderate income job creation within undeveloped industrial areas. There would be no successful CDBG projects without the careful planning and administration for those projects.
ACTIVITIES FOR THE NEXT YEAR

A. Local Objectives

Porterville’s intent is to utilize all available resources to provide services and programs that result in the greatest return to the community. As reflected in the City’s Consolidated Plan, the needs facing Porterville greatly exceed the resources available. The City must therefore define its objectives and initiate programs that will best serve the priority interests of the community. Additionally, the City needs to be flexible in its utilization of the funds and especially where Program Income from the revolving loan funds is concerned, to be able to reallocate funds between those accounts as needed. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial.

Objective 1

Ensure, to the extent available resources allow, the availability of decent, safe and affordable housing within the City of Porterville for low- and moderate-income families and individuals.

Programs to assist in meeting this objective include:

a. Owner Occupied Housing Rehabilitation Loan Program

This program involves the continuation of the revolving loan program to assist in the rehabilitation of low and moderate income owner occupied housing within the City of Porterville. This program will be funded utilizing CDBG Entitlement and Program Income and HOME grant and Program Income funds. The CDBG funded program will provide low interest deferred loans to low and moderate income homeowners with the proceeds from the loan paybacks being utilized to fund additional loans. It is anticipated that the City will be investing $300,000 in rehabilitating fourteen (14) homes during 2006/07. Four (4) of the households assisted are expected to be low income (less than 50% AMI) and ten (10) will be moderate income (between 51 and 80% AMI).

Recently, the City has revised the Program Guidelines to allow higher levels of assistance, up to $25,000, and incorporate lead based paint inspection and mitigation procedures so that older homes are eligible for greater assistance. The Five Year Consolidated Plan identifies physical defects of owner occupied units as a high priority need.

In addition to the City’s CDBG, HOME and RDA programs, Self-Help Enterprises conducts a weatherization program within the City limits utilizing Low-Income Home Energy and Department of Energy funds combined with private utility company contributions to assist lower income, owner occupied households in completing energy saving rehabilitation. Community Services and Training (C-SET) also sponsors a housing rehabilitation program that is available to residents in Porterville.
b. **Public Utility Assistance Loan Program**

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with CDBG Entitlement and Program Income funds estimated to be $27,000 for 2006/2007. This program may become more popular as the City recently annexed several county islands into the city. Many of these households may desire to connect to City services since they will now be eligible for these assistance funds.

The funds will be loaned at reduced rates with the proceeds from the loan repayment being utilized to assist additional families. It is anticipated that this program will assist five (5) families over the year with the possibility of additional families being assisted as the loans are repaid.

c. **Homebuyer Education Program**

As a requirement of participating in the City’s homebuyer assistance programs, applicants must complete a nine hour course educating them on all aspects of homeownership and the process of becoming a homeowner. This class is presented in both English and Spanish on a monthly basis. It is anticipated that the City will expend approximately $7,000 during 2006/2007 on the homebuyer education classes with 20-30 participants monthly, translating into 10-15 households monthly. There are adequate entitlement funds currently in the program to meet the obligations for the 06/07 program year without allocating new entitlement funds.

d. **First Time Low Income Homebuyers Loan Program**

In order to facilitate homeownership opportunities, the City will continue its very successful First Time Low Income Homebuyer Program which provides down payment/closing cost assistance and "silent second mortgages". These mortgages will lower the initial downpayments that are required as well as reduce the monthly mortgage payments. The City will attempt to supplement CDBG funds with proceeds from State of California HOME grants, CalHome grants, BEGIN Program funds, Redevelopment Agency Low and Moderate Income Housing Set Aside funds, and Program Income to provide the loans for the program. With the dramatic increase in the cost of housing in the area, the City increased the assistance to a maximum $40,000 last year. Since the Casas Buena Vista subdivision will soon be complete in 05/06 and those affordable homes not available for purchase, the City recently made the decision to raise the level of assistance to a maximum of $60,000 in order to make the homes affordable to low income households. It is the goal of the program to assist fifteen (15) families in 2006/2007 with additional families assisted as the loans are paid back. It is anticipated that the City will provide approximately $600,000 for this program during 06/07.
e. Rental and Public Housing

The City of Porterville is committed to encouraging rental housing opportunities throughout the City. The City will continue to work cooperatively with the Housing Authority of Tulare County (HATC) as they are the main provider of public housing. HATC will provide direct rental assistance by provision of affordable project units (281 existing units in Porterville) and by administration of Section 8 vouchers and certificates for about 577 households (nearly $3 million to be provided in the Porterville area during FY 2006/2007). An additional 170 existing units are available from two nonprofit low-income unit providers. These 170 units are managed by the HATC. Additionally, four low income housing tax credit projects provide 319 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration provide 167 existing low-income rental units at two project sites in Porterville. Cumulatively, rental assistance will be provided to about 1,500 households in FY2006/2007.

Seventy nine (79) percent of Section 8 recipients and “households provided housing units at lower than market rate rents” are below 50 percent of AMI. Three hundred and twenty nine (329) families are low-income large family households with four or more persons. A high priority need was assigned to addressing physical defects of units occupied by large renter households with incomes less than 50 percent of AMI.

The Housing Authority of Tulare County will spend about $202,000 during 06/07 in federal funds to rehabilitate existing HATC units, most of which are occupied by small families, through the Comprehensive Grant Program. These funds will be used for painting, siding, kitchen cabinets, and general upgrade. Of the households residing in these units, most are of low-income status (below 50 percent of AMI). Addressing physical defects for small family, renter occupied households earning between 31 to 50 percent of AMI was identified as a medium priority by the City’s Consolidated Plan.

During the program year, it is the City’s intent to work with developers to assist in the development of additional multiple family housing opportunities within the City, especially concentrating on infill development. The City utilized HOME Program Income in 05/06 to acquire property and is in the process of negotiating with a developer to build affordable rental housing on Date Avenue which is in close proximity to the new Heritage Community Center and Casas Buena Vista subdivision. Approximately $160,000 is planned to be expended in order to produce at least four units. Additionally, in 05/06, the City received approval for a $1 million HOME grant for a 64 unit apartment complex to be located on the western edge of the Redevelopment Area. The developer is in the process of applying for federal tax credits for the project.
f. Homelessness

Homeless Prevention

As discussed in the Consolidated Plan, there are a variety of organizations available to assist those threatened with homelessness. However, the greatest assistance that can be provided to any family or individuals threatened with homelessness is the availability of economic opportunities (jobs), safe affordable housing, and support services. Through its ongoing activities in housing rehabilitation and economic development, the City has created an environment conducive to the prevention of homelessness. However, there is still a need for those organizations that can provide support services to those threatened with homelessness and who have special needs. Being an active participant in the regional Kings/Tulare Continuum of Care, the City plays an important part in the strategic planning for the organization and for applications for funding sources. The City will continue to support the efforts of the Continuum and will continue cooperating with the operators of the Central Valley Family Crisis Center, Red Cross, the PAAR Center, Porterville Area Coordinating Council, Daybell Brooks Men’s Shelter and other such agencies within the City in providing facilities that help to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. In addition, the City will participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This local organization receives calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

Although, the Consolidated Plan establishes a low priority for CDBG funding for both categories of homeless families and individuals due to a lack of resources available to directly contribute to applicable programs, a high priority need for providing emergency shelters and transitional housing is prominent in the Continuum of Care Strategic Plan, along with substance abuse treatment, case management, mental health care, life skills training, etc. Besides providing new emergency shelters and transitional housing, the plan identifies other programs to deal with the homeless and potentially homeless, such as developing a linked service delivery system and outreach programs. During 05/06, the Continuum of Care was designated by the State as the Local Designated Board (DLB) for administering the State’s Emergency Housing Assistance Program (EHAP) for the Kings/Tulare region. The Continuum had to develop a Local Emergency Strategy (LES) for the application which defines the Continuum’s priorities and goals for developing emergency housing. One of the objectives of the Continuum is to work cooperatively with service agencies to set up “Safe Havens” in the major communities of the two county area. These safe havens would provide a one stop center for the chronically homeless in order to have a place to take a shower, wash clothes, receive mail, receive medical counselling, and have other service agencies available for assistance. There are possible donations of property in both the city of Visalia and Porterville for a safe haven. It is the desire of the City of Porterville to take an active role in the implementation of the strategies identified in the adopted Strategic Plan and the LES for the Kings/Tulare County Continuum of Care. A City staff member is currently serving on the executive committee of the Continuum and is a member of the DLB. The City will also support applications of member organizations and agencies for other funding sources, including the HUD programs such as McKinney Act Funds and Emergency Shelter Grants.
Objective No. 2

The City will strive to maintain the integrity of its existing neighborhoods.

As part of this effort, improvements to public facilities within neighborhoods is crucial to maintaining the integrity of the neighborhood itself. The focus of the City during this time period will be on the continuation of the Murry Park Improvement Project.

a. Murry Park Improvement Project

The nearly 100 year old City owned Murry Park is located in the area of the greatest concentration of the City’s minority population and low and moderate income residents. The first phase of the improvements, the reconstruction of the community swimming pool, was completed in 2003/04, but additional improvements in accordance with the Master Plan for the park are proposed to be made in the first two years using CDBG funds. These improvements include, but are not limited to, installation of a slide at the swimming pool, upgrading existing picnic shelters, bringing restroom facilities up to ADA standards, replacing the existing sewer lateral line, replacing an unsafe wooden bridge, installing a drainage pipe for erosion control, removing dead trees and pruning other trees, constructing a parking lot near the pool area, and installing an aerator and shoring-up edges of the duck pond. There has been considerable delay in progressing with these projects due to the need to complete the extensive cultural and environmental survey documents. The City plans to provide an additional $112,766 towards these efforts during FY06/07.

b. Other Programs

Additionally, the Owner Occupied Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, and the Public Utility Loan Program discussed above all assist in achieving the objective of maintaining the integrity of the neighborhoods. Details of these programs are found in the Program Models (Attachment).

Objective No. 3

The City will encourage the location of commercial and industrial development within the City.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Consequently, the City is interested in attracting new businesses and industry, as well as retaining existing businesses and industries, and encourages the expansion of existing businesses and industries. Growth in commercial and industrial enterprises supplies employment for low- and moderate-income individuals. In turn, if individuals are employed and earning income, then they are more likely to purchase private goods and services locally. Low- and moderate-income individuals, industrial and commercial enterprises and the community as a whole thereby benefit from the City’s extension of public services and commercial rehabilitation or new construction projects to attract and accommodate new or expanded industrial and commercial businesses.
Due to the high unemployment rate and the need to diversify the economy, the City of Porterville pursues a very aggressive Economic Development Program on an on-going basis. This effort has resulted most recently in the location of the ProDocumentSolutions printing facility in Porterville. CDBG funds for site improvements were utilized to assist with the attraction of this company to fill a long-vacant facility. To date, over 75 full-time jobs have been created and the company continues to grow. This is a good example of the City utilizing CDBG funds for economic development and job creation.

Close coordination with the Tulare County Economic Development Corporation, the Business Incentive Zone coordinators, and the Tule River Economic Development Corporation is ongoing and has been vital to the City's recent economic development accomplishments. The City is keeping pace with this rapid development pattern through on-going General Plan Land Use and Circulation Element amendments accompanied by an aggressive annexation program (10-15 new areas are typically brought into the City each year). Recent rezoning of large areas (200-300 acres total) has helped to maintain an appropriate balance of residential, industrial, and commercial lands to accommodate several new employers anticipated to locate in Porterville during the Consolidated Planning period. The City is in the process of updating the General Plan which should be completed by December 2006. Naturally, reviewing all the land use issues and the growth patterns desired for the community are an integral part of this process.

The City's aggressive Economic Development Program has helped to create employment opportunities over the past five years while elevating many of the City's very low income households above poverty status as defined by the Census and helping in the prevention of homelessness. This program will continue during the coming five years.

a. Business Assistance Program

The City will provide assistance to commercial and industrial businesses in order to create jobs for low and moderate income persons and help eliminate blight. These funds will be used for the rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Rehabilitation will include facelift and interior remodel of the buildings, addressing seismic retrofit, heating/cooling system upgrades, accessibility improvements for persons with disabilities, structural and facade renovations, infrastructure improvements, and electrical wiring upgrades. Parking lot development and facade improvements can also be assisted through this program. The City is carrying forward approximately $515,500 in previously allocated Entitlement funds and Program Income for the Business Assistance Program for FY2006/2007. With the reduction in entitlement allocation this year, no new funds are available for the BAP and no new program income is anticipated since business loans have either been paid in full or are not yet due. The prevailing wage laws in California have made expenditure of these funds more challenging, but the BAP remains as one of the only incentives available to the City for business attraction. The City hopes to assist at least one business during FY06/07 expending approximately $100,000 and producing 10 jobs for low income individuals.
b. Parking Lot Improvements and Development

If available, business assistance funds may also be used to provide improvements to downtown public parking lots and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The lots in need of reconstruction were originally constructed 30+ years ago, and they are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. These lots are in the heart of downtown, and their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization. The City received an infrastructure grant from the State in 2002 that was used to reconstruct a strategic downtown parking lot which enhanced the area and, in conjunction with the Business Assistance Program, provides enticements for economic development in the downtown area. As part of the project, the City acquired a deteriorated building adjacent to the parking lot, but the funding was not sufficient in the infrastructure grant for demolition of the building and expansion of the parking lot. The City is currently preparing engineering drawings for the demolition of the building and expansion of the parking lot, with plans to go to bid by early summer and construction started in early fall 2006. The funding for this project is eighty percent (80%) from Federal Transit Administration Section 5307 funds with the twenty percent (20%) local match from Local Transportation Funds. This project is strategically located to provide parking for the regional transportation center across the street as well as that area of the Central Business District.

Funds to improve parking lots or construct new parking lots in the Central Business District will complement nearly $4 million in capital improvements completed toward implementing the Porterville Redevelopment Agency Strategic Plan. Additional improvements are necessary in order to entice businesses to locate within the core of the City’s central business district. Competition from commercial areas in surrounding communities, along with steadily increasing costs incurred in addressing the rehabilitation needs of the aging historical
buildings, are just two of a number of factors which have led to a high vacancy rate along the City's Main Street corridor.

These funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low- and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

The parking lot reconstruction and new construction projects will result in the creation of employment and economic opportunities for low- and moderate-income persons. The local community will be enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. It will address factors contributing to the area's blighted conditions, high unemployment rate, and low-income levels. The City will also ensure hiring of a sufficient number of low- and moderate-income persons to justify the use of CDBG funds or make the appropriate blight determination per CDBG regulations.

Commercial-industrial infrastructure and rehabilitation has been assigned a high priority in the Consolidated Plan and parking facilities has also been designated a high priority.
Objective No. 4

The City will encourage the development of its youth.

a. Porterville Youth Center

The provision of ongoing youth activities is a high priority within the community. The City Parks and Leisure Services Department has been operating the Center and providing an ongoing youth counseling and activity program within the City for many years. The Youth Center is located in the new Heritage Center which will allow for the expansion of programs and an increase in youth attendance. It is anticipated that the City will utilize its 15% allowance for public services for the continuation of this program and part of the 15% of the previous years’ program income for a budget of $144,956 for FY 06/07. Daily attendance at the youth center in the new Heritage Center is expected to be 53 which adds up to over 15,000 visits to the center for the year. A detailed budget for the operation of the Youth Center is attached in the Program Models.

b. Heritage Community Center (Section 108 Loan)

To meet the need for permanent facilities within the community to provide broad based youth activities, the City received a $3.885 million Section 108 Loan guarantee to fund the construction of the Heritage Center in one of the lowest income areas of the City. The construction of the building was completed in 05/06, but several ancillary areas still need to be developed. The project is a joint project with the Porterville School District’s newest elementary school which allows for joint use of both City and School facilities for library and recreation activities, thereby leveraging the resources available. The Porterville Youth Center is located at the Heritage Center along with other City programs. The loan was executed in late 2003/04 with repayments starting in the 04/05 program year. The debt payment for FY 06/07 is $316,045, nearly 44% of the annual entitlement allocation.

Administration

One hundred fifty five thousand, nine hundred forty one dollars ($155,941) will be allocated for general administration of the CDBG Program, including ongoing fair housing and Continuum of Care activities, professional services (if required), equipment purchases, etc. This amount includes twenty percent of anticipated program income for the fiscal year.
BARRIERS TO AFFORDABLE HOUSING

As previously stated, governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of lower-cost dwelling units compared to other Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities, up to 43 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions.

- Permit processing times are relatively brief for typical development projects.

- City fees are relatively low, and there are few development exactions.

- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.

- Zoning and parking standards are not overly restrictive; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-income first-time home buyers.

Since 1987, the City has expended $33.5 million in Certificates of Participation to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing, for the next 20 years. The 1987 Certificates of Participation also provided the City with a new west area fire station, a new police station, and the expansion and renovation of City Hall. Subsequently, the City also expended another $20 million in Certificates of Participation to provide funding for an extensive street improvement program throughout the City.

Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the Housing Element adopted in 2004 establishes, as one of its action plan goals, “to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households.” To accomplish this goal, the following zoning ordinance revisions are recommended:

a. Definition of Family Household

The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage”. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition of a “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the
authority of the Ordinance.

b. Residential-Agricultural (R-A) District

California law requires that farmworker housing for 12 or fewer employees be permitted by right in all agricultural zones. While Porterville’s General Plan includes an agricultural land use designation, no corresponding zoning district implements this land use designation. The R-A district is intended to accommodate only small-scale agricultural pursuits and include some properties with “hobby farms.” The district is not intended for commercial-scale farming operations that warrant the provision of farmworker housing.

c. Density Bonus

In accordance with State density bonus law, the City will adopt a local ordinance that provides for density and other incentives for the development of affordable housing. Specifically, a 25 percent density bonus and at least one regulatory concession or incentive will be granted if a developer agrees to any one of the following:

d. 20 percent of the total units of a housing development for lower income households

e. 10 percent of the total units of a housing development for very low income households

f. 50 percent of the total units of a housing development for seniors

g. 20 percent of the total units in a condominium project for moderate income households

d. Emergency Shelters and Transitional Housing

The City will amend the Zoning Ordinance to specify emergency shelters and transitional housing as institutional uses permitted in the R-3 and R-4 zones with a conditional use permit. City staff will work with nonprofit organizations to identify appropriate sites for such facilities. Process and procedures required for the development of transitional housing and emergency shelters will be similar to those established for similar uses in the same zones. In addition, the City participates in the countywide Continuum of Care Strategy to pursue funding to assist the homeless.

e. Compliance with ADA

The City will evaluate the Zoning Ordinance for compliance with ADA requirements, ensuring that development standards and permit procedures do not constrain the development and improvement of housing for persons with disabilities.

These zoning ordinance revisions are being reviewed as part of the General Plan Update process and will be scheduled for action within the year.
Moreover, through its First Time Low Income Home Buyers Assistance Program, the
City has attempted to mitigate one of the single largest barriers to affordable housing,
namely the need for a substantial down payment. It is the City’s intent to continue this
program with current and new grant funds during 2006/2007.

Affirmatively Furthering Fair Housing

In addition to these programs, the City will also endeavor to provide decent, safe, and affordable
housing by implementing the actions recommended in the Analysis of Impediments to Fair
Housing Choice (AI). These actions are as follows:

- Expanding Affordable Housing Opportunities

The City will continue to provide homeownership opportunities in the community by
promoting its First-Time Low Income Home Buyer Program, Mortgage Credit Certificate
Program and Home Buyer Education classes. The City will focus outreach efforts
towards lower income households, particularly to Hispanic households, since they have
more difficulty obtaining financing. The City will continue to advertise the availability
of home buyer assistance at public counters, the City website, and newsletter. The City
will continue to provide first-time homebuyer workshops in both Spanish and English.

In addition, the City will expand its outreach efforts to the low income neighborhoods for
the Owner Occupied Housing Rehabilitation Program, especially to the newly annexed
County island areas. With the revision of the program guidelines to be more aggressive in
rehabilitation of older homes with lead based paint issues, the City anticipates reaching
many more low income households with this program.

- Improving Access to Information

The City will work to expand its website to provide additional links to housing services
and resources, such as a link to the fair housing service provider and a link to the Fannie
Mae Foundation that offers free guides and resources for first-time home buyers in
English, Spanish, and other languages.

- Revising Public Policies and Programs

The Porterville Zoning Ordinance defines a family as “an individual, or two or more
persons who are related by blood or marriage, or a group of not more than five persons
not necessarily related by blood or marriage. This definition is a potential constraint
upon low income individuals whose financial circumstances may force them to live in
shared living quarters. Specifically, inclusion of the definition “family” in the Zoning
Ordinance presents misconceptions about enforcement that is beyond the authority of the
Ordinance. The City will amend the Zoning Ordinance to remove the definition of the
word “family.”
The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Determination (RHND) identified in the Housing Element.

- **Promoting Outreach to Lenders**

The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

- **Facilitating Fair Housing Services**

The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issue for tenants and landlords, ways to improve credit, and rights and responsibilities. The City may also consider sponsoring a fair housing event to outreach to the community regarding fair housing rights.

**Lead Based Paint**

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2006/2007 unless such action is in conjunction with CDBG, HOME, CalHome and Redevelopment Agency Low Income Housing Set-a-Side funded owner occupied housing rehabilitation projects.

**Anti-Poverty Strategy**

As stated previously in the Economic Development Needs Section of this Action Plan, the City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2006/2007 Program Year, with the Business Assistance Program. This program should create low-and moderate-income jobs. Additionally, approximately fifteen (15) households are anticipated to qualify for the purchase of a home under the City’s First-Time Low-Income Home Buyers Program funded with CDBG, State HOME, and CalHome funds.
Institutional Structure

The City of Porterville will continue to work with local profit and nonprofit organizations as well as the HATC and the County of Tulare to strengthen the reciprocal transfer of information and to maximize the efforts directed to assist the low- and moderate-income families of the community. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.

Coordination of Efforts

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless, low-and moderate- income populations. The City will also continue to participate in the Kings/Tulare County Continuum of Care to ensure coordination and implementation of the strategic plan. Coordination with local lending institutions assisting lower income first time home buyers will be continued through public meetings and periodic "Housing Fairs." The City will also be working with the lenders to research various lending programs for approval to use with the City’s assistance program. The City will continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City’s growing, very low-income resident population. The City will also be working closely with the Tulare County Economic Development Corporation, the BIZ Zone, and the Tule River Economic Development Corporation to facilitate and enhance economic development opportunities in the City.
Sources of Funds
U. S. Department of Housing and Urban Development
Consolidated Plan
Funding Sources

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
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<tr>
<td>Unprogrammed Prior Year’s Income Not Previously Reported</td>
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</tr>
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<td>Surplus Funds</td>
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<tr>
<td>Return of Grant Funds</td>
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<tr>
<td>Total Estimated Program Income (from detail below)</td>
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</tr>
<tr>
<td>Total Reprogrammed Funds</td>
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</tr>
<tr>
<td><strong>Total Funding Sources</strong></td>
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### Estimated CDBG Program Income

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1. Housing Rehabilitation Revolving Loans</td>
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<td>2. First-Time Home Buyer Revolving Loans</td>
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<td>3. Citywide Sewer/Water Connection Loans</td>
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<tr>
<td>4. Commercial/Residential Rehabilitation Loans</td>
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</tr>
<tr>
<td><strong>Total Estimated Program Income</strong></td>
<td><strong>$50,000</strong></td>
</tr>
</tbody>
</table>

### Formula Grant Sources
The City anticipates a CDBG grant in the amount of $729,707 for FY 2006/2007.

### HUD Sources
A portion of the 2004 State of California Housing and Community Development HOME grant funds in the amount of approximately $800,000 and the 2005 HOME grant for $1,000,000.

### Non HUD
$500,000 from the 2005 CalHome grant from the State.

### Program Income
The City anticipates that it will receive approximately $50,000 in CDBG program income, and approximately $67,000 in State of California HOME program income during FY 2006/2007. HOME program income is reported quarterly to the State.
II

Action Plan Development Process and Citizen Participation

Prior to preparing the 2006/2007 Action Plan, City of Porterville Community Development Department staff developed a time schedule of events and dates necessary for completing the Plan. On March 3, 2006, a public hearing notice (hearing conducted by the Citizens Advisory and Housing Opportunity Committee) was published in the Porterville Recorder, a local newspaper. The public hearing notice was also published on March 3, 2006, in the Noticiero Semanal, a local Spanish newspaper. On March 13, 2006, the Citizens Advisory and Housing Opportunity Committee held the public hearing. The hearing was conducted to obtain the views of citizens, public agencies and other interested parties on the City’s housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2006/2007. Views obtained during this hearing were considered for the Action Plan.

A summary of the proposed Action Plan, and a notice of a second public hearing for the regularly scheduled City Council meeting of May 2, 2006, was published in the Porterville Recorder on March 21, 2006 and in the Noticiero Semanal on March 24, 2006. Also on this date, drafts of the Action Plan were provided for the public’s review in the Porterville City Library and the City Hall Community Development and Services Counter. This publication initiated the 30-day review period to submit comments regarding the proposed Action Plan. A courtesy public hearing notice was published in the Porterville Recorder on April 20, 2006.

On May 2, 2006, the Porterville City Council will conduct the public hearing to solicit comments on the 2006/2007 Action Plan at its regularly scheduled meeting. Comments will be received and considered at the meeting.
III.

MONITORING

The Community Development Department of the City of Porterville will review its CDBG programs on an ongoing basis for performance evaluation and to ensure long-term compliance with program requirements. The City will enter accomplishment data into the IDIS system and will annually complete the Consolidated Annual Performance Evaluation Report (CAPER) that will detail and quantify the number of households and families assisted, jobs created, improvements provided, and any other measurement of performance applicable to the program activities (additional performance measurements are in the process of being developed). The CAPER report will be reviewed by HUD and presented at a public hearing as per the policies established in the adopted Citizen Participation Plan.
IV.

HUD-424 Form
(to be inserted for submittal to HUD)
V.

CERTIFICATIONS
CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Drug Free Workplace** -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:
   
   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will:
   
   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

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

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

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_________________________________________________________
Signature/Authorized Official

_________________________________________________________
Date

Title
Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) ______, ______ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_________________________  __________
Signature/Authorized Official  Date

_________________________
Title
APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

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

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:
Check ___ if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 21.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).
<table>
<thead>
<tr>
<th>Place of Performance (Street address, city, county, state, zip code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville                                Porterville Youth Center</td>
</tr>
<tr>
<td>291 N. Main Street                                     256 E. Orange Street</td>
</tr>
<tr>
<td>P. O. Box 432                                          Porterville, CA 93257</td>
</tr>
<tr>
<td>Porterville, CA 93258</td>
</tr>
<tr>
<td>Porterville High School                                Granite Hills High School</td>
</tr>
<tr>
<td>465 W. Olive Avenue                                    1701 E. Putnam</td>
</tr>
<tr>
<td>Porterville, CA 93257                                  Porterville, CA 93257</td>
</tr>
<tr>
<td>Los Robles Elementary School                           Porterville Municipal Ball Park</td>
</tr>
<tr>
<td>500 E. Mulberry                                        300 E. Olive Ave.</td>
</tr>
<tr>
<td>Porterville, CA 93257                                  Porterville, CA 93257</td>
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<tr>
<td>Porterville College                                    Murry Park</td>
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<td>100 E. College Ave.                                    East Putnam</td>
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<tr>
<td>Veteran’s Park                                         Municipal Ball Park</td>
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<tr>
<td>West Henderson and Morton Avenues                      Garden and Fig</td>
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<tr>
<td>Olive Street Elementary School                         Porterville Sports Complex</td>
</tr>
<tr>
<td>255 W. Olive Ave.                                      2701 W. Scranton</td>
</tr>
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<td>Porterville, CA 93257                                  Porterville, CA 93257</td>
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</table>
VI.

Program Models
1982 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2006)
HOUSING REHABILITATION REVOLVING LOAN PROGRAM

2005 FUNDING RECOMMENDATION: $7,500 CDBG Program Income

PRIOR YEAR CDBG FUNDING:

<table>
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<tr>
<th>Year</th>
<th>Funding</th>
<th>Description</th>
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<td>1983</td>
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<tr>
<td>1986</td>
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<td>1986</td>
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<td>1991</td>
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<td>1992</td>
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<tr>
<td>1993</td>
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<td>1998</td>
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<td></td>
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<tr>
<td>2005</td>
<td>$10,000</td>
<td>CDBG Program Income</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

This Program Model was originally established in 1982. The revolving rehabilitation loan fund concept utilizes the authority granted by the U. S. Department of Housing and Urban Development to enable the City to administer a Revolving Loan program for eligible low- and moderate-income homeowners to rehabilitate their homes and is an eligible activity identified in Federal Regulations 24 CFR 570.202 (a).

SPECIFIC PROGRAM OBJECTIVES:

To make progress toward satisfying the objectives of the Action Plan and the Housing Element of the City's General Plan, and to meet one of the National Objectives of the Community Development Block Grant Program, 24 CFR 570.208(a)(3), the City will participate in a meaningful and effective housing rehabilitation program to assist low and moderate-income homeowners and to supplement previous funding allocated over the past 20 years to the Housing Rehabilitation Loan Program (HRLP).

SPECIFIC PROGRAM ACTION:

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized according to the policies and procedures approved for the administration of the HRLP.
Applications from City-wide homeowners are submitted by prospective eligible applicants, then reviewed and verified for accuracy prior to submission to the COMMUNITY DEVELOPMENT FINANCIAL ASSISTANCE REVIEW COMMITTEE (CDFARC). The City provides zero percent deferred loans up to $25,000. Program income derived from repayment of these loans is used to provide funding for new expenditures in the HRLP.

Once an applicant is qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead based paint mitigations, and zoning violations. The applicant is counseled as to the extent and cost of the work covered by a rehabilitation loan, maintaining an equity reserve after rehabilitation construction, and the process of selecting a contractor. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to ensure that abuses of the program do not occur. Final payment is held until the City Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.

The administration of the program is accomplished by City staff in accordance with Federal regulations.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2006)
HOME BUYER EDUCATION PROGRAM

2006 FUNDING RECOMMENDATION: $0

PRIOR YEAR FUNDING: 2002 $12,316 CDBG REALLOCATED FUNDS
2003 $10,000 CDBG Entitlement Funds
2004 $10,000 CDBG Entitlement Funds
2005 $6,000 CDBG Entitlement Funds

PROGRAM PLAN:

CDBG funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City’s First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. The City is convinced that the more information the applicants receive regarding the entire process of purchasing a home, the more intelligent and fiscally responsible decisions will be made. The course is taught by qualified individuals in both English and Spanish. The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead base paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons.

Most of the housing problems experienced by low-income households are associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(k).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in educating low- and moderate-income first-time home buyers seems very appropriate in helping to address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas
of the state, owning an affordable home can become a reality.

SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the Homebuyer Education Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In preparing low-income households for home ownership, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The training course will provide the education necessary for intelligent and financially responsible decisions for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As the Housing element states “Overcrowding represents a chronic and increasing problem in Porterville. The overall overcrowding rate grew from 5% in 1980 to 13% in 1990 to 19% in 2000. Overcrowding is a problem, in particular, for low-income families with four or more members. In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

SPECIFIC PROGRAM ACTION:

CDBG funds used for the Homebuyer Education course provide the necessary foundation for the use of CDBG and other state and federal funds for the First Time Low Income Homebuyer Loan Program. The course will be available on a regularly scheduled basis in both English and Spanish and will be taught by qualified instructors.

The City will take an aggressive approach in marketing the program through advertising and promotional displays. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1993 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2006)
FIRST-TIME LOW-INCOME HOME BUYER LOAN PROGRAM

2006 FUNDING RECOMMENDATION:  
$42,000  CDBG Program Income
$500,000  CalHome Grant

PRIOR YEAR CDBG FUNDING:  
1993:  $300,000  CDBG Entitlement
1993:  $300,000  HOME
1994:  $750,000  HOME
1994:  $187,500  RDA 1994 HOME Match
1995:  $429,662  BEGIN
1995:  $107,416  RDA 1995 BEGIN Match
1997:  $200,000  CDBG Entitlement
1998:  $172,000  CDBG
1999:  $176,765  CDBG Reallocation from other CDBG Programs
2000:  $130,350  CDBG
$500,000  HOME Grant
$500,000  CalHome Grant
2001:  $180,000  CDBG plus $60,000 HOME Program Income, $120,000 HOME 2000 Grant Funds
2002:  $ 50,000  CDBG Program Income
$600,000  HOME Grant
2003:  $79,000  CDBG Program Income
2004:  $60,000  CDBG Program Income
$1.2 mil  HOME Grant
2005:  $60,000  CDBG Program Income

PROGRAM PLAN:

CDBG funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. This plan is feasible because of the still moderate prices of homes in the Porterville area. Using the funding allocations, the City plans to assist in the purchase of newly constructed or existing homes. Large families are identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. In 2000, there were 2,589 large families (i.e., those with 5 or more members) living in Porterville. Of these families, 1433 (55 percent) were very low- or low-income households. The City’s overall overcrowding rate grew from 5% in 1980 to 13% in 1999 to 19% in 2000. For very low- and low-income large families, it is likely that many have to pay more than 30 percent of their income for housing or enter into overcrowded living arrangements to reduce housing expenses. It is also likely that many families opt to do both.
Most of the housing problems experienced by low-income households were associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(n).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in providing for a low- and moderate-income First-Time Home Buyer Program seems very appropriate to help address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.

SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the First-Time Home Buyer Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In making home ownership possible for low-income households, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The program will provide the opportunity for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As determined in the Housing element, overcrowding represents a chronic and increasing problem in Porterville. The 2000 Census reported 19 percent of all households were overcrowded. Among renter-households, 26 percent were overcrowded, relative to 14% of all owner-households. Overcrowding is a problem, in particular, for low-income families with four or more members. The City will need to continue its land use policies which encourage affordable rental and ownership housing.” In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

SPECIFIC PROGRAM ACTION:

CDBG funds used for acquisition under the Low- and Moderate-Income First-Time Home Buyer Program would only be used in areas that are already zoned appropriately for residential development and have approved subdivision maps and approved plans. All houses must be within the city limits and pass an inspection by City building officials. The program will provide up to $60,000 in loan assistance for the acquisition of a house for a qualified First-Time Homebuyer.
In marketing the program, the City will be advertising and conducting general informational workshops to inform the public about the general guidelines of the program. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
**2006 FUNDING RECOMMENDATION:** $500 (CDBG Program Income plus previously allocated entitlement funds)

**PRIOR YEAR FUNDING:**

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**Program Plan:**

In previous years of Community Development Block Grant efforts, the City of Porterville has been successful in securing funds for the purpose of constructing sewer and water line installation in neighborhoods defined by the Census as having predominantly low and moderate income families. A major constraint which affects the City's ability to administer and spread the Housing Rehabilitation Loan Program dollars among the people of the community included in the low and moderate income categories, is the reality of the cost of installation of certain types of public improvements. These funds can be used to facilitate connection to existing CDBG funded sewer service extension projects and any future sewer and water projects funded through CDBG. In 2000, the City combined the Sewer and Water Revolving Loan Fund with the Underground Utility Fund to establish the Public Utility Assistance Revolving Loan Program. Money allocated from the Community Development Block Grant Program into a revolving utility connection fund is loaned to any qualified low and moderate income family within the City limits for purposes of a grant, deferred loan or low-interest financing of those facilities required pursuant to the requirements of a building permit or for other
needs pursuant to sewer, water, or underground utility connection. This activity is eligible under the Federal Regulations 24 CFR 570.202 (b)(6) and meets a national objective of assisting low and moderate income households as found in 24 CFR 570.208 (a)(3).

Specific Program Objectives:

One of the goals of the City of Porterville's Housing Element specifies that it would be the purpose of the City Council to provide for the early attainment of a satisfying residential environment with adequate public and private services and facilities for every present and future resident of the City of Porterville regardless of race, age, religion, sex, marital status, ethnic background, source of income or personal handicaps. To this end the program model for the revolving public utility connection fund functions to provide those monies necessary to make this service available to the low and moderate income families of the City. Realizing that many times the costs of these public facilities are prohibitive or beyond the financial capability of many of the residents of the City it would be unfair to penalize the efforts of low and moderate income families directed towards the maintenance, improvement, and rehabilitation of their homes and neighborhoods.

Specific Program Action:

Funds set aside in the CDBG public utility connection revolving loan fund are committed to a special account of the City of Porterville which is accessible only to qualified low and moderate income families of the City. This fund is available for grants and deferred loans with 0% interest. Applicants are screened by the Community Development Department staff and pre-qualified according to income guidelines prior to commitment of funds by the Community Development Financial Assistance Review Committee.

If the funds are borrowed on a low-interest loan basis, the homeowner enters into an installment payment agreement with the City specifying the amount borrowed, the term and the interest to be charged in the repayment of the loan. All loans are secured by a property lien and payable at time of property sale or transfer of ownership of the subject property.
1984 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2006)
BUSINESS ASSISTANCE LOAN PROGRAM AND
PARKING LOT IMPROVEMENTS AND DEVELOPMENT

2006 FUNDING RECOMMENDATION: $0

PRIOR YEAR FUNDING:
1984 $140,000 CDBG ENTITLEMENT
1988 $370,000 REALLOCATION
1989 $155,000 REALLOCATION
1997 $200,000 CDBG ENTITLEMENT
1998 $ 57,000 CDBG ENTITLEMENT & REALLOCATION
1999 $795,555 CDBG ENTITLEMENT & REALLOCATION
2000 $ 1,650 CDBG PROGRAM INCOME
2001 $225,000 CDBG ENTITLEMENT
2002 $ 0
2003 $ 63,651 CDBG PROGRAM INCOME
2004 $262,950 ENTITLEMENT
  $ 45,000 PROGRAM INCOME
2005 $ 64,603 ENTITLEMENT
  $ 42,472 PROGRAM INCOME

PROGRAM PLAN:

Commercial and Industrial Development:

The Central Business District (CBD) and other peripheral business and industrial areas of the City of Porterville are abundantly developed with numerous structures which have been used for commercial, commercial/residential (apartment/hotels), and industrial use for many years. The commercial areas continue to function as the social and cultural centers of the community. The significance of these areas as a center of activity for Porterville is borne out when one considers the fact that location near these districts is a prime attraction for the construction of seniors’ multi-family housing and that, for example, promotions, holidays and most various significant local celebrations are conducted in these areas. Industrial areas provide employment opportunities for local residents. Many of these facilities were constructed several years ago and suffer from functional obsolescence, or there is vacant land available in industrial parks for the expansion of existing businesses or for the construction of a facility for a new industry. Furthermore, strong business associations and the Chamber of Commerce virtually assure that there will be a continued interest in the future of Porterville’s commercial and industrial areas.
Some of the ground floors of multiple-story commercial structures are dedicated to a commercial usage and enjoy the environmental advantages of comparison shopping districts. However, the upper stories of most have fallen into a state of considerable disrepair. The County has even excepted most upper floors from assessment of property taxes and the result has been an absence of incentives to invest in the upkeep of these resources.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty.

It is the desire of the community to provide incentives and methods to encourage the investment of time and money on a city-wide basis in commercial, industrial, and professional office districts. This can be done using a variety of approaches which have been investigated by staff and include private financing, Small Business Administration participation for qualifying property owners through the Tulare County Economic Development Corporation, and additional injection financing with CDBG loan pools. This program is based on the Community Development block Grant (CDBG) National HUD objective of job creation for low and moderate income persons (24 CFR 570.208(a)(4)) and is an eligible activity by Federal Regulations 24 CFR Section 570.203(a).

Parking Lot Improvements and Development:

If funds are available, it is proposed that this program will also provide improvements to downtown public parking lots and the acquisition of property and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. Their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots and development of new lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization.
These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low- and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

Parking Lot Improvements and Development:

The parking lot reconstruction and new construction development projects will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.
SPECIFIC PROGRAM ACTION:

**Commercial and Industrial Development:**

Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

**Parking Lot Improvements and Development:**

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2006)
MURRY PARK IMPROVEMENT PROJECT
(CITY OWNED FACILITY)

2006 FUNDING RECOMMENDATION: $112,765

PRIOR FUNDING:

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<td>2002</td>
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<tr>
<td>2005</td>
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</table>

PROGRAM PLAN:

This program would allocate funds over a multi-year period to plan, design, renovate, rehabilitate, and construct improvements to the 100 year old City-owned Murry Park. Special emphasis will be placed on the reconstruction of the 48-year-old community swimming pool which is in need of major renovation. The pool complex consists of three separate and varied pools, plus a spacious pool office and restroom. The last major renovation to repair leakage in the pools was completed in 1987. Fifteen years later the pools are once again leaking water and major repairs are necessary. Additional improvements to the swimming pool complex may include: replacement of the chain link fence with a wrought iron fence and installation of a water slide. Improvements to the Park itself may include, but are not limited to: upgrades to the existing shelter structures, restroom renovations, irrigation and landscaping improvements, renovation of existing rock structures used for drinking fountains and other amenities, fence replacement on the north edge of the park, an aerator for the duck and fish pond, renovation of the bridges, replacement and installation of lighting, removal of dead and diseased trees and planting of new trees, realignment of the street and construction of a parking lot to serve the community pool area, and the addition of parking spaces on the west side of the Park. A master plan for the Park was developed in 1990 and provides the priorities for expenditure of funds. The park is located in Census Tract 39.01, but serves the adjacent census tracts 41.01 and 38.02 where the greatest concentration of the City’s minority population and low-to moderate-income residents reside. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

This multi-year program will require annual approval for CDBG funding allocations.

SPECIFIC PROGRAM OBJECTIVE:

Since Murry Park and especially the swimming pool complex is utilized by large numbers of low-to moderate-income residents on a regular basis and is a very popular place for recreation, the main objective of this project is to improve the deteriorated amenities and infrastructure in the park in order to continue to keep the Park as a safe, clean, and attractive recreation facility. The objective of this program can best be summed up by the words on the 1954 dedication plaque at the swimming pool, “For the Health and Recreation of our People”.
PROGRAM DEMOGRAPHICS:

The benefit area for this project includes census tracts 39.01, 38.02, and 41.01. 52.3% of the households in this area are at or below 80% of median income as determined in the 2000 census.

SPECIFIC PROGRAM ACTION:

The basic swimming pool improvements were completed in 2004, except for the installation of the slide. The master plan for Murry Park is being updated with the cultural and environmental studies being completed. The proposed improvements will be prioritized for the next phases of funding.
1994 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2006)
CITY OPERATED YOUTH CENTER
(Formerly Porterville Community Youth Center - Non-Profit Subrecipient Grant)

2006 FUNDING RECOMMENDATION: $144,956

PRIOR YEAR FUNDING:  
1994 $90,000  
1995 $110,000 PYI  
1996 $113,500  
1997 $110,000 (City Operated beginning 10/1/97)  
1998 $109,000  
1999 $109,650  
2000 $109,650  
2001 $113,700  
2002 $112,650  
2003 $130,350  
2004 $127,650  
2005 $121,282

BACKGROUND:

Porterville Youth Incorporated (PYI), a non-profit community service organization since 1978 which provided youth-oriented assistance programs, received CDBG funding from the City of Porterville in 1994 in order to expand their existing youth programs to include a community-based youth center in a low- and moderate-income neighborhood. PYI continued to receive funding from the CDBG grant program in the next three program years, through early 1997, by offering new service components to the youth center each year and complying with requirements set out in the regulatory agreement for subrecipients. On October 1, 1997, the City permanently accepted responsibility for the youth community center at the written request of PYI’s Board of Directors.

PROGRAM PLAN:

The City-Operated Youth Center was established in 1994 as the Porterville Community Youth Center Program Model. It met the Community Development Block Grant National HUD Objective of being a “direct benefit to low and moderate income persons” under Federal Regulation 24 CFR 570.208 (a)(2). The City of Porterville Parks and Leisure Services Department will continue to administer, manage, and meet budget and financial obligations for the Porterville Youth Center in accordance with all applicable Federal Regulations. The annual operating grant is eligible under 24 CFR 570.201 (e).

The new Heritage Center is now the home of the youth center activities. The Center is located well within Census Tract 41, where over 70 percent of the households earn less than 80 percent of the area median income and where the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. This activity meets the HUD National Objective of direct benefit to low-and moderate-income area under Federal Regulation 24 CFR...
570.208(a)(1). Demographic documentation on youth participating in programs offered through the youth center will be maintained.

SPECIFIC PROGRAM OBJECTIVES:

The main objective of the Community Youth Center will be to provide an equal opportunity for all youth, including low and moderate income ages 10 to 18, to become self-sufficient and productive members of the community. The community youth center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

A major prerequisite of delinquent behavior is not only a lack of appropriate support, positive role modeling, parenting skills, logical and immediate consequences, social conscience, or breakdown of the traditional family, but also a lack of positive alternative activities for youth that allows them the opportunity to choose between the positive and the negative. Many youth who have had little of the above can still manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

SPECIFIC PROGRAM ACTION: (See attached program proposal.)
CDBG FUNDING REQUEST
7/1/2006 - 6/30/2007

FOR PORTERVILLE COMMUNITY YOUTH CENTER

I. SCOPE OF SERVICE

The contractor for this project will be the City of Porterville. This contractor shall ensure that the Porterville Community Youth Center (PCYC) continues to operate the existing youth center recreation program established in September 1994 through the CDBG 2006-2007 fiscal year.

The Porterville Community Youth Center will continue to operate in Porterville Census Tract 41 at 256 E. Orange Ave. The program will prevent and divert youth ages 10 - 18 from negative behavior and surround them in a productive and positive environment.

No youth from within the City of Porterville will be excluded from participation in PCYC activities. However, it is intended through use of CDBG funds that a minimum of 51% of the youth participating will come from low and moderate income households.

A. OBJECTIVES

The purpose of this program will be to:
2. Develop or improve social skills necessary to be compatible with main stream society.
3. Learn teamwork and the ability to cooperate with others.
4. Improve physical and mental health.
5. Become more self sufficient members of the community.
6. Engage in positive alcohol and drug-free behavior.
7. Divert the youth from delinquent behavior.
8. Provide a drop-in center for recreational opportunities.

B. CLIENTS TO BE SERVED

The contractor shall ensure service by the City of Porterville Community Youth Center to a minimum of 51% low and moderate income residents of Porterville, between the ages of 10 to 18. Participants shall be recruited through local schools, community organizations, social service agencies, and law enforcement.

C. CONTINUED ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provisions of services through continued implementation of the current COPCYC supervised recreation program over a thirteenth one-year period. The center will be open six days per week for no less than 20 hours. The youth center will run for a minimum of 42 weeks throughout the one-year period. A minimum of 100 unduplicated youth will participate in the following youth center activities each quarter of the one-year grant period.

1. A general recreation area within the same facility to provide youth with other positive
activities.
This general recreation area includes games such as pool, ping-pong, table soccer, video games, computers and board games. Arts & crafts, homework tutoring, nutrition and music classes, and special projects also take place in this area.
Youth will be involved in occasional tournaments, holiday specific activities, and city-wide special events to help maintain their interest.
2. **Homework tutoring in the classroom.**
Staff hired with CDBG funds will administer a homework tutoring program.
3. **Arts & crafts.**
Youth may experience many different arts & crafts projects in the arts & crafts room.
4. **Outdoor paved area.**
An outdoor paved area next to the youth center provides a place for hockey, badminton, volleyball, handball and more.
5. **Outdoor grass area.**
An outdoor grass area next to the youth center provides a place for flag football, soccer, frisbee, golf, baseball, dodge ball and more.
6. **Off site recreational activities.**
The basketball, arena soccer, and baseball programs will continue to be offered at the available playing fields specified further in the text.

**D. NEW ACTIVITIES TO BE PERFORMED**

The contractor shall ensure the provision of new services through the inclusion of younger children, continuation of tutorial programs in reading, writing, science and math. Outdoor activities for a minimum of 42 weeks over the 2006-2007 CDBG funding cycle shall be implemented. For a minimum of 12 hours per week, at least 4 days each week, supervised athletics will be available for 10-18 year old youth. A minimum of 50 unduplicated youth will participate in these activities each quarter.

In addition, a minimum of 8 hours of supervised community service work will be completed weekly by 10-18 year old youth. A minimum of 25 unduplicated youth will participate in this program each quarter of the CDBG funding cycle. Also, a minimum of 2 days per week will be open for non-league play so youth can participate in athletic activities on a less formal, just-for-fun basis. Program details are provided below:

1. **Equipment** - Several new pieces of equipment has enabled the implementation of many new games, tournaments and competitions. A few examples include indoor bowling, pickle ball, an arcade game, bingo, giant jenga, a pitching machine and shuffle board.
2. **Community service** - Hours of community service are served by Youth Center members working such events as the egg hunt, fishing derby, runs, youth sports and projects around the Youth Center.
3. **Classes** - Staff classes have been taught in arts & crafts, drawing, bicycle repair, music, sport instruction and health & fitness.
4. **Athletics** - Open athletic play and leagues are available. League play is offered in the following sports: basketball, baseball, soccer and pool. A coach for each sport will be
provided.
5. Fund raising - Staff will continue to create fund raising for the participants to generate additional funding to offset cost of excursions and special activities.

E. SITE LOCATION

Within the Census Tract 41, the original Porterville Community Youth Center services shall be provided at the following locations: 256 E. Orange Ave., Porterville, CA 93257. Sign-ups for athletic play, leagues, tutorial programs, arts & crafts, and outdoor activities will take place at this location. Additional program implementation will take place at the following locations: Municipal Ball Park, Porterville Sports Complex, Granite Hills High School, Porterville College, and Santa Fe School.

The main location is within the boundaries of Census Tract 41 and the other locations will provide access to youth over a broader range of low and moderate income areas within the city.

F. PROJECT STAFF

(1) Leisure Services Supervisor $21.25/hr 12 hrs 52/wks
(1) Leisure Services Coordinator $16.73/hr 30 hrs 52/wks
(1) Clerical Assistant $10.00/hr 24 hrs 52/wks
(1) Recreation Leader III $10.00/hr 12 hrs 52/wks
(1) Recreation Leader III $9.50/hr 24 hrs 52/wks
(1) Recreation Leader II $8.50/hr 12 hrs 52/wks
(2) Recreation Leader II $7.50/hr 20 hrs 52/wks

G. BUDGET

Total CDBG funds requested are $132,148.

City of Porterville Community Youth Center
2006 - 2007 Budget

Salaries
01 Supervisor $21.25/hr x 12 hrs/wk 52/wks $13,260
   Coordinator $14.43/hr x 30 hrs/wk 52/wks $22,495
02 Clerical Asst. $10.00/hr x 24 hrs/wk x 52/wks $12,480
   1-Rec Leader III $10.00/hr x 12 hrs/wk x 52/wks $6,240
   1-Rec Leader III $9.50/hr x 24 hrs/wk x 52/wks $11,856
   1-Rec Leader II $8.50/hr x 12 hrs x 52/wks $5,304
   2-Rec Leaders II $7.50/hr x 20 hrs/wk x 52/wks $15,600

$87,235
**Benefits**

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**Other Expenses**

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**Grand Total**

$132,148
FUNDING RECOMMENDATION: 2006 $316,045 (Debt Service)

PRIOR YEAR FUNDING: 2004

$3.885 Million  Section 108 Loan received by the City

2004 $118,115  Entitlement Funds used for Debt Service on Loan

2005 $310,252  Entitlement Funds used for Debt Service on Loan

PROGRAM PLAN:

Neighborhood Community Center (Heritage Center):

This program utilized $3.885 million in Section 108 loan funds to plan and construct a neighborhood community center. The center is located within Census Tract 41 where over 70 percent of the households earn less than 80 percent of the area median income and the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

It is anticipated after construction is complete, that the operations and maintenance of the center, up to the allowed expenditure, will be funded from annual entitlement allocations.

SPECIFIC PROGRAM OBJECTIVE:

Neighborhood Community Center:

The main objective of the neighborhood community center will be to provide an equal opportunity for all persons, including low-income youth, to become self-sufficient and productive members of the community. The neighborhood community center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

Major prerequisites of delinquent behavior include a lack of appropriate support, positive role modeling, parenting skills, recognition between logical and immediate consequences, social conscience, breakdown of traditional family values and, also, a lack of positive, alternative activities for youth that allow them the opportunities to choose between positive and negative actions. Many youth experiencing a small degree of these prerequisites manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.
Additionally, the neighborhood community center will provide a location to conduct activities for senior citizens. The center may also provide a location for programs such as health screening and a tutorial center, including a library and computers. It could function as a starting, ending, and gathering place for City sponsored walk/run or bike events.

SPECIFIC PROGRAM ACTION:

**Neighborhood Community Center**

After an extensive environmental clearance process, ground breaking for this project took place in March 2003. Construction was completed on the main building in fall 2005. Additional improvements to the grounds, including a tot lot and ball fields, are planned to be constructed by December 2006.

CDBG Entitlement funds will provide the annual debt service payment on the Section 108 loan.
VII.

Map of Projects
CITY OF PORTERVILLE
LOCATION OF CDBG PROJECTS
(ANNUAL ACTION PLAN)
2006 / 2007

CITY-WIDE PROGRAMS

- Business Assistance Program
- First Time Income Home Buyer Loan Program
- Home Buyer Education Program
- Owner Occupied Housing Rehabilitation Loan Program
- Public Utility Assistance Loan Program
- Site Specific CDBG/Section 108 Programs
Honorarble Pedro R. Martinez  
Mayor of Porterville  
PO Box 432  
Porterville, CA 93258

Dear Mayor Martinez:

Subject: City of Porterville  
Annual Community Assessment  
Program Year 2004 (July 1, 2004 to June 30, 2005)

The U.S Department of HUD has completed its annual review of the City of Porterville’s 2004 Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER documents the City’s performance in addressing the objectives and strategies identified in the 2000-2005 Consolidated Plan and Year 2004 CDBG Action Plan. The annual review of the CAPER fulfills a programmatic requirement to determine if the City has the continuing capacity to administer its HUD grants. The review also offers an opportunity to identify alternative strategies for addressing your priority community development needs.

We have determined that the City of Porterville has the continuing capacity to implement and administer its CDBG program. Porterville continues to make progress in addressing its priority goals and objectives as described in its FY 2000-2004 Consolidated Plan and FY 2004 Action Plan. All CDBG funded activities (100%) principally benefited low and moderate-income persons.

In FY 2004, Porterville received $851,000 in CDBG funds. This grant was augmented with $385,360 in program income and $3,992,450 unexpended from FY 2003 resulting in a total of $5,228,810 available for CDBG eligible activities. Porterville spent $2,811,965 on CDBG activities in 2004, leaving an unspent balance of $2,416,845 to be carried over into FY 2005. During the five year Consolidated Plan period, the City has generally used CDBG program funds in a timely manner, which has resulted in the prompt delivery of services to low-and-moderate income residents of the City.

The need to provide affordable housing for low and moderate-income families in Porterville remains a challenge. Prices continue to escalate faster than incomes. Rising property values make it more difficult to develop affordable housing for low and moderate-income households. Typically there isn’t enough public funding available to build significant numbers of new affordable units.

ATTACHMENT NO. 3
To meet this challenge, the City used CDBG, HOME, CalHome and Redevelopment funds in FY 2004 to operate the City’s First Time Low Income Homebuyer (FTHB) program. In addition, $8,721 in CDBG funds were used to provide a homebuyer education course that is required of all applicants of the FTHB program. Fifty-one households became homeowners in 2004 as a result of the City’s assistance. During the five-year period covered by the City’s Consolidated Plan, the First Time Low Income Homebuyer Program had a five-year goal of 45 households being assisted in purchasing their first home. During this period, 145 households were actually assisted.

The City used $5,339 in CDBG funds in FY 2004 to provide rehabilitation assistance to low and moderate-income homeowners. The five-year goal for the Owner Occupied Housing Rehabilitation Program was to assist 16 households, but in actuality 13 households were assisted. While the City has not met its expectations for housing rehabilitation, it has taken positive steps to remedy the situation by increasing its efforts to market the program, and by revising program guidelines to encourage smaller, more manageable rehabilitation projects. We would be happy to work with the City in redesigning its rehabilitation program to improve program effectiveness.

During FY 2004, the City completed the restoration of the historic St. James Hotel property. This mixed-use commercial and residential facility provides 14 units of affordable rental housing in the downtown area. A one million dollar State of California HOME grant was matched with $254,000 in local Redevelopment Rental Housing Assistance Program funds and HOME program income to renovate the property. Porterville’s 5-year rental housing goal of providing 27 newly constructed rental units was met through this project, coupled with the assistance provided by the Redevelopment Agency to the 78 unit Porterville Family Apartment complex on Date Avenue. The City has started working with a developer for a proposed 64-unit tax credit project to meet the needs of its low and moderate-income renters. This rental project will be located within the City’s Redevelopment Project Area.

The City used CDBG funds to operate the Business Assistance Program (BAP) in FY 2004. The BAP program helps businesses rehabilitate commercial properties, in order to promote business expansions or relocations and create job opportunities within the City of Porterville. The Business Assistance Program had a goal of assisting 3 businesses over the five year consolidated plan period; two businesses were assisted, Del Mesa Farms and ProDocumentSolutions, although Del Mesa Farms was assisted at two different times. These two businesses created more than 200 jobs, 170 of which were filled by low-income persons.

The Consolidated Plan contained a goal of improving sixteen blocks of low and moderate-income neighborhoods with new sidewalks, curbs, gutters, and landscaping. This goal was met with the completion of the two phases of the Roche Avenue Improvement Project. The Consolidated Plan was then amended to add the Murry Park Improvement Project and the first phase of that project, which included the complete reconstruction of the community swimming pool, was completed.
In addition, construction of the Section 108 funded Heritage Community Center has been completed. Development of the center had to overcome several obstacles. With the opening of the center, much needed services are now available to the City’s low and moderate-income residents. The City also expended $143,059 of its public service allocation for the continued operation of the Porterville Youth Center. This facility averaged 33 participants daily during FY 2004, of which 86% were very low or low income. This program has now moved to the Heritage Center.

The Department has been working with national public interest groups that represent grantees, and OMB to develop a new Performance Measurement framework for CPD’s formula programs. The intention is to try to better capture the significant national accomplishments of these outstanding programs. This effort should compliment locally focused performance measurement systems.

The City of Porterville has not yet developed a performance measurement system for its CDBG program activities beyond the current program and project reporting that is documented in the CAPER. City staff is in the process of gathering information and reviewing the components of a performance measurement system, and will be working on developing a structure to include in the FY 2006 Action Plan.

We look forward to continuing our partnership with the City of Porterville. If you have any questions, please do not hesitate to contact me, at (415) 489-6598, or your CPD Representative, Michael Dawe, at (415) 489-6580.

Sincerely yours,

Steven B. Sachs
Director, Community Planning and Development Division

cc:
John Longley
City Manager

Bradley Dunlap
Community Development Director
PUBLIC HEARING

TITLE: ISLAND ANNEXATION ROUND II – AN ANNEXATION PROGRAM CONSISTING OF NINETEEN ISLAND ANNEXATIONS AND ONE STANDARD ANNEXATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION

HISTORY: Over a period of several decades, the City of Porterville and Tulare County pursued development strategies that resulted in the creation of an unusual City boundary. Approximately fifty (50) separate areas of developed, unincorporated territory have been entirely or almost entirely surrounded by the incorporated city.

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3, which simplifies the island annexation process for projects less than 150 acres in size. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas that are "surrounded or substantially surrounded" by a City, LAFCO has interpreted this as any area which is 65 percent or more surrounded by a City boundary.

In 2005, the City of Porterville utilized these provisions to carry out a program of six annexation projects, consisting of twelve unincorporated islands (Round I). At this time, City Staff also identified a program of an additional five annexations, consisting of nineteen unincorporated islands with a total of 550 acres and an estimated population of 1,500 persons. Action on the second round of annexations was deferred, pending the identification of an appropriate funding source. In October 2005, a private developer agreed to fund the preparation of CEQA compliance documentation for the deferred projects, as well as the actual processing of one island annexation project (Annexation No. 469) and an adjacent project that does not meet the definition of an unincorporated island and was not included in the project of five (Annexation No. 470). Staff will continue to seek funding for the remaining four annexation projects (Annexations 465, 466, 467 and 468).

COMMENT: Round II of the Island Annexations consists of twenty separate areas, which have been organized into six proposed annexation projects located throughout the City of Porterville as follows:

[Signatures and notes]

Item No. 9
- Annexation #465 and Zone Change 14-2005: Four annexation areas located generally between Henderson Avenue and Pioneer Avenue, east and west of Main Street.

- Annexation #466 and Zone Change 15-2005: Six annexation areas located east of Plano Street, between Putnam Avenue and State Route 190.

- Annexation #467 and Zone Change 16-2005: Two annexation areas located south of Olive Avenue and west of State Route 65.

- Annexation #468 and Zone Change 17-2005: Four annexation areas generally located between Main Street and Newcomb Avenue, north of Mulberry Avenue.

- Annexation #469 and Zone Change 18-2005: Three annexation areas generally located south of Mulberry Avenue and east of Plano Street.

- Annexation #470 and Zone Change 19-2005: One annexation area located south of Mulberry Avenue, east and west of Leggett Street.

All of the projects, with the exception of Annexation No. 470 will individually comply with the standards of Government Code Section 56375.3 as described more fully in the attached Staff Report. Each annexation is accompanied by an associated Zone Change to Pre-Zone all of the affected parcels in conformance with the General Plan. Annexation No. 470 will be processed simultaneously, but under the standard provisions of state law.

Upon annexation, the City will immediately become responsible for police, fire, and road maintenance services throughout the affected territories. Municipal Planning and Building services will also be provided. No immediate land use changes are required; however, the proponent of Annexation No. 470 has indicated an interest in subdividing the property for residential development. If such subdivision were to occur, the estimated population of Annexation area 470 would be 1200 persons. Sewer, water and storm drainage services will be extended throughout the areas as development and redevelopment occurs. The cost of such services will be offset, in part by a minor increase in revenue and enhanced efficiency in service delivery. However, as seen with the first round of island annexations, there can be a fairly significant cost to the City. Portions of the existing property and sales taxes already collected in the area will be directed to the City.

ENVIRONMENTAL: The Environmental Coordinator on April 25, 2006, made a preliminary determination that although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR or Negative Declaration; 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. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. The San Joaquin Valley Air Pollution Control District was the only agency that has commented on the proposal. The comments and responses are included in the Staff Report as Attachment No. 4.

RECOMMENDATION: That the City Council:


2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCO for Annexations 469 and 470.

3. Approve the draft ordinance approving Zone Changes 18-2005 and 19-2005, waive further reading and order the ordinances to print.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING – STAFF REPORT

TITLE: ISLAND ANNEXATION ROUND II – AN ANNEXATION PROGRAM CONSISTING OF NINETEEN ISLAND ANNEXATIONS AND ONE STANDARD ANNEXATION

APPLICANT: City of Porterville
Bradley Dunlap, AICP
Community Development Director
291 North Main Street
Porterville, CA 93257

SPECIFIC REQUEST: The City proposes to carry out a program of annexations consisting of six separate annexation projects, five of which contain one or more unincorporated islands, and the sixth being adjacent to an unincorporated island. Each annexation is accompanied by an associated Zone Change to Pre-Zone all of the affected parcels in conformance with the General Plan. The existing and proposed zoning for each affected area are summarized in Attachment No. 1.

PROJECT LOCATION: The parcels included in the proposed annexation are located throughout the City of Porterville as follows:

- Annexation #465 and Zone Change 14-2005: Four annexation areas located generally between Henderson Avenue and Pioneer Avenue, east and west of Main Street. Area A affects approximately 104 acres and 173 parcels. Area B affects approximately 6.7 acres and one (1) parcel. Area C affects approximately 1.0 acres and two (2) parcels and Area D affects approximately 2.3 acres and three (3) parcels.

- Annexation #466 and Zone Change 15-2005: Six annexation areas located east of Plano Street, between Putnam Avenue and State Route 190. Area A affects approximately 50 acres and 36 parcels, Area B affects approximately 6.7 acres and four (4) parcels. Area C affects approximately 3.0 acres and eleven (11) parcels. Area D affects approximately 6.4 acres and 23 parcels. Area E affects approximately 38.4 acres and 10 parcels, and Area F affects approximately 21.3 acres and 14 parcels.

- Annexation #467 and Zone Change 16-2005: Two annexation areas located south of Olive Avenue and west of State Route 65. Area A affects approximately 21.6 acres and 66 parcels and Area B affects approximately 71.2 acres and 166 parcels.

- Annexation #468 and Zone Change 17-2005: Four annexation areas generally located between Main Street and Newcomb Avenue, north of Mulberry Avenue. Area A affects approximately 8.4 acres and six (6) parcels. Area B affects approximately 32.7 acres and 26 parcels. Area C affects approximately 10.0 acres and six (6) parcels and Area D affects approximately 32.8 acres and ten (10) parcels.
Annexation #469 and Zone Change 18-2005: Three annexation areas generally located south of Mulberry Avenue and east of Plano Street. Area A affects approximately 2.5 acres and six (6) parcels. Area B affects approximately 122 acres and 26 parcels and Area C affects approximately 8.8 acres and three (3) parcels.

Annexation #470 and Zone Change 19-2005: One annexation area located south of Mulberry Avenue, east and west of Leggett Street. Annexation No. 470 affects approximately 110 acres and nine (9) parcels.

HISTORY: Over a period of several decades, ending in 1972, Tulare County regularly approved subdivisions just outside the City boundary. Over that same period, the City of Porterville was also active in pursuing annexation and development. These concurrent activities split the local population growth between incorporated and unincorporated areas. To accommodate growth, especially after 1972, the City needed to "skip over" developed county subdivisions. This created approximately fifty unincorporated "island" areas that are completely or mostly surrounded by City limits. Most of these areas are developed and rely on City services. The services provided vary for each location, with water service being the most common. In addition to direct services, the City provides road maintenance for the major routes to and from each of the unincorporated islands and participates with Tulare County in mutual aid agreements for emergency services.

GENERAL PLAN LAND USE DESIGNATION AND PROPOSED ZONING:

Annexation #465 and Zone Change 14-2005: The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Public and Quasi-Public, and Industrial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), O-A (Open Area), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan.

Annexation #466 and Zone Change 15-2005: The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, and Industrial. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3 (Heavy Commercial - Design Review Overlay), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan.

Annexation #467 and Zone Change 16-2005: The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential and Heavy Commercial. The subject site will be pre-zoned to R-1 (One Family Residential) and C-3 (D) (Heavy Commercial-Design Review Overlay), in conformance with the General Plan.

Annexation #468 and Zone Change 17-2005: The Land Use Element of the General Plan designates Area A for Low Density Residential and will be pre-zoned to R-1 (One Family Residential), in conformance with the General Plan. Area B is designated with a mix of Public/Quasi-Public, Low and Medium Density Residential, and Heavy Commercial and will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3 (D) (Heavy Commercial-Design Review Overlay), and Open Area (O-A) in conformance with the General Plan. The Land Use Element of the General Plan designates Area C for Public/Quasi-Public and Low Density Residential and will be pre-zoned to R-1 (Single-Family Residential) and Open...
Area (O-A) in conformance with the General Plan. The fuel distribution business will become an existing, non-conforming use in the OA Zone. The Land Use Element of the General Plan designates Area D for Industrial, Heavy Commercial, and Low Density Residential and will be pre-zoned to M-1 (D) (Light Manufacturing – Design Review Overlay), C-3 (D) (Heavy Commercial-Design Review Overlay) and R-1 (One Family Residential), in conformance with the General Plan.

Annexation #469 and Zone Change 18-2005: The Land Use Element of the General Plan designates all of the subject site for Single Family Residential except for a parcel on the south side of Henderson Avenue, just east of the Foster Farms operation on Plano Street and Henderson Avenue. The subject site will be pre-zoned to R-1 (One Family Residential) and Open Area (O-A) in conformance with the General Plan.

Annexation #470 and Zone Change 19-2005: The Land Use Element of the General Plan designates the entire subject site for Single Family Residential. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

PROJECT DETAILS:

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3, which simplifies the island annexation process for projects affecting less than 150 acres. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas which are "surrounded or substantially surrounded" by a City, LAFCO has interpreted this as any area which is 65 percent or more surrounded by a City boundary. Each of the proposed annexations meets the requirements of State law and local policy to qualify for streamlined processing.

Existing and proposed zoning, and on-site and adjacent land uses for each of the project areas is shown in Attachment No. 1. Nearly all of the parcels proposed to be annexed are currently developed. However, in some cases, the proposed zoning will accommodate development to a higher density than that which is currently permitted, or which has already occurred. Such infill and redevelopment opportunities will occur in proposed annexations in several locations throughout the community. Annexation No. 470 is the least developed area, with the greatest potential for additional development. At maximum, Annexation No. 470 may accommodate as many as 330 new single family residences, assuming development at a density of three units per acre. If all of the parcels to be annexed were to develop to the full extent permitted by the proposed zoning, as many as five hundred additional infill dwelling units may be created. Such development would occur in accordance with the standards set by the City of Porterville General Plan.

Upon annexation, the City will immediately become responsible for police, fire, and road maintenance services throughout the affected territories. Municipal Planning and Building services will also be provided, though no immediate land use changes are required or expected. Sewer, water and storm drainage services will be extended throughout the areas as development
and redevelopment occurs. The cost of such services will be offset, in whole, or in part by increased revenue and enhanced efficiency in service delivery. Portions of the existing property and sales taxes already collected in the area will be directed to the City. In addition, the City’s “Utility User’s Tax” will apply to residents of the annexed territory.

SPHERE OF INFLUENCE: All twenty project sites are located within the Sphere of Influence.

PUBLIC PARTICIPATION:

As immediate annexation of the most populous islands is not proposed at this time, Staff has not conducted informational meetings outside of the context of typical public notice. Staff anticipates that such meetings will be conducted prior to the public hearings to consider approval of annexations 466 through 468.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. **No Project.** Denial of the Negative Declaration or proposed Zone Changes 18-2005 and 19-2005 and Annexation Numbers 469 and 470 would preclude the project sites from being incorporated into the City. The unincorporated islands would continue in existence.

2. **Amended Project.** The City Council has the option to approve some, all, or none of the proposed annexations. Furthermore, in some instances, the General Plan may permit an alternative pre-zoning designation.

3. **Approve the project.** Approval of the Negative Declaration and proposed zone changes and annexations would be consistent with the designation applicable to the site, bringing the site’s zoning into conformity with the General Plan. Approval of the annexations would allow the changes of zone to become effective upon consummation of the annexations.

ENVIRONMENTAL: The Environmental Coordinator on April 25, 2006, made a preliminary determination that although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. The San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal. The comments and responses are included as Attachment No. 4.
RECOMMENDATION: That the City Council:


2. Adopt the draft resolutions authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCO for Annexations 469 and 470.

3. Approve the draft ordinances approving Zone Changes 18-2005 and 19-2005, waive further reading and order the Ordinances to print.

ATTACHMENTS:

1. Project Detail Table - Zoning and Land Use
2. Individual Project Area Land Use Maps
3. Negative Declaration and Initial Study
4. CEQA Comment Letter
7. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary applications for Annexation 469.
8. Draft Ordinance approving Zone Change 19-2005
## Table A-1
### Individual Annexation Project Descriptions

<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>465</td>
<td>A</td>
<td>104 acres 173 parcels</td>
<td>Single Family Residences, Duplexes, Triples, Commercial/Agricultural Businesses, Scattered Vacant Lots, Railroad Tracks, Pioneer Ditch</td>
<td>R-1, R-2</td>
<td>R-1, R-2, M-1 (D), OA</td>
<td>Single Family Residences, Apartments, Commercial Businesses, Henderson Avenue, Vacant Lots, Main Street, Elementary School</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>6.7 acres 1 parcel</td>
<td>Single Family Residence, fallow land</td>
<td>AE-20</td>
<td>R-1</td>
<td>Agricultural Business, Single-Family Residences, fallow land, Main Street, Pioneer Avenue</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>1 acre 2 parcels</td>
<td>Orchard, fallow land</td>
<td>R-1</td>
<td>R-1</td>
<td>Single-Family Residences, orchards, fallow land</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>2.3 acres 3 parcels</td>
<td>Single Family Residences</td>
<td>R-1</td>
<td>R-1</td>
<td>Commercial Businesses, Single Family Residences</td>
</tr>
<tr>
<td>466</td>
<td>A</td>
<td>52 acres 48 parcels</td>
<td>Single Family Residences, Commercial and Industrial businesses, railroad tracks, Poplar Ditch, Tule River, scattered vacant lots</td>
<td>R-A, AE-20, C-2, F-1, M-1</td>
<td>R-1, R-2, M-1 (D)</td>
<td>Single Family Residences, Scattered Vacant Lots, Commercial Businesses</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3 acres 5 parcels</td>
<td>Single Family Residence, Agricultural Operation, vacant lots</td>
<td>R-A</td>
<td>R-2</td>
<td>Single Family Residences, golf course, Leggett Drive, Isham Street</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>7 acres 11 parcels</td>
<td>Single Family Residences, Rural Agricultural Uses</td>
<td>R-A</td>
<td>R-1</td>
<td>Single Family Residences, Poplar Drive (State Highway 225)</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>6.4 acres 23 parcels</td>
<td>Single Family Residences</td>
<td>R-A</td>
<td>R-1</td>
<td>Single Family Residences, Golf Course, Vacant Lot, Olive Avenue, Leggett Street, Isham Avenue</td>
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<tr>
<td></td>
<td>E</td>
<td>38.4 acres 10 parcels</td>
<td>Single Family Residences, Vacant Lots, Pioneer Ditch</td>
<td>R-A</td>
<td>R-1</td>
<td>Vacant Land, Horse Stables, Cemetery, Olive Avenue, Putnam Avenue</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>21.3 acres 14 parcels</td>
<td>Single Family Residences, Vacant Lots, Pioneer Ditch</td>
<td>R-A, A-1</td>
<td>R-1</td>
<td>Orchard, Single Family Residences, Granite Hills High School, Olive Avenue, Conner Street</td>
</tr>
<tr>
<td>467</td>
<td>A</td>
<td>21.6 acres 66 parcels</td>
<td>Restaurants, Single Family Residences</td>
<td>R-1, R-1, C-2</td>
<td>R-1, C-3 (D)</td>
<td>Single Family Residences, Commercial Businesses, Agricultural Trucking Operations, Vacant Field, Olive</td>
</tr>
</tbody>
</table>

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**Staff Report**  
Porterville Island Annexation and Pre-Zoning Round II

*Attachment A-1*
<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>49.6 acres</td>
<td>166 parcels</td>
<td>Commercial Uses, Single Family Residences, Apartments, Scattered Vacant Lots</td>
<td>R-1, C-2</td>
<td>C-3 (D) R-1</td>
<td>Single Family Residences, Commercial Businesses, Agricultural Businesses including Agricultural Trucking, Scattered Vacant Lots – some large, Main Street, Roby Street, Lucy St., Prospect St., Maston St., Cobb St., Slaughter Ave.</td>
</tr>
<tr>
<td>468</td>
<td>A</td>
<td>8.4 acres 6 parcels</td>
<td>Single Family Residences, Radio Station and Tower</td>
<td>R-1</td>
<td>R-1</td>
<td>Single Family Residences, a church, scattered Vacant Lots – including a 9.5 acre lot belonging to Tulare County used as a drainage pond, Newcomb Avenue, Castle Avenue</td>
</tr>
<tr>
<td>B</td>
<td>32.7 acres</td>
<td>26 parcels</td>
<td>Small Apartment Complexes and one larger one, Single Family Residences, Offices, Fallow Fields, a Church</td>
<td>R-1</td>
<td>R-1, R-2, C-3 (D), O-A</td>
<td>Single Family Residences, Vacant/Fallow Land, Agricultural Business Operation, State Highway 65, Pioneer Avenue, Cobb Street, Prospect Street, Grand Avenue</td>
</tr>
<tr>
<td>D</td>
<td>32.8 acres</td>
<td>10 parcels</td>
<td>Several Packing Operations, Mini-Storage, Single Family Residence, Restaurant, Fallow Land, Railroad Tracks</td>
<td>R-1, AE-20, C-3, M-1, M-2</td>
<td>M-1 (D), C-3, R-1</td>
<td>Several Packing Operations, Single Family Residences, Citrus Orchards, Railroad Tracks, State Highway 65, Main Street, North Grand Avenue, Reid Avenue, Vacant/Fallow Land</td>
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<tr>
<td>469</td>
<td>A</td>
<td>2.5 acres 4 parcels</td>
<td>Single Family Residences, Rural Residential</td>
<td>R-A-217, R-A, R-O, R-A-M</td>
<td>R-1</td>
<td>Single Family Residences, Vacant Land</td>
</tr>
<tr>
<td>Annexation Number</td>
<td>Area</td>
<td>Size/Parcels</td>
<td>Land Use</td>
<td>Current Zoning (County)</td>
<td>Proposed Zoning (City)</td>
<td>Adjacent Land Uses</td>
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<td>-----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>8.8 acres 3 parcels</td>
<td>Single Family Residences, Rural Residential</td>
<td>AE-20</td>
<td>R-1</td>
<td>Vacant/Fallow Land, Hillcrest Street</td>
</tr>
</tbody>
</table>

Zoning Classifications:

**Tulare County**
- A-1 Agriculture
- AE-20 Exclusive Agriculture - 20 Acre Minimum
- R-A-217 Rural Residential - 5 Acre Minimum
- R-1 Single Family Residential
- R-1-217 Single Family Residential - 5 Acre Minimum
- R-2 Two Family Residential
- R-3 Multiple Family Residential
- P-1 Automobile Parking
- C-1 Neighborhood Commercial
- C-1-SR Neighborhood Commercial - Site Plan Review
- C-2 General Commercial
- C-2-SC General Commercial - Scenic Corridor
- M-1 Light Manufacturing
- M-1-SC Light Manufacturing - Scenic Corridor
- M-2 Heavy Manufacturing
- M-2-SC Heavy Manufacturing - Scenic Corridor

**City of Porterville**
- R-1 One Family Residential
- R-2 Four Family Residential
- R-3 Multiple Family Residential
- C-1 (D) Neighborhood Commercial-Design Review Overlay
- C-2 (D) Central Commercial-Design Review Overlay
- C-3 (D) Heavy Commercial-Design Review Overlay
- M-1 (D) Light Manufacturing-Design Review Overlay
- OA Open Area

*Staff Report
Porterville Island Annexation and Pre-Zoning Round II*
EXISTING LAND USE MAP 466 D, E, F

Quad Knopf

Staff Report
Porterville Island Annexation and Pre-Zoning Round II

Attachment B-3
INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

CITY OF PORTERVILLE
ISLAND ANNEXATION AND
RE-ZONING ROUND II FOR
ANNEXATION NUMBERS 465 THROUGH 470

April 2006

Quad Knopf
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

for the

CITY OF PORTERVILLE
ISLAND ANNEXATION AND RE-ZONING ROUND II FOR ANNEXATION NUMBERS 465 THROUGH 470

April 2006

Lead Agency: City of Porterville
c/o Bradley Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257

Consultant: Quad Knopf
P.O. Box 3699
Visalia, CA 93277

Contact Person: Bradley D. Dunlap
Phone: (559) 782-7460
Fax: (559) 781-6437
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Notice of Intent to Adopt Negative Declaration

Lead Agency:

City of Porterville
(Agency Name)
291 N. Main Street
(Street Address)
Porterville, CA 93257
(City/State/Zip)

Bradley Dunlap, Community Development Dir.
(Contact)
(559) 782-7460
(Telephone)

Consulting Firm (if applicable):

Quad Knopf, Inc.
(Firm Name)
5110 W. Cypress Ave.
(Street Address)
Visalia, CA 93277
(City/State/Zip)

David Young, Environmental Planner
(Contact)
(559) 733-0440
(Telephone)

The City of Porterville is the lead agency on the project described below and intends to adopt a mitigated negative declaration. The project description, location and the potential environmental effects are contained in the attached initial study.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 20 days after receipt of this notice. The review period for the mitigated negative declaration will be from April 4, 2006 to April 24, 2006. Copies of the negative declaration can be reviewed at the City of Porterville, 291 North Main Street; the Porterville Library, 41 West Thurman Street; and the Tulare County Clerk’s Office, 221, S. Mooney Boulevard, Visalia.

Please send your response to Bradley Dunlap, Community Development Director, at the address shown above. Please provide the name for a contact person in your agency.

Project Title: Pre-Zoning and Annexation of Twelve Unincorporated “Islands” in Six Annexation Proposals.

Project Location: The project consists of twelve separate areas located throughout the City of Porterville, in Tulare County, California.

Project Description: The proposed project is the annexation of approximately 684 acres of developed land into the City of Porterville. The mitigated negative declaration will describe the environmental consequences of the annexation. A total of six separate annexations will be processed, affecting twelve (12) areas, each of which is an unincorporated county “island” completely or substantially surrounded by the City of Porterville. Each of the affected areas will be pre-zoned to conform to the Land Use Element of the City of Porterville’s General Plan.
CHAPTER ONE

PROJECT DESCRIPTION
CHAPTER ONE – PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared under the direction of the City of Porterville (City), the lead agency under the California Environmental Quality Act (CEQA), to analyze the potential effects of an annexation program known as City of Porterville Island Annexation and Re-Zoning Round II for Annexation Numbers 465 through 470, consisting of six individual projects affecting twenty separate areas with a combined area of 678± acres and 670 parcels. The City has determined that although the project could have a significant effect on the environment, all potentially significant effects: a) have been analyzed adequately in General Plan EIR (General Plan Amendment 1-89 EIR SCH #89081408 and General Plan Amendment 1-93 EIR SCH #92122056), and b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, a Mitigated Negative Declaration will be prepared. Any person may object to the determination to forego the preparation of an EIR or may respond to the findings contained in the Initial Study/Mitigated Negative Declaration. Further information relating to the proposed project is on file at Porterville City Hall. Any person wishing to examine or obtain a copy of any available information, or seeking information as to time and manner to so object or respond, may do so by inquiring at City Hall.

Location

The parcels included in the proposed annexation are located throughout the City of Porterville in Tulare County (Figure 1-1) as follows:

- Annexation #465: Four annexation areas located generally between Henderson Avenue and Pioneer Avenue, east and west of Main Street.

- Annexation #466: Six annexation areas located east of Plano Street, between Putnam Avenue and State Highway 190.

- Annexation #467: Two annexation areas located south of Olive Avenue and west of State Highway 65.

- Annexation #468: Four annexation areas generally located between Main Street and Newcomb Avenue, north of Mulberry Avenue.

- Annexation #469: Three annexation areas generally located south of Mulberry Avenue and east of Plano Street.

- Annexation #470: One annexation area located south of Mulberry Avenue, east and west of Legget Street.
Project Objectives

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3 which simplifies the island annexation process for projects affecting less than 150 acres. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas which are "surrounded or substantially surrounded" by a City; which the Tulare County LAFCO has interpreted as any area which is 65 percent or more surrounded by a City boundary.

The primary objective of the project is to achieve greater efficiency in the delivery of a wide variety of services through the annexation of several unincorporated islands throughout the City of Porterville. Efficiencies are expected to be derived from a variety of sources including: reduced confusion among the public and various service agencies regarding municipal service boundaries; more rational service delivery areas and reductions in overlapping service; more complete use of infrastructure designed to accommodate the fully developed portions of the urban area; and, uniform application of development, land use, and related statutes, regulations and policies. Through increases in efficiency and elimination of redundancies, the project is expected to reduce the overall cost of providing governmental services to the affected areas. However, by shifting responsibility for fire and police protection, road maintenance, etc., the direct costs to the City of Porterville are likely to increase. Furthermore, the City provides a higher degree of government service to its residents. Such service enhancements include higher patrol frequency, better street maintenance, faster response times, provision of municipal sewer, water and storm drainage, and parks and recreational programs. A number of funding sources have been identified to support the annexed islands as follows:

1. The County of Tulare Board of Supervisors is considering a tax sharing agreement to shift a portion of the existing property tax revenues from developed parcels from the County to the City of Porterville. The City will collect the entire local portion of sales tax revenues and the majority of the property tax generated through increased property assessments (within the limits set by Prop. 13) property and sales tax rates will not be affected by the proposed action.

2. The City of Porterville’s Utility Users Tax will apply to electric, gas, cable TV, phone and water system customers within the affected islands.

3. As property develops and new utility connections are made, sewer, water, storm drainage, parks, traffic and school impact fees will apply. Utility connection fees will also be collected as new customers connect to the services. However, annexation does not require connection to municipal utilities.

4. Several State and Federal funding programs are based, in whole or in part, on the population of a city. Gas taxes, vehicle license fees and Community Development Block Grant
(CDBG) awards will all be affected. In 1999, the U.S. Bureau of the Census estimated that every person counted in the 2000 census would generate an average of $1,000 per year in such programs.

Project Description

Table 1-1 summarizes the six proposed annexations. The projects will individually comply with the standards of Government Code Section 56375.3; that is, each one is substantially surrounded, is less than 150 acres in aggregate area, and is substantially developed or developing as follows:

Project No. 1 (Annexation #465) consists of four unincorporated islands: Area A consisting of 173 parcels; Area B consisting of one (1) parcel; Area C consisting of two (2) parcels; and Area D consisting of three (3) parcels. Area A is 100% surrounded, 104 acres in size, and is developed on the westerly side of the railroad with a mix of single family homes on the smaller lots, with agricultural operations on the larger lots, some with single family homes as well. On the easterly side of the tracks, there are some homes and vacant land. Area B is 100% surrounded, 6.7 acres in size, and is developed with a single family residence. Area C is 80% surrounded, one (1) acre in size, and each parcel is developed with a single family residence and planted in orange trees. Area D is 100% surrounded, 2.3 acres in size, and is 100% developed. The combined project area is 128 acres. The City Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Public and Quasi-Public, and Industrial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), O-A (Open Area), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan (Figures 1-2 and 1-3).

Project No. 2 (Annexation #466) consists of six unincorporated islands: Area A consisting of approximately 36 parcels, Area B consisting of four (4) parcels, Area C consisting of 11 parcels, Area D consisting of 23 parcels, Area E consisting of 10 parcels, and Area F consisting of 14 parcels. Area A is 80% surrounded, 50 acres in size, and is about 90% developed with commercial uses along Plano Road, a mix of single family residential and commercial along Date Avenue, and the remainder being developed with single family homes. Area B is 85% surrounded, 3 acres in size. It is developed with a single family residence on one lot, an ongoing agricultural trucking operation on the lot on Leggett Drive, with a vacant lot to the north on Isham Street. Area C is 98% surrounded, 3 acres in size and 100% developed with rural residential uses on mostly deep, narrow lots. Area D is 69% surrounded, 6.4 acres in size and 100% developed with single family residences. Area E is 80% surrounded, 38.4 acres in size and developed with rural residential uses. Area F is 80% surrounded, 21.3 acres in size and developed with rural residential uses. The combined project area is 128 acres. The City Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, and Industrial. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3 (D) (Heavy Commercial - Design Review Overlay), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan (Figures 1-4 through 1-7).
Project No. 3 (Annexation #467) consists of two unincorporated islands: Area A consisting of 66 parcels, and Area B consisting of 166 parcels. Area A is 79% surrounded, 21.6 acres in size and 100% developed with commercial uses on lots facing Olive Avenue, with single family residences on the rest. Area B is 88% surrounded, 49.6 acres in size and 100% developed with single family homes. The combined project area is 71.2 ± acres. The City Land Use Element of the General Plan designates portions of the subject site for Low Density Residential and Heavy Commercial. The subject site will be pre-zoned to R-1 (One Family Residential) and C-3 (D) (Heavy Commercial-Design Review Overlay), in conformance with the General Plan (Figures 1-8 and 1-9).

Project No. 4 (Annexation #468) consists of four unincorporated islands: Area A consists of six (6) parcels, Area B consists of 26 parcels, Area C consists of six (6) parcels and Area D consisting of ten (10) parcels. Area A is 100% surrounded, contains 8.4 acres and is 100% developed with single family homes, plus a radio station and broadcast antenna on a 3.2 area parcel. Area B is 100% surrounded (following completion of Annexation No. 455 which has been approved by LAFCO) and contains 32.7 acres. It is about 90% developed with rural residential uses, a church on Pioneer Avenue and State Highway 65, some smaller apartment complexes on the east side of Cobb Street, an office complex on Castle Avenue, and a few vacant lots, including the lot facing Prospect planned for public use. Area C is 100% surrounded, contains 10 acres and is developed with an active fuel distribution operation adjacent to State Highway 65, a large storm drainage pond, a vacant lot and three lots each containing a single family home. Area D is 90% surrounded, contains 32.8 acres, and is developed with packing plants, a tire shop, a restaurant/bar, a mini-storage facility and vacant land.

The City Land Use Element of the General Plan designates Area A for Low Density Residential and will be pre-zoned to R-1 (One Family Residential), in conformance with the General Plan. Area B is designated with a mix of Public/Quasi-Public, Low and Medium Density Residential, and Heavy Commercial and will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3(D) (Heavy Commercial-Design Review Overlay, and Open Area (O-A) in conformance with the General Plan. The Land Use Element of the General Plan designates Area C for Public/Quasi-Public and Low Density Residential and will be pre-zoned to R-1 (Single-Family Residential) and Open Area (O-A) in conformance with the General Plan. The fuel distribution business will become an existing, non-conforming use in the OA Zone. The Land Use Element of the General Plan designates Area D for Industrial, Heavy Commercial, and Low Density Residential and will be pre-zoned to M-1 (D) (Light Manufacturing - Design Review Overlay), C-3 (D) (Heavy Commercial-Design Review Overlay) and R-1 (One Family Residential), in conformance with the General Plan. (Figures 1-10 through 1-13).

Project No. 5 (Annexation #469) consists of three unincorporated islands: Area A consists of six parcels, Area B consists of 26 parcels, and Area C consists of three parcels. Area A is 100% surrounded, contains 2.5 acres, and is 100% developed with single family residences. Area B is 80% surrounded, contains 122 acres. There is considerable vacant land in Area B, however, the area is largely divided into rural residential parcels, and most are developed with at least a single family residence. Future development, however, topography and ownership patterns will likely limit the ultimate density of development. Area C is 100% surrounded, contains 8.8 acres, and
is 100% developed with single family residences. The combined project area is about 133 acres. The City Land Use Element of the General Plan designates the entire subject site for Single Family Residential except for a parcel on the south side of Henderson Avenue, just east of the Foster Farms operation on Plano Street and Henderson Avenue. The subject site will be pre-zoned to R-1 (One Family Residential) and Open Area (O-A) in conformance with the General Plan. With development/redevelopment of the proposed R-1 zoned properties, development of approximately 100 additional single family residences is anticipated. (Figures 1-14 and 1-15)

Project No. 6 (Annexation #470) consists of one unincorporated island containing nine parcels. Area A is currently about 60% surrounded, but will be about 80% surrounded with annexation of Project No. 5 above. This site contains 110 acres and is developed with only a few single family residences, and with agricultural crops on some of the parcels. The City Land Use Element of the General Plan designates the entire subject site for Single Family Residential. The subject site will be pre-zoned to R-1 (One Family Residential in conformance with the General Plan. With development of this site, about 330 new single family residences could be built. (Figures 1-16 and 1-17). The discussions of impacts and mitigations for this project includes the development of a Tentative Subdivision Map on all or a portion of this site, to a maximum density of approximately three units per acre, along with off site improvements necessary to serve that subdivision. Utilities would likely be extended west along Mulberry Avenue and/or Henderson Avenue, simultaneously with the installation of infrastructure and improvements for development of Annexation No. 470. Environmental impacts associated with the construction of such utilities or related infrastructure are included in this Mitigated Negative Declaration.
<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
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<tbody>
<tr>
<td></td>
<td>B</td>
<td>6.7 acres 1 parcel</td>
<td>Single Family Residence, fallow land.</td>
<td>AE-20</td>
<td>R-1</td>
<td>Agricultural Business, Single-Family Residences, fallow land, Main Street, Pioneer Avenue</td>
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<td></td>
<td>C</td>
<td>1 acre 2 parcels</td>
<td>Orchard, fallow land</td>
<td>R-1</td>
<td>R-1</td>
<td>Single-Family Residences, orchards, fallow land.</td>
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<tr>
<td></td>
<td>D</td>
<td>2.3 acres 3 parcels</td>
<td>Single Family Residences</td>
<td>R-1</td>
<td>R-1</td>
<td>Commercial Businesses, Single Family Residences</td>
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<tr>
<td>466</td>
<td>A</td>
<td>52 acres 48 parcels</td>
<td>Single Family Residences, Commercial and Industrial Businesses, Railroad Tracks, Poplar Ditch, Tule River, Scattered Vacant Lots.</td>
<td>R-A, AE-20, C-2, F-1, M-1</td>
<td>R-1, R-2, C-3 (D), M-1 (D)</td>
<td>Single Family Residences, Scattered Vacant Lots, Commercial Businesses,</td>
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<td>B</td>
<td>3 acres 5 parcels</td>
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<td>Single Family Residences, golf course, Leggett Drive, Isham Street.</td>
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<td>C</td>
<td>7 acres 11 parcels</td>
<td>Single Family Residences, Rural Agricultural Uses.</td>
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<td>Single Family Residences, Poplar Drive (State Highway 225)</td>
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<td>D</td>
<td>6.4 acres 23 parcels</td>
<td>Single Family Residences</td>
<td>R-A</td>
<td>R-1</td>
<td>Single Family Residences, Golf Course, Vacant Lot, Olive Avenue, Leggett Street, Isham Avenue</td>
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<td></td>
<td>E</td>
<td>38.4 acres 10 parcels</td>
<td>Single Family Residences, Vacant Lots, Pioneer Ditch</td>
<td>R-A</td>
<td>R-1</td>
<td>Vacant Land, Horse Stables, Cemetery, Olive Avenue, Putnam Avenue</td>
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<td>Annexation Number</td>
<td>Land Use</td>
<td>Size/Parcels</td>
<td>Adjacent Land Uses</td>
<td>Proposed Zoning (City)</td>
<td>Current Zoning (County)</td>
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<tr>
<td>467</td>
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<td>21.3 acres</td>
<td>Orchard, Single Family Residences, Granite Hills High School, Olive Avenue, Corner Street.</td>
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<td>R-1, C-1, C-2, C-3 (D)</td>
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<td>B</td>
<td>21.6 acres</td>
<td>Single Family Residences, Vacant Lots, Pioneer Ditch.</td>
<td>R-1</td>
<td>R-1, C-1, C-2, C-3 (D)</td>
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<td></td>
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<td>A</td>
<td>49.6 acres</td>
<td>Commercial Uses, Single Family Residences, Apartments, Scattered Vacant Lots.</td>
<td>C-3 (D)</td>
<td>R-1, C-2, C-3 (D)</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>A</td>
<td>8.4 acres</td>
<td>Single Family Residences, Radio Station and Tower.</td>
<td>R-1</td>
<td>R-1</td>
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<tr>
<td></td>
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<td>6 parcels</td>
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</tr>
<tr>
<td></td>
<td>B</td>
<td>32.7 acres</td>
<td>Single Family Residences, Radio Station and Tower.</td>
<td>R-1</td>
<td>R-1, R-2, C-1, C-3 (D)</td>
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<tr>
<td></td>
<td></td>
<td>26 parcels</td>
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<tr>
<td></td>
<td>C</td>
<td>10 acres</td>
<td>Single Family Residences, Agricultural Business, State Highway 65, Westfield.</td>
<td>10 acres</td>
<td>R-1, R-2, C-1, C-3 (D)</td>
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<td>6 parcels</td>
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<tr>
<td></td>
<td>D</td>
<td>32.8 acres</td>
<td>Several Packing Operations, Mini-Slough, Single Family Residences, Restaurant, Railroad Tracks.</td>
<td>32.8 acres</td>
<td>R-1, R-2, C-1, C-3 (D)</td>
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<td></td>
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Island Annexation and Re-Zoning Round II for Annexation Numbers 465 - 470
April 2006
1 - 8
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<th>Size/Parcels</th>
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<td>469</td>
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<td>R-A-217, R-A, R-O, R-A-M</td>
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<td>Single Family Residences, Vacant Land</td>
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**ZONING CLASSIFICATION**

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<tr>
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<td>R-1-217</td>
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<td>Automobile Parking</td>
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<td>Neighborhood Commercial – Site Plan Review</td>
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<td>General Commercial</td>
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<td>General Commercial – Scenic Corridor</td>
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<td>Light Manufacturing – Scenic Corridor</td>
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<td>Heavy Manufacturing</td>
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<td>R-1</td>
<td>One-Family Residential</td>
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<td>Four-Family Residential</td>
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<td>R-3</td>
<td>Multiple Family Residential</td>
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<td>C-1 (D)</td>
<td>Neighborhood Commercial-Design Review Overlay</td>
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<td>C-2 (D)</td>
<td>Central Commercial-Design Review Overlay</td>
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<td>C-3 (D)</td>
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ANNEXATION 467
PROPOSED ZONING

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ANNEXATION 468 (AREA D)  
PROPOSED ZONING
ANNEXATION 469
PROPOSED ZONING

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April 2006
CHAPTER TWO

ENVIRONMENTAL SETTING AND REGULATIONS
CHAPTER TWO - ENVIRONMENTAL SETTING AND REGULATIONS

Topography of the Region

The project site is located within southern Tulare County in the southern San Joaquin Valley, at the western base of the Sierra Nevada Mountains. The topography of this portion of Tulare County is typical of the Southern San Joaquin Valley. According to the U.S.G.S. Porterville Quadrangle, Mount Diablo Base and Meridian, the project site is relatively flat with an average elevation between 400 and 450 feet above sea level.

Land Use

The majority of the parcels in each annexation area are developed with rural density residential uses. These uses are generally associated with modest agricultural operations on larger lots, often with a single family home located on site. Conversely, some properties in the annexation sites are fully developed with industrial or commercial uses, including mini-storages, equipment yards and produce hauling businesses. The annexations also include single family residential uses, including small lot subdivisions developed while in County jurisdiction, plus several smaller apartment complexes. Several modest sized commercial and industrial businesses will be annexed as well, along with churches, storm drainage ponds, and scattered vacant lots. Some of the larger vacant properties to be zoned for single family residential uses will likely be developed as large scale subdivisions in the foreseeable future.

The subject sites are currently zoned to conform to the Tulare County General Plan, and virtually all of the land uses conform to their existing zoning. The proposed zoning for each parcel conforms to the City of Porterville General Plan. The proposed zoning is comparable to the existing zoning, although City zoning permits a minimum lot size of 6,000 square feet in several proposed residential areas which are currently restricted to a minimum lot size of 20 acres. A total of fifteen parcels within Annexations No. 465 (Area B), 468 (Area D), 469 (Areas B & C), and 470 (Area A) are within the County AE-20 (Exclusive Agriculture - 20 Acre Minimum) Zone. These parcels are proposed to be placed into the City R-1 Zone (Single Family Residential – 6,000 square foot minimum lot size). Some other properties are proposed to be changed from County R-1 to City R-2 (Three Family Residential – 6,000 square foot minimum lot size). In all, these proposed City zoned R-1 and R-2 properties could result in a net increase of about four hundred and ninety additional single family dwelling units. Seventeen parcels totaling about 35 acres are proposed to be zoned for City OA (Open Area), which are generally limited to public uses, such as parks, playgrounds, golf courses, museums, libraries, public buildings, etc. Two of these parcels are used for storm drainage ponds, and others are intended to be future drainage ponds or public parks.

Land Use and Zoning information for each annexation area has been summarized in Table 1-1.
Regulatory Setting

In compliance with the California Environmental Quality Act, appropriate environmental regulations will be met. The following list provides reference to some of these regulations.

California Environmental Quality Act Statutes and Guidelines – PRC, Division 13, Sections 21000-21177 and 14 CCR, Division 6, Chapter 3, Sections 15000 – 15387.

Air Quality: 17 CCR § 90700, San Joaquin Valley Air Pollution Control District regulations.

Cultural Resources: PRC § 21083.2, 14, CCR § 4852

Land Use, Noise, Aesthetics: City of Porterville General Plan and City of Porterville Zoning Ordinance.
CHAPTER THREE

ENVIRONMENTAL IMPACTS
CHAPTER THREE – ENVIRONMENTAL IMPACTS

ENVIRONMENTAL CHECKLIST

1. Project title:
   City of Porterville Island Annexation Project Round II, Annexation Numbers 465 through 470: Annexation and Re-zoning of Twenty Unincorporated “Islands” in Six Annexation proposals

2. Lead agency name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA 93257

3. Contact person and phone number:
   Bradley Dunlap, AICP, Community Development Director
   (559) 782-7460

4. Project location:
   The project is located throughout of the City of Porterville, in Tulare County, California.

5. Project sponsor’s name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA 93257

6. County General Plan designation:
   Various, including Low and Medium Density Residential, Agricultural, Commercial and Industrial Users.

   City of Porterville General Plan designation:
   Within the Urban Area Boundary and Urban Development Boundary:
   Various, including Low, Medium and High Density Residential, Commercial, Industrial and Public/Quasi-Public uses.

7. County Zoning:
   Various to conform to the “Porterville Area Community Plan” Element of the Tulare County General Plan

   Proposed City of Porterville Zoning
   Various to conform to the Land Use Element of the Porterville General Plan.
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Project No. 1 (Annexation #465) consists of four unincorporated islands: Area A consisting of 173 parcels; Area B consisting of one (1) parcel; Area C consisting of two (2) parcels; and Area D consisting of three (3) parcels. Area A is 100% surrounded, 104 acres in size, and is developed on the westerly side of the railroad with a mix of single family homes on the smaller lots, with agricultural operations on the larger lots, some with single family homes as well. On the easterly side of the tracks, there are some homes and vacant land. Area B is 100% surrounded, 6.7 acres in size and is developed with a single family residence. Area C is 80% surrounded, one (1) acre in size, and each parcel is developed with a single family residence and planted in orange trees. Area D is 100% surrounded and 2.3 acres in size and is 100% developed. The combined project area is 128 acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Public and Quasi-Public, and Industrial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), O-A (Open Area), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan (Figure 1-2).

Project No. 2 (Annexation #466) consists of six unincorporated islands: Area A consisting of approximately 36 parcels, Area B consisting of four (4) parcels, Area C consisting of 11 parcels, Area D consisting of 23 parcels, Area E consisting of 10 parcels, and Area F consisting of 14 parcels. Area A is 80% surrounded, 50 acres in size, and is about 90% developed with commercial uses along Plano Road, a mix of single family residential and commercial along Date Avenue, and the remainder being developed with single family homes. Area B is 85% surrounded, 3 acres in size. It is developed with a single family residence on one lot, an ongoing agricultural trucking operation on the lot on Leggett Drive, with a vacant lot to the north on Isham Street. Area C is 98% surrounded, 3 acres in size and 100% developed with rural residential uses on mostly deep, narrow lots. Area D is 69% surrounded, 6.4 acres in size and 100% developed with single family residences. Area E is 80% surrounded, 38.4 acres in size and developed with rural residential uses. Area F is 80% surrounded, 21.3 acres in size and developed with rural residential uses. The combined project area is 128 acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, and Industrial. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3 (Heavy

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Commercial - Design Review Overlay), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the General Plan (Figures 1-3 and 1-4).

Project No. 3 (Annexation #467) consists of two unincorporated islands: Area A consisting of 66 parcels, and Area B consisting 166 parcels. Area A is 79% surrounded, 21.6 acres in size and 100% developed with commercial uses on lots facing Olive Avenue with single family residences on the rest. Area B is 88% surrounded, 49.6 acres in size and 100% developed. The entirety of Area B is developed with single family homes. The combined project area is 71.2 ± acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential and Heavy Commercial. The subject site will be pre-zoned to R-1 (One Family Residential) and C-3 (D) (Heavy Commercial-Design Review Overlay), in conformance with the General Plan (Figure 1-5).

Project No. 4 (Annexation #468) consists of four unincorporated islands: Area A consists of six (6) parcels, Area B consists of 26 parcels, Area C consists of six (6) parcels and Area D consisting of ten (10) parcels. Area A is 100% surrounded, contains 8.4 acres and is 100% developed with single family homes, plus a radio station and broadcast antenna on a 3.2 acre parcel. Area B is 100% surrounded (following completion of Annexation No. 455 which has been approved by LAFCO) and contains 32.7 acres. It is about 90% developed with rural residential uses, a church on Pioneer Avenue and State Highway 65, some smaller apartment complexes on the east side of Cobb Street, an office complex on Castle Avenue, and a few vacant lots, including the lot facing Prospect planned for public use. Area C is 100% surrounded, contains 10 acres and is developed with an active fuel distribution operation adjacent to State Highway 65, a large storm drainage pond, a vacant lot and three lots each containing a single family home. Area D is 90% surrounded, contains 32.8 acres, and is developed with packing plants, a fire shop, a restaurant/bar, a mini-storage facility and vacant land.

The Land Use Element of the General Plan designates Area A for Low Density Residential and will be pre-zoned to R-1 (One Family Residential), in conformance with the General Plan. Area B is designated with a mix of Public/Quasi-Public, Low and Medium Density Residential, and Heavy Commercial and will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3(D) (Heavy Commercial-Design Review Overlay, and Open Area (O-A) in conformance with the General Plan. The Land Use Element of the General Plan designates Area C for Public/Quasi-Public and Low Density Residential and will be pre-zoned to R-1 (Single-Family Residential) and Open Area (O-A) in conformance with the General Plan. The fuel distribution business will become an existing, non-conforming use in the OA Zone. The Land Use Element of the General Plan
designates Area D for Industrial, Heavy Commercial, and Low Density Residential and will be pre-zoned to M-1 (D) (Light Manufacturing – Design Review Overlay), C-3 (D) (Heavy Commercial-Design Review Overlay) and R-1 (One Family Residential), in conformance with the General Plan (Figures 1-6 and 1-7).

Project No. 5 (Annexation #469) consists of three unincorporated islands: Area A consists of six parcels, Area B consists of 26 parcels, and Area C consists of three parcels. Area A is 100% surrounded, contains 2.5 acres, and is 100% developed with single family residences. Area B is 80% surrounded, contains 122 acres. There is considerable vacant land in Area B, however, the area is largely divided into rural residential parcels, and most are developed with at least a single family residence. Future development, however, topography and ownership patterns will likely limit the ultimate density of development. Area C is 100% surrounded, contains 8.8 acres, and is 100% developed with single family residences. The combined project area is about 133 acres. The Land Use Element of the General Plan designates the entire subject site for Single Family Residential, except for a parcel on the south side of Henderson Avenue, just east of the Foster Farms operation on Plano Street and Henderson Avenue. The subject site will be pre-zoned to R-1 (One Family Residential) and Open Area (O-A) in conformance with the General Plan. With development/redevelopment of the proposed R-1 zoned properties, development of approximately 150 additional single family residences is anticipated.

Project No. 6 (Annexation #470) consists of one unincorporated island containing nine parcels. Area A is currently about 60% surrounded, but will be about 80% surrounded with annexation of Project No. 5 above. This site contains 110 acres and is developed with only a few single family residences, and with agricultural crops on some of the parcels. The Land Use Element of the General Plan designates the entire subject site for Single Family Residential. The subject site will be pre-zoned to R-1 (One Family Residential in conformance with the General Plan. With development of this site, about 330 new single family residences could be built. The discussions of impacts and mitigations for this project includes the development of a Tentative Subdivision Map on all or a portion of this site, to a maximum density of approximately three units per acre, along with off site improvements necessary to serve that subdivision. Utilities would likely be extended west along Mulberry Avenue and/or Henderson Avenue, simultaneously with the installation of infrastructure and improvements for development of Annexation No. 470. Environmental impacts associated with the construction of such utilities or related infrastructure are included in this Mitigated Negative Declaration.
The six projects listed above will annex 658 total parcels totaling approximately 641 acres to the City of Porterville. The mitigated negative declaration will describe the environmental consequences of the annexation and potential development of the parcels. Each of the affected parcels will be pre-zoned to conform to the Land Use Element of the City of Porterville’s General Plan.

As no specific development has been proposed for any of the subject parcels, the environmental analysis assumes residential construction to typical densities for the proposed General Plan and Zoning classifications. The potential development of parcels proposed for classifications other than Low Density Residential is not expected to have any significant environmental impacts because these parcels are few in number, small in size, and most are already developed. This would also hold true for the many smaller parcels already developed with single family residences with small scale rural agricultural uses.

Rather, the larger vacant, or mostly vacant, parcels would be expected to develop first and have the most significant environmental impacts. The prime example for this situation would involve the parcels contained within the boundaries of Annexation 470. This project area contains a total of 110 acres in nine adjacent parcels with only a few scattered existing single family residences.

With single-family residential development consistent with City General Plan and Zoning criteria, perhaps as many as 490 homes could eventually be built in the combined area of all six annexation projects. With an estimated average household size of 3.2 people per house (City of Porterville 2003-2008, March 2004), the full development of this project could result in a population increase for the City of just approximately 1,600 persons.

9. Surrounding land uses and setting: (Briefly describe the project's surroundings):

Surrounding parcels are developed to the full range of urban land and rural uses, with single family residential predominating near the developed City, and agricultural uses and vacant land away from it.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Tulare County LAFCo
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "less than significant with Mitigation Incorporation" as indicated by the checklist on the following pages.

☐ Aesthetics    ☑ Agriculture Resources    ☑ Air Quality
☑ Biological Resources    ☑ Cultural Resources    ☐ Geology / Soils
☐ Hazards & Hazardous Materials    ☐ Hydrology / Water Quality    ☐ Land Use / Planning
☐ Mineral Resources    ☐ Noise    ☐ Population / Housing
☐ Public Services    ☐ Recreation    ☑ Transportation / Traffic
 ☐ Utilities / Service Systems    ☐ Mandatory Findings of Significance
**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature  

Date 3/30/06

_________________________  __________________________
Signature  Date
I. AESTHETICS – Would the project:

a) Have a substantial adverse effect on a scenic vista?
   - ☐ Potentially Significant Impact
   - ☐ Less Than Significant 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 with Mitigation Incorporation
   - ☐ Less Than Significant Impact
   - ☒ No Impact

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   - ☐ Potentially Significant Impact
   - ☐ Less Than Significant 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
   - ☐ Less Than Significant with Mitigation Incorporation
   - ☒ No Impact

Response a), b), c): There are no known aesthetic resources existing on any of the subject properties and none are within any State, City, or County identified scenic vistas or scenic highway corridors. Annexation project Nos. 465 through 469 will not directly change the existing land use of the subject sites. Annexation Project No. 470 will facilitate residential development of the subject site. No scenic vistas will be affected as a result of the project’s implementation. Annexation No. 470 is located on a hillside which may be viewed as scenic, though it has not been designated as such in the Porterville General Plan. The City of Porterville is currently drafting a Hillside Development Ordinance which will likely apply to development of Annexation No. 470 and which is expected to include design, grading and infrastructure standards which will enhance developments proposed on the steeper portions of the community. The proposed project may facilitate additional infill development; however, no such sites are located in designated scenic areas.

Response d): Annexation project Nos. 465 through 469 will not directly change the existing land use of the subject sites. All development will be required to comply with City of Porterville Zoning Ordinance regulations which prohibit the installation of lighting which creates glare on neighborhood properties. Annexation Project No. 470 will facilitate residential development of the subject site. Such development will include street lighting and outdoor residential lighting to typical urban standards. Such impacts will be less than significant due to the application of City of Porterville design standards and Section 2618(E) of the Zoning Ordinance which requires outdoor lighting to be directed away from adjacent properties and roadways.
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? □ □ ✔ □ □

Response a), b), c): None of the affected areas are currently in commercially viable agricultural production. With few exceptions, the approximately 658 affected parcels are developed with urban or rural residential land uses including residences, commercial and industrial businesses, schools, etc. There are no Williamson Act agricultural preserve contracts affected by the proposed projects. Annexation project Nos. 465 through 469 will not directly change the existing land use of the subject sites. Annexation Project No. 470 will facilitate residential development of the subject site. While the project is expected to facilitate continued infill development of under-utilized parcels, along with new development, development of the subject sites and conversion of the agricultural use was addressed in the Final EIR adopted with the General Plan (see SCH #8908140, and SCH #92122056).
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<tr>
<th>Issues</th>
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<tr>
<td>III. AIR QUALITY –</td>
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<td>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:</td>
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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
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<tr>
<td>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)?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

Response a), b), c), d), e): The project will not directly lead to additional new development within the subject sites or the creation of new air pollution emissions, odor producing uses, or sensitive receptors. As noted in the project description, the proposed pre-zoning may accommodate additional development of up to 490 dwelling units as provided by the City of Porterville General Plan. The potential cumulative impacts to air quality of such development were considered in the Final EIR adopted with the General Plan and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408 and SCH #92122056).

Infill development projects, such as those which may follow annexation of the subject site are highly sensitive to their specific lot configuration and surroundings. Consideration of any particular development scenario for Annexation Project Nos. 465 through 469 is overly speculative with this document. As discretionary review of proposals occur, air quality analyses will be carried out for each project as necessary. As Annexation Project No. 470 consists of larger, undeveloped lots, analysis of potential development for that project is less speculative. Therefore specific air quality impacts for that

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project alone have been prepared as follows.

The anticipated development of the Annexation No. 470 subject site was analyzed in accordance with the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). As noted, in the project description, the proposed pre-zoning of Annexation No. 470 may accommodate additional development of up to 330 dwelling units as provided by the City of Porterville General Plan.

The GAMAQI establishes a maximum of 152 single family residences to qualify for consideration at the Small Project Analysis Level (SPAL). Projects exceeding this limit are analyzed using the Cursory Analysis Level (CAL) which requires the following steps:

- Conduct URBEMIS model run.
- Screen project for CO impact.
- Perform screening analysis of potential toxics, hazardous materials, and odor impacts.
- If demolition or renovation of existing buildings is proposed, contact the District for asbestos requirements.
- Identify mitigation measures.

If the above process indicates that the project will have a potentially significant impact on air quality, a Full Analysis Level (FAL) Air Quality Study is performed.

The project was analyzed using URBEMIS, a modeling program developed by the California Air Resources Board for this purpose. Based on the expected development, the model yielded the following predictive results:

- ROG 10.87 tons/yr
- NOx 6.89 tons/yr
- CO 68.98 tons/yr
- SO₂ 0.09 tons/yr
- PM₁₀ 7.12 tons/yr

The thresholds of significance set by the SJVUAPCD for ROG and NOx are 10 tons/year for each constituent. Mitigation measures will be required in order to avoid a finding of a potentially significant effect. The default values used by the URBEMIS 2000 model assume that 100% of new homes will be equipped with fireplaces (hearth), split among wood stoves (67%), and natural gas fireplaces (33%). An option to assign a percentage to wood fireplaces is also provided, but is set to 0% in the default settings. Changes in the marketplace and evolving regulation of the SJVUAPCD have made wood stoves less common. The model was run a second time assuming that 100% of the 330 homes will be equipped with natural gas fireplaces and none would have wood stoves or wood burning fireplaces. The results were as follows:

- ROG 9.33 tons/yr
- NOx 6.65 tons/yr
- CO 56.65 tons/yr
- SO₂ 0.05 tons/yr
- PM₁₀ 5.11 tons/yr

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The GAMAQI suggests that a formal CO study is only necessary where an intersection in the project vicinity will be reduced to Level of Service E or F. The traffic analysis (See Section XI) for this project does not indicate that such a result is likely.

There is no adopted numerical threshold of significance for PM10. As the project does not violate the thresholds of significance for other, vehicle related emissions, the project may be determined to have a less than significant effect from operations. Construction related impacts to PM10 are controlled through the enforcement of SJVUAPCD Regulation VIII which establishes a number of mandatory construction practices. Compliance with Regulation VIII is sufficient to reduce the potential impact of development of the subject site to less than significant levels.

Mitigation Measures:

1. Discretionary approvals of development proposals within the subject area shall include conditions of approval prohibiting the installation of wood stoves and wood burning fireplaces. Upon review of future proposals, alternative mitigation measures may be designed and adopted, provided that such measures are adequate to reduce the total impact of development on the subject site to less than 10 tons per year of ROG and 10 tons per year of NOx.

2. All development on the subject site shall be conducted in compliance with the standard and optional sections of SJVUAPCD Regulation VIII with regard to the control of fugitive dust and PM10 generation.
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**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?

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Response a, b): The Project will not adversely affect any species listed as a candidate sensitive species, or special status species and will not modify the habitat of these species. The subject parcels are either developed or surrounded or encroached by urban development. Infill development projects and new development, such as those which may follow annexation of the subject sites are highly sensitive to their specific habitat values of involved property. Therefore, consideration of any particular development scenario is overly speculative with this document with regard to Annexation Nos. 465 through 469. However, as Annexation Project No. 470 consists of larger, undeveloped lots, analysis of potential development for that project is less speculative. The subject site is largely surrounded by urban development and has been alternately cultivated and disked for weed control. Such activity typically precludes the establishment of natural habitat or wildlife corridors. However, there is the potential for habitat to be established in the interim between annexation and development. Therefore specific biological mitigation measures for those projects have been prepared as follows.

**Mitigation Measures:**

1. Prior to development, a reconnaissance biological survey shall be conducted to determine the presence or absence of any species of concern. If any such species are identified, the developer/applicant shall secure appropriate permits to proceed from the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS) and other regulatory agencies as necessary, prior to any ground disturbing activity.

Response c): Portions of the Tule River are included in Annexation #466, which The City of Porterville Urban Area Boundary Biotic Survey has designated as Significant Natural Habitat. Policy No. 3.1 of the City’s Conservation Element indicates that the City shall protect the Tule River corridor within the Urban Area Boundary in order to protect significant biological resources (5-18). According to Goal 1.1 outlined the Conservation Element of the Porterville General Plan, water corridors and other areas of unique topography or environmental significance are resources to be conserved and preserved (5-1). As discretionary review of proposals occurs, biological analysis will be carried out for each project as necessary, in compliance with the California Environmental Quality Act, Section 404 of the federal Clean Water Act, Section 1601 of the California Fish and Game Code and other statutes and regulations that apply to various locations along the Tule River.

**Mitigation Measures:**

2. Prior to development, a reconnaissance biological survey shall be conducted to determine the presence or absence of any riparian habitat or other sensitive natural community identified in local plans, or by state and federal agencies, CDFG and USFWS. If any such species are identified, the developer/applicant shall secure appropriate permits to proceed from the CDFG, the USFWS and other regulatory agencies as necessary, prior to any ground disturbing activity.

3. Development activities within or adjacent to a riparian area will be required to obtain applicable permits from the U.S. Army Corps of Engineers (USACE) under provisions of the Clean Water Act.

Response d): Annexation Project areas are not identified in the Recovery Plan for Upland Species of the San Joaquin Valley, California (USFWS 1998), as an area of connectivity or linkage between metapopulations of San Joaquin kit fox. Furthermore, the proposed project site is not identified as an area

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of critical importance to the recovery of the San Joaquin kit fox in the Valley.

Response e) The City of Porterville does not have a policy regarding tree preservation.

Response f) The project will not conflict with provisions of Habitat Conservation Plans (HCP). There are no HCPs adopted in the City. Currently, the City is preparing a single-species HCP for the Valley elderberry longhorn beetle, with mitigation efforts focused on riparian areas along the Tule River. Future development will be consistent with HCP goals.
V. CULTURAL RESOURCES – Would the project:

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<tr>
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<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>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
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</table>

*Response a), b), c), d): No archeologically or historically sensitive sites are known to occur within the Project Area. The proposed annexations and pre-zoning will not directly lead to additional new development within the subject sites; however, as noted above, Annexation No. 470 is expected to develop with a maximum of 330 single family residences. Grading and construction may uncover previously unknown archeological or historical resources.*

Mitigation Measure #1

1. *As per the CEQA Guidelines, if, in the course of construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall then be contacted and advise the City of the site’s significance. If the findings are deemed significant by the City’s Environmental Review Officer, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.*
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**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 (2001), 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), iii), iv): The proposed project sites are located in a relatively seismically quiet area of California. No faults are known to exist within the project area. Any infill development, new development, or redevelopment will be required to comply with current construction codes. Thus, the project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, or seismic ground failure.

Response a)(ii): The topography of the project site(s) is relatively flat and not subject to landslides.

Response b): Municipal grading regulations and Federal NPDES requirements will apply to any infill development or redevelopment which may occur on the subject sites; such regulations are sufficient to reduce the risk of substantial erosion to less than significant levels.

Response c): Soil in the proposed project site is generally well drained and underlain with hardpan. Landslides, lateral spreading, subsidence, liquefaction, and expansion will not occur with this type of soil.

Response d): The Soil Survey of Tulare County completed by the U.S. Department of Agriculture shows that most soils in the project area are appropriate for the existing and proposed degree of development.

Response e): The Municipal Code requires new development within the City of Porterville to connect to the municipal sewer system.

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<tr>
<th>Issues</th>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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</table>
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): The proposed project will not involve use of hazardous materials.

Response e): None of the sites are located within the H (Horizontal) Zone of the Porterville Municipal Airport Master Plan.

Response f): The proposed project site is not in the vicinity of a private airstrip.

Response g): The proposed project will not, by itself, change the current land use of the site(s), and has no features that will interfere with emergency response plans. Infill development, new development and redevelopment will be required to comply with the standards of the Zoning Ordinance, Municipal Code and adopted plans and specifications which together provide adequate assurance of access for emergency vehicles.

Response h): The proposed project sites are surrounded by developed urban land uses, fallow land, or irrigated crops. Therefore, the project will not result in risk of loss, injury, or death involving wildland fires.
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<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
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<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>
<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>
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<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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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</td>
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<td>Issues</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
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<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>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
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</table>

Response a) b) c) d) e) f): The project will not directly lead to additional new development within the subject sites. As noted in the project description, the proposed pre-zoning may accommodate development of up to 490 additional dwelling units as designated by the City of Porterville General Plan. The sites are within the boundaries of the City of Porterville's Water Master Plan and Storm Drain Master Plan. Development of the site(s) to the full density designated by the General Plan was anticipated in the Master Plans, and such development would require new improvements. Water delivery and storm drain infrastructure system improvements necessary to accommodate such development have been identified and necessary capital improvement plans and funding mechanisms have been adopted.

Response g) h) i): Portions of Annexation Nos.466 (Areas A, D & E), are shown on the FEMA F.I.R.M. maps as being within Flood Zone A, the 100 year flood. The parcels of Annexation No. 446 (Area A) that are within Flood Zone A include and are adjacent to the Tule River. The floodway of the Tule River is protected from development by Municipal Ordinance and State Law. Any development on the affected parcels will be required to comply with the City of Porterville Flood Damage Prevention Ordinance, which requires that structures be elevated above the base flood or otherwise protected from potential flooding hazards. Portions of Annexation Nos.465 (Areas A & D), 466 (Area A) and 468 (Area C) are shown on the FEMA F.I.R.M. maps as being within Flood Zone B, the 500 year flood. No development restrictions are required in that zone.

Response j): The topography of the City of Porterville and the subject sites precludes such occurrences.
### IX. LAND USE AND PLANNING – Would the project:

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<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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**Response a):** The project sites are completely, or substantially developed, or in rural residential uses, or are vacant fallow land. They are, or soon will be, fully integrated into their surrounding urban neighborhoods.

**Response b):** All proposed pre-zoning is in conformance with the adopted City of Porterville General Plan.

**Response c):** No habitat conservation plan or natural community conservation plan has been adopted for the subject site.
X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? □ □ □ □

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? □ □ □ □

Response a), b): There are no known mineral resources or mineral resource recovery sites in the project areas.
XI. NOISE – Would the project result in:

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**Response a), b), c), d):** Many of the subject sites are generally developed, and are, or will soon be, integrated into their urbanized neighborhoods. One potential noise source affects some of the parcels to be annexed. State Hwy. 65 runs along the westerly boundaries of Annexation 468 (Area D) on both sides of N. Grand Avenue, and Annexation 468 (Area C) along West Henderson Avenue between Westfield Avenue and West Gerry Lane. In addition, Annexation 468 (Area B) borders on the west side of Highway 65 between West Castle Avenue and Pioneer Avenue. None of these sites should be impacted by noise for the following reasons: (1) The first site is proposed for City industrial zoning on the north side of West Grand Avenue and existing packing plants are on the south side; (2) The second site is already developed except for one residential lot; and (3) The third site is most likely to be developed or redeveloped in the future. On either side of Cobb Street there are existing small

City of Porterville

Initial Study and Mitigated Negative Declaration

Island Annexation and Re-Zoning Round II for Annexation Numbers 465 - 470
apartment complexes, a church, and single family homes on lots ranging in size from less than one acre to two acres each. The project lots facing Prospect Avenue contain one apartment complex, a few vacant lots, and several lots containing single family residences up to three acres in size. The highway is elevated through this area which offers a modest reduction in anticipated noise impact. However, a noise study should be performed and site specific mitigation measures identified for any proposed discretionary development along the west side of Highway 65 as required by the Noise Element of the General Plan.

Annexation Nos. 469 and 470 contemplate more substantial residential development. In each case, the vacant land which may be developed is located along adopted collector and/or arterial streets. Noise impacts from these streets have been addressed in the Noise Element of the General Plan and appropriate standards for sound walls along all arterial streets and most collector streets have been adopted by the City and will apply to proposed development. Furthermore, construction of the residences and related site improvements will require the operation of construction equipment which may temporarily exceed the maximum permitted noise generation at nearby residences. The City of Porterville has adopted standards which limit the hours of construction to avoid night time impacts, which significantly reduces the experiences sound (Ldn) affecting neighboring properties. This, along with the temporary and intermittent nature of the anticipated construction reduce the potential impact to less than significant.

Response e): None of the Project Sites are within the protection zones of the Porterville Municipal Airport. Since such areas are not noise impacted, no noise related development restrictions for any use would apply.

Response f): The proposed project site is not in the vicinity of a 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): The project may lead to additional new development within the subject sites which could encourage population growth in the range of 1,200 persons. As noted in the project description, the proposed pre-zoning may accommodate additional development and redevelopment to the densities designated by the City of Porterville General Plan. The potential cumulative impact to population was considered in the Final EIR adopted with the General Plan; and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408).

Response b), c): No substantial displacement of existing housing or people, which would necessitate the construction of replacement housing, will occur.
### XIII. PUBLIC SERVICES –
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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*Response a): Annexation of the subject sites will transfer responsibility for providing basic governmental services from the County of Tulare to the City of Porterville. The City already provides many services, either indirectly or as part of their reciprocal aid agreements with the County. The demand for services will change slowly, as the affected areas develop or redevelop. The County of Tulare Board of Supervisors is considering a tax sharing agreement to shift a portion of the existing property tax revenues from developed parcels from the County to the City of Porterville. In addition, the City of Porterville imposes a Utility Users Tax to fund basic City services. That fee will apply to affected properties upon the effective date of the annexation. All Utility Master Plans for the City of Porterville include the areas proposed for annexation and assume eventual buildout as described in the General Plan. Adequate infrastructure to provide sewer, water, storm drainage, and streets services to the subject sites have been accounted for in the Master Plans and funding mechanisms have been implemented.*
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XIV. RECREATION – Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  

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b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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Response a): Many of the areas proposed for annexation are completely or substantially developed. Residents of these project areas make use of existing municipal recreational and parks facilities. The Parks and Recreation Element of the General Plan includes parks facilities sufficient to account for new development in the City to full anticipated population throughout the planning period. As development occurs, funding mechanisms have been identified to allow recreational programming to keep pace with population growth.

Response b): No existing recreational facilities are proposed to be annexed.
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**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 result 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) c) d) e) f) g): The project will not directly lead to additional new development within the subject sites which could impact the existing street system; however, as noted above, Annexation No. 470 is expected to develop with a maximum of 330 single family residences. As noted in the project description, the proposed pre-zoning may accommodate development of up to 490 additional dwelling units as designated by the City of Porterville General Plan. The Circulation Element of the General Plan is designed to accommodate full development of the affected parcels to the densities described in the General Plan, and funding mechanisms have been implemented to ensure that street construction and widening can occur as development places additional traffic onto the street network. The parcels included in Annexation Nos. 465 through 469 are scattered throughout the community and will not directly impact specific street segments and intersections. The potential cumulative impact to traffic and transportation was considered in the Final EIR adopted with the General Plan and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408 and SCH #92122056). The impacts of development of approximately 330 single family residences in the area affected by Annexation No. 470 is less speculative and may be analyzed as follows:

Eventual development of the site with single family residential uses is anticipated to result in additional daily trips. Based on the Circulation Element of the City of Porterville General Plan, single family residential uses are assumed to generate 9.55 daily trips per unit. Based on the permitted residential densities and typical development patterns within the City of Porterville, it is anticipated that the annexation will accommodate approximately 330 single family residences. This development will generate approximately 3,152 daily trips. The subject parcels will have primary access from Mulberry Avenue and Henderson Avenue. Mulberry Avenue is a Local Street along the frontage of Annexation No. 470. Henderson Avenue is designated as an Arterial Street throughout the most of the community, however, it is designated as a Collector Street between Plano Street and the subject site, and is not shown as crossing the subject site. The Circulation Element of the General Plan shows Westfield Avenue, north of the subject site, as an Arterial Street providing a major connection between the city center and easterly development. City Staff has indicated that the plan to rely on Westfield Avenue for this purpose may be flawed. A comprehensive review of the General Plan is underway which is likely to change the designation of Henderson Avenue to an Arterial Street from Plano Street east to and across the subject site.

Neither Henderson Avenue, nor Mulberry Avenue are developed to full city standards for Collector or Local streets between Plano Street and the subject site. Mitigation measures, including off-site development will be necessary in order to accommodate traffic anticipated to be generated by development on the Annexation No. 470 Subject Site.

Mitigation Measures:

1) The design of development occurring on Annexation No. 470 shall include connection to the existing street system at Mulberry Avenue and Henderson Avenue. Upon development, of any phase adjacent to Mulberry Avenue, or for which access to Mulberry Avenue is necessary or desirable, Mulberry Avenue shall be constructed to a minimum three-quarter street standard (parking lane and two travel lanes) from Plano Avenue and across the entire frontage of the subject site. Upon development of any phase along, Plano Street, or for which access to Plano Street is necessary or desirable, Plano Street shall be developed to a minimum three-quarter street standard from Plano Street to the subject site. Such improvements may be subject to reimbursement agreements or payback agreements per adopted City policies.

City of Porterville

Initial Study and Mitigated Negative Declaration

Island Annexation and Re-Zoning Round II for Annexation Numbers 465 - 470

April 2006

3 - 31
2) The design of development occurring on Annexation No. 470 shall provide for the connection of Henderson Avenue across the full width of the subject site. Upon development of any phase along or including the extension of Henderson Avenue, or for which access to Henderson Avenue is necessary or desirable, Henderson Avenue shall be constructed to full Collector Street standards. The design of lots along the Henderson Avenue extension shall be sized, and situated, and appropriate setbacks shall be maintained for all development to ensure that Henderson Avenue may be re-designation and widened to a standard Arterial Street across the subject site. Improvements to Henderson Avenue may be subject to reimbursement agreements or payback agreements per adopted City policies.
April 24, 2006

City of Porterville
Attn: Bradley Dunlap
Community Development Director
291 N. Main Street
Porterville, CA 93257

Subject: Initial Study and Mitigated Negative Declaration for City of Porterville:
Island Annexation and Re-Zoning Round II for Annexation No. 465 through 470
Twenty Unincorporated “Islands” in Six Annexation Proposals (Project)

Dear Mr. Dunlap:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments.

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project would contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. This project, as a whole, may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. Preliminary analysis of Annexation No. 470, potentially 330 dwelling units, indicates that this project alone would not generate significant air emissions. We agree with the statement in the Air Quality section, page 3-10, that states: “as discretionary review of proposals occur, air quality analyses will be carried out for each project as necessary.”

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. The following are Rule 9510 applicability thresholds that may apply to this project: 50 residential units (Section 2.1.1); 2,000 square feet of commercial/retail space (Section 2.1.2); and 25,000 square feet of light industrial space (Section 2.1.3). Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District’s ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

It was noted in our review of the URBEMIS analysis of Annexation No. 470 that URBEMIS 2000 was used while the District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from www.urbemis.com or the South Coast Air Quality Management District’s website at http://www.agmd.gov/ceqa/urbemis.html. If the preliminary analysis indicates that the project exceeds the District’s Thresholds of Significance for ozone precursors (10 tons/year of either Reactive Organic Gases
or Oxides of Nitrogen), then the District recommends the preparation of a full Air Quality Impact Assessment (AQIA) that describes the air quality setting and identifies measures that reduce air quality impacts. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

The District commends the City of Porterville for the Mitigation Measure that states: "Discretionary approvals of development proposals within the subject area shall include conditions of approval prohibiting the installation of wood stoves and wood burning fireplaces."

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

Georgia A Stewart
Air Quality Specialist
Central Region

c file
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 A PROGRAM OF SIX
ANNEXATIONS AND ASSOCIATED PRE-ZONING AFFECTING 660 ± ACRES AND 601
PARCELS LOCATED THROUGHOUT THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of May 2, 2006, conducted a public hearing to consider a program of six annexation
projects affecting twenty separate areas.

WHEREAS: Annexation #465 and Zone Change 14-2005 consists of four unincorporated
islands located generally between Henderson Avenue and Pioneer Avenue, east and west of
Main Street, including 104± acres and 173 parcels, 6.7± acres and one (1) parcel, 1.0± acres and
two (2) parcels, and 2.3± acres and three (3) parcels, respectively. The Land Use Element of the
General Plan designates portions of the subject site for Low Density Residential, Medium
Density Residential, Public and Quasi-Public, and Industrial Land Uses. The subject site will be
pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), O-A (Open Area),
and M-1 (D) (Light Manufacturing - Design Review Overlay), all in conformance with the
General Plan.

WHEREAS: Annexation #466 and Zone Change 15-2005 consists of six annexation
areas located east of Plano Street, between Putnam Avenue and State Route 190. Area A affects
approximately 50 acres and 36 parcels, Area B affects approximately 6.7 acres and four (4)
parcels. Area C affects approximately 3.0 acres and eleven (11) parcels. Area D affects
approximately 6.4 acres and 23 parcels. Area E affects approximately 38.4 acres and 10 parcels,
and Area F affects approximately 21.3 acres and 14 parcels. The Land Use Element of the
General Plan designates portions of the subject site for Low Density Residential, Medium
Density Residential, Heavy Commercial, and Industrial. The subject site will be pre-zoned to R-
1 (One Family Residential), R-2 (Three Family Residential), C-3 (Heavy Commercial - Design
Review Overlay), and M-1 (D) (Light Manufacturing - Design Review Overlay), all in
conformance with the General Plan.

WHEREAS: Annexation #467 and Zone Change 16-2005 consists of two annexation
areas located south of Olive Avenue and west of State Route 65. Area A affects approximately
21.6 acres and 66 parcels and Area B affects approximately 71.2 acres and 166 parcels. The
Land Use Element of the General Plan designates portions of the subject site for Low Density
Residential and Heavy Commercial. The subject site will be pre-zoned to R-1 (One Family
Residential) and C-3 (D) (Heavy Commercial-Design Review Overlay), in conformance with the
General Plan.

WHEREAS: Annexation #468 and Zone Change 17-2005 consists of four annexation
areas generally located between Main Street and Newcomb Avenue, north of Mulberry Avenue.
Area A affects approximately 8.4 acres and six (6) parcels. Area B affects approximately 32.7
acres and 26 parcels. Area C affects approximately 10.0 acres and six (6) parcels and Area D

ATTACHMENT
ITEM NO. 5
affects approximately 32.8 acres and ten (10) parcels. The Land Use Element of the General Plan designates Area A for Low Density Residential and will be pre-zoned to R-1 (One Family Residential), in conformance with the General Plan. Area B is designated with a mix of Public/Quasi-Public, Low and Medium Density Residential, and Heavy Commercial and will be pre-zoned to R-1 (One Family Residential), R-2 (Three Family Residential), C-3(D) (Heavy Commercial-Design Review Overlay, and Open Area (O-A) in conformance with the General Plan. The Land Use Element of the General Plan designates Area C for Public/Quasi-Public and Low Density Residential and will be pre-zoned to R-1 (Single-Family Residential) and Open Area (O-A) in conformance with the General Plan. The fuel distribution business will become an existing, non-conforming use in the OA Zone. The Land Use Element of the General Plan designates Area D for Industrial, Heavy Commercial, and Low Density Residential and will be pre-zoned to M-1 (D) (Light Manufacturing – Design Review Overlay), C-3 (D) (Heavy Commercial-Design Review Overlay) and R-1 (One Family Residential), in conformance with the General Plan.

WHEREAS: Annexation #469 and Zone Change 18-2005 consists of three annexation areas generally located south of Mulberry Avenue and east of Plano Street. Area A affects approximately 2.5 acres and six (6) parcels. Area B affects approximately 122 acres and 26 parcels and Area C affects approximately 8.8 acres and three (3) parcels. The Land Use Element of the General Plan designates the entire subject site for Single Family Residential except for a parcel on the south side of Henderson Avenue, just east of the Foster Farms operation on Plano Street and Henderson Avenue. The subject site will be pre-zoned to R-1 (One Family Residential) and Open Area (O-A) in conformance with the General Plan.

WHEREAS: Annexation #470 and Zone Change 19-2005 consists of one annexation area located south of Mulberry Avenue, east and west of Leggett Street. Annexation No. 470 affects approximately 110 acres and nine (9) parcels. The Land Use Element of the General Plan designates the entire subject site for Single Family Residential. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

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

2. That although the project could have a significant effect on the environment, all potentially significant effects have been analyzed adequately in an earlier EIR or Negative Declaration and 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.

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. The San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.
5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

6. 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.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for a program of six annexations and associated pre-zonings located throughout the City of Porterville.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Deputy
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 18-2005 (PRE-ZONING) THREE UNINCORPORATED ISLANDS CONSISTING OF 133.3± ACRES AND APPROXIMATELY 35 PARCELS LOCATED SOUTH OF MULBERRY AVENUE AND EAST OF PLANO STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 2, 2006, conducted a public hearing to consider Zone Change 18-2005 (Pre-Zoning), to change the existing zoning from County R-A, R-A-217, R-M, R-O, R-1, PD-M-1, and AE-20 Zone to City R-1 and O-A for the area located south of Mulberry Avenue and east of Plano Street; and

WHEREAS: In conjunction with Zone Change 18-2005, Annexation 469 proposes to annex three annexation areas generally located south of Mulberry Avenue and east of Plano Street.

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 R-A, R-A-217, R-M, R-O, R-1, PD-M-1, and AE-20 Zone to City R-1 and O-A for the area located south of Mulberry Avenue and east of Plano Street; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 18-2005.

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

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the Project will not have a negative impact on the environment; and

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

4. That this zoning designation will allow for the logical establishment for future Low Density Residential and Open Area uses as supported by the City of Porterville General Plan Land Use Element for the 2.5±, 122±, and 8.8± acre areas; and

5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 18-2005, is hereby prezoned from County R-A, R-A-217, R-M, R-O, R-1, PD-M-1, and AE-20 Zone to City R-1 and O-A for the area located south of Mulberry Avenue and east of Plano Street more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”, Exhibit “B”, and Exhibit “C”.

Section 2: It is further ordained that upon consummation of Annexation No. 469, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-A, R-A-217, R-M, R-O, R-1, PD-M-1, and AE-20 Zone to City R-1 and O-A for the area located south of Mulberry Avenue and east of Plano Street.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 469.

___________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By__________________________________________
Georgia Hawley, Deputy
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF
TERRITORY KNOWN AS ANNEXATION NO. 469

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:
To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCO Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on March 30, 2006, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 469 and Zone Change No. 18-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

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

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject sites consist of 2.5±, 122±, and 8.8± acre areas.

M. The subject site is not being utilized for agricultural purposes.
N. The subject site is located within Porterville’s Urban Development Boundary and LAFCO Sphere of Influence Boundary.

O. Porterville’s General Plan designates the site for Low Density Residential and Open Area uses.

P. In conjunction with the proposed annexation, Zone Change No. 18-2005 (pre-zoning) proposes to change the existing zoning from County R-A, R-A-217, R-M, R-O, R-1, PD-M-1, and AE-20 Zone to City R-1 and O-A for the area located south of Mulberry Avenue and east of Plano Street.

Q. 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.

R. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Deputy
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 19-2005 (PRE-ZONING) CONSISTING OF ONE
UNINCORPORATED AREA CONSISTING OF 110± ACRES AND
APPROXIMATELY NINE (9) PARCELS GENERALLY LOCATED SOUTH OF
MULBERRY AVENUE AND EAST AND WEST OF LEGGETT STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of May 2, 2006, conducted a public hearing to consider Zone Change 19-2005
(Pre-Zoning), to change the existing zoning from County R-A, R-O, R-A-M, R-1-217, and AE-
20 to City R-1 for the areas generally located south of Mulberry Avenue, east and west of
Leggett Street; and

WHEREAS: In conjunction with Zone Change 19-2005, Annexation 470 proposes to
annex one annexation area generally located south of Mulberry Avenue, east and west of Leggett
Street.

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 R-A, R-O, R-A-M, R-
1-217, and AE-20 to City R-1 for the areas generally located south of Mulberry Avenue, east and
west of Leggett Street; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 19-2005.

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

2. That a Negative Declaration was approved for this project in accordance with the
   California Environmental Quality Act based on findings of the environmental
   studies indicating that the Project will not have a negative impact on the
   environment; and

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

4. That this zoning designation will allow for the logical establishment for future
   Low Density Residential uses as supported by the City of Porterville General Plan
   Land Use Element for the 110± acre area; and

5. That this zoning designation will ensure that any future development of the
   subject site will be in conformance with existing plans and policies and will not
   adversely impact the surrounding area.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 19-2005, is hereby pre-zoned from County R-A, R-O, R-A-M, R-1-217, and AE-20 to City R-1 for the areas generally located south of Mulberry Avenue, east and west of Leggett Street more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 2: It is further ordained that upon consummation of Annexation No. 470, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-A, R-O, R-A-M, R-1-217, and AE-20 to City R-1 for the areas generally located south of Mulberry Avenue, east and west of Leggett Street.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 470.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By______________________________
Georgia Hawley, Deputy
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 470

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:
To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCO Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on March 30, 2006, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 470 and Zone Change No. 19-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

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

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject sites consist of a 110± acre area.
M. The subject site is located within Porterville’s Urban Development Boundary and LAFCO Sphere of Influence Boundary.

N. Porterville’s General Plan designates the site for Low Density Residential uses.

O. In conjunction with the proposed annexation, Zone Change No. 19-2005 (pre-zoning) proposes to change the existing zoning from County R-A, R-O, R-A-M, R-1-217, and AE-20 to City R-1 for the areas generally located south of Mulberry Avenue, east and west of Leggett Street.

P. 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.

Q. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By_____________________________________
Georgia Hawley, Deputy
SUBJECT: APPEAL OF ZONING ADMINISTRATOR DECISION REGARDING LOT COVERAGE FOR THE CLAREMONT TERRACE SUBDIVISION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On April 4, 2006, a representative of the builder for the Claremont Terrace subdivision submitted a request for administrative adjustment of lot coverage. At this time, the builder is initiating the sale of homes within the first phase of the subdivision, and noted that certain available house models, if placed on some of the available lots, would exceed the City’s acceptable lot coverage ratio of 40%. Pursuant to Section 3001 B(3) of Appendix A of the Porterville Municipal Code, the Zoning Administrator may grant adjustments of building site coverage requirements, not exceeding five percent (5%). This adjustment has been granted over the past six (6) years when circumstances warranted approval, such as in the case of smaller than standard property size in a Planned Development. Staff evaluated two other local agency standards, Tulare and Visalia, and found that Porterville’s standard allows the smallest percentage of lot coverage among the three cities. The City of Tulare has a maximum lot coverage of 50%, while the City of Visalia, in standard subdivisions, has no maximum lot coverage, so long as setback requirements are maintained.

On April 19, 2006, the Zoning Administrator denied the request to approve an administrative adjustment on lot coverage, citing the lack of special circumstances with lot sizes meeting or exceeding the minimum standards. In response, the builder appealed the denial with a request to modify the City Code, thereby in this instance and future instances increasing the maximum permissible lot coverage to 45%. The appellant is requesting to maintain the provision for the Zoning Administrator to approve an additional 5% as is currently permitted.

OPTIONS:

1) Deny the appellant’s request to approve an administrative adjustment for lot coverage, or;
2) Evaluate the impacts of approving the suggested code amendment, returning a report to Council, or;
3) Complete the code amendment as requested by the appellant.

RECOMMENDATION: That the City Council direct staff to initiate amendment of the zoning ordinance increasing the minimum lot size to 45%.
ATTACHMENT:  Letter requesting Zoning Administrator approval
Zoning Administrator response
Builder’s appeal
Fax

To: Bubba Frasher
From: Thomas Branagan

Fax: 559-731-6437
Pages: 2

Phone: 
Date: 4/4/06

Re: Request for Administrative Adjustment on lot coverage percentage.
CC: 

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

Bubba I have enclosed a spread sheet of all of the lots showing the lots that we are requesting an administrative adjustment with the lot coverage percentage. There is only one lot out of 70 that we are requesting to exceed the over the standard request of additional 10%, this lot is sold. There are five lots that we are requesting the additional 10% of the standard 40% coverage.

Thank you,

Thomas Branagan

Pacific Union Homes
April 19, 2006

Community Development Department

Tom Branagan
Director of Field Operations
Pacific Union Homes
675 Hartz Avenue, Suite #300
Danville, CA 94526

Mr. Branagan,

Recently, your office submitted a request to the City of Porterville Zoning Administrator to approve an administrative adjustment on lot coverage percentage for the Claremont Terrace (formerly Meadow Breeze) subdivision project. Of the eighteen lots in the first phase, five would require zoning administrator approval to allow full buyer options of the different sizes of homes your company has available. In reviewing the information provided to me, I cannot support an administrative adjustment on these parcels because the lots are a standard size and there are not extraordinary circumstances to warrant an adjustment. Further, based on information provided in our meeting Friday it is my understanding that you intend to request similar lot coverage adjustments on the remaining four phases of the subdivision. To approve the lot coverage percentage increase in this instance would establish a precedent essentially changing the City Code, and the situation at hand does not justify this approval.

The request for an administrative adjustment to allow lot coverage in excess of 40%, up to 44% of the overall parcel, is hereby denied.

Bradley D. Dunlap, AICP
Zoning Administrator

ATTACHMENT
ITEM NO: 2
April 20, 2006

Bradley Dunlap
Zoning Administrator
City of Porterville
291 N. Main St.
Porterville, CA 93257

Re: Appeal of April 19th Decision on Lot Coverage for Claremont Terrace Subdivision

Dear Brad,

This letter is written on behalf of Pacific Union Homes and Smee Builders, Inc. to appeal your denial of our request to increase the lot coverage percentage on certain lots located within the Claremont Terrace (formerly Meadow Breeze) subdivision project. Your denial letter dated April 19, 2006 is attached for reference. As you are aware, Pacific Union and Smee Builders are jointly involved in the build-out of the subdivision. The current market for new homes in the Porterville area requires a certain amount of flexibility, especially in the price range we are targeting. Our ability to offer different home sizes on any given lot is a critical part of our marketing strategy which is significantly constrained by the current lot coverage requirement.

We understand from your letter that you are concerned about creating a precedent that undermines the City’s existing ordinance which limits lot coverage to 40%. In that regard, we would request that the City consider revising their ordinance to allow maximum lot coverage of up to 45%. This increase would still be more restrictive than other surrounding communities, such as the City of Tulare, where 50% lot coverage is permissible, but would provide us with the flexibility that we need for our project.

We appreciate your consideration of our appeal.

Sincerely,

Smee Builders, Inc.  Pacific Union Homes, Inc.

Gary Smee
President  Bruce Myers
Director of Land Development
SUBJECT: A City Council Appeal of A City Manager’s Action to Approve for Thursday and Friday Only A Bingo Permit for the Kings/Tulare County Area Agency on Aging at 280 North Fourth Street

SOURCE: City Manager’s Office

A Bingo Permit application was approved for the King/Tulare County Area Agency on Aging for the period through December 31, 2006 for 280 North Fourth Street (the Santa Fe Depot). The application had been submitted for the same site but for the period Monday through Friday between 9AM and 2PM.

A member of the City Council has requested that the determination of the City Manager be reviewed by the Council.

Enclosed is a copy of the permit as issued, a copy of a letter from Juanita Baldo and Bobby Reed indicating they are not satisfied with the permit, and a copy of the license agreement for the use of the site at 280 North Fourth Street through October 1, 2006.

After reviewing the facts of the permit application and after considering a legal review of the license agreement for the use of the site until October 1, 2006, the City Manager determined to issue the permit for Thursday and Friday of each week.

- Monday was not approved as a day of play since another game operates at the same site on that day. Two games on the same site at the same time appeared to potentially create competition and possibly conflict at the site. Additional demand could be created which would exacerbate the “tight” parking at the facility. In the past, in the 1980s games had been combined rather than operating at the same place, at the same time.

- Tuesday was not approved because it was not a day covered by the license agreement for the use of the facility.

- Wednesday was not approved as a day of play since another game operates at the same site on that day. Two games on the same site at the same time appeared to potentially create competition and possibly conflict at the site. Additional demand could be created which would exacerbate the “tight” parking at the facility. In the past, in the 1980s games had been combined rather than operating at the same place, at the same time.

RECOMMENDATION: Determine whether the decision of the City Manager in the matter should be sustained, overturned, or modified. The start time, per City Code should be set at 10 AM.
Application For City Bingo Permit & Business License

NOTE: Reapplication must be submitted to the Finance Department two months prior to expiration date above.

Allow 3 to 5 days for necessary inspections and approvals. Licensee is responsible for compliance with all ordinances of the City of Porterville, i.e., Fire, Health, Building and Zoning Codes.

Application is hereby made to conduct Bingo Games within the City of Porterville pursuant to Section 19(c) of Article IV of the California Constitution, Penal Code Section 326.5 (including future amendments thereto), and provisions of Section 15-26(a) of Chapter 15 of the Porterville City Code.

PROOF THAT ORGANIZATION IS A CHARITABLE ORGANIZATION AS DEFINED BY PENAL CODE SECTION 326.5 (Tax Exempt Status). If documentary proof is unavailable, a statement of tax exempt status is required.

PROPERTY IS □ IS NOT □ LOCATION OF OTHER ACTIVITIES OF ORGANIZATION

TAX EXEMPT NO. 94-1205454 PROPERTY IS: □ Owned by Organization □ Leased by Organization

SCHEDULE OF PROPOSED BINGO GAMES: Days: □ Tu, Th, F, S. Hours: 9:00 AM - 7:00 PM

OFFICERS OF ORGANIZATION:

John Davis 5831 Temple Ave, Visalia 5/10/75 4/17/47 Oakland CA 0/31972

PERSONS AUTHORIZED BY ORGANIZATION TO OPERATE BINGO GAMES IN BEHALF OF THE ORGANIZATION:

Juanita Brown 273 W Gaven Ave, Porterville 3/27/30 Austin, TX 6/04/78 32
Ted Carter 1343 W Monroe, Porterville 1/19/21 Boise, ID 7/10/50 37
Donny Reed 1343 W Monroe, Porterville 4/13/78 7/4/60 68
Dwain Cook 375 W Monroe, Porterville 1/27/43 Australia 3/4/73 71
Marilyn Bily 100 S Western Ave, Porterville 8/11/48 1/0/13 41

(Use Separate Sheet If Necessary - Each Person Must Be A Member Of The Sponsoring Organization) NO MORE THAN 20 MAY BE LISTED

IMPORTANT: READ AND SIGN BELOW PRIOR TO RETURN WITH FEES

I certify the above information is correct. (Make any corrections as needed.)

Signed By: Office/Title: Application Date:

ALL BUSINESS SIGNS WITHIN THE CITY LIMITS MUST BE APPROVED BY THE PLANNING DEPARTMENT.

NOTE: Additional City permits may be necessary before the owner can commence business.

Approved Date
1. Licensing
2. Accounting/Bookkeeping
3. Building
4. Fire
5. Police
6. Planning

Occupancy Capacity:

THE APPROVED APPLICATION AND BUSINESS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE DURING THE CONDUCT OF ANY BINGO GAME.

Notify City if you change your business address, name, ownership, nature of business, or if you are no longer doing business in Porterville.

PLEASE RETAIN A COPY
March 31, 2006

Porterville City Council
291 N. Main Street
Porterville, CA 93257

Re: Bingo License

We wish to inform you that we are not satisfied with the terms of the bingo license issued to the Kings/Tulare AAA.

A few months ago, Delia Biglow and John Hughes from the AAA visited the Senior bingo players, and then they went directly to City Hall and returned to tell us that we could play bingo Monday through Friday from 9:00 A.M. to 2:00 P.M.

The bingo license is now posted on the wall at the Senior Nutrition Center. You can see where the days Monday through Friday have been scratched out and Thursday and Friday only has been added. We would like to know by whose authority this change was made and, mostly, WHY?

We would appreciate it if the decision made in regard to the specific days be appealed to the City Council.

Juanita Baldico
Phone: 734-5609

Bobby Reed
Phone: 784-4991
PROPERTY LICENSE AGREEMENT

AND

AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS

OF THE PARTIES

Parties

1. This License agreement is entered into by and between the Porterville Senior Council ("Licensor"), sub-lessee of the Porterville Santa Fe Depot, and the Kings/Tulare Area Agency on Aging ("Licensee"), and with the consent of the City of Porterville ("City"), lessee/sublessor of said property.

Description of Property

2. Licensor is rightful possessor of certain real property situated in the city of Porterville, and more particularly described as the Porterville Santa Fe Depot ("Depot").

Grant of License

3. In consideration for and in accordance with the terms and conditions of this agreement, Licensor and the City grant to Licensee a License ("the License") to perform the following acts on the Property:

   a. The Licensee shall have exclusive use of the lower level of the Santa Fe Depot on the Monday, Wednesday, Thursday, and Friday of each week between the hours of 8:30 a.m. and 2:30 p.m. for senior programs.

   b. The large dining room and kitchen area will be available to the Licensee for food services and programs.

   c. The Licensee will be permitted to place a refrigerator in the east alcove of the large dining room.

   d. The Licensee shall have exclusive use of the kitchen cupboards above and below the pass-thru counter.

   e. The small room at the south end of the building will be available for Licensee activities; the Licensee may place a lockable desk and file cabinets in the southeast
corner of this room for office and counseling purposes and may install partition walls to enclose said area. Exclusive use, by the Licensee, of this room and office space may continue until 4:30 p.m. on the days provided for under term 3(a).
f. The east-side ticket booth will be available exclusively to the Licensee for storage; the adjacent, east-side exterior covered storage area will also be available for shared use between the Licensor and Licensee.

Incidental Rights and Obligations

4. The following incidental rights and obligations accompany the License and the use of the property:

a. The Licensee shall provide regular senior citizen meal programs and services commensurate with services provided elsewhere in the Kings/Tulare Area Agency on Aging service area.
b. The Licensee shall have full and exclusive management authority over the program areas during the times of program use, and shall assume full responsibility for the timely cleaning of all areas used after all Licensee activities.
c. The Licensee shall assume full responsibility for refuse service and pest control of the entire Santa Fe Depot.
d. The Licensee shall be permitted to install telephone services and assume all responsibility for installation, control of use, and service cost.
e. The Licensee and the Licensor shall each provide an insurance certificate naming all above-mentioned parties as additional insured.
f. The Licensor shall also provide facility management oversight, routine building and grounds maintenance, utility services, and schedule use of the building.
g. The City shall provide $800 monthly to the Licensor to be used for fulfillment of its obligations under terms 4(e) and 4(f).
h. The Licensee will be responsible for interior modifications, up to $1,500 in cost, for the removal of partitions and installation of handicap grab bars in the lower-level restrooms, as well as installation of lever door operating hardware for the lower restroom doors, lower hallway door, and kitchen door.
In exercising these rights and obligations, Licensee must use reasonable care and may not unreasonably increase the burden on the Property.

License Non-assignable

5. This License is personal to the Licensee and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

Term of License

6. This License shall be for a term of one year, commencing on October 1, 2005, and terminating on October 1, 2006. The parties may agree to extend this Agreement, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

Termination of Occupancy

7. On or before the termination date for this License specified in paragraph 6 of this agreement, Licensee shall remove all of Licensee’s personal property from the Property and shall surrender possession of the Property to the Licensor in good order and repair to the reasonable satisfaction of the Licensor, normal wear and tear excepted.

Default

8. In the event Licensee fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by Licensor or the City, upon Licensee’s receipt of written notice of the violation to the parties and its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.

Termination

9. The parties understand that the City and Licensor have let/sublet the premises, and said lease and sublease are not scheduled to expire during the term of this Agreement. However, in the event the property is no longer available to the City or Licensor, the License herein granted shall lease to be in effect, and the parties’ obligations to each other under this Agreement also lease.
Entire Agreement

10. This Agreement constitutes the entire agreement between Licensor and Licensee relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.

Executed on Sept. 12, 2005 at Porterville, California.

PORTERVILLE SENIOR COUNCIL, LICENSOR

Roy Rockhold

KINGS/TUARE AREA AGENCY ON AGING, LICENSEE

CITY OF PORTERVILLE

Kelly West
SUBJECT: AUTHORIZATION TO PAY FOR A REGIONAL SEWER IMPROVEMENT

SOURCE: Public Works Department - Engineering Division

COMMENTS: On September 25, 1990, Mr. Ernest Amparan, owner of APN 243 240-035 (reference attached map) paid for a sewer lateral along North Grand Avenue as indicated on the attached locator map. In July of 1992, Mr. Nagi, the owner of the Ranch Market (APN 234-240-002), received permission from Mr. Amparan to connect to the sewer lateral and extend the lateral north to serve the Ranch Market.

Mr. Nagi also obtained a permit from the County to construct a new residential building on a parcel north and adjacent to the market (APN 240-240-034). The owner paid all applicable fees for the new residence and extended the existing lateral north to the south property line of said parcel. Staff was made aware at this time that the lateral was not deep enough to serve Mr. Amparan’s parcel.

Mr. Amparan requested staff’s assistance in resolving the issue. Two options were offered to the parties. Option 1: Construct the sewer main from W. North Grand north approximately 550’ within a dedicated 20’ maintenance easement in favor of the City. Option 2: Continue the existing lateral just deep enough to serve the immediate parcels and have the private parties agree on a maintenance agreement. The property owners selected Option No. 1. Staff generated the easement documents, since signed by all the parties and staff generated the construction plans.

City Code Sections 25-33 and 25-35 states that there shall be one lateral per property connected to a sewer main. Section 25-43 states that easements must be granted to the City for maintenance purposes if the sewer main becomes part of the community system. Option No. 1 complies with these Codes and complies with the Municipal Service Policy for Unincorporated Areas.

Since the Ranch Market had already paid to extend and connect, Staff agreed to pay for the lowering of that portion of the sewer main along the east side of the commercial property (about 168 feet). The three property owners north of the Ranch Market paid their share of the total construction costs corresponding to the length of the sewer main constructed across their property.
The money, in the amount of $19,102, was placed in a City account for reimbursement to the contractor (Paul McDonald, Jr. Company). The City share is approximately $11,200. Included within the City's share is the cost to reconnect the buildings on the commercial property and the installation of a manhole for maintenance purposes. There have been some minor changes to the contractors scope of work within the commercial property and a change order may be forth coming.

Staff received three (3) quotes for the herein described work:

1) Mark's Plumbing  
Porterville, CA  
$28,600.00

2) Paul McDonald, Jr. Company  
Porterville, CA  
$30,297.00

3) Morris Levin and Son, Inc.  
Tulare, CA  
$39,794.41

The low bidder, Mark's Plumbing, failed to account for repaving the existing private road and asked staff and the property owners not consider his quote. Staff obliged and Paul McDonald, Jr. Company was hired by the property owners to complete the work. Although quotes were obtained, the purchasing process was not technically correct due to a misunderstanding by the Public Works Director.

The project is nearing completion and thus far conforms to the construction plans and specifications. Funds are available in the Sewer Revolving Fund for the City's share. A staff report will be generated at a later date that seeks Council acceptance of the project once all the work is complete and inspected by staff.

The sewer main has been designed so that adjacent properties to the north, east and west can connect to the line, therefore serving a regional area. A payback agreement will be formulated in accordance with City Code Sections 25-52 through 25-54.

The City's sewer system is designated a Regional Sewage Treatment Facility, serving the community as well as the surrounding areas. Therefore, annexation of these county parcels is not a requirement when connecting to a City sewer main.

RECOMMENDATION: That City Council:

1) Authorize staff to expend the funds to cover the cost of the sewer main along the east property line of the commercial property;

2) Authorize a 10% contingency for the City's share;
3) Authorize the City Engineer to record the easements in accordance with Resolution 1590; and

4) Authorize staff to generate a Payback Agreement at the appropriate time.

ATTACHMENT: Locator Map

E:\Work Documents\Authorization to Pay for a Modification to a Sewer Lateral.doc
SUBJECT: CRITERIA FOR CONNECTING TO CITY SEWER

SOURCE: Public Works Department - Engineering Division

COMMENT: The matter of connecting to City sewer or allowing the installation of a septic tank was brought to Council's attention on April 18, 2006. At the April 18th council meeting, the four attending council members felt that the issue was important enough that it should be reviewed and considered by the full council. As reported at the April 4, 2006 meeting, six county areas located throughout the City were annexed to the City. With the annexation came some unexpected problems associated with new building construction and the issue of connecting to the City's sewer system.

On October 18, 1983, City Council adopted the "Criteria For Septic Tank Installation" addressing the issue of septic tanks in the City or in the outer fringes of the City not presently served by the City's sewer system. Under the City's sewer connection policy, a property owner proposing to construct a new dwelling must connect to the City sewer system if the sewer main is within 1320' of the property in question. Tulare County policy allows the installation of a septic tank if the City's sewer main is further than 200' from the proposed structure. A copy of the City's "Sewer Connection" policy and a copy of Tulare County's "Building Sewers" policies are attached for Council's review.

One month prior to the annexation of the six county areas, the Tulare County Building Department agreed not to process any more building permits knowing that the properties would be annexed to the City at the end of the month. Subsequent to this action, the City received a building plan from a former County resident. The property owner was alarmed that the City conditioned his building permit directing that he connect to the City sewer system. In this particular case, the sewer main is approximately 550' away from the property. In addition, Public Works has received calls from former County residents informing the City that they are considering new residential construction and wish to know what conditions may or may not apply.
The principal complaint besides the cost to extend the sewer main is the fact that the property owner did not voluntarily agree to the annexation. Had he remained in the County he would have been allowed to install a septic tank at considerably less cost than the cost of extending a sewer main and paying City sewer connection fees. Staff has heard his complaint and finds merit in the argument. Staff is looking for direction in this matter and proposes the following options:

1. Stay the course and enforce the City’s policy requiring connection to the City’s sewer system if a sewer main is within 1320’ of the property to be developed.

2. Temporarily adopt Tulare County’s “Building Sewers” policy. This policy is the same as Chapter 7 of the Uniform Plumbing Code. This policy considers sewer to be unavailable if the controlling agency’s sewer system is further than 200’ from the proposed building. It is recommended that a “sunset clause” of 12 months be adopted if this option is selected. Further, it is recommended that the City modify and adopt language stating that the sewer be considered unavailable if the controlling agency’s sewer system is further than 200’ from the property owner’s property line.

Senior staff have initiated an exhaustive research of the recently annexed areas to determine the level and condition of water, sewer, storm drain, street and concrete facilities within the annexed areas. Staff will prepare a report that describes the deficiencies and will provide funding options to install, repair and/or modify exiting facilities to properly service the recently annexed areas.

RECOMMENDATION: That City Council provides direction on the proper course relative to the installation of septic tanks versus connecting to City sewer.

ATTACHMENTS: Tulare County’s “Building Sewers” Policy
City of Porterville’s “Sewer Connection” Policy
(3048 mm) head of water. In testing successive sections, at least the upper ten (10) feet (3048 mm) of the next preceding section shall be tested, so that no joint or pipe in the building (except the uppermost ten (10) feet (3048 mm) of the system) shall have been submitted to a test of less than a ten (10) foot (3048 mm) head of water. The water shall be kept in the system, or in the portion under test, for at least fifteen (15) minutes before inspection starts. The system shall then be tight at all points.

712.3 Air Test. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening, and, after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gage pressure of five (5) pounds per square inch (34.5 kPa) or sufficient to balance a column of mercury ten (10) inches (254 mm) in height. The pressure shall be held without introduction of additional air for a period of at least fifteen (15) minutes.

PART II – BUILDING SEWERS

713.0 Sewer Required

713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public or private sewer, except as provided in Sections 101.4.1.3, 713.2 and 713.4.

713.2 When no public sewer, intended to serve any lot or premises, is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

713.3 Within the limits prescribed by Section 713.4 hereof, the rearrangement or subdivision into smaller parcels of a lot which abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the public sewer.

713.4 The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.5 No permit shall be issued for the installation, alteration, or repair of any private sewage disposal system, or part thereof, on any lot for which a connection with a public sewer is available.

713.6 On every lot or premises hereafter connected to public sewer, all plumbing and drainage systems or parts thereof, on such lot or premises shall be connected with such public sewer.

Exception: Single family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to public sewer may, when no hazard, nuisance, or insanitary condition is evidenced and written permission has been obtained from the Administrative Authority, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the sewer by gravity.

714.0 Damage to Public Sewer or Private Sewage Disposal System

714.1 It shall be unlawful for any person to deposit, by any means whatsoever, into any plumbing fixture, floor drain, interceptor, sump, receptor or device which is connected to any drainage system, public sewer, private sewer, septic tank, or cesspool, any ashes, cinders, solids, rags, flammable, poisonous, or explosive liquids or gases, oils, grease, and any other thing whatsoever which would or could cause damage to the public sewer, private sewer, or private sewage disposal system.

714.2 No rain, surface, or subsurface water shall be connected to or discharged into any drainage system, unless first approved by the Administrative Authority.

714.3 No cesspool, septic tank, seepage pit, or drainfield shall be connected to any public sewer or to any building sewer leading to such public sewer.

714.4 No commercial food waste grinder shall be connected to a private sewage disposal system unless permission has first been obtained from the Administrative Authority.

714.5 An approved type watertight sewage or waste water holding tank, the contents of which, due to their character, must be periodically removed and disposed of at some approved off-site location, shall be installed only when required by the Administrative Authority or the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition.

715.0 Building Sewer Materials

715.1 The building sewer, beginning two (2) feet
be located at any point having less than the minimum distances indicated in Table 7-7.

721.2 Nothing contained in this Code shall be construed to prohibit the use of all or part of an abutting lot to:

(1) Provide access to connect a building sewer to an available public sewer, when proper cause and legal easement not in violation of other requirements has been first established to the satisfaction of the Administrative Authority.

(2) Provide additional space for a building sewer when proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first established to the satisfaction of the Administrative Authority. The instrument recording such action shall constitute an agreement with the Administrative Authority which shall clearly state and show that the area so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership of said properties, and shall be binding on all heirs, successors, and assigns to such properties. A copy of the instrument recording such proceedings shall be filed with the Administrative Authority.

722.0 Abandoned Sewers and Sewage Disposal Facilities

722.1 Every abandoned building (house) sewer, or part thereof, shall be plugged or capped in an approved manner within five (5) feet (1524 mm) of the property line.

722.2 Every cesspool, septic tank, and seepage pit which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete, or other approved material.

722.3 The top cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling and the filling shall not extend above the top of the vertical portions of the sidewalks or above the level of any outlet pipe until inspection has been called and the cesspool, septic tank, or seepage pit has been inspected. After such inspection, the cesspool, septic tank, or seepage pit shall be filled to the level of the top of the ground.

722.4 No person owning or controlling any cesspool, septic tank, or seepage pit on the premises of such person or in that portion of any public street, alley, or other public property abutting such premises, shall fail, refuse, or neglect to comply with the provisions of this section or upon receipt of notice so to comply from the Administrative Authority.

722.5 Where disposal facilities are abandoned consequent to connecting any premises with the public sewer, the permittee making the connection shall fill all abandoned facilities as required by the Administrative Authority within thirty (30) days from the time of connecting to the public sewer.

723.0 Building Sewer Test

Building sewers shall be tested by plugging the end of the building sewer at its points of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to the highest point thereof, or by approved equivalent low pressure air test, or by such other test as may be prescribed by the Administrative Authority. The building sewer shall be watertight at all points.

724.0 [For AGR] Meat and Poultry Processing Plant Drainage

724.1 The drainage and plumbing system must permit the quick runoff of all water from plant buildings, and of surface water around the plant buildings, and of surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

724.2 Toilet soil lines shall be separated from house drainage line to a point outside the building unless an automatic backwater check valve is installed to prevent backflow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

725.0 [For AGR] Collection Center and Facilities Drainage. Drainage and plumbing system shall meet the requirements of Section 724.1.

726.1 The outer premises of every official establishment, including docks, areas where cars and other vehicles are loaded, driveways, approaches, yards, pens and alleys, shall be drained.

726.2 Toilet soil lines shall be separated from house drainage lines to a point outside the building, and drainage from toilet bowls and urinals shall not be discharged from toilet bowls and urinals shall not be discharged into a grease catch basin.

727.0 [For OSHPD 1] Emergency Sanitary Drainage

727.1 For acute care hospital facilities required to meet
(300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

720.0 Sewer and Water Pipes

Building sewers or drainage piping of clay or materials which are not approved for use within a building shall not be run or laid in the same trench as the water pipes unless both of the following requirements are met:

1. The bottom of the water pipe, at all points, shall be at least twelve (12) inches (305 mm) above the top of the sewer or drain line.
2. The water pipe shall be placed on a solid shelf excavated at one side of the common trench with a minimum clear horizontal distance of at least twelve (12) inches (305 mm) from the sewer or drain line.

Water pipes crossing sewer or drainage piping constructed of clay or materials which are not approved for use within a building shall be laid a minimum of twelve (12) inches (305 mm) above that sewer or drain pipe.

Note: For the purpose of this section, “within the building” shall mean within the fixed limits of the building foundation.

721.0 Location

721.1 Except as provided in Section 721.2, no building sewer shall be located in any lot other than the lot which is the site of the building or structure served by such sewer; nor shall any building sewer

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**TABLE 7-7**

Minimum Horizontal Distance Required From Building Sewer

<table>
<thead>
<tr>
<th>Buildings or structures'</th>
<th>2 feet (610 mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property line adjoining private property</td>
<td>Clear²</td>
</tr>
<tr>
<td>Water supply wells</td>
<td>50 feet (15240 mm)</td>
</tr>
<tr>
<td>Streams</td>
<td>50 feet (15240 mm)</td>
</tr>
<tr>
<td>On-site domestic water service line</td>
<td>1 foot (305 mm)</td>
</tr>
<tr>
<td>Public water main</td>
<td>10 feet (3048 mm)</td>
</tr>
</tbody>
</table>

**Note:**

1. Including porches and steps, whether covered or uncovered, breezeways, roofed porte-cochere, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.
2. See also Section 313.3.
3. All drainage piping shall clear domestic water supply wells by at least fifty (50) feet (15240 mm). This distance may be reduced to not less than twenty-five (25) feet (7620 mm) when the drainage piping is constructed of materials approved for use within a building.
4. See Section 720.0.
5. For parallel construction.
6. For crossings, approval by the Health Department or Administrative Authority shall be required.

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**TABLE 7-8**

Maximum/Minimum Fixture Unit Loading On Building Sewer Piping

<table>
<thead>
<tr>
<th>Size of Pipe, Inches (mm)</th>
<th>Slope, Inches per Foot (mm/m)</th>
<th>1/16 (5.3)</th>
<th>1/8 (10.5)</th>
<th>1/4 (20.9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 and smaller (150)</td>
<td>(As specified in Table 7-5/No minimum loading)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 (200)</td>
<td>1,950/1,500</td>
<td>2,800/625</td>
<td>3,900/275</td>
<td></td>
</tr>
<tr>
<td>10 (250)</td>
<td>3,400/1,600</td>
<td>4,900/675</td>
<td>6,800/300</td>
<td></td>
</tr>
<tr>
<td>12 (300)</td>
<td>5,600/1,700</td>
<td>8,000/725</td>
<td>11,200/325</td>
<td></td>
</tr>
</tbody>
</table>

See also Appendix K, Private Sewage Disposal Systems. For alternate methods of sizing drainage piping, see Appendix L.
(610 mm) from any building or structure, shall be of such materials as may be approved by the Administrative Authority under the approval procedures set forth in Chapter 3 of this Code.

715.2 Joining methods and materials shall be as prescribed in this Code.

716.0 Markings

All pipe, brick, block, prefabricated septic tanks, prefabricated septic tank or seepage pit covers or other parts or appurtenances incidental to the installation of building sewers or private sewage disposal systems, shall conform to the approval requirements of Chapter 3 of this Code and shall be marked and identified in a manner satisfactory to the Administrative Authority.

717.0 Size of Building Sewers

The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 7-8. No building sewer shall be smaller than the building drain.


The sewer system shall have the capacity to remove all waste from the various processing and cleaning operations and to minimize or prevent stoppage and surcharging at the system.

For alternate methods of sizing building sewers, see Appendix L.

718.0 Grade, Support, and Protection of Building Sewers

718.1 Building sewers shall be run in practical alignment and at a uniform slope of not less than one-fourth (1/4) of an inch per foot (20.9 mm/m) toward the point of disposal.

Exception: When approved by the Administrative Authority and where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m), any such pipe or piping four (4) inches (100 mm) through six (6) inches (150 mm) may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) and any such piping eight (8) inches (200 mm) and larger may have a slope of not less than one-sixteenth (1/16) of an inch per foot (5.3 mm/m).

718.2 Building sewer piping shall be laid on a firm bed throughout its entire length, and any such piping laid in made or filled-in ground shall be laid on a bed of approved materials and shall be adequately supported to the satisfaction of the Administrative Authority.

718.3 No building sewer or other drainage piping or part thereof, which is constructed of materials other than those approved for use under or within a building, shall be installed under or within two (2) feet (610 mm) of any building or structure, or part thereof, nor less than one (1) foot (305 mm) below the surface of the ground. The provisions of this subsection include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cochetes, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

719.0 Cleanouts

719.1 Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

Additional building sewer cleanouts shall be installed at intervals not to exceed one hundred (100) feet (30480 mm) in straight runs and for each aggregate horizontal change in direction exceeding one hundred thirty-five (135) degrees (2.36 rad).

719.2 When a building sewer or a branch thereof does not exceed ten (10) feet (3048 mm) in length and is a straight line projection from a building drain which is provided with a cleanout, no cleanout will be required at its point of connection to the building drain.

719.3 All required building sewer cleanouts shall be extended to grade and shall comply with all appropriate sections of Cleanouts, Section 707.0, for sizing, construction and materials. When building sewers are located under buildings, the cleanout requirements of Section 707.0 shall apply.

719.4 Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

719.5 Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

719.6 Approved manholes may be installed in lieu of cleanouts when first approved by the Administrative Authority. The maximum distance between manholes shall not exceed three hundred
NPC-5, an on site emergency holding tank(s) sufficient to store 150 gallons (567.9 L) (based on 50 gallons/day/bed for 72 hours) of waste water per licensed bed shall be provided. The emergency holding tanks shall have fittings to allow for transfer of the waste water to other disposable sources, such as tank trucks.

Exceptions: (1) With the licensing agency approval of a water rationing plan, the emergency waste water holding capacity may be computed based on the approved water rationing plan to provide for 72 hours of operation.

(2) With the approval of the Office of the licensing agency, hook-ups that allow for the use of transportable means of waste water disposal may be provided in lieu of on-site storage.
COUNCIL AGENDA: OCTOBER 18, 1983

SUBJECT: CRITERIA FOR SEPTIC TANK INSTALLATION

SOURCE: Community & Financial Services Dept. - Engineering

COMMENT: From time to time, the Engineering Division is presented with a request for the installation of a septic tank for sewage disposal. Under the Municipal Code for the City of Porterville, all new construction must be connected to the City sewer system unless the City Council shall determine, by resolution, that a different method of sewage disposal shall be utilized (Sec. 25-34.1).

In some instances, the individual requesting authorization to use a septic tank for sewage disposal does not have access to a City sewer or access is such that the value of the sewer system exceeds the value of the property and improvements.

Staff has reviewed this problem with some of the other agencies in the area and determined that these agencies allow the use of septic tanks in certain circumstances.

RECOMMENDATION: That the City Council, by resolution, adopt the guidelines for the installation of septic tank sewage disposal systems.

GRK:jt

ATTACHMENT: Guidelines
Resolution

Adopted

Item No. 25
CITY OF PORTERVILLE GUIDELINES FOR SEPTIC TANK SEWAGE DISPOSAL SYSTEMS FOR RESIDENTIAL DEVELOPMENTS - R-A

PURPOSE

The purpose of these guidelines is to establish conditions under which a property owner may develop property and use of septic tank and leach fields for the sewerage disposal within City limits.

It is the intent of these guidelines to be used only for individual "single family" rural residential (R-A) zoned parcels with dwelling units and to provide for development of such housing on the outer fringes of the City or in any location not presently served by the City sewer system or a reasonable extension thereof. These guidelines are not applicable to organized development of more than one parcel by a single owner/developer and shall not be a basis to waive required sewerage or water improvements specified by City Codes.

SCOPE

The provisions contained herein are to be used as guidelines for individuals wishing to develop single parcels of land in areas not currently served by City sewer systems. These guidelines are meant to serve as a supplement to the Uniform Plumbing Code Appendix I, "Private Sewage Disposal Systems", governing the installation of septic tanks and leach fields.

REQUIREMENTS

**Area: With off-site water source**

1. Lot to have a minimum of 12,500 sq. ft.

2. Lot to provide required areas and separation distance for septic tank and leach lines per Uniform Plumbing Code.

3. Area requirements may be increased when poor soil types are encountered (subject to soil and percolation tests).

**With on-site water**

1. Lot to have minimum one acre.

2. Lot to provide required areas and separation distance for septic tank and leach fields per the Uniform Plumbing Code.

3. Area requirements may be increased when poor soil types are encountered (subject to soil and percolation testing).
Distance:

1. Subject property must be in excess of 1320 feet from the closest point of an existing sewer and connection to the existing sewer requires special methods, i.e., pumping, installation of backflow prevention devices, etc.

2. Owner must be able to obtain permission to connect to existing sewer line from the controlling agency.

Density:

1. Septic tanks will not be allowed if the area is such that three (3) or more homes fall within a 500 foot radius.

2. Septic tanks will not be allowed in areas that abut fully developed residential areas with sewer service unless it be determined that natural physical obstructions provide adequate separation.

Character:

1. Septic tanks will not be allowed in any area that is zoned as Low Density (R-1) single family residential neighborhood or developed residential area.

2. The City planning staff shall make the determination as to what constitutes a developed residential neighborhood based on density, development, zoning and improvements.

Authorization:

1. Property owner must obtain authorization of the City Council for the installation of sewerage septic tanks.

2. Property owner must provide soils testing data, lot area, lot layout and engineering calculations as required by the City Engineer. The soils data, lot area, lot layout, and engineering calculations shall be reviewed and recommendations on the system made by the Department of Health Services, Division of Environmental Health to the City Engineer for approval, modification, or disapproval.

3. Septic tank and leach field design shall conform to the requirements of the Uniform Plumbing Code.
Connection to Sewer System:

1. Property owner agrees to connect to sewer collection system within 90 days from the time sewer collection is made available to the property.

2. Availability shall mean a sewer line:
   a. Adjacent to any property line,
   b. Available in the street or roadway serving the property, and
   c. Within the distance requirements and when deemed appropriate to connect by the City Engineer to protect the quality of the area.

3. Property owner shall pay all sewer line fees at the time of connection to the City sewer collection system.
SUBJECT: CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

SOURCE: Administration/City Clerk

COMMENT: On February 21, 2006, the City Council adopted Resolution No. 24-2006 establishing the Transactions and Use Tax Oversight Committee and charging it with two primary responsibilities. The first was 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. The second responsibility was 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.

For the establishment of the Transactions and Use Tax Oversight Committee, pursuant to Resolution No. 24-2006, Section F, each member of the City Council will appoint two people. For the initial committee, each Council Member will appoint one person to a two-year term and one person to a four-year term. The appointees may be either a resident of Porterville, a business owner or operator. The appointments made by each member of the Council require no further action or consideration.

After the initial establishment of the Committee, future members of the committee will be appointed for four-year terms and will serve until 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. All subsequent appointments to the committee will be by a majority vote of the Council.

Applications for the Committee were solicited from the public and were accepted through April 14, 2006. Thirteen applications were received in the Office of the City Clerk with the following individuals submitting applications to the City for consideration of appointment:

- Charles Webber
- Dick Eckhoff
- Shirley Hickman
- Gregory Gillett

Item No. 14
Greg Shelton
Robert DeMatteis
Teresa de la Rosa
Carmen Martinez-Eoff
Barbra Black
Bob Gray
Rick McIntire
John D. Baumgartner
Jack Irish

The first meeting of the Transactions and Use Tax Oversight Committee will be held within 60 days of adoption of the City Budget in June 2006; thereafter, the Committee will meet at least once annually, following adoption of the City Budget. It is also noted that the Committee is not advisory to the City Council and has no power to determine or recommend how General Fund monies are spent as the City Council retains its authority to make such decisions and determinations.

RECOMMENDATION: That the City Council members establish the initial Transactions and Use Tax Oversight Committee with their selections of the following individuals:

Mayor Martinez: 4-year term - Carmen Martinez-Eoff
2-year term - Teresa de la Rosa

Mayor Pro Tem Hamilton: 4-year term - Gregory Gillett
2-year term - Shirley Hickman

Council Member Stadther: 4-year term - Rick McIntyre
2-year term - John Baumgartner

Council Member West: 4-year term - Greg Shelton
2-year term - Jack Irish

Council Member Irish:: 4-year term - Dick Eckhoff
2-year term - Bob Gray
SUBJECT: TRUCK PARKING OPTIONS

SOURCE: PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION

COMMENT: For quite some time, there has been an interest in the community to prohibit commercial truck parking or stationing of commercial trailers along Olive Avenue, Westwood Street and Plano Street. It should be noted that some of the truck and trailers currently parked along Olive Avenue are parking in the County. The City Traffic Engineer does not have the authority to prohibit this type of parking in the County without Board of Supervisor approval.

Historically, the City has allowed commercial truck parking along arterial streets that front commercial zoned property. Until recently, commercial parking was allowed along arterial streets fronting residential zoned property provided a solid masonry block wall separated the residential housing from the street. A correct reading of the traffic ordinance suggests that this type of parking is also in violation of the ordinance.

At the October 4, 2005 Council meeting, Public Works presented a report requesting Council authorization to meet and discuss truck parking possibilities with local commercial truck operators. This request was granted and on January 26, 2006 a meeting was held at City Hall. A number of options were discussed at the meeting but each option came with its own unique set of challenges. The options are listed below along with pros and cons for each option.

A. Allow parking on at least two privately owned properties located within City limits. A property owner has expressed an interest in allowing the use of approximately 10 acres to park commercial vehicles at no cost to the truck owners. The other property owner has indicated that he would charge a rental fee. In both scenarios, the properties would require the placement of aggregate base and asphalt cover under current zoning requirements. The truck owners have indicated that they would consider placing and compacting the aggregate base. The property owners and the truck owners will not consider the placement of asphalt concrete because of the expense.

A possible solution is to allow the development of a parking lot absent the asphalt concrete cover. Place a 3 year “sunset clause” requiring the placement of asphalt concrete at the end of the 3 year period or the abandonment of the parking lot at the end of the 3 year period.
Pros:
1. The two parking lots in question require minimum grading prior to receiving the base rock. The minimal cost will encourage truck operators to participate in the development and use of the parking lot.
2. The properties in question are strategically located to maximize truck parking participation.
3. Will provide a parking option to the commercial operators so that the City can get some relief from all of the truck parking occurring along the three major city streets.

Cons:
1. “Base rock” only parking lots are a violation of the zoning code and adopting a waiver of the asphalt paving course, even with the 3 year “sunset clause” included, will place pressure on staff to allow this use.
2. Base rock parking lots do not adequately control dust and become a “track-out” nuisance requiring city attention.
3. Base rock parking lots are not as aesthetically pleasing as asphalt parking lots nor as efficient due to the difficulty in marking and maintaining parking spaces.

B. Allow commercial truck parking at an existing truck site located in the southeast part of town. A commercial truck operator is interested in allowing the use of his truck parking facilities for a fee. The existing parking lot is located in an R-2 zone and is not paved. The site and its use were grandfathered because it existed in the county and its use continued after being annexed to the city.

Pros:
1. You have an owner willing to provide parking for a fee.
2. The location is along a truck route, well established and large enough to accommodate many commercial vehicles.

Cons:
1. The site is grandfathered but only so long as the family business does not change in character or scope of operation.
2. An increase in truck activity would tax the base rock lot creating a dust problem.
3. Because the site is located in an R-2 zone, the increase in truck activity, especially in the early morning hours, would not be fair to the adjacent residents.

C. Identify and allow truck parking adjacent to commercial areas along Westwood Street, Olive Avenue, Plano Street, Poplar Avenue between Jaye Street & ‘E’ Street, ‘E’ Street between Poplar Avenue & Springville Avenue, and Springville Avenue between ‘E’ Street & Jaye Street. Unofficially, at one time or other, the commercial operators
parked their vehicles at these locations.

Pros:
1. The designated areas will be located adjacent to commercially zoned property.
2. The sites are located along truck routes or immediately adjacent to a truck route.
3. Easy access to and from the described locations and the operator's familiarity with these locations will encourage parking at these designated sites and will discourage parking of commercial vehicles in residential areas.
4. The commercial operators insist that their arrival and departure hours are predominantly in the very early morning and early afternoon when traffic is lightest.

Cons:
1. The community has made it clear that they do not want parking along Westwood Street, Olive Avenue and Plano Street.
2. The commercial businesses and area residents do not want parking along Poplar Avenue, ‘E’ Street or Springville Avenue because of the congestion and difficulty in accessing Jaye Street during the early morning and late afternoon hours.
3. It is aesthetically unpleasant to have dozens of semi-trucks and trailers parked along arterial streets that lead into the City or along a major freeway.

D. Allow commercial parking at the airport behind the fence line. A fee would be charged to all commercial operators for the right to park at this location.

Pros:
1. The City owns enough property at the airport where a portion could be dedicated for the purpose of a parking lot.
2. The operation would generate revenue for the airport.

Cons:
1. Considerable expense needed to grade, place base rock and asphalt concrete.
2. Commercial vehicle parking is not consistent or compatible with the airport use.
3. A new “start up” operation would need to be implemented to collect fees, manage parking hours and handle disputes.
4. The FAA would have to review and agree to the proposed parking use and the review period would be lengthy.
E. Allow commercial parking along the east side of the Sports Park Monday through Friday. There is enough open area to allow for limited truck parking.

Pros:
1. The area of interest is semi-graded and has been covered with ground blacktop.
2. Revenue would be generated for future Sports Park activities.

Cons:
1. Commercial truck parking is not compatible with the type of activities common for a youth sports complex.
2. Safety concerns related to common ingress and egress issues would be expensive to mitigate. Separate entrances would, more than likely, be the solution.
3. Security concerns for all parties would need to be addressed.
4. A new “start up” operation would need to be implemented to collect fees, manage parking hours and handle disputes.

RECOMMENDATION: That the City Council:

1. Select one of the options described herein and direct the Public Works director to implement or facilitate the execution of the selected option or;

2. Select an option provided by Council and direct the Public Works Director to implement or facilitate the execution of Council’s option or;

3. Direct the Public works Director to meet again with the commercial operators with the hope that a combination of the options discussed can lead to a successful resolution of this matter.
COUNCIL AGENDA: MAY 2, 2006

SUBJECT: SHORT RANGE TRANSIT PLAN / STUDY SESSION

SOURCE: City Administration

COMMENT:

The Short Range Transit Plan has been prepared and is ready for review with the City Council. The plan has some significant impacts and proposed changes to our current service levels.

Staff recommends a special study session be held on May 9, 2006.

Recommendations:

That the Council:
- hold a special meeting on May 9, 2006.
- that the meeting be scheduled for either 6 p.m. or 7 p.m.

Attachments: None

Dir. Funded C/M Approp.
SUBJECT: ALLOCATION OF FUNDS FOR DISASTER PREPAREDNESS PLANNING

SOURCE: Administration

COMMENT: The Porterville Chamber of Commerce is developing a Disaster Preparedness program for our local business community. The printed material is available to the Chamber at a modest cost and may be modified by the City to address current and future needs.

As the business community represents a major component of our City's economic wellbeing, the ability to rapidly recover from a disaster is critical.

The Chamber has requested the City to "sign-on" as a co-sponsor of the program. This would allow City staff to modify the printed material to address issues important to the City. As this is a new program, Council authorization is requested. The financial support from the City will be a one-time donation of $1,000. The funds are available in the Community Promotions budget.

Staff has attached the printed materials developed by the Las Vegas Chamber of Commerce as an example for Council review.

Recommendations: That the Council:
- authorize staff to support the program
- authorize the donation of $1,000 to the Chamber for printed materials

Attachments: Las Vegas Chamber of Commerce example

Dir. Funded Approp. Item No. 17
It Doesn’t Take a Disaster to be Disastrous to a Business

How your Chamber can become a Leader in Preparing your Business Community and Protecting Your Economy

Kara Kelley
President & CEO

Cara Roberts
Director of Public Relations
Every Business Community is Vulnerable

Any business disruption can mean
- Loss of Jobs
- Loss of Tax Revenue
- Loss of customers
- Loss of supplies or services

The longer it takes business to get up and running,
The more damage it does to the community.

Disasters Can Happen

Large Scale Disasters include:
- Earthquakes
- Fires
- Floods
- Mudsides
- Hurricanes
- Tornados
- Communicable Disease
- Terrorism

Individual Disasters Most Likely to Occur

- Fires
- Floods
- Cyber Attack
- Death of a Key Employee
- Supply Shortage
- Cut off from Key Supplier or Customer
Planning Basics

- Communicate your plan
- Update your plan
- Keep a copy of plan and vital records

Employee Board Key Members

Key Planning Strategies

- Employment
- Redundancy
- Alternatives
- Communication - e.g. phones

Identify business functions and know how to get them up and running:

- Identify an alternative location to operate
- Know how to reach your employees and suppliers
- Know how to get your communication systems back online

- Contact number to reach key employees
- Contact number for communication
- In case of emergency, who is responsible for key employees?
Extensive Press Coverage

Op Ed Pieces

Media Partnerships
Newspaper ran free advertising to promote Open for Business® Initiative
Tools you can Use

- Sample Press Release
- Sample Newsletter Article
- Sample Op Ed Piece
- Sample Workshop Agenda
- Sample Talking Points

Benefits to Chambers

Promotes a Strong Local Economy
- Preserves economic base
- Preserves local jobs
- Protects critical business systems and ability to restore them
- Protects against lost revenue
- Preserves reliability to customers and clients

Benefits to Chambers

Promotes the Community
- Raise community awareness about importance of planning
- Get businesses and community entities talking about issue
- Prepared businesses = prepared community
- Jobs & tax base are preserved
Disaster Preparedness Planning

Chamber of Commerce Toolkit

Kara Kelley
President & CEO

Cara Roberts
Director of Public Relations

Las Vegas Chamber of Commerce
The Voice of Business
In addition, the Chamber is presenting a disaster-planning workshop featuring local experts who will share their expertise on how a business can survive an unexpected disaster. Topics will include:

- Creating a disaster plan, including preparing information you will need in an emergency
- Identifying key roles and functions
- Coordinating with public safety officials
- Getting a business back online
- Obtaining the appropriate insurance policies
- Media do’s and don’ts to handle public relations

The workshop will be held on February X, 2006, from 7:30 – 11:30 a.m. at __________. The cost is $______ for Chamber of Commerce members and $______ for non-members.

“Disaster preparedness planning is an important business issue. Proactive planning not only protects individual companies, it also helps ensure that our community can economically withstand a disaster,” said Doe.

###
• **Create a disaster plan, including preparing information you need in case of an emergency**
  What information will you need? Do you know how to contact your employees, vendors and customers? Do you know the business functions that are critical to your company's survival and have an alternative plan in place?

• **Identify key roles and functions**
  Who will be in charge of what critical functions? Are your employees aware of your plan?

• **Coordinate with public safety personnel and government officials**
  Do you have up to date maps of your business, showing access points and where hazardous materials are stored? Do you know how to work with agencies to get your business reopen?

• **Know how to get your communications systems up and running quickly**
  Do you have a comprehensive list of all of your software and system information? Do you know what equipment you need to get back online?

• **Obtain the insurance policies you need**
  Do you have the appropriate insurance and the right amount of coverage? Do you know how your policies will work if a disaster were to strike your business?

• **Media do's & don'ts to handle public relations**
  Have you identified a spokesperson? Do you know how to handle the media during a crisis?

You have invested countless hours and resources into building your business. However, without a disaster preparedness plan, no matter how successful your company is, your business is at risk. Disaster preparedness planning is the best insurance policy to surviving the unexpected, staying in business, and preserving the economic health our community.

To sign up for the workshop, contact the Chamber at ...
The Chamber is committed to helping all businesses in our community prepare themselves for any type of unexpected business interruption. Our initiative will teach businesses how to:

- Create a disaster plan, including preparing information you need in case of an emergency
- Identify key roles and functions
- Coordinate with public safety personnel and government officials
- Know how to get your communications systems up and running quickly
- Obtain the insurance policies you need
- Media do’s & don’ts to handle public relations

Information is available to all businesses, not just members of the Chamber of Commerce. Visit our website at _______ to download the booklet and get more information on the workshop.

When any business closes its doors it has a negative ripple effect on our community as a whole. Employees lose their jobs and incomes, customers lose their source for products and services, vendors lose their sales from that company, and our community loses the economic impact of that business.

Businesses have a responsibility to their employees and community to make sure that they have the pieces in place that will allow them to keep their doors open and stay in business. The investment in time and resources now is far less expensive than the total loss of a business because of lack of planning.

Disaster preparedness planning is the best insurance policy to surviving the unexpected, staying in business, and preserving the economic health of our community as a whole.
Sample Talking Points
Disaster Preparedness Planning

Small Business Disaster Statistics:

- One in every five businesses experiences a major disruption each year

- 90 percent of small businesses do not have a disaster preparedness plan in place.

- Almost 50 percent of small businesses without a plan that face a disaster never reopen their doors.

- Small businesses have a higher probability of being impacted by a disaster.

- Small business owners have fewer recovery resources and a lower tolerance for losses.

Steps in Disaster Preparedness Planning

- Create a disaster plan, including preparing information you need in case of an emergency.
  What information will you need?
  Do you know how to contact your employees, vendors and customers?
  Do you know the business functions that are critical to your company’s survival and have an alternative plan in place?
Why is this an important business issue

- Approximately ____ percent of businesses in ____ are the smallest of businesses with fewer than fifty employees.

- Predominance of small businesses also makes the economic vitality of our community vulnerable. Small businesses have a higher probability of being impacted by a disaster. They have fewer recovery resources and a lower tolerance for losses.

- When any business closes its doors it has a negative ripple effect on our community as a whole.

- Disaster preparedness planning is the best insurance policy to surviving the unexpected, staying in business, and preserving the economic health of community.