Call to Order
Roll Call

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Agency Member Pedro Martinez, Vice-Chairman Felipe Martinez, Agency Member Hernandez, Chairman Hamilton

JOINT ORAL COMMUNICATIONS

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

CLOSED SESSION:
A. City Council Closed Session Pursuant to:

B. Redevelopment Closed Session Pursuant to:

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

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

CONSENT CALENDAR
PRA-01 Award of Contract - Casas Buena Vista Slurry Seal
   Re: Awarding a contract to Asphalt Maintenance Company of California in the amount of $28,996.

Adjourn Redevelopment Meeting to a meeting of the City Council.

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

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation

PROCLAMATION
“Foster Grandparent/Senior Companion Day” - October 27, 2006

PRESENTATIONS
Employee Service Awards
Parks & Leisure Services Commission Semi-Annual Report
Library Board of Trustees Semi-Annual Report

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

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

1. Approval of City Council Minutes of September 5, 2006 and September 23, 2006

2. Authorization to Reject All Bids and Re-Advertise the Miscellaneous Concrete Improvements Project
   Re: Rejecting all bids for the project and authorizing staff to re-advertise for bids.

3. Authorization to Negotiate a Contract to Prepare a “Reclamation Area Management and Maintenance Proposal” (RAMMP)
   Re: Authorizing staff to negotiate with Karol Aure-Flynn for consulting services in an amount not to exceed $10,000; and authorizing staff to negotiate with a second consultant in the event staff is unable to successfully negotiate with Ms. Flynn.

4. Approve Service Agreement for Design of Ball Fields Project, Heritage Center Site
   Re: Approving agreement with Community Works Design Group in an amount not to exceed $43,550 for the design of two full-sized lighted baseball fields.

5. Contract Approval Request for Engineering Services with Carollo Engineers to Develop a Notice of Intent to Apply Bio-Solids
   Re: Approving agreement for the preparation of a five-year plan for bio-solids disposal for a fee of $30,600, and authorizing staff to appropriate said funds from the Wastewater Treatment Facility Capital Reserve Fund.

6. Award of Contract - Morton Avenue Chip Seal Project
   Re: Awarding a contract to Central Valley Asphalt of Lindsay in the amount of $72,374.
7. **Acceptance of the Well No. 28 Project**  
Re: Accepting the project consisting of the construction of a municipal water well and pumping plant facility on the west side of F Street adjacent to the WalMart Distribution Center as complete and authorizing the filing of the Notice of Completion.

8. **Acceptance of the Well 29 (Phase One) Project**  
Re: Accepting the Phase One of the project consisting of the new municipal well located on the north side of Henderson Avenue, west of the Porter Slough as complete, and authorizing staff to file the Notice of Completion.

Re: Authorizing staff to make payment to Gray’s Air Conditioning, Inc. and Joe Donald Gray, Trustee, in the amount of $1,425 for 202 sf. of right of way.

10. **Acceptance of Appraised Value of Right of Way for Property Located at APN 261-300-000 – Charles R. Reeder and Carol A. Odom – Plano Bridge Widening Project**  
Re: Authorizing staff to make payment to Charles R. Reeder and Carol A. Odom in the amount of $1,000 for 588 sf. of right of way.

11. **City Easement Conveyance to Southern California Edison Company**  
Re: Authorizing an easement to SCE for the installation of an underground electrical conduit along the east side of Newcomb Street within Veterans Park in return for $2,800.

12. **Ranch Victoria Tentative Subdivision Map - Extension of Time (Metco Investments)**  
Re: Approving a two-year extension for this Map generally located on the south side of Morton Avenue between Walch and Salisbury Streets.

13. **Approval for Community Civic Event - Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association Annual Children's Christmas Parade - November 28, 2006**  
Re: Approving the annual civic event to take place along Main Street from 5:00 p.m. to 9:00 p.m., the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on Nov. 28, and the closure of parking spaces in front of the north end of City Hall along Main Street from 3:00 p.m. to 5:00 p.m.

14. **Airport Land Lease for Dry Farming**  
Re: Approval of a three-year lease agreement with Jeff Sheets to dry farm 398.2 acres at the Airport with 30% of the revenue to be paid to the City.

15. **Mayor Hamilton’s Trip to Washington, D.C. for Success Dam Related Issues**  
Re: Authorizing the travel of the Mayor to Washington, D.C. with the Success Dam Remediation Committee in mid November.

16. **Cancellation of January 2, 2007, Council Meeting**  
Re: Authorizing the cancellation of the first regular Council meeting in January 2007.
17. **Appointment to Library Board of Trustees**
   Re: Extending the time for prospective applicants to submit their Request for Appointment forms until October 31, 2006.

17A. **Porterville Municipal Airport Rental - Atmospherics, Inc.**
   Re: Approving the annual rental of a portion of Lot 7, for a rental fee of $150/mth, for cloud seeding operations.

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

**PUBLIC HEARINGS**

18. **Ennis Estates Tentative Subdivision Map (Ennis Homes)**
   Re: Considering approval of a Tentative Subdivision Map, and associated Negative Declaration, to divide a 34.1 ± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville, for division into 70 estate-size single-family lots.

19. **Conditional Use Permit No. 5-93 Modification No. 1 (Porterville Evangelical Church)**
   Re: Authorization to revise the existing site plan for CUP 5-93 to allow for the expansion of the church on Linda Vista Avenue and the addition of a two-story multipurpose building.

20. **Credit Card Processing Fees**
   Re: Consideration of adopting a 2.5% processing fee for credit card payments to the City, to be used to pay the billing charges by the credit card companies.

**SCHEDULED MATTERS**


22. **Reduce Scope of Tule River Parkway Wetlands Acquisition, Phase III Project**
   Re: Consideration of reducing the scope of this project to 10% of the original scope with a budget adjustment to $28,200.

23. **Consider Rejection of Bids for Rails to Trails Project**
   Re: Consideration of revising the construction estimate, accepting additional funding supplied by TCAG, and awarding the bid to Central Valley Asphalt.

24. **Local Regulations Concerning Sex Offenders – Ordinance Concerning the Proximity of Registered Sex Offenders to Children’s Facilities**
   Re: Consideration and approval of a proposed ordinance.

25. **Decorative Lighting of Tree and Special Event Sponsorship**
   Re: Consideration of energizing the remaining, operable lights on the trees on W. Olive and E. Orange, retaining the contractor services for the decoration of the Chief Gardner Tree and the Main Street trees, and authorizing the participation and expenditures for the ‘Tree Lighting Ceremony.’
26. **Feasibility of Quad OHV Track**  
Re: Consideration of the Parks and Leisure Services Commission recommendation to build a quad track south of the BMX Track at the OHV Park, and the staff recommendation to defer construction until the 2007/2008 budget.

27. **Three Year Street Maintenance and Rehabilitation Project**  
Re: Consideration and approval of a 3-year plan for street maintenance and rehabilitation projects to possibly be undertaken if Measure R and Proposition 1B is passed on November 7.

28. **Consideration of Establishing a Steering Committee for the Development of a New Court Facility in Porterville**  
Re: Consideration of establishing an ad hoc Community Coordination Committee to work with Council and staff to achieve a new courthouse for Porterville.

29. **Appointment(s) to Council Committee Vacancies**  
Re: Consideration of Council appointments to TCAG/TPA, the Consolidated Waste Management Authority, and the Hillside Development Ordinance Committee.

30. **Request by Council Member– Discussion of Reinstatement of Planning Commission**  
Re: Consideration of a Council request.

31. **Quarterly Portfolio Report**  
Re: Accepting quarterly report for the 1st Fiscal Quarter ended September 30, 2006, in accordance with SB 564 and SB 866

32. **Interim Financial Status Reports**  

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

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

**ADJOURNMENT** - to the meeting of October 20, 2006

*It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.*

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.
SUBJECT: AWARD OF CONTRACT – CASAS BUENA VISTA SLURRY SEAL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 10, 2006, staff received three (3) bids for the Casas Buena Vista Slurry Seal Project. The street maintenance project includes the mixing of asphaltic emulsion, aggregate, set-control additives and water and spreading the mixture on pavement where shown on the plans after sweeping to remove all loose particles, dirt and other extraneous material. The slurry seal project will greatly increase the durability of the roadway.

The low bid is 32.7% under the $38,500 estimated probable cost for the project. Funding approved for this project by the Agency at the July 18, 2006 meeting is available through the Redevelopment Low and Moderate Income Housing Fund.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Asphalt Maintenance Company of California Lindsay, CA</td>
<td>$28,996</td>
</tr>
<tr>
<td>2. California Pavement Maintenance Co., Inc. Sacramento, CA</td>
<td>$43,257</td>
</tr>
<tr>
<td>3. Valley Slurry Seal Company West Sacramento, CA</td>
<td>$49,224</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That the City Council:

1. Award the Casas Buena Vista Slurry Seal Project to Asphalt Maintenance Company of California in the amount of $28,996;

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

[Signature]

P.R.A. Item No._/
October 17, 2006

Honorable Mayor and Members of the City Council:

I would like to thank the City Council for setting aside this time to hear a report on the Porterville Public Library.

In a sense, our Library is carrying out a function which has not changed since the Ptolemys assembled the Library of Alexandria, a bit before the Roman Empire began. We provide safe storage for information and public access to that collection.

We also encourage the use of these services by children and young adults. Ideally, our efforts in this area complement the work of the schools. We can present reading and research in a friendlier atmosphere because we don’t give tests.

The following circulation and activity figures give you an overview of the interface between the library and the community:

- We have over 44,000 registered borrowers
- Over 10,000 people attended library programs
- Over 57,000 people used the library’s public computers and online catalog
- 231,000 items were checked out this year compared to 156,000 last year.

Our Library staff continues to work diligently, adapting to the changing needs of our patrons and a revolution in information access.

1) We are increasing the scope of our Spanish language and bilingual collections.

2) We offer books on tape, not just to the visually handicapped but to drivers from the Wal-Mart Distribution Center and other commuters.

3) Our Literacy program pairs volunteer tutors with people who are working to improve their reading skills.

4) Come tax season, we are a source of federal and state forms and filing information.
5) Our teen patrons have their own section of the Library (which they helped plan).

6) Our computer centers offer Internet access and e-mail to the public.

7) The near future should see scheduled homework assistance once Library hours expand to include Fridays and Saturdays.

The Library is adding functions constantly, some of them not even imagined when the current facility was constructed in the 1950’s. We are approaching the building’s physical limits in several areas.

- **SPACE:** We are running out of room to house our collections. Adults share the large reading room with children. Staff work areas and computer terminals are squeezed in wherever they can be accommodated.

- **PARKING:** Bank of America has been wonderfully generous over the years in allowing library patrons to park in their lot. The nearest off-street public parking is a block south of the Library, and our patrons rarely think of using it.

- **RESTROOMS:** Our restrooms meet the legal requirements for a public building, but they receive heavy usage and could stand upgrading.

- **ELECTRICAL SERVICE:** When the current structure was built, the principal demands on its electrical system were lighting and ventilation. Even if we had space for more computers, we would have difficulty with their electrical connections.

In short, the time has come to include in the City’s General Plan the construction of a new library, designed with modern information storage and retrieval in mind.

Thank you.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pete Martinez (arrived at 7:15 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Stadtherr, Mayor Hamilton

ORAL COMMUNICATIONS
None

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

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation - a moment of silence was observed.

PROCLAMATION
   Landmark Church 10th Anniversary
   “Lawsuit Abuse Awareness Week” - October 2-6, 2006

PRESENTATION
Employee of the Month - Colette Parnell

ORAL COMMUNICATIONS
• James O’Bannon, 1761 W. Belleview Court, voiced concern with the poor condition of the slough, particularly where it ran through Veterans’ Park. He spoke of the lack of proper maintenance and lighting, and cited problems with litter and criminal activity. He requested that it be cleaned, maintained and incorporated into the Park.
• Nicki Edwards, 13096 Road 208, voiced concern with the limited library hours, and noted the importance to many families to have access to the facility on Saturday.
• Jean Vafeades, agreed with the previous speakers’ comments, and spoke of the need for code enforcement.
• Alec Garfield, P.O. Box 93258, presented the Council with the publication *Indian Gaming Business* which depicted members of the Tule River Yokut Tribe on Capital Hill in Washington D.C.

• Cathy Capone, 806 W. Westfield Avenue, thanked Council Member Stadtherr for his service and vision, particularly with regard to environmental awareness and planning.

**CONSENT CALENDAR**

Items 7, 9, 13, and 16 were removed.

1. **CITY COUNCIL MINUTES OF JULY 18, 2006; AUGUST 8, 2006; AND AUGUST 17, 2006**

   Recommendation: That the City Council approve the City Council Minutes of July 18, 2006; August 8, 2006 and August 17, 2006

   Documentation: M.O. 01-090506
   Disposition: Approved.

2. **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. 02-090506
   Disposition: Approved.

3. **AWARD CONTRACT - BUS SHELTERS AND BENCHES**

   Recommendation: That the City Council award the contract for two (2) bus shelters with wire grid contour benches to Tolar Manufacturing of Corona, CA in the amount of $11,313.75. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

   Documentation: M.O. 03-090506
   Disposition: Approved.

4. **ACCEPTANCE OF IMPROVEMENTS - WILLIAMS RANCH SUBDIVISION, PHASES TWO AND THREE (BRIAN ENNIS - ENNIS HOMES)**

   Recommendation: That the City Council:
   1. Accept the public improvements of Williams Ranch Subdivision, Phases Two and Three for maintenance; and
   2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 04-090506
Disposition: Approved.

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - NEWCOMB SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to Caltrans.

Documentation: Resolution 114-2006
Disposition: Approved.

6. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP AGREEMENT PAYMENT

Recommendation: That the City Council authorize issuance of checks to the CWMA for the following:
1. Payment of $34,772 for the City’s membership contribution; and
2. Forward $11,941 for the City’s portion of CWMA’s awarded funds received from California Department of Conservation.

Documentation: M.O. 05-090506
Disposition: Approved.

8. EXTENSION OF LICENSE AGREEMENT TERM FOR SENIOR NUTRITION PROGRAM USE OF THE SANTA FE DEPOT

Recommendation: That the City Council:
1. Authorize and direct the Mayor to sign the Amendment to the License Agreement; and
2. Direct the preparation of a budget amendment for the $2,400 extension in financial support.

Documentation: M.O. 06-090506
Disposition: Approved.

10. TITLE VI COMPLIANCE TASK FORCE COMMITTEE

Recommendation: That the City Council appoint the following individuals to the Title VI Compliance Task Force Committee to assist the City in the preparation of its update to the Title VI Report:
11. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

Recommendation: That the City Council:
1. Enter into an Agreement with the County of Tulare for FY 2006-2007 to provide service to County residents within the Service Area Boundary Map; and
2. Authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 08-090506
Disposition: Approved.

12. RENEWAL OF PERSONNEL EXAMINING SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

Recommendation: That the City Council:
1. Approve the draft resolution authorizing the renewal of the Test Security Agreement with Cooperative Personnel Services, and
2. Authorize the City Manager or his designee to sign on behalf of the City.

Documentation: Resolution 115-2006
Disposition: Approved.

14. AIRPORT LEASE - LOT 32C

Recommendation: That the City Council approve the re-activation of the Lease Agreement between the City of Porterville and Mr. Wayne Ross dated October 1, 2001, and amended November 1, 2002.

Documentation: M.O. 09-090506
Disposition: Approved.

15. AIRPORT LIABILITY INSURANCE

Recommendation: That the City Council approve the renewal of the City’s current insurance policy under the same terms, conditions and exclusions.
17. RESOLUTION OF SUPPORT FOR TULE RIVER TRIBE WATER PROJECT

Recommendation: That the City Council adopt the draft resolution and authorize the Mayor to sign the draft letter and forward both documents to U.S. Congressman Devin Nunes for consideration.

Documentation: Resolution 116-2006
Disposition: Approved.

17A. BUDGET ADJUSTMENT - AIRPORT

Recommendation: That the City Council:
1. Authorize a budget adjustment of $5,000 from Fund 90 to Fund 32-5070-001-230; and
2. Authorize the City Manager to expend up to $5,000 on the work-study program.

Documentation: M.O. 11-090506
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez; SECONDED by Council Member Stadtherr that the Council approve Item Nos. 1-6, 8, 10 through 12, 14, 15, 17 and 17a. The motion carried unanimously.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - BARN THEATER FIRST ANNUAL PORTERVILLE BUZZARD FESTIVAL - OCTOBER 14, 2006

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Stadtherr that the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application.

AYES: Pedro Martinez, Felipe Martinez, Stadtherr, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved.
7. IMPROVEMENT PROGRAM FOR PORTERVILLE COMMUNITY CENTER

Recommendation: That the City Council consider the improvement program as presented by staff and provide direction as appropriate.

City Manager John Longley presented the item.

In response to questions posed by Council Member McCracken, staff estimated the cost of the air conditioning unit to be below $15,000, which would leave approximately $72,000 towards flooring, plus any realized savings. It was stated that flooring costs had not yet been determined.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the improvement program as presented by staff. The motion carried unanimously.

Disposition: Approved.

13. CREATION AND ESTABLISHMENT OF CODE ENFORCEMENT OFFICER POSITION

Recommendation: That the City Council adopt the draft resolution authorizing the addition of one (1) Code Enforcement Officer within the Fire Department, and adopt the proposed job description.

City Manager John Longley presented the item.

Council Member McCracken inquired whether the various responsibilities of the proposed Code Enforcement Officer would be charged back to each applicable department, or whether the Fire Department would assume all costs. Mr. Longley indicated that the position would be funded out of the Fire Department, with a General Fund allocation. He indicated that the concept was that the position would entail general code enforcement, and that it was a full-time position.

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

Council Member Stadtherr questioned whether online reporting of violations and/or complaints was being pursued. It was stated that many complaints were currently received via e-mail, and that once the system was developed, it could be refined.

In response to a question posed by Council Member Pedro Martinez as to when the Council could expect another Code Enforcement Officer to be added, Mr. Longley indicated that adding another position would be at the Council’s discretion in future budgets. A discussion ensued as to how many Code Enforcement Officers were typical in other agencies, during which it was stated that it generally varied from city to city. Mr. Longley then stated that any revenue generated from code enforcement fines would be allocated between various agencies.

Council Member McCracken questioned whether any other City employees had authority to report and/or enforce code violations. Mr. Longley stated that in many instances, police personnel had...
the authority, as did a planning technician position with the Community Development Department that currently handled code violations. Mr. Longley clarified that any employee could report a violation.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council adopt the draft resolution authorizing the addition of one (1) Code Enforcement Officer within the Fire Department, and adopt the proposed job description.

Disposition: Approved.

16. REVISION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

City Manager John Longley presented the item.

Council Member McCracken noted that some items in the Handbook were pending, and requested that the item be continued to the first meeting in December, 2006, until such time as all the elements could be presented at one time. The Council concurred.

Disposition: Continued to December 5, 2006.

The Council recessed for five minutes.

PUBLIC HEARINGS

18. POLICE FEES, OTHER FEES AND ADJUSTMENTS

Recommendation: That the City Council hold a public hearing on the proposed fee changes, after which the Council adopt the fees as outlined in the draft resolution.

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

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

- Cathy Capone, 806 W. Westfield Avenue, voiced concern with the proposed costs for copies, suggesting that the cost for a copy of the Council Agenda would be exorbitant. She then commented that only about 10% of the time, the public copy of the Agenda was available at the Library. Ms. Capone requested that copies for the Agenda be reduced.
- Ron Irish, 768 North Prospect Street, spoke against the proposed false alarm fees, and commented that fees should not be increased simply because they could or other cities were doing so. He requested that other alternatives be investigated and offered his expertise in the field should the Council desire assistance.
- Vickie Edwards, 13096 Road 208, agreed with Mr. Irish’s comments and spoke against the proposed fee for false alarms. She then voiced agreement with Ms. Capone’s comments, stating that she believed the City should not charge for the Council Agenda.
- Ben Ennis, 643 N. Westwood Street, spoke against the proposed false alarm fee, voicing concern that the cost could be over burdencesome, particularly in situations that were out
of the control of the home and/or business owner. He cited a situation in which a spider had activated 23 false alarms calls in one evening.

Deputy City Manager Frank Guyton clarified for everyone’s edification that the proposed false alarm fee would not take effect until the third false alarm, and subsequent ones thereafter, in a six month period of time. He stated that the first two false alarms were free.

- Avtar Singh Basra, Subway Sandwiches, 130 North Main Street, spoke against increasing the false alarm fee as proposed, citing various circumstances that were beyond a business owner’s control.

The public hearing closed at 7:46 p.m.

Council Member Stadtherr clarified that only when S.T.O.P. Alarm contacted the Police Department did the alarm trigger police response. Mr. Irish indicated that in the event an alarm was tripped and was immediately verified by S.T.O.P. Alarm to be an accident, the Police were not notified. Council Member Stadtherr commented that he could see a place for the fee, but voiced caution with penalizing infrequent and inadvertent offenders.

Council Member McCracken noted that S.T.O.P. Alarm was not the only alarm company serving Porterville and that other companies might automatically contact the Police Department for every call.

Council Member Pedro Martinez commented that he believed other avenues could be explored rather than increasing the fee. He noted that Mr. Irish had volunteered his expertise and suggested that the Council pursue other methods. He voiced support for postponing the false alarm fee increase so as to provide time for staff to research other alternatives.

In response to a question posed by Mayor Pro Tem Felipe Martinez, the costs to the Police Department for responding to false alarm calls was discussed. Mr. Longley spoke of the effects on resources when false alarm calls competed with other calls. Mayor Pro Tem Felipe Martinez suggested that most alarm companies’ first call was to the home/business owner, then if necessary, to the Police Department. A discussion ensued as to the various types of alarms.

Council Member McCracken questioned why the City would charge for promotional materials, suggesting that the City should bear that cost. He suggested that said proposed fee should be looked at.

A discussion next ensued as to whether a study session was needed. Council Member Pedro Martinez suggested that the Council adopt some of the fees presented, noting that the only concerns raised thus far had been on the false alarm fees and the promotional copy fees. Council Member Martinez then confirmed with Mr. Longley that the Agenda on the Internet was currently free and that CDs were also available. Mr. Longley stated that he had not been aware an issue existed at the Library in terms of accessing the public copy of the Agenda and indicated that the would make sure no issue existed in the future. A discussion ensued as to the various means by which the Agenda could be accessed by the public.

The Council then concurred that the proposed False Alarm Fee and the City Promotional Materials Fee should be pulled and continued. The Council also noted a typographical error on the
forfeiture rate for deposits for notice of cancellation within two business days or less. He stated that “10%” should actually be “90%.”

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member Pedro Martinez that the Council approve staff’s recommendation, as amended to remove and continue the False Alarm Fee and the City Promotional Materials Fee, and correct the typographical error on the forfeiture rate for deposits for notice of cancellation within two business days or less from “10%” to “90%.” The motion carried unanimously.

Disposition: Approved.

19. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

**Recommendation:** That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. During staff’s presentation, the Council recessed for five minutes due to notice of an emergency with Mayor Hamilton’s family. The Mayor then excused himself from the meeting and left the Chambers. Mayor Pro Tem Felipe Martinez presided over the remainder of the Council Meeting.

The public hearing opened at 8:19 p.m.

- Jason Callison, 2115 West Castle Avenue, voiced approval for the proposed project and spoke against the prolongation of Castle Avenue, noting that it would negatively impact his residence. He suggested that in the event Castle Avenue was extended through, he would be unable to sell his home and would likely lose $700,000. He questioned who would pay him and stated that he would pursue the matter if need be. Mr. Callison then voiced frustration that the School District had not contacted him regarding the matter.
- Jim Winton, business address at 150 W. Morton Avenue, noted a typographical error in the Map notes. He stated that the maximum parcel size was 26,000 sq. ft. and the minimum parcel size was 12,600 sq. ft., making the average 17,000 sq. ft. He then stated that the applicant was in agreement with the conditions of approval and that he was available to answer any questions the Council might have.
- Ben Ennis, Ennis Homes, Inc., applicant, 643 North Westwood Street, spoke of the history of the project, the abandonment of Castle Avenue by the County, the need in the Community for executive-type housing, and of the past amicable relationship with the School District. He voiced concern with the Council confusing the approval of a subdivision with the need for a secondary access in another proposed development, noting there were other options for access, such as through Mr. Lombardi’s property. He contended that he was not selling the land and therefore he should not have to solve the secondary access issue. He then requested that his CEQA attorney, Mr. Timothy
Jones of Sagaser, Jones & Hahesy, be allowed to speak last to address any issues that might be raised during the public hearing.

Mayor Pro Tem Felipe Martinez indicated that the meeting was not a court of law, and that the public hearing was not the place to dispute the matter. He stated that if Mr. Jones had something to offer that the Council had not yet heard, his comments were welcome. City Attorney Julia Lew clarified that the Council could simply listen to the comments, and if it felt it wished to hear more from Mr. Ennis’s counsel, it could then ask. She indicated that the Council had the discretion.

- Mr. Ennis stated that if the School District’s comments only pertained to the proposed Subdivision, he did not have a problem, however, he did not believe that would be the case. In response to a comment by the Council that the Council would only be considering the merits of the project, Mr. Ennis suggested that half of staff’s report pertained to Burton School District. Mr. Ennis then commented that the project had passed all review committees with flying colors and stated that he did not believe there was anything to keep the Council from approving the item.
- Timothy Jones of Sagaser, Jones & Hahesy, 2445 Capital Street, Fresno, came forward on behalf of the applicant and spoke in favor of approval of the item, indicating that Ennis Development had met all the criteria to have the Council approve the Tentative Subdivision Map. Mr. Jones stated that there were two problems in the CEQA analysis prepared by staff – 1) staff had not taken into account the road that the applicant would like the City to have and that other alternative locations for secondary access were available; and 2) staff failed to take into account the current General Plan. He contended that neither of the arguments rose to the level of a CEQA analysis that would impact the determination and the appropriateness of the Mitigated Negative Declaration. Mr. Jones then elaborated on his concerns with the CEQA analysis and stated that there was no justification under CEQA to deny the application. Mr. Jones then stated that he was available to answer any questions and requested the opportunity to respond to any additional issues that might be raised.
- Dr. Don Brown, Superintendent of Burton School District, stated that the District was in support of the project and believed that a mutually agreeable solution could be found. Dr. Brown then indicated that he had a 16 minute PowerPoint presentation that he would like to present.

Mayor Pro Tem Felipe Martinez stated that generally only three minutes was provided during public commentary. City Attorney Julia Lew clarified that the District should be given at least the amount of time given to those in favor of the proposed Subdivision. She recommended that it would be best to err on the side of due process, but requested that the presentation be made as expeditiously as possible. Ms. Lew then noted that there appeared to be justification for Mr. Jones’ desire to address the Council on any additional issues raised that evening.

- Dr. Don Brown, proceeded with his presentation. He spoke of the Council’s previous determination that the proposed school site was consistent with the City’s General Plan, and of the City’s direction to improve and dedicate a portion of Castle Avenue for secondary access to the school. Dr. Brown voiced support for the proposed Subdivision, but voiced concern that the current design would impede the School District’s ability to adhere to the City’s directive. He then spoke of the City’s growth and the efforts made
by the District to meet the demands of that growth, and of the history of the District’s efforts towards securing a site for the proposed school. Dr. Brown stated that the District proposed a minor relocation of the northern border of the proposed Subdivision. He then called on Jeff Bottoms to continue the presentation.

• Jeff Bottoms, 264 North Westwood, came forward and continued the School District’s presentation. He spoke of the importance of easy and safe access to the school by children in adjacent subdivisions, suggested that alternative locations for secondary access to the school would restrict that access, and asserted that it would be premature to approve the proposed Subdivision prior to fully analyzing pedestrian access issues. He stated that the ability to adhere to the Council’s previous directive would be compromised by the placement of the Subdivision. He commented that by requiring the northern boundary of the Subdivision to be moved 30 feet south, the City Council would ensure compliance with the Subdivision Ordinance by reducing the maximum lot depth, and that such relocation would support the General Plan Update; allow Burton School District to satisfy the conditions of the Council’s previous directive; would provide a safe and efficient route to school for children living east of the Subdivision; and would help to alleviate an already impacted traffic flow on Westwood.

• Jeff Kuhn, Esq., Law Firm of Lozano Smith, 7404 North Spalding Avenue, Fresno, continued the presentation on behalf of Burton School District and voiced concern with the Subdivision as proposed. He stated that there was a deficient CEQA analysis in the current study that failed to adequately address the issues raised during the review, and suggested new deficiencies and concerns existed resulting from staff’s response. He voiced concern with the fact that the alternative accesses suggested by staff had not been analyzed; that the impact analysis was consistent only with the City’s current General Plan and not the General Plan Update; the project was not conducive to the pedestrian and vehicular traffic traveling from subdivisions located to the north and east of the project. Mr. Kuhn suggested that an analysis of the project should be made against both the Update and the current General Plan and strongly disagreed with the Negative Declaration determination that there would be less than significant impacts on transportation and traffic. He stated that the gated project would impede access by emergency vehicles.

• Ralph Hatland, Chief Business Officer for Burton Elementary School District, 1025 South Tracy Court, Visalia, came forward next to continue the PowerPoint presentation. He stated that the City Council had the authority under Section 21.3 to deny private streets; and that cities and counties had general police powers to approve or disapprove any development. He continued that the Government Code provided cities and governments the authority to institute mitigation remedies for developers; and that Section 66478 of Subdivision Maps stated that a city or county could adopt an ordinance requiring the dedication of land to an applicable school district.

• Jeff Bottoms, address on record, returned to the podium to continue the School District’s presentation, and proceeded to review various options for secondary access, all of which he contended were not viable. Mr. Bottoms asserted that only the prolongation of Castle Avenue met all of the criteria.

• Don Brown, Superintendent of Burton School District, came forward to conclude the District’s presentation. He thanked the Council for allowing the presentation and requested that the Ennis Subdivision’s northern border be moved south by 30 feet and that the 30 feet be dedicated as a future street right of way, and/or for the Council to
delay its approval until such time as traffic studies were completed and mitigation issues were resolved.

- Maureen Hill, 18813 Aspecy Drive, Saratoga, came forward and identified herself as a Land Use and Environmental Planning Consultant for Burton School District. She clarified with staff that the reference to a “Vesting” Tentative Map in the draft resolution was a typographical error, and that the Council was considering a Tentative Subdivision Map.

- Greg Shelton, 888 North Williford Drive, stated that he while he was indifferent to the proposed project, he questioned why the District had selected their proposed site if there were such environmental and traffic concerns in the area. He then voiced concern with the District autocratically selecting school sites, and then leaving it to the City to deal with traffic issues created by the District’s actions. Mr. Shelton then commented that if the project met all of the City’s criteria, it should be approved.

- Allen Lombardi, 3333 South West Street, Visalia, identified himself as the son of Guido Lombardi, the seller of the property to Burton School District. He voiced concern with what he perceived to be a “rushed nature” of the study, citing inaccuracies with farming references. He spoke against the Ennis Subdivision as proposed, citing vehicular and pedestrian traffic as concerns. He spoke in favor of relocating the northern border of the project 30 feet south to allow for the prolongation of Castle Avenue.

- Jim Lombardi, 2312 West Westfield Street, spoke of farming the land on which the Subdivision was proposed many years ago and commented that Castle Avenue had been used when it was there.

- Ben Ennis, address on record, stated that Ennis Development was not anti-school, but was merely attempting to protect its property. He spoke against the prolongation of Castle Avenue, citing concerns with increased vandalism and theft that he suggested would likely occur at his company’s shop building; the negative impact on Mr. Callison’s property due to needed right of way; and dangers to children walking along a 26 foot wide road, which he alleged would not allow enough room for passing cars. Mr. Ennis then stated that according to the recollection of previous Council Members, the Council’s direction to the District had been that the District would not use eminent domain and that it would negotiate with him for his property. He indicated that the Council Members’ recollection was that it had never been demanded that Castle Avenue be extended through. Mr. Ennis then opined that a viable access could be provided through the Lombardi property to Westwood Street, by lining up the new road to meet the entry of North Creek of Estates. Mr. Ennis then commented that if Castle Avenue went in, it would be the most expensive street Porterville had ever seen.

- Timothy Jones, Esq., address on record, came forward on behalf of Ennis Development. He questioned whether there was another document other than the attachment to Hurley and Laird’s letter that more strongly required the prolongation of Castle. Mr. Jones then stated that the Council was dealing with a land developer that was stating that their access road ought to go on another person’s property, and that other person should be required to give them the property for free. He stated it was an inappropriate use of CEQA to force someone to pay for someone else’s development. He then contended that a 20-foot wide road and a 30-foot wide dedication would not provide sufficient pedestrian access.

In response a request by the Council, Community Development Director Brad Dunlap stated that he had reviewed the Minutes of the Council Meeting when the prolongation of Castle had been
discussed, and it was a requirement of the Council to extend Castle through. Mr. Dunlap recalled that the Council had voted that the proposed school site was consistent with the General Plan if the access was extended through on Castle Avenue.

City Attorney Julia Lew clarified that additional public commentary by individuals not associated with any of the involved parties should be allowed prior to closing the public hearing.

- Catherine Capone, 806 West Westfield Avenue, suggested that a parkway might be a solution to providing pedestrian traffic to the school, instead of a vehicular road. She then spoke of the existing drainage basin south of the proposed Subdivision and suggested that it might be utilized as a public access area green space.

The public hearing closed at 9:18 p.m.

Council Member McCracken questioned how the School District would have proceeded in the event the previous Council had not determined the site to be consistent with the General Plan. He then stated that the District failed to mention that the portion of Castle Avenue that would need to be constructed was also not an existing street. Council Member McCracken then stated that he believed the drainage basin to which Ms. Capone referred was not located on either party’s property. He stated that Mr. Ennis seemed to have complied with or exceeded the requirements.

Council Member Stadtherr referred to a GIS image of the subject location which staff had brought up on the overhead screen at his request. Mr. Dunlap pointed out that at the time of the GIS imaging, which he estimated was approximately 1999, the area north of the subject site was County and therefore was reflected on the image as a blacked-out area. Council Member Stadtherr then spoke of County thoroughfares and noted that they generally were placed in one mile increments. He stated that Castle Avenue was Avenue 168, which extended westward to Woodville. He spoke of looking beyond just the proposed development and considering what would be best moving into the future. Council Member Stadtherr then noted that the County was also in the midst of updating their General Plan and suggested that its consideration should also be factored into the determination. He then opined that the proposed Subdivision would not promote the concept of a walkable community, and suggested that if the Subdivision was approved as proposed, the City would be giving up its options for the future. He proposed that the Council not make a decision until such time as the City and County General Plans were updated.

Council Member Pedro Martinez noted the high probability for litigation, and suggested that the Council discuss the item in Closed Session.

City Attorney Julia Lew agreed that there was definitely anticipated litigation, and recommended that the item be set for Closed Session on the next Council Agenda.

Council Member McCracken confirmed with staff that the westerly terminus of Castle Avenue was the only pedestrian access to the subject property from the subdivisions to the east, and that no current direct pedestrian access existed to the property from the south.

Mayor Pro Tem Felipe Martinez commented that every problem had a solution and encouraged the parties to work out an amiable resolution to the matter. It was decided to continue the item to Closed Session at the next Council Meeting and to also continue the public hearing.
Council Member McCracken moved that the Council continue the item to Closed Session at the next regular meeting, and continue the public hearing to the next City Council Meeting set for September 19, 2006.

Council Member Stadtherr seconded the motion.

In response to concerns raised by Council Member McCracken, City Attorney Julia Lew clarified that Mayor Hamilton would be able to review the testimony and participate in the discussion of the item. It was pointed out that Council Member Stadtherr would no longer be seated at the next meeting, however it would not present a problem, as a quorum would be possible. Ms. Lew stated that the Council could consider Council Member Stadtherr’s comments made that evening as a part of their decision making at the next meeting. She then indicated she believed that a new member would also be able to participate, if he or she had the opportunity to review the testimony.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Stadtherr that the Council continue the item to Closed Session at the next regular City Council Meeting, and continue the public hearing to the next regular City Council Meeting.

| AYES: McCracken, P. Martinez, Stadtherr, F. Martinez |
| NOES: None |
| ABSTAIN: None |
| ABSENT: Hamilton |

Disposition: Item continued to Closed Session at next regular meeting; public hearing continued to next regular meeting.

The Council recessed for ten minutes.

Council Member McCracken noted the lateness of the evening and the full agenda remaining for the evening and requested that the Council consider continuing some of the items that lacked urgency. He then moved that the Council continue Items 22 through 34 to an Adjourned Meeting on the following Tuesday. When a conflict was noted, Council Member McCracken amended his motion to continue the items to the next regular meeting.

Council Member Martinez requested that Item Nos. 27, 29 and 33 be heard that evening, and the remainder be continued, as was moved by Council Member McCracken.

Council Member McCracken withdrew his motion.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council continue Item Nos. 22 through 26, 28, 30 through 32, and 34 to the next regular meeting.

| AYES: McCracken, P. Martinez, Stadtherr, F. Martinez |
| NOES: None |
| ABSTAIN: None |
| ABSENT: Hamilton |
Disposition: Item Nos. 22 through 26, 28, 30 through 32, and 34 were continued to the City Council Meeting of September 19, 2006.

Council Member Pedro Martinez noted a conflict of interest with Item No. 20, recused himself from the discussion, and left the Council Chambers.

Community Development Director Brad Dunlap clarified for the record that he had misspoken during the discussion of Item No. 19 - Ennis Estates Tentative Subdivision Map. He stated that he had made the comment that the neighborhoods from the east had to travel all the way down to Westfield and out Lombardi, which was not accurate. He stated that there was a actually a connection between Mathew and Lombardi, going through the neighborhood.

20. EAGLE RANCH TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving Eagle Ranch Tentative Subdivision Map subject to the conditions of approval.

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

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

- Brad Gilton, a Visalia resident and partner in the proposed development, thanked the Council for their commitment and time. He then spoke in favor of the item and requested the Council’s approval.
- Cathy Capone, 806 West Westfield Avenue, voiced concern with safety and/or possible drainage issues with the open canal located south of the project. She then noted the need for safe ingress and egress from Plano Street.
- Joel Velasquez, 1141 North Plano Street, spoke against the proposed project, primarily due to the proposed density of the project. He also cited concerns with traffic congestion and safety issues.

The public hearing closed at 10:01 p.m.

Council Member McCracken confirmed with staff the other subdivisions in the vicinity were generally similar in density to the proposed project.

Council Member Stadtherr first acknowledged Council Member Irish for pursuing the pocket park concept, yet noted the trend of late was for developers to relegate the park to the most undesirable lot in their projects. He then proposed a relocation of the pocket park making the park the center point of the development, rather than something set off to one side. He commented that he liked the Subdivision, but that he would prefer the park more in the center.

At the Council’s request, staff responded to issues raised by Mr. Velasquez with regard to traffic and density and by Ms. Capone regarding the drainage canal.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Eagle
Resolution 119-2006  Ranch Tentative Subdivision Map subject to conditions of approval.

AYES: McCracken, F. Martinez, Stadtherr
NOES: None
ABSTAIN: P. Martinez
ABSENT: Hamilton

Disposition: Approved.

21. ZONE VARIANCE 1-2006 AND CONDITIONAL USE PERMIT 1-2004, MODIFICATION NO. 1 (HOLY CROSS CHURCH)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Zone Variance 1-2006 as recommended by staff in Alternative A; and
2. Adopt the draft resolution approving the modification to Conditional Use Permit 1-2004.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report, which included the following options for Council’s consideration:

Alternative A: An alternative to strict compliance with the Code is to allow the fence to be constructed on the front property line, further from the street than it currently is, but not within the parking lot. The height of the fence could be maintained at 62 inches, and the fence moved out of the right-of-way back to the property line along North Grand Avenue. The 6 foot high chain link fence located on the west side of the property extending into the public right-of-way along North Grand Avenue and into the City right-of-way must be shortened to conform with the front property line and have the slats removed. A diagonal fence would connect the fence on North Grand Avenue to the fence on Newcomb Street.

Alternative B: Approve a variance to allow the existing fence to remain as it currently is, located partially within the right-of-way, and with reduced sight distance visibility for vehicular traffic at the intersections and the site driveways.

Alternative C: Deny the zone variance request and require the 5-foot 2-inch fence extending the full length along North Grand Avenue to be reduced to 4 feet in height from finished grade. Additionally, require the first 20 feet extending along Newcomb Street south of North Grand Avenue to be reduced to 4 feet in height from finished grade and obtain an encroachment permit.

Mayor Pro Tem Felipe Martinez noted a potential conflict of interest, recused himself from the discussion, and left the Council Chambers. Council Member Stadtherr presided over the remainder of the item in the Mayor and Mayor Pro Tem’s absence.
The public hearing opened at 10:20 p.m.

• Gary Day, 585 Crestview Circle, came forward and identified himself as the contractor of the Holy Cross Church. He spoke of the need for constructing the fence during the last portion of construction due to trespassers, and the significant amount of traffic at that intersection. He suggested that the fence, as constructed, would likely not visually interfere with traffic, particularly if the City intended to install a traffic signal. Mr. Day then requested that the current position of the fence be allowed, as stated in Alternative B, noting maintenance challenges if it was relocated per standard requirements.

• Mike Taylor, 633 North Westwood, came forward on behalf of Townsend Architectural Group and spoke in favor of the Council approval of Alternative B. He commented that some of the photos presented in the staff report somewhat distorted the actual view, pointing out that the fence was not solid. Mr. Taylor then suggested that the fence as constructed fit in well with the property’s surroundings.

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

Council Member Stadtherr questioned how the fence was ever allowed to built in the first place, and voiced concern with the placement of the fence, particularly where it enclosed a utility pole. He then voiced concern with setting a precedent if the Council were to allow the fence to remain as was.

Council Member McCracken noted that if the fence were moved back to the standard setback, it would leave a large portion of the landscaping outside of the fence.

A discussion ensued as to the maintenance of the landscaping in place, during which staff indicated that the owner was currently responsible for the maintenance. City Attorney Julia Lew noted that there might be liability issues for the City in the event the Council allowed the fence to remain in its current location. Ms. Lew then confirmed that any action taken that evening would require a unanimous vote, since only three Council Member were present and the item would require a resolution.

Council Member McCracken clarified with the City Attorney that in the event the Council continued the item, the issue of still requiring a unanimous vote would remain, as Council Member Stadtherr would be gone and Mayor Pro Tem Felipe Martinez would again have to recuse himself. He then voiced concern with requiring the relocation of the fence, noting that utility companies would still easily access the utility pole at its current location. He additionally voiced concern with landscape maintenance outside of the fenced area.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member P. Martinez that the Council adopt the draft resolution approving Zone Resolution 120-2006 Variance 1-2006 as recommended by staff in Alternative A.

AYES: McCracken, P. Martinez, Stadtherr
NOES: None
ABSTAIN: F. Martinez
ABSENT: Hamilton
Resolution 121-2006	MOVED by Council Member Stadtherr, SECONDED by Council Member P. Martinez that the Council adopt the draft resolution approving the modification to Conditional Use Permit 1-2004.

AYES: McCracken, P. Martinez, Stadtherr
NOES: None
ABSTAIN: F. Martinez
ABSENT: Hamilton

Disposition: Approved.

**SCHEDULED MATTERS**

22. COMPARISON OF ARTIFICIAL TURF TO REAL TURF MAINTENANCE

Recommendation: That the City Council consider and accept the cost comparison between artificial turf and real turf maintenance.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

23. GENERAL PLAN UPDATE PRESENTATION

Recommendation: No action recommended.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

24. CHIEF OF POLICE RECRUITMENT

Recommendation: That the City Council:

1. Authorize the City Manager to retain Peckham and McKenny for a fee of $24,000 to recruit a Chief of Police; and
2. Authorize the City Manager to execute any and all necessary documents related to the recruitment process.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

25. CONSIDERATION OF A STANDARD FORMAT FOR A PLAQUES COMMEMORATING PROJECTS

Recommendation: That the City Council approve the format for project commemoration plaques as recommended, and direct staff to implement their uniform use.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.
26. PROCEDURE TO ACCOMMODATE LARGER EXPENDITURES WHEN REQUIRED BY PUBLIC PEACE, HEALTH OR SAFETY

Recommendation: That the City Council adopt the draft ordinance, waive further reading, and order the ordinance to print.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

27. FIRE APPARATUS AVAILABLE FOR SURPLUS

Recommendation: None - Informational Item Only.

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

A brief discussion ensued with regard to the condition of the 1969 Van Pelt Type I Fire Engineer, as identified in the staff report.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member P. Martinez that the Council declare the equipment identified in the staff M.O. 16-090506 report as surplus, authorize the donation of said equipment to the Tule River Indian Tribe, and direct staff to notify the Tribe of the action.

AYES: McCracken, P. Martinez, F. Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Direction given to staff.

28. USE OF PROPOSITION 42, PROPOSITION 1B AND ½ CENT SALES TAX FUNDS – STREET PROJECTS


Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

29. CONSIDER ADOPTION OF AUDIT COMMITTEE ORDINANCE

Recommendation: That the City Council set a public hearing for the adoption of the draft Audit Committee Ordinance on September 19, 2006.

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

Council Member McCracken questioned the need for the Audit Committee, suggesting it appeared to be yet another bureaucratic hurdle. A discussion ensued, during which Council Member
Stadtherr elaborated on the impetus of the item and the potential benefits to the City. Council Member McCracken commented that he did not see any particular advantage to appointing an Audit Committee.

Mr. Longley stated that the primary advantage of establishing the Committee was that it would facilitate the management of the external auditor. Mr. Longley then spoke further of the impetus of the item and the perceived benefits.

Council Member Pedro Martinez commented that he believed that the Council should consider the establishment of the Audit Committee.

Mayor Pro Tem Felipe Martinez stated that he believed that the Committee would be a useful tool.

Council Member McCracken voiced concern with limiting the structure of the proposed Committee to only the Mayor and one other Council Member, noting that the expertise of the Members of Council varied.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member P. Martinez that the Council set September 19, 2006 as the date for a public hearing for first reading of the draft Audit Committee Ordinance.

AYES: McCracken, P. Martinez, F. Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

City Manager John Longley excused himself from the Council Chambers to take a telephone call from the Mayor.

30. DEBARMENT PROCEDURES – CITY CONTRACTORS

Recommendation: That the City Council consider the proposed regulations and give first reading to the draft Ordinance of the City Council of the City of Porterville Adding Article XIII, Sections 2-114 through 2-138 to Chapter 2.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

31. AGGRESSIVE SOLICITATION ORDINANCE

Recommendation: That the City Council consider the proposed regulations and give first reading to the draft Ordinance of the City Council of the City of Porterville Repealing Section 18-1 of Chapter 18, Article I of the Porterville Municipal Code, and Adding Article IV, Sections 18-50 through 18-54.
Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

32. UPDATE – DEVELOPMENT OF LOCAL REGULATIONS CONCERNING SEX OFFENDERS

Recommendation: That the City Council review the sample regulations provided in the staff report, and provide any additional input and direction.

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

33. REQUEST BY COUNCIL MEMBER–DISCUSSION OF PROCESS TO BE UTILIZED FOR THE APPOINTMENT OF A NEW COUNCIL MEMBER

Recommendation: None.

Deputy City Manager Frank Guyton presented the item in the City Manager’s absence.

Upon Mr. Longley’s return, he reported that the Mayor’s wife would remain in the hospital overnight and that the mayor would not be returning to the Meeting.

Council Member Pedro Martinez noted that he had requested that the item be brought forward and wished to clarify the process that would be utilized to fill the vacancy left by Council Member Stadtherr.

Council Member McCracken commented that he would like to see each of the candidates provide a Statement of Qualifications so as to provide some background information. He suggested that the Candidates should also be provided information regarding the requirements of filing the Fair Political Practices Commission (“FPPC”) Form 700 - Statement of Economic Interests. Council Member McCracken then suggested that a mechanism for speaking with the candidates be considered, such as a forum or interviews by two Council Members.

City Attorney Julia Lew clarified that other jurisdictions had required candidates to submit letters of interest.

Council Member Pedro Martinez voiced support for requiring a letter of interest and appointing an ad hoc committee to review the applicants. It was suggested that a forum could be scheduled as an adjourned meeting. Ms. Lew clarified that in the event the Council wished to proceed with a forum type situation to interview the candidates, that a standardized set of questions should be established and utilized.

Council Member McCracken voiced concern with having to actually vote “no” for a candidate and indicated he would rather vote in the affirmative. He suggested that another method for voting be utilized to avoid that scenario, such as with paper ballots. A lengthy discussion ensued as to the various options available to the Council for the appointment of the position.
COUNCIL ACTION: MOVE by Council Member Pedro Martinez, SECONDED by Council Member Stadtherr that the Council direct staff to publish public notice and issue a press release of vacancy with a request for the submission of a letter of interest and resume, not to exceed two pages, from interested individuals to City Clerk’s Office by 5:00 p.m. on September 18, 2006; that the City Clerk be directed to make the FPPC Form 700 available for the review and acknowledgment by all applicants; that the resumes are to be reviewed by an Ad Hoc Committee comprised of the Mayor and Mayor Pro Tem and that said Committee will present a status report and/or recommendations to the Council on September 19, 2006, after which an adjourned meeting would be scheduled for a panel interview of the finalists.

AYES: McCracken, P. Martinez, F. Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Direction given to staff.

34. REQUEST BY COUNCIL MEMBER–CONSIDERATION OF POP WARNER FIELD USE WITHOUT FEE CHARGES

Recommendation: None

Disposition: Pursuant to Minute Order 15-090506, this item was continued to the Meeting of September 19, 2006.

The Council adjourned at 11:25 p.m. to a Meeting of the Porterville Redevelopment Agency

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
September 5, 2006

Roll Call: Member McCracken; Member Pete Martinez; Vice-Chairman Felipe Martinez, Member Stadtherr
Absent: Chairman Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. AUTHORIZATION TO ADVERTISE FOR BIDS - CASA BUENA VISTA SLURRY SEAL PROJECT

Recommendation: That the Redevelopment Agency:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids.
City Manager/Agency Secretary John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

**AGENCY ACTION:** MOVED by Agency Member Stadtherr, SECONDED by Agency Member P. Martinez that the Porterville Redevelopment Agency approve the Plans and Project Manual; and authorize staff to advertise for bids.

**M.O. PRA01-090606**

**AYES:** McCracken, P. Martinez, F. Martinez, Stadtherr  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hamilton

Disposition: Approved.

The Porterville Redevelopment Agency adjourned at 11:26 p.m. to a meeting of the City Council.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

Plaque for Council Member Stadtherr

- Mayor Pro Tem Felipe Martinez read Council Member Stadtherr’s resignation letter into the record, then presented him with a Plaque for his service.

*Other Matters, Council Meeting of September 5, 2006*

City Clerk  
City of Porterville  
291 North Main Street  
Porterville, CA 93257

Dear Ms. Hawley:

*I quit. It’s been fun.*

Sincerely,

*Richard Stadtherr*  
*Councilman*  
*City of Porterville*

- City Manager John Longley passed on Mayor Hamilton’s apologies for not being there and his appreciation for Council Member Stadtherr’s service.
- Council Member Pete Martinez commented that he was pleased he was able to serve with Council Member Stadtherr, and thanked him for his service.
ADJOURNMENT
The Council adjourned at 11:30 p.m. to the meeting of September 19, 2006.

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Patrice Hildreth, Deputy City Clerk

ATTEST:

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Cameron Hamilton, Mayor
Roll Call:  Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez, Mayor Hamilton, One Council Vacancy

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation: Moment of Silence

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. GOALS AND PRIORITIES

   City Manager Longley presented the item. He reviewed the 21 power curve projects and the current project monthly reports which included three questions for Council, 1) whether the monthly reports were useful, 2) which projects should be placed “on watch” or “priority”; and 3) which projects should be added or deleted. The City Manager stated that Lucie Garcia had agreed to facilitate the meeting. Mr. Longley stated that the number one question was whether the Council found the monthly reports beneficial. Council concurred that they found it to be a useful tool.

   Lucy Garcia welcomed everyone and stated that it would be five minutes so she could correct a technical problem. She invited everyone to help themselves to the refreshments in the meantime.

   Mayor Hamilton stated that he had a conversation with the City Manager and a couple of the Department Heads, and some issues came up that were pertinent to how they govern. Some minor things came up, and the staff’s frustration with some matters. The Mayor stated that he thought they could take a few minutes to discuss this while they waited.

   The City Manager stated that it seemed that one of the main frustrations was that they tended to bounce around in terms of priorities. He stated that it was called the priority of the week, and staff felt it could be much more effective if objectives to accomplish were defined, and then they were allowed to stick to them for a period of time. The City Manager stated that it would be beneficial coming out of the session to move in that direction—having a span of control in having three to five, but ever more than seven, priorities.

   The Mayor stated that the Council got lobbied all the time, and the Council started making decisions on what the developers want instead of going through the process—and that was very frustrating to the staff. He stated that the Council needed to listen to the citizens, but they also needed to let the process take place the way it was supposed to. He stated that there were channels to follow, especially with new development, and the Council members should probably tell individuals that they were staying out of things until it came before them.
The City Manager stated that he had a discussion with a number of staff yesterday about the difference between how the City operates and how a number of those large governmental entities operate. The feeling was that below the manager level, and to some extent below the director level, it was perceived that there was a tremendous amount of premature Council involvement then typical in other organizations in the community. He stated that it was a style thing, but it was thought to be less than effective because the directors became focused on dealing with political challenges rather than dealing with getting the work out, making things happen and focusing on the technical leadership they need to provide. It distracted from effectively accomplishing their mission.

The Mayor gave an example of getting involved in a developer’s request, and in the end the problem was with the people on the developer’s end and not staff, but in the meantime a lot of staff time and effort was taken instead of allowing the process to proceed. He stated that the Council was getting one side of the story. The Mayor stated that there was 145 projects, and every time they involved the management staff, they were taking personnel away from accomplishing what they needed to be doing. He stated that they should be going to the City Manager to get any answers they needed without taking the staff off-task.

Baldo Rodriguez, Director of Public Works, stated that part of his frustration was when his staff was told they screwed something up and it became a heated debate out in the field. He stated that it would be a benefit to him if, when he was told staff screwed something up and he could show them that it was not staff’s fault and here was the problem, he could tell his people that there was problem, but they needed to make it work. He stated that he was ready to fix any problems possible and move ahead, and he would like to tell his staff that they would get it done, but it was known that it was not the staff’s fault, no matter what was being told to the Council.

Brad Dunlap, Director of Community Development, stated what staff was looking for the Council to do was set the course for the goals they want the City to achieve. He stated that they had 145 projects with defined and limited resources to achieve the Council’s goals, so it needed to be focused. From his standpoint, development started with them, and if they were pulled in many different directions, apart from the primary goals of the Council for the City, it took the whole program off course. Mr. Dunlap stated that they needed a vision cast by the City Council and a clear commitment to achieving those goals—and that goes toward the decision making that feeds into achieving those goals. He stated that when they say they are committed to economic development and they made decisions contrary to creating jobs, or diluting their ability to move in that direction, it’s an oxymoron and worked toward opposite ends. Mr. Dunlap stated that for example, whatever the decisions were that went into the Porterville Commercial Center versus Riverwalk issue, it was still an opportunity to create jobs and amenities for the community, and allow for the residents of Porterville to spent their tax dollars here complimentary to the other project. In regard to community development, he heard continuously that they were not doing anything, but he could not tell them how much time they spend doing that nothing. They spent a long time working on potential projects and working inquiries. Mr. Dunlap stated that they were looking for the Council to set a clear goal and clear course, and the decisions made in meetings week after week need to align with achieving that goal, and when they didn’t, he felt like they were chasing their tail. Mr. Dunlap stated that many times they made decisions that expended resources in areas that were duplicative of services, and those resources could very well be used at
fulfilling mission critical objectives that they know the Council holds as a high priority, like spending a few hundred thousand dollars on a project that may be a duplicate resource in the community when that money could go into capital projects elsewhere that were mission critical and defined by the Council as being a major goal. He stated that what he was looking for in order to be able to plan effectively, and to promote economic development effectively, was decision making on the Council level that would move them in that direction. Mr. Dunlap stated that staff spent a lot of time bringing projects to Council only to not have a decision made, and then staff goes back and recreates the wheel again, and brings it back and circles back again. He stated that he had seen Jim Perrine circle back three or four times on the same project, only to not ever have it decided on. Director Dunlap stated that they were there to serve the community, and to serve the Council through the City Manager to make a productive contribution to the community, and they cared. He stated that oftentimes, beyond what he just said, one of the things communicated back to staff was that “it’s us against you”—they were not together synced as a team. He stated that they were not there to contradict the City Council, or work contrary to the City Council, they were there to work for the City Council through the City Manager, but they had this thing going—“I want you to go over here—I want you to go over here.” He stated that they needed that agreement from the Council in which direction they were moving and then they needed to move that direction. He stated that they were there to follow Council’s direction, but it needed to be understandable and clear.

Mayor Hamilton asked if any staff wanted to focus on what Brad said, or were they in agreement, because Council was going to set goals and objectives that day. The Mayor stated that with what Mr. Dunlap spoke about, and what Mr. Rodriguez spoke about, did the staff feel the same way or have more information before Mrs. Garcia got them started.

Frank Guyton, Deputy City Manager/Fire Chief, stated that they put it in a nutshell, as he had those same issues the staff was talking about, and then they always had people coming in wanting to spend money in some other arena. The priority projects, the money distribution projects and the vision set during the budgetary process should be adhered to unless it was something dramatic.

Mayor Pro Tem F. Martinez stated that it was like having a football team and when they got out there they were told not to tackle the guy, and then asked why they were losing. That was what he heard and he wanted them to start tackling.

Mr. Guyton laughingly stated that perhaps they were playing soccer, and Mr. Perrine stated that was also the problem, it sometimes felt like they were playing different games.

Council Member P. Martinez stated that he understood that this body needed to come together as a Council to set priorities, understanding that they all have individual interests and goals. He stated that in looking at what was best for the City, some of those personal goals may have to be categorized as level two or three. He stated that Pete McCracken used to say when he was running for Council that they needed to figure out what their wants were and what their needs were, and he believed for the community that was what they needed to do—figure out the needs that Porterville has for this year that this Council can move toward, and then the wants they may have could be worked toward, but understanding that would take more time. He stated that
pushing for an individual item could be undermining the goals of the Council, so they to set their priorities and work toward them.

Lucy Garcia, Director of Community Relations and Foundation Development for Sierra View District Hospital, stated that strategic planning effected everyone and she wished more people were in attendance. Ms. Garcia stated that she did research on the community development process and there were three pieces to it—strategic planning, implementation and evaluation. She stated that one of the first things they would do was talk about the vision, but they would have to continually do implementation and evaluation—‘this is the big picture, this is what we want it to look like—this is how we’re getting there—this is how we’ll do it.’ Ms. Garcia stated that they did a strategic plan to basically create a vision. They needed to know what they were doing, where they’re going—what did they want their future to look like. They needed the big picture of the how the community, the economy and the people will be changed to make sure everyone in the community shared in its well being. She stated that it was not the Council’s plan or the City’s plan, it was everyone’s plan. They needed to agree on a common goal, find out how much time, money and resources were needed to create change. Ms. Garcia stated that Federal, State, private and non-profit partners were needed to achieve those goals. Ms. Garcia stated that the elements of the strategic plan were vision, community assessment, goals, strategies, and then evaluate the process. She stated that today’s focus would be on the vision and community assessment. Ms. Garcia stated asked what was important to our community; what values will get guide our activities; and what do we want our City to look like in ten years, in fifty years?

Avtar Singhn asked the Mayor about the notification on this meeting. Mayor Hamilton stated that notices were sent and it had been the newspaper and on KTIP.

Mrs. Garcia and those in attendance then made the following lists:

### Vision:
- restoration of livelihood
- more business
- collaboration of organizations
- safety/security
- youth activities (lack of)
  - influx of gang activities
- higher education
- four year college program
- decrease drop-out rates
- how do we sell Porterville as a product to bring people in?
- support of existing businesses
- access to community
  - entrance
- vocational training
- recreational city-owned facilities
- growth issues - while we maintain quality of life
- gateway
- place to play
institutions that support & sustain personal growth
Increase economic development and jobs

Values
  community involvement/collaboration
  patriotism
  music
  education
  amenities
    • parks
    • culture
    • community recreation
    • fine arts
  encourage family input
  support personal growth
  technology
  smart infrastructure
  embrace diversity
  safe environment
  faith based
  support youth
  gateways
  increase education success rates
  promote City link to Sequoias
  look at what works on Main Street
  improve image downtown
  affordable, safe housing with basic services
  parenting
  identify and decrease gang activities
  quality air
  Be an advocate for better life
  politically
  embrace difficult decisions
  flexible
  connect with new families re: resources

Ms. Garcia asked the attendees to put their email addresses on the sign in sheet so she could follow up with notes and information to the participants.

Community Assessment
Lucy Garcia then reviewed some of the market characteristics and trends from the 2006 Strategic Plan for Sierra View District Hospital.

Jim Perrine asked Ms. Garcia where they went from here, and how did they get Sierra View District Hospital involved.
Ms. Garcia stated that she was not sure, as they were trying to raise money to have Kevin Kelly come to Portrville. If Mr. Kelly was not coming, then they should meet again two weeks, but that would be the Council’s call.

Mayor Hamilton stated that this needed to be done for the City as Mr. Kelly was an outsider with a unique view.

Mayor Pro Tem F. Martinez stated that when they finished the community meetings in October, hopefully they could get input.

The City Manager stated that they would finish the community forums and then get back together on the SWOT Analysis.

Mayor Pro Tem F. Martinez stated that they needed a call to action. He stated that Council would have to make the hard decisions.

Ms. Garcia stated that after today they all responsible to find ways and avenues for community involvement. She stated that they needed to create a crisis to get a response from the community.

The City Manager stated that it would be easier to hold a meeting in the evening and they would need to feed them.

Avtar Singh stated that he would provide the food for such a meeting.

The City Manager stated that this would be on the next Council meeting.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
None

**ADJOURNMENT**
The Council adjourned at 12:10 p.m. to the Council Meeting of September 25, 2006 at 7:00 p.m.

ATTEST:

Georgia Hawley, Chief Deputy City Clerk

Cameron Hamilton, Mayor
COUNCIL AGENDA: OCTOBER 17, 2006

SUBJECT: AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE THE MISCELLANEOUS CONCRETE IMPROVEMENTS PROJECT

SOURCE Public Works Department - Engineering Division

COMMENTS: On October 10, 2006, staff received two (2) bids for the Miscellaneous Concrete Improvements Project. The project consists of requesting bids for an annual contract to provide concrete repair/replacement services at various locations throughout the City. The initial contract shall be for a twelve (12) month period and shall, at the City’s option and upon mutually agreeable terms, be renewable annually thereafter for four (4) consecutive one-year periods.

The Engineer’s Estimate for the project is $24,667.50. The low bid exceeded the Engineer’s Estimate by 170%.

The bids are as follows:

1. Sierra Range Construction  
   Visalia, CA  
   $66,542.70

2. Central Valley Asphalt  
   Lindsay, CA  
   $196,740.00

Staff found all bids to be unacceptable.

Staff is currently working on options to bring the project within the available budget.

RECOMMENDATION: That the City Council:

1) Reject all bids for the Miscellaneous Concrete Improvements Project; and

2) Authorize staff to re-advertise for bids once final options are agreed upon and plans are modified to bring the project within the available budget.
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT TO PREPARE A "RECLAMATION AREA MANAGEMENT AND MAINTENANCE PROPOSAL" (RAMMP)

SOURCE: On August 15, 2006, staff presented a lengthy report describing the various components needed for a successful Reclamation Area Management and Maintenance Proposal (RAMMP). At the conclusion of the Council item, staff was directed to advertise for a consultant to assist the City in preparing the "proposal."

On September 29, 2006, staff received two (2) proposals for consultant services to develop the RAMMP "scope of services." Proposals were received from Karol Aure-Flynn, Independent Agricultural Consultant, and from David R. Woodruff, Agricultural Consultant. Both consultants presented credentials that clearly demonstrate their ability to provide the necessary services. In staff's opinion, Ms. Aure-Flynn's qualifications and understanding of the City's current program make her the logical choice to provide the requested services.

Staff requests authorization to negotiate a consulting services contract with Ms. Aure-Flynn. It is staff's opinion that consulting services will not exceed $10,000 and asks that staff be authorized to execute a consulting services contract if said contract can be negotiated at a cost not to exceed $10,000.

Funds for this project are available in the Wastewater Treatment Facility Capital Reserve.

RECOMMENDATION: That City Council:

1. Authorize the Public Works Director to negotiate a contract with Ms. Karol Aure-Flynn for consulting services to prepare a Reclamation Area Management and Maintenance Proposal;

2. Authorize the Public Works Director to enter into and execute a "not to exceed" $10,000 consulting services agreement with Ms. Aure-Flynn;

3. Authorize staff to make payments up to 100% upon satisfactory completion of the work; and

4. Authorize the Public Works Director to negotiate a consulting services contract with the 2nd consultant if unable to successfully negotiate with Ms. Aure-Flynn.
COUNCIL AGENDA: OCTOBER 17, 2006

SUBJECT: APPROVE SERVICE AGREEMENT FOR DESIGN OF BALL FIELDS PROJECT, HERITAGE CENTER SITE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has authorized the distribution of design services Request for Proposals for a phased implementation of two full-sized lighted baseball fields. Three design firms were selected and interviewed for the project and Community Works Design Group, a Riverside-based firm, scored the highest from a Selection Panel made up of City Staff, a City Councilmember and a Parks and Leisure Services Commissioner.

The City Council has authorized the use of $624,000 remaining from Section 108 funds towards the construction of the two ball fields with lights adjacent to the Heritage Center. It states in the Service Agreement with Community Works Design Group that the City shall pay the Consultant on a time and materials basis, not to exceed $43,550.

RECOMMENDATION: That the City Council consider and approve the Service Agreement with Community Works Design Group.

ATTACHMENT: Service Agreement
SERVICE AGREEMENT

DATE: October 17, 2006

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

RECITALS:

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

Project Name: Porterville Ball Fields Project – Heritage Center Site

Description of Project: Professional design services related to the preparation of plans and a project manual for two (2) lighted baseball fields and related appurtenances. This project includes the concept planning of the site for future improvements. The project scope also includes the preparation of site topography/As-built survey of grading work and improvement installation already completed.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit “A”, Scope of Services, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed forty three thousand five hundred fifty Dollars, ($43,550.00)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed by February 28, 2007.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100.00 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

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

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

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

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

(iii) Errors and Omissions insurance of Five Hundred Thousand
    Dollars ($500,000) minimum per occurrence, if deductible for
    Errors and Omissions insurance is Fifty Thousand Dollars
    ($50,000) or more, the City may require a Surety Bond for
    the deductible; and

(iv) Automotive liability in the amount not less than Five Hundred
    Thousand Dollars ($500,000) per occurrence;

fully protecting CITY, its elected and appointed officers, employees,
agents and assigns, against all claims, and any injuries to third parties,
including employees of CITY and CONSULTANT, arising from the
negligence of CONSULTANT. CONSULTANT agrees to indemnify,
defend (at CITY'S election), and hold harmless the CITY against any
claims, actions or demands against CITY, and against any damages,
liabilities for personal injury or death or for loss or damage to property, or
any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

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

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

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

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

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE  
By_____________________________________
Cameron J. Hamilton, Mayor

CONSULTANT  
By_____________________________________
Tim Maloney

Date_______________________________  Date 10-3-06
EXHIBIT 'A'

SCOPE OF SERVICES/WORK PLAN

We will review the existing site conditions and other information with City staff prior to beginning our work. It will be our policy to stay in close communication with the City and encourage participation.

A. PROGRAM ASSESSMENT

Probably the most important part of the master planning process for any design is that of client input.

1. We will review the information received from the City Staff and provided in the project narrative. We will visit the site to further inspect, photograph and make field notes regarding the site and surrounding environment. We understand the scope of the project is to construct two new baseball fields at the new Heritage Center Park. In addition to the new ballfields, planning work is to be provided to coordinate the future phases of the park including the restroom concessions facility, walkways, parking, future walkways, lighting, hard courts and other related facilities as requested. The developed plan should reflect the long term development of the project and indicate the next logical steps.

2. Our design team will provide topographic mapping, conduct research and determine drainage consideration. Further, we will review existing site drainage systems to determine development constraints and opportunities. We will provide geotechnical investigations as required to prepare pads for development and pavement sections, foundation and footing designs for structures and site features.

3. We will research and discuss utility requirements with appropriate City department and other providers of public utility service.

4. We will attend all meetings as necessary during this phase of the project.

B. PRELIMINARY PLANNING

1. Upon review of the initial input, we will prepare various preliminary site plans for presentation to the staff. The Design Team will obtain reviews and approvals from all staff departments prior to development of the preliminary presentation plans. We will meet with City staff as required.

2. Conceptual plans of the park will be prepared based on the criteria and recommendations provided in the request for proposal prepared by City staff. Items to be incorporated include: future concession/restroom building, parking lot, hard courts and pathways in addition to the two ballfields. Plans will be reviewed with the staff to refined down to one for final presentation with cost estimates.

3. Plans will be revised to meet all necessary conditions and requirements.

4. We will work closely with the other departments of the City to receive their input regarding improvements to the park.
C. DESIGN DEVELOPMENT

1. Upon completion of the Preliminary Planning, CWDG will begin production of the design development documents. These plans will begin to define the exact size, quality and method of construction of the master plan. Plans will be 24" x 36" format in AutoCAD 2006.

2. These plans will be reviewed with the City Staff (all departments required) on a regular basis.

3. Continuous cost estimate updates from CWDG will be presented as required.

4. We will attend all meetings as required during this phase of the project.

D. CONSTRUCTION DOCUMENTS

Upon receipt of approval of the Design Development portion, we will continue preparation of the Construction Documents. The plans will continue the concepts of low maintenance, vandal resistance, attractive and practical design solutions.

There will be two phases of Construction Documents. The first phase will include the Design Development, noted above, in which we will bring the drawings to approximately 60% completion. Plans at this stage will outline all hardscape elements, provide rough grading contours, layout irrigation heads, and indicate major planting ideas. These plans will be turned over to the City for staff review in order to determine any final adjustments prior to working out details and beginning specifications. Once approved our office will continue on the Construction Documents until 100% complete, where they will be turned over to City staff and Departments as required for final review.

1. DEMOLITION PLANS: We will prepare complete demolition/clear and grub plans for the areas of development of the park project.

2. FINE GRADING AND PAVING PLANS: James Winton & Associates will prepare and process a fine grade and paving plan for construction of finished grading, horizontal control and paving. The plans will be at a scale of 1"=30' and indicate detail finish grading, ADA access to parking areas, drainage devices, sidewalks and swales.

3. CONSTRUCTION DRAWINGS: Construction Drawings will include site plans and details and structural calculations (will locate by dimensioning all project elements as approved in the Master Plans).

4. IRRIGATION PLANS: We will prepare complete irrigation plans. All elements of the system will be designed to carry optimum amounts of water to irrigate the affected site. Full detailing of all equipment will be included. Vandal resistance, durability, serviceability, reliability, water conservation, efficiency and, most importantly, consistency with City standards will be our primary concerns.

5. PLANTING PLANS: Complete Planting Plans with all necessary details will be provided. Plant suitability, maintainability, drought resistance, and reliability will be primary concerns.

6. ELECTRICAL ENGINEERING PLANS: Donn C. Gilmore Associates will provide complete electrical design for the security lighting and ballfield lighting, picnic shelters, and future restroom/concessions etc. All details and specifications will be provided.
7. SPECIFICATIONS: Specifications detailing materials and workmanship for all of the above items will be provided in Microsoft Word as required.

8. COST ESTIMATES: Final estimates of probable costs will be prepared for review.

9. DOCUMENT PROCESSING: We will submit the documents for City and various agency approvals. We will review documents and make all necessary corrections.

10. MEETINGS: We will attend all meetings as required during this phase of the project.

11. FINAL DOCUMENTS: After final approval, 24" x 36" mylars shall be submitted to the City along with a hard copy and an electronic copy of the plans and specifications for bidding purposes.

E. BIDDING PHASE (As requested)
1. When the project goes out for competitive bidding, we will assist the City in the bid process, distributing bid packages, noting direction given to contractors, questions asked and follow-up clarifications or addendum items.

2. We will attend and chair the pre-bid meeting and provide written minutes and follow up information as required.

3. We will assist the City in obtaining and evaluating bids as required.

F. CONSTRUCTION PHASE (As requested)
1. We will coordinate with the City, as required, throughout the life of the project.

2. This phase will commence with the notice to proceed to the contractor and terminate when final payment is issued by the City.

3. We will attend the pre-construction meeting.

4. We will provide observations during construction for the purpose of establishing acceptability and provide written documentation of official job meetings to those present.

5. We will provide construction staking as required throughout the project construction. We will also provide geotechnical compaction and materials testing as required throughout the construction period.

6. Based on our observations at the site and on the contractor’s application for payment, we will assist in determining the amount owed to the contractor. We will review job drawings, samples and other submissions of the contractor for conformance with the design of the project and for compliance with the information given in the conformance contract documents.

7. We will review change orders and submittals for approval and issuance by the City. We will respond to requests for information from the contractor, issue field bulletins and requests for quotations.

8. We will participate in a post-construction (one year) evaluation process to assess the success of the project and to make recommendations for future modifications or adjustments. We will review as-builts and assist in the reproduction of the as-built information on disc.
SUBJECT: CONTRACT APPROVAL REQUEST FOR ENGINEERING SERVICES WITH CAROLLO ENGINEERS TO DEVELOP A NOTICE OF INTENT TO APPLY BIO-SOLIDS

SOURCE: Public Works Department - Engineering Division

COMMENT: The City produces about 950 dry tons of bio-solids each year and currently there are approximately 7,000 tons in the drying beds available for use or disposal. Bio-solids are a high quality soil amendment that improves soil quality and till-ability, enhances water penetration and improves productivity.

To apply bio-solids within the reclamation area requires approval by the Central Valley Regional Water Quality Control Board in the form of a Notice of Intent (NOI). The NOI must comply with California’s “General Order for the Discharge of Bio-solids to Land for use as a soil amendment...” and Federal 40 CFR-503 regulations. The necessary documentation for the NOI requires the calculation of cropping nitrogen uptake, evaluation for metals in both the soil and bio-solids, and approval of an agronomist prior to submission of the NOI.

This agreement will initiate the preparation of a five-year plan for bio-solids disposal. The plan will be used as a tool to provide staff with a precise and consistent plan that will assure that the bio-solids are applied in an environmentally proper manner using agronomic rates consistent with the Waste Discharge Requirements (WDR) and General Order. The NOI will provide staff with templates for continuing the application process for the use of the bio-solids. As part of the plan, the Engineer will provide an analysis on how best to manage the cropping plans in future years and will provide direction on how many acres must be cycled into and out of various crops.

By Ordinance No. 3166, effective 7/25/96, Tulare County has disallowed the use of bio-solids within unincorporated areas. Consistent with this ordinance, the City has petitioned the County for incorporation of our reclamation area into the City. We anticipate the successful annexation of the reclamation area in early December 2006 and the first bio-solid application will follow shortly thereafter.
To apply bio-solids, the fields must be disked within 24 hours of the bio-solids being spread. This rule restricts the applications to acreage coming out of an alfalfa crop and before the next crops are planted.

The City can choose to compost the bio-solids at a cost of $34.50/dry ton. If the entire 7,000 dry tons currently stored at the City’s sludge drying beds were sent to composting, the cost would approach $250,000. The WWTF has budgeted $80,000 for this use and expects to send some of the inventory to composting in the very near future. Shipping all the bio-solids off site for composting would lose the potential benefits of increased productivity in the agricultural area; however, we are running out of storage space and need to make room to process the daily flow of bio-solids to the site. Once the annexation takes place, as much bio-solids as possible will be applied throughout the reclamation area. Using as much of the current inventory on the reclamation area is the best option because of the cost of disposal and the benefits bio-solids bring as a soil amendment. However, until the five-year bio-solid plan is developed, staff will not know with any precision how many tons of bio-solids can be applied to the City’s reclamation area. Once this quantity is known, any residual bio-solids will be sent to composting.

RECOMMENDATION: That City Council:

1. Approve the attached agreement;

2. Appropriate $30,600 from the Wastewater Treatment Facility Capital Reserve Fund, and

3. Authorize the Mayor to sign the agreement on behalf of the City of Porterville.

ATTACHMENT: AGREEMENT WITH CAROLLO ENGINEERS FOR DEVELOPMENT OF A NOI.
September 11, 2006

City of Porterville
291 N. Main Street
Porterville, California 93257

Attention: Mr. John Baker, Wastewater Treatment Plant Superintendent

Subject: Five Year Biosolids Management Plan Assistance

Dear Mr. Baker:

At your request, we are providing this letter agreement to provide engineering services to assist the City of Porterville (City) in preparing a biosolids application permit for the Wastewater Treatment Plant and in preparing a Five Year Biosolids Management Plan.

ENGINEER’S SERVICES

Carollo Engineers (Carollo) will assist the City in obtaining clearance to spread biosolids from the wastewater treatment plant onto city-owned land, in accordance with the plant Waste Discharge Requirements and the State Biosolids General Order (GO). There are approximately 600 acres (city-owned properties) in the City’s reuse area to be evaluated, typically separated into parcels of 20 to 40 acres, all within the City of Porterville city limits.

Carollo will also prepare a Five Year Biosolids Management Plan. The Five Year Plan will be serve as an “operations manual” for City staff to apply biosolids and effluent onto the City-owned fields, cycling fields and crops as needed to maximize biosolids loading rates. The Scope of Work includes the following Tasks:

1. Meet with City staff and grower to obtain information and review project. Carollo’s Project Manager and Project Engineer shall attend this meeting.

2. Review WWTP effluent, soil, and sludge sampling data. Prepare spreadsheet calculations as needed to support Tasks 3, 4, and 5.

3. Prepare General Order Notice of Intent (NOI) Biosolids application and supportive documentation

4. Prepare General Order Biosolids Pre-application and supportive documentation

5. Prepare Five Year Biosolids Management Plan, using recommendations from David R. Woodruff, Certified Crop Advisor. David R. Woodruff will perform said work under contract with Carollo Engineers. The Five Year Plan includes water and nitrogen balances for effluent application onto the same fields. Effluent will only be applied if there remains a crop nitrogen requirement after biosolids application.
CITY’S RESPONSIBILITY

1. Any additional soil, sludge, and plant tissue sampling and testing as required by the GO.

2. Perform biological site assessment and/or cultural resources investigation on any undisturbed properties. Prepare mitigation plans if needed and submit to appropriate agencies in accordance with the GO.

3. Provide information in a timely fashion to Carollo as needed to complete the calculations, Five Year Plan, and GO application forms.

4. Submit copies of the NOI to any adjacent residents and appropriate regional offices via certified mail.

5. Submit the Biosolids NOI, Pre-Application, and appropriate filing fee to the RWQCB.

TIME OF PERFORMANCE

Carollo will begin work immediately upon notice to proceed, and complete work within 90 days, unless additional field sampling is required, in which case the work will be completed 45 days after receipt of sample results.

PAYMENT

We have proposed a fee of Thirty Thousand, Six Hundred dollars ($30,600), according to the following breakdown:

- Task 1  $1,500
- Task 2  $3,000
- Task 3  $7,800
- Task 4  $7,800
- Task 5 (Carollo costs)  $7,500
- Task 5 (Subconsultant costs)  $3,000
- Total  $30,600

Payment for services rendered will be in accordance with Carollo’s applicable Fee Schedule at the time services are provided. The current schedule dated March 2006 is attached; and is updated periodically.

If you agree with these terms, please sign the enclosed copy of this letter in the space provided below and return it to us. If you have any questions, please call Penny Carlo or myself at 559.436.6616.

Sincerely,

CAROLLO ENGINEERS, P.C. CITY OF PORTERVILLE

Accepted this ____ day of September, 2006
Penny Carlo, P.E.
Associate

By: ____________________________

David L. Stringfield, P.E.
Partner
CE# 25084

DLS/PLC: cj

Enclosures: Fee Schedule
SUBJECT: AWARD OF CONTRACT – MORTON AVENUE CHIP SEAL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 10, 2006, staff received three (3) bids for the Morton Avenue Chip Seal Project from Plano Street to Legget Street. The street maintenance project includes the application of asphaltic emulsion and screenings (chip seal) spread on existing pavement after it has been cleaned of all dirt and loose material. The chip seal project will greatly increase the durability of the roadway. Grinding and repaving small areas prior to the chip seal is another aspect of the project. New striping and related pavement markings are included in the project.

The low bid is 2.7% under the $74,409.50 estimated probable cost for the project. Funding for this project is approved through Chip Seal and the Street Overlay Program in the 2006/2007 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Valley Asphalt, Lindsay, CA</td>
<td>$72,374</td>
</tr>
<tr>
<td>Windsor Fuel Company, Windsor, CA</td>
<td>$98,708</td>
</tr>
<tr>
<td>International Surfacing Systems, Modesto, CA</td>
<td>$105,264</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That the City Council:

1. Award the Morton Avenue Chip Seal Project to Central Valley Asphalt in the amount of $72,374;

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
SUBJECT: ACCEPTANCE OF THE WELL NO. 28 PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Valley Pump and Dairy Systems has completed construction of Well No. 28 Project per plans and specifications. The project consisted of the construction of a municipal water well and pumping plant facility on the west side of “F” Street, adjacent to the Wal-Mart Distribution Center.

City Council authorized expenditure of $616,560.97. Final construction cost is $553,316.49. This well has been fully operational since February of this year. Staff has had a number of minor issues with the computer control logic, which has delayed the formal acceptance of this project.

Valley Pump and Dairy Systems requests that the City accept the project as complete. Staff has reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the Well No. 28 Project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:|PUBWORKS|ENGINEERING|COUNCIL ITEMS|ACCEPTANCE OF THE WELL NO. 28 PROJECT DOC
SUBJECT LOCATION
SUBJECT: ACCEPTANCE OF THE WELL NO. 29 (PHASE ONE) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Zim Industries, Inc. has completed the water well drilling phase of the Well No. 29 Project. The new municipal water well is located on the north side of Henderson Avenue, west of the Porter Slough. The first phase of the Well No. 29 Project consisted of drilling a 30" diameter bore hole 600 feet deep, installation of steel casing, development and production testing. The water quality is good and production will be approximately 1100 gallons per minute.

The City's consultant, Dee Jaspar & Associates was involved with the project inspection and has given the City the inspection reports, as-built plans and other appurtenant information related to the construction of the project.

City Council authorized expenditure of $394,102.50. Final construction cost is $366,577.41.

Zim Industries, Inc. requests that the City accept the project as complete. Staff has reviewed the work and found it acceptable.

RECOMMENDATION: That the City Council:

1. Accept the Well No. 29 Project (Phase One) Project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-015-006 – GRAY’S AIR CONDITIONING, INC., - JOE DONALD GRAY, TRUSTEE – PLANO BRIDGE WIDENING PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Gray’s Air Conditioning, Inc., - Joe Donald Gray, Trustee, owner of property located at APN 261-015-006, has accepted the appraised value of $1,425.00 for the 202 square feet of right-of-way needed for the Plano Bridge Widening project.

The City recently had the property appraised by Richard W. Hopper, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $1,425.00 for the 202 square of property needed for the project and improvements. This appraisal is available in the Community Development Department for your review.

The Plano Bridge Widening project is funded through Certificates of Participation.

RECOMMENDATION: That City Council:

1. Authorize staff to make payment to Gray’s Air conditioning, Inc., & Joe Donald Gray, Trustee owner of property in the amount of $1,425.00;

3. Authorize the Mayor to sign all necessary documents; and

4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM GRAY’S AIR CONDITIONING, INC., AS TO AN UNDIVIDED 50% INTEREST; JOE DONALD GRAY, TRUSTEE OF THE ALETA MAY GRAY DECEDENT’S TRUST, AS TO AN UNDIVIDED 25% INTEREST; AND JOE DONALD GRAY, TRUSTEE UNDER “THE JOE GRAY LIVING TRUST”, ESTABLISHED MAY 29, 1997, AS TO AN UNDIVIDED 25% INTEREST

BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville hereby accepts a Grant Deed in fee from Gray’s Air Conditioning, Inc., Joe Donald Gray, Trustee of the Aleta May Gray Decedent’s Trust, and Joe Donald Gray, Trustee under “The Joe Gray Living Trust” for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $1,425 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

____________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

____________________________
By: Georgia Hawley, Deputy
Gray
APN 261-015-006

That portion of Lot 5 of Monte Vista Flat per map recorded in Book 11, page 4 of Maps in the Office of the County Recorder, County of Tulare, State of California, described as follows:

   Beginning at the Northwest corner of said Lot 5;

   Thence, South 80°16'27" East, 20.22 feet along the North line of said Lot 5;

   Thence, South 50°29'26" West, 26.41 feet to a point in the West line of said Lot 5;

   Thence, North 01°15'20" East, 20.22 feet to the point of beginning.

EXHIBIT A
LOT 5 MONTE VISTA FLAT

AREA
202 SF

PLANO STREET

RIVER AVENUE

NORTHWEST CORNER
LOT 5

26°41' S 50°29'26" W
20°22' N 01°15'20" E
80°16'27" E

APN 261-015-006

SCALE: 1" = 10'

EXHIBIT B

CITY OF PORTERVILLE
RIGHT OF WAY PLAT
GRAY
APN: 261-015-006
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-300 – CHARLES R. REEDER AND CAROL A. ODOM – PLANO BRIDGE WIDENING PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Charles R. Reeder and Carol A. Odom, owners of property located at APN 261-300, has accepted the appraised value of $1,000.00 for the 588 square feet of right-of-way needed for the Plano Bridge Widening project.

The City recently had the property appraised by Richard W. Hopper, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $1,000.00 for the 588 square of property needed for the project and improvements. This appraisal is available in the Community Development Department for your review.

The Plano Bridge Widening project is funded through Certificates of Participation.

RECOMMENDATION: That City Council:

1. Authorize staff to make payment to Charles R. Reeder and Carol A. Odom owners of property in the amount of $1,000.00;

2. Authorize the Mayor to sign all necessary documents; and

3. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution

DD 30 APPROPRIATED/FUNDED CM ITEM NO. 10
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM CHARLES R. REEDER AND CAROL A. ODOM

BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville hereby accepts a Grant Deed in fee from Charles R. Reeder and Carol A. Odom, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $1,000 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Georgia Hawley, Deputy

ATTACHMENT
ITEM NO. 2

Form RW 6-1(B) (Revised 3/02)
Kelton Title Corp.
APN 261-300-?

Parcel A

That portion of the Northwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, described as follows:

Beginning at the Southwest corner of Lot 5 of Monte Vista Flat per map recorded in Book 11, page 4 of Maps, Tulare County Records;

Thence, South 84°40'40" West, 8.03 feet along the Westerly prolongation of the South line of said Lot 5 to an angle point in the East line of Plano Street as conveyed to the County of Tulare by deed recorded June 27, 1951 in Volume 1528, page 596 of Official Records;

Thence, South 03°23'41" West, 45.00 feet along said East line of Plano Street;

Thence, departing said East line of Plano Street, South 86°36'19" East, 9.66 feet to a point in the Southerly prolongation of the West line of said Lot 5;

Thence, North 01°15'20" East, 46.25 feet to the point of beginning.

Parcel B

That portion of the Northwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, described as follows:

Beginning at the intersection of the South line of said Northwest quarter with the East line of Plano Street as conveyed to the County of Tulare, by deed recorded June 27, 1951 in Volume 1528, page 596 of Official Records, said point being South 87°28'10" East, 137.67 feet of the Southwest corner of said Northwest quarter;

Thence, North 03°23'41" East, 15.50 feet along said East line of Plano Street;

Thence, departing said east line of Plano Street, South 87°28'10" East, 12.00 feet;

Thence, South 03°23'41" West, 15.50 feet to a point in the South line of said Northwest quarter;

Thence, North 87°28'10" West, 12.00 feet to the point of beginning.
SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

SOURCE: PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION

COMMENT: Southern California Edison Company (SCE) is requesting an easement from the City of Porterville for the purpose of installing underground conduit along the east side of Newcomb Street within Veteran’s Park. The conduit is necessary for future expansion of SCE supply network.

The proposed easement contains two 10’ wide strips adjacent to the sidewalk. One strip is located between Henderson Avenue and the Porter Slough and the other strip is about 140’ long, south of the Porter Slough.

SCE has provided a written offer of $2,800, which they consider to be fair market value for the easement. It has not been standard practice for the City to accept compensation for easements, nor has SCE offered compensation for easements in the past. SCE has stated that upon receipt of the Grant of Easement for recordation, they will begin processing the compensation check, and the City should receive it in approximately four weeks.

RECOMMENDATION: That the City Council:

1. Accept SCE’s request to have the City convey an easement for the installation of an underground electrical conduit;
2. Accept SCE’s $2,800 easement compensation;
3. Authorize the Mayor to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation and to begin the process to compensate the City of Porterville.

ATTACHMENTS: Easement Document
Locator Map

P:\pubworks\Engineering\Council Items\2009-10-17 City Easement Conveyance to SCE - Veterans Park.doc

Dir Appropriated/Funded CM Item No. 11
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Southern California Edison Company, a corporation, its successors and assigns, an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems, consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

Parcel A

A portion of Lot 136 and Lot 75 of Pioneers Land Co. First Subdivision situated in the northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California as shown on the map filed in Book 3, Page 34 of Maps, in the Office of the County Recorder, described as follows:

Commencing at the northwest corner of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, S 00° 22' 35" W, along the section line common to Section 27 and Section 28 as shown on Parcel Map No. 2806, recorded in Book 29, Page 7 of Parcel Maps, Office of the County Recorder, said County, a distance of 254.91 feet;
Thence, perpendicular to and leaving said section line, S 89° 37' 25" E, a distance of 78.50 feet to the easterly edge of an existing concrete sidewalk, also being the Point of Beginning of a 10.00 foot wide strip, parallel with and easterly of the following described sideline;

Thence 1st, southerly along said easterly edge of existing concrete sidewalk, 1600.00 feet.

Containing 16,000.00 square feet.

Parcel B

A portion of Lot 75 of Pioneers Land Co. First Subdivision situated in the northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California as shown on the map filed in Book 3, Page 34 of Maps, in the Office of the County Recorder, described as follows:

Commencing at the northwest corner of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, S 00° 22' 35" W, along the section line common to Section 27 and Section 28 as shown on Parcel Map No. 2806, recorded in Book 29, Page 7 of Parcel Maps, Office of the County Recorder, said County, a distance of 2151.91 feet;

Thence, perpendicular to and leaving said section line, S 89° 37' 25" E, a distance of 67.73 feet to the easterly edge of an existing concrete sidewalk, also being the Point of Beginning of a 10.00 foot wide strip, parallel with and easterly of the following described sideline;

Thence 1st, southerly along said easterly edge of existing concrete sidewalk, 136.19 feet.

Containing 1,361.90 square feet.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
By: Georgia Hawley, Chief Deputy City Clerk
July 10, 2006

City of Porterville
291 N. Main Street
Porterville, CA 93257
Attention: Mike Reed

SUBJECT: Electrical Design Change to Area: Newcomb Street - Porterville
       Work Order / A.I.: 6451-5323 / 5-5311
       Our Reference No: DSP05138113

In order for the Southern California Edison Company to continue to provide your area with quality electrical service, some electrical changes are required to a portion of an electrical circuit that passes through the above-referenced location. These changes require the installation of some new electrical equipment. To implement these changes, it is necessary for Edison to acquire rights of way from you.

Specifically, Edison will need an easement to permit the installation and maintenance of electrical facilities on your property. Edison will be laying underground conduit along Newcomb Street, within private property. The enclosed map shows the location of the proposed easement. **SCE will compensate you at a fair market value rate for this easement, which in this particular case is $2800.00.**

Enclosed please find an original and one copy of a Grant of Easement. Please have the original Grant of Easement signed, have the signatures notarized and return in the envelope provided. Please ensure that the notary stamp is clear and legible to aid in recording by the County Recorder’s Office. **If you prefer the Edison Company to arrange for a notary service to come to you, please contact me at (714) 568-1800 ext. 228.** Please keep the map and the copy of the easement for your records. Also enclosed are mandatory tax forms that need to be filled out by you and returned along with the signed easement. These forms are as follows: 1099-S Input Form, necessary for compensation over $600.00, and Seller’s Affidavit of Non-Foreign Status and/or California Withholding Exemption. These forms are necessary to receive payment.

Once the Grant of Easement has been received, we will record the easement with the County Recorder’s office and mail back to you a conformed copy. A check will then be issued to you shortly thereafter (usually two weeks).

The Southern California Edison Company sincerely appreciates your cooperation on this issue. All planned work for this easement will be done at no cost to you, our customer. Future maintenance of equipment installed will be at the expense of Edison and will be solely Edison’s responsibility. Construction work on your property will be as minimal as possible. Any disturbance to your property caused by construction shall be restored to as near as possible to its previous condition.

Should you have any questions regarding the Grant of Easement, please feel free to call me at (714) 568-1800 ext. 228. Should you like to speak with an SCE representative, please call the service planner, Jon Griffin, at 559-685-3238 and he can respond to your questions and concerns and can provide you with more information about the project.

Again, thank you very much for your time and consideration.

Sincerely,

Vicky Walters
Right of Way Services
Acting on behalf of Southern California Edison

14799 Chestnut Street
Westminster, CA 92683
CITY OF PORTERVILLE (hereinafter referred to as “Grantor”), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as “Grantee”), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as “systems”), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF.

FOR SKETCH TO ACCOMPANY LEGAL DESCRIPTION, SEE EXHIBITS “B” AND “C” ATTACHED HERETO AND MADE A PART HEREOF.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.
EXECUTED this ____ day of ____________________, 20__.

GRANTOR

CITY OF PORTERVILLE

__________________________________________
Signature

__________________________________________
Print Name

__________________________________________
Title

State of California
County of ____________________________

On ____________________ before me, ____________________________ (here insert name and title of the officer)

__________________________________________
personally appeared

__________________________________________
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________________________
Signature

(Seal)
EXHIBIT A

Parcel A

A portion of Lot 136 and Lot 75 of Pioneers Land Co. First Subdivision situated in the northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California as shown on the map filed in Book 3, Page 34 of Maps, in the Office of the County Recorder, described as follows:

Commencing at the northwest corner of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, S 00° 22' 35" W, along the section line common to Section 27 and Section 28 as shown on Parcel Map No. 2806, recorded in Book 29, Page 7 of Parcel Maps, Office of the County Recorder, said County, a distance of 254.91 feet;

Thence, perpendicular to and leaving said section line, S 89° 37' 25" E, a distance of 78.50 feet to the easterly edge of an existing concrete sidewalk, also being the Point of Beginning of a 10.00 foot wide strip, parallel with and easterly of the following described sideline;

Thence 1", southerly along said easterly edge of existing concrete sidewalk, 1600.00 feet.

Containing 16,000.00 square feet.

Parcel B

A portion of Lot 75 of Pioneers Land Co. First Subdivision situated in the northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California as shown on the map filed in Book 3, Page 34 of Maps, in the Office of the County Recorder, described as follows:

Commencing at the northwest corner of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, S 00° 22' 35" W, along the section line common to Section 27 and Section 28 as shown on Parcel Map No. 2806, recorded in Book 29, Page 7 of Parcel Maps, Office of the County Recorder, said County, a distance of 2151.91 feet;

Thence, perpendicular to and leaving said section line, S 89° 37' 25" E, a distance of 67.73 feet to the easterly edge of an existing concrete sidewalk, also being the Point of Beginning of a 10.00 foot wide strip, parallel with and easterly of the following described sideline;

Thence 1", southerly along said easterly edge of existing concrete sidewalk, 136.19 feet.

Containing 1,361.90 square feet.
EXHIBIT C
PARCEL B
SUBJECT: RANCH VICTORIA TENTATIVE SUBDIVISION MAP- EXTENSION OF TIME (METCO INVESTMENTS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a two (2) year extension of time for Ranch Victoria Tentative Subdivision Map to allow for the opportunity to keep the map active and fulfill the development requirements for Phases 1, 2 and 3. The subject site is generally located on the south side of Morton Avenue between Walch and Salisbury Streets.

Section 66452.6 of the State Subdivision Map Act Authorizes the City Council to approve requests for extensions of time up to a total of five (5) years in the aggregate, beyond the initial two (2) year duration of a tentative map.

HISTORY: On October 19, 2004, the Porterville City Council by Resolution 135-2004 (Negative Declaration) and Resolution 136-2004 (findings and conditions) approved the Tentative Subdivision Map for Ranch Victoria. The tentative map proposes the division of an 11.31± acre parcel zoned City R-1 (One-Family Zone) into fifty-one (51) single family residential lots. Presently, Phase One (1) is being developed. If the proposed two (2) year extension is granted, the map will not expire until October 19, 2008. Any additional time would require another extension of time.

RECOMMENDATION: That the City Council:

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

ATTACHMENT:

1. Complete Staff Report
STAFF REPORT

TITLE: RANCH VICTORIA TENTATIVE SUBDIVISION MAP –EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Metco Investments
1061 W. Putnam Avenue
Porterville, CA 93257

AGENT: Roberts Engineering
P.O. Box 908
Porterville, CA 93258

PROJECT LOCATION: The subject site is generally located on the south side of Morton Avenue between Walch and Salisbury Streets.

SPECIFIC REQUEST: The applicant is requesting approval of a two (2) year extension of time for Ranch Victoria Tentative Subdivision Map to allow for the opportunity to keep the map active and fulfill the development requirements for Phases 1, 2 and 3.

ORDINANCE CHARACTERISTICS: Section 66452.6 of the State Subdivision Map Act Authorizes the City Council to approve request for extensions of time up to a total of five (5) years in the aggregate, beyond the initial two (2) year duration of a tentative map.

HISTORY: On October 19, 2004, the Porterville City Council by Resolution 135-2004 (Negative Declaration) and Resolution 136-2004 (findings and conditions) approved the Tentative Subdivision Map for Ranch Victoria. The tentative map proposes the division of an 11.31± acre parcel zoned City R-1 (One-Family Zone) into fifty-one (51) single-family residential lots. Presently, Phase One (1) is being developed. If the proposed two (2) year extension is granted, the map will not expire until October 19, 2008. Any additional time would require another extension of time.

RECOMMENDATION: That the City Council:

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

1. Tentative Subdivision Map
2. Letter requesting Extension of Time
3. Negative Declaration
4. City Council Resolution 135-2004
5. City Council Resolution 136-2004
6. Draft Resolution
Mr. Mike Reed  
City Engineer  
City of Porterville  
291 North Main Street  
Porterville, CA  39257

Re:  Ranch Victoria, Phases 2, 3, and 4  
     Metco Investments, Owner/Developer

Dear Mike:

We wish to request a two (2) year time extension for the above referenced subdivision. This extension is needed to complete the final subdivision map and improvement plans for the phases listed. Enclosed is a check in the amount of $316.00 for the time extension.

If you have any questions, please call.

Very truly yours,

[Signature]

Donna Shamley

encl.
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Daryl Nicholson
26914 Avenue 140
Porterville, CA 93257

PROJECT TITLE: Ranch Victoria Tentative Subdivision Map

ADDRESS/LOCATION: South side of Morton Avenue between Walch and Salisbury Streets.

PROJECT APPLICANT: Daryl Nicholson

PROJECT DESCRIPTION: The Tentative Subdivision Map for Ranch Victoria proposes to divide a 11.31 ± acre vacant parcel zoned City R-1 (One Family Residential) Zone into fifty-one (51) single family residential lots in four (4) phases.

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

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

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

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

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

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

5. Mitigation measures X were, ____ were not made a condition of the approval of the project.

On August 26, 2004, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: August 26, 2004

Bradley D. Dunlap, Environmental Coordinator

Word: Negdec Ranch Victoria

ATTACHMENT
ITEM NO. 3
RESOLUTION NO. 135-2004

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 RANCH VICTORIA TENTATIVE SUBDIVISION MAP FOR THAT 11.31± ACRE VACANT SITE GENERALLY LOCATED ON THE SOUTH SIDE OF MORTON AVENUE BETWEEN WALCH AND SALISBURY STREETS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 19, 2004, conducted a public hearing to consider approval of Ranch Victoria Tentative Subdivision Map, being a division (in four phases) of an 11.31± acre vacant parcel into a 51 lot single family residential subdivision; and

WHEREAS: On August 26, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

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

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

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

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

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from September 8, 2004 to September 27, 2004. At the end of that period, the only two (2) agencies that responded were the San Joaquin Valley Air Pollution Control District and Tulare County Health and Human Services Agency. Those comments have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution.

ATTACHMENT ITEM NO. 4
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 36 in the proposed resolution of approval for Ranch Victoria Tentative Subdivision Map.

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

City staff conducted an on-site inspection. The subject site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Ranch Victoria Tentative Subdivision Map as described herein.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
## Attachment A

### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
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<td>Water</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td>4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
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<td>Potential Impact</td>
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<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e. bicycles and walking). Mitigation through construction management.</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJUAPCD, City of Porterville</td>
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<td>5.a Violate any air quality standard or contribute to an existing or projected air quality violation.</td>
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<tr>
<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>5. a (continued)</td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site’s soil surface crust through repeated soakings.</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<td>Air Quality</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
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<td>3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
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<td>4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
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<td>5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<tr>
<td>Potential Impact</td>
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<tr>
<td><strong>Air Quality</strong></td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
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<tr>
<td>Air Quality</td>
<td>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</td>
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<td>13. House units should be oriented to maximize passive solar cooling and heating when practicable.</td>
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<td>14. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project.</td>
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<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
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<td>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</td>
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<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
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<tr>
<td>Air Quality</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td>5.a (continued)</td>
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<td>Utilities and Service</td>
<td>The site is within the boundaries of the City's Master Plan for Storm Drainage (2001).</td>
<td>The City of Porterville and the affected utility companies.</td>
<td>The City of Porterville and the affected utility companies.</td>
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<tr>
<td>Systems</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPRDES standards).</td>
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<td>12.e Storm water drainage</td>
<td>The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
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<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
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</table>
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  ) SS
COUNTY OF TULARE  )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19th day of October, 2004.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>WEST</th>
<th>IRISH</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
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<td>AYES:</td>
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<td>ABSENT:</td>
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JOHN LONGLEY, City Clerk

[Signature]

by Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO. 136-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR RANCH VICTORIA TENTATIVE SUBDIVISION MAP FOR THAT 11.31± ACRE VACANT SITE GENERALLY LOCATED ON THE SOUTH SIDE OF MORTON AVENUE BETWEEN WALCH AND SALISBURY STREETS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 19, 2004, conducted a public hearing to consider approval of Ranch Victoria Tentative Subdivision Map, being a division (in four phases) of an 11.31± acre vacant parcel into a 51 lot single family residential subdivision located on the south side of Morton Avenue between Walsh and Salisbury Streets; and

WHEREAS: On August 26, 2004, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Subdivision Review Committee on October 6, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.50 d.u./acre.

Six (6) lots on the southerly end of the proposed subdivision will front on West Putnam Avenue (60 foot wide local street). The remaining lots to the north will have access to a proposed 50 foot wide interior street (Belmont Street, running north and south within the proposed subdivision) that will allow for ingress and egress to Morton Avenue, a developed arterial. Three (3) 50 foot wide local streets (Harrison, Thurman and Cleveland Avenues) will connect to Belmont Street and allow for ingress and egress out the west side of the subdivision to Walch Street (50' wide local Street).
2. That the site is physically suitable for the type and density of the proposed development.

The site is generally level. The subject site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 36 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

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

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential subdivisions on all sides. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Ranch Victoria Tentative Subdivision Map subject to the following conditions:

1. On the Final Map or on a separate document accompanying the final map, the developer/applicant shall relinquish access rights to Morton Avenue for Parcel 1.

2. The required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designed, Lots 1, 32, 36, 44 and 49 are reverse corner lots.

3. A 6 foot block wall will be required along the west property line of Lot 47 for that portion that abuts the commercial use to the west.

4. Prior to recording the final map, the developer/applicant shall place on deposit an in lieu tree planting fee sufficient to provide a minimum of one tree for every lot and an additional tree for every corner lot. Upon verification that the developer/applicant has planted the tree(s), the deposit will be refunded. If planting is not carried out by the developer/applicant, the City of Porterville will plant the tree(s) and the deposit will be retained.


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

7. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. Morton Avenue is designated an arterial street requiring a standard 84 foot right-of-way width. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

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

9. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
10. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any (4) Drainage reservoir, if any, etc.

11. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. The developer/applicant shall provide the reports indicated below:

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

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

12. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

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

14. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells in that unit. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations.

15. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.
16. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

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

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

19. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

20. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), along the full frontage of all proposed subdivision lots except where they exist to City Standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall also construct or provide surety for the construction of a bus turn out along the Morton Avenue frontage of Parcel 1. The design of the bus turn out lane shall be incorporated within the ultimate right-of-way of Morton Avenue and shall be subject to the review and approval of the City Engineer.

21. The developer/applicant shall stub improvements to the property line, if in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property
22. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing.

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.).

c. Street base rock for accessibility by the public safety officials and building inspectors.

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

e. Lot corners are marked.

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

DRAINAGE CONDITIONS

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

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

STREET CONDITIONS

25. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets. These temporary turn-arounds are to be enclosed with chain link fencing and a gate for accessibility for the property owner and emergency vehicles.

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

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

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

SEWER CONDITIONS

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

UTILITY CONDITIONS

30. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
31. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

5800 Lumen and 9500 Lumen - 180 feet at property line and curb returns
16000 Lumen - 160 feet and at property lines and curb returns

WATER CONDITIONS

32. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

SPECIAL CONDITIONS

33. The developer/applicant shall construct a 12 inch Master Plan water main across the Morton Avenue frontage of this subdivision, or extend to Newcomb Street if necessary to provide fire flow. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

34. The developer/applicant shall install water valves to City Standards during the phasing of the subdivision. Each phase will require "isolation". The alternative sewer service along the common property line of proposed Lot 6 and 7 will not be allowed unless required by grade of the main to serve the development (i.e., the entire site shall be sewered to Morton Avenue, if physically possible).

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

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )    SS
COUNTY OF TULARE      )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19th day of October, 2004.

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

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<tr>
<th>Council:</th>
<th>WEST</th>
<th>IRISH</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME FOR RANCH VICTORIA TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE SOUTH SIDE OF MORTON AVENUE BETWEEN WALCH AND SALISBURY STREETS

WHEREAS: The Porterville City Council at its regularly scheduled meeting of October 17, 2006, considered a two (2) year extension of time request for Ranch Victoria Tentative Subdivision map, generally located on the south side of Morton Avenue between Walch and Salisbury Streets; and

WHEREAS: The City Council made the following findings:

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

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

3. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 35 of City Council Resolution 136-2004.

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

The generally level site is rectangular in nature extending north and south. The soil is not highly expansive and therefore will not create any barriers to the project as proposed.

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

The subject site is surrounded on all four (4) sides with single-family residential dwellings. The subdivision as proposed will blend in with the uses in this area. Additionally, Staff conducted an on-site inspection. The subject site is vacant and absent of any vegetation due to weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

5. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
The storage of hazardous materials other than what is utilized by residential households will be prohibited. Only those uses allowed in the R-1 Zone will be allowed.

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

7. That the additional life of the subject map is to provide the developer an opportunity to keep the map active and fulfill the development requirements.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage, number of units allowed and landscaping required in the R-1 Zone set forth by Article Two of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for Ranch Vistoria Tentative Subdivision Map and that the conditions specified in City Council Resolution 136-2004 shall remain in full force and effect. Said extension of time shall commence on October 19, 2006, and shall expire on October 19, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION
ANNUAL CHILDREN’S CHRISTMAS PARADE - NOVEMBER 28, 2006

SOURCE: Administrative Services Department - Finance Division

COMMENT: The Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association are requesting approval to hold the annual Children’s Christmas Parade along Main Street on Tuesday, November 28, 2006, from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

STREETS (5:00 p.m. - 9:00 p.m.):
- Main Street from Danner Avenue to Olive Avenue;
- Morton Avenue from Hockett Street to Second Street;
- Harrison Avenue from Hockett Street to Second Street;
- Thurman Avenue from Hockett Street to Second Street;
- Putnam Avenue from Hockett Street to Second Street;
- Oak Avenue from Hockett Street to Second Street;
- Garden Avenue from Main Street to Second Street;
- Second Street from Olive Avenue to Oak Avenue;
- Olive Avenue from Hockett Street to Second Street;
- Cleveland Avenue from Hockett Street to Second Street (no blocking street for fire access.)
- School Avenue, Bellevue Avenue and North Avenue from Main Street to 150’ on east side; and
- Doris Avenue from Main Street to Division Street.

SIDEWALKS (5:00 p.m. - 9:00 p.m.):
- Main Street from Danner Avenue to Olive Avenue; and
- Olive Avenue from Main Street to Second Street.

PARKING SPACES (6:00 a.m. - 9:00 p.m.):
- Main Street in front of Chamber of Commerce

PARKING SPACES (3:00 p.m. - 9:00 p.m.):
- Main Street in front of City hall

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

DD Appropriated/Funded CM Item No. 13
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on November 28, 2006. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

Early closure of the parking spaces in front of City Hall (requested from 3:00 p.m. to 5:00 p.m. for placement of the judges’ stand) will adversely affect City Hall patrons. Tuesdays are water turn-off days, and citizens utilize those spaces until 5:30 p.m. to come into City Hall’s Finance Department and pay their utility bills. This conflict was resolved last year by placing the judges stand at the north end of City Hall along Main St.

RECOMMENDATION: That Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application;

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 28, 2006;

3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main St.

ATTACHMENTS: Community Civic Event Application and Agreement, vendor list, street map, Exhibit “A”, 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: September 11, 2006  Event date: November 25, 2006
Rece'd 9/13/06

Name of Event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville
Address: Porterville Chamber of Commerce Porterville, CA 93257
PHONE # 784-7502

Authorized representative: Doreene Silva Casty
Address: 93 No. Main St. Porterville, CA 93257
PHONE # 784-7502

Event chairperson: Wayne Foltz

Location of event (location map must be attached): Main Street from Dinner to Olive, adjacent side streets for assembly and disbursement

Type of event/method of operation: Parade

Nonprofit status determination: on file

City services requested (any fees associated with these services will be billed separately):
- [ ] Barricades (quantity): Yes ___ No ___
- [ ] Police protection: Yes ___ No ___
- [ ] Street sweeping: 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):

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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 of 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 the 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 Chamber

(Name of organization)

(Pepper sign)

(Signature)

(9/12/16)

(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: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville

Location: Main Street Event date: November 28, 2020

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. **to be submitted late by Chamber**

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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CITY OF PORTERVILLE

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

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville

Event date: Nov 28, 2020 Hours: 8:00 - 9:00 Streets, Sidewalks
   6:00 am Parking Spaces in front of Chamber
   3:00 pm Parking Spaces in front of City Hall

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main Street</td>
<td>Dinner Ave</td>
<td>Olive Ave</td>
<td>Parade Float Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hockett St.</td>
<td>Second Ave</td>
<td>Parade Float</td>
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<tr>
<td>Monteon, Harrison</td>
<td>Hockett St.</td>
<td>Second St.</td>
<td>Adjacent to Parade Float</td>
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<tr>
<td>Truman, Cleveland</td>
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<tr>
<td>Rutvain, Oak, Mill</td>
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<td>School Belvedere</td>
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<td>Parade Assembly</td>
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<td>North and Dol's</td>
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<td>Views Parade End</td>
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<td>Second St.</td>
<td>Assembly Area</td>
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Parking lots and spaces

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<td>Chamber of Commerce Placement of Judge</td>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE,
AND DOWNTOWN PORTERVILLE ASSOCIATION
ANNUAL CHILDREN’S CHRISTMAS PARADE
NOVEMBER 28, 2006

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

Public Works Director: B. Rodriguez
No comments.

Community Development Director: B. Dunlap
Standard conditions.

Field Services Manager: B. Styles
City will close streets.

Chief of Fire Operations: M.G. Garcia
Do not block or restrict the area in front of the Fire Station.

Parks and Leisure Services Director: J. Perrine
Portable restrooms to be supplied by event organizer.

Police Chief: C. McMillan
No comments

Risk Manager: F. Guyton
See attached.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville, Downtown Porterville Association and City of Porterville
Event: Annual Children’s Christmas Parade
Event Chairman: Wayne Foltz
Location: Main Street
Date of Event: November 28, 2006
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

EXHIBIT "A," Page 2
Also

Main St.
And Side Streets
From Morton Ave
To Danner Ave
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 Chamber
   93 N. Main, Ste A
   Phone # 784-7502

2. Address where amplification equipment is to be used:
   In front of City Hall
   Phone # 784-7502

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Porterville Chamber, Rotary Club of Porterville, City of Porterville

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

5. Dates and hours of operation of amplification equipment:
   November 28, 2006

6. A general description of the sound amplifying equipment to be used:
   PA System, some speakers might have music (boom boxes etc)
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

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
CITY COUNCIL AGENDA: OCTOBER 17, 2006

SUBJECT:    Airport Land Lease For Dry Farming

SOURCE:    Administration

COMMENT:    The City requested proposals for dry farming 398.2 acres of land at the Porterville Municipal Airport. Staff received two bids, one for a fixed dollar amount and one for a percentage of the gross. Council then directed staff to further define the proposals and make a recommendation as to which offer has the greatest potential benefit to the Airport Fund.

Staff has talked with both interested parties to further define their proposals.

Mr. Sheets’ proposal states he will pay the City 30% of the revenue generated by his crop. Conservatively, he expects one ton of “product” per acre at $120 per ton. This equates to $36 dollars per acre. He proposes to farm one-half of the acreage per year and disk the remaining one-half. This amounts to 199.1 acres in production each year with revenue projected around $7,167, depending on weather conditions.

Mr. Sheets will also combat the Yellow Star thistle by a combination of disketing and chemical treatment at his cost. He indicated he has experience working with Yellow Star thistle. He will also spread and disk in the bio-solids on the fallow 200 acres at no cost to the City.

Mr. Nuckol’s proposal is a flat rate of $4,000 dollars for the use of the land. He proposes to combat the Yellow Star thistle by chemical application if the City pays for the chemicals. He will also use bio-solids if the City will pay for the loading of the spreader and pays all application and disketing costs.

RECOMMENDATION:    That the City Council:

1-    Accept the proposal from Mr. Sheets; and
2-    Direct staff to develop a three-year lease agreement consistent with the above; and
3-    Authorize the Mayor to sign the agreement.

ATTACHMENT:    Original proposals from Mr. Nuckol’s and Mr. Sheets.

DCM Appropriated/Funded CM Item No. 14

S://council/farming ops Mr. Sheets
J. C. Sheets Farming

August 14, 2006

Susan Perkins, Purchasing Agent,
City of Porterville

Dear Ms. Perkins:

This is a response and proposal to farm 398.2 acres at the Porterville Airport for the purpose of a dry farm operation.

I have been dry farming since 1996. At this time, I have 4,000 acres that I dry farm. I was a partner with Richard Stephen for a few years and later bought him out. I also Lease Jack Smith Ranch in Ducor.

A good farming practice is to farm 1/2 of the ground each year and the other 1/2 of the ground lay out each year. This builds up the soil by farming every other year. The ground looks like it has been farmed for sometime without putting something back, thus it could take 3 years to get the soil in good shape.

My sole income is from farming. The normal fee for farming is 25%, of the gross revenue of the grain when harvested, however, I’ll pay 30% of the gross. If this is not agreeable I’m willing to consider other terms.

I own all my equipment and do all my planting, spraying, harvesting, and transportation of all the commodities that I farm. We grow and sell grain on the world market.

I can provide a copy of liability insurance (2 million) and copy of workmans comp. Please contact me, if this is not agreeable with you, perhaps we can come up with a different proposal.

If the terms are agreeable with the City of Porterville, perhaps in the future and if the irrigated property is available, I’m interested in farming the remainder of the 239.4 acres at the Porterville Airport.

Sincerely

Jeff Sheets
8295 Rd. 208
Terra Bella, Ca. 93270
Phone: 535-1235  Fax: 535-4241
Cell: 333-0448
August 4, 2006

City of Porterville
Purchasing Division
291 N. Main Street
Porterville, Ca. 93257

Dear: City of Porterville

We are contacting you in regards to the dry farm lease-airport property proposal. Being the current farmers of the property and knowing the conditions within the proposed farm ground, we propose $4,000.00 per year on a 3 year lease. Payment would be $2,000.00 at the beginning lease year and $2,000.00 at harvest July 1st.

Over the past 3 years the farming area of the airport has become infested with the noxious weed Yellow Star Thistle. This plant can have large impact of raising a quality crop for sale. With in the proposal if the Airport would furnish the herbicides to eradicate the thistle we would apply it at no cost through our private applicators license.

We would also work with the waste water WWTP plant to spread sludge on the dryland lease area within the City limits. The City would provide the spreader and pay for the one time discing to incorporate the sludge which needs to be done right after it is applied to comply with the WDR. Nuckols Farming would pay for the cost of the tractor and operator for the sludge spreading operation.

Our services will also be available to work with WWTP in having areas to place sludge when the sludge delivery line is cleaned.

Thank you,

NUCKOLS FARMING

Bob C. Nuckols

Justin Nuckols
SUBJECT: Mayor Hamilton’s Trip to Washington DC for Success Dam Related Issues

SOURCE: City Manager

It has been recommended that Mayor Hamilton who is a member of the Success Dam Remediation Committee travel with the Committee to Washington, D.C. to represent the City of Porterville. The purpose of the trip is to establish funding for Success Dam’s remediation in the next Federal fiscal year.

The trip will occur around 15 November and will take approximately 3 or 4 days. The City is coordinating with the Lower Tule Irrigation District who administers the JPA to establish cost and coordinate timing. At this time it has not been finally established, however, last year the cost was approximately $1,600.

It is important that the City of Porterville participate in the appropriation process to assure funding for one of the major issues relating to Porterville and the Porterville area.

RECOMMENDATION: Authorize the travel of the Mayor to Washington DC with the Success Dam Remediation Committee and authorize the expenditure of city monies to support the trip.
COUNCIL AGENDA - OCTOBER 17, 2006

SUBJECT: CANCELLATION OF JANUARY 2, 2007 COUNCIL MEETING

SOURCE: Administration

COMMENT: The City Council has cancelled the first Council meeting in January for the past three years due to State budgetary activity, increased staff workloads, effects of the hiring freeze, and efforts to conform to the vacation and administrative leave policy by Directors and key personnel. As the January 2, 2007 regularly scheduled Council meeting falls immediately after the Holiday season, this item is again being presented should the Council wish to consider canceling the January 2, 2007 Council Meeting. Any action taken at this meeting regarding the January 2 meeting would allow for the notification of any interested parties and the timely scheduling of items for Council consideration which require public notification.

If the January 2 meeting is not held, the next regularly scheduled meeting would be January 16, 2007. However, should a necessity arise, a special meeting could be conducted to expedite any item which might require immediate action.

RECOMMENDATION: That the City Council cancel the January 2, 2007 Council Meeting.

Item No. 16
COUNCIL AGENDA:  OCTOBER 17, 2006

SUBJECT:  APPOINTMENT TO LIBRARY BOARD OF TRUSTEES

SOURCE:  PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:  Terms of appointment for two members of the referenced advisory body lapsed at the end of October 2006. The City Council announced at the September 19, 2006 meeting the opportunity for interested City residents to submit a completed ‘Request for Appointment’ form. A press release was issued to assist in making the public aware of the community service opportunity.

At the September 19, 2006 meeting, Ellen Nichols was reappointed to the board. The Library Board term of Pam Clark will expire at the end of the month and she has served two full terms making her ineligible to be reappointed to the Board.

Regular terms of appointment are for three-years therefore a full-term appointment will expire in October 2009.

By the deadline of 5 p.m. October 10, 2006 no one had submitted a ‘Request for Appointment’ form.

OPTIONS:  That the City Council consider and take action to:
(1) extend the time to 5 p.m. October 31, 2006 for prospective applicants to submit a ‘Request for Appointment’ form, or
(2) the Mayor appointing, with the City Council’s consent, an interested individual.

RECOMMENDATION:  That the City Council extend the time to 5 p.m. October 31, 2006 for prospective applicants to submit a ‘Request for Appointment’ form.
SUBJECT: PORTERVILLE MUNICIPAL AIRPORT RENTAL - ATMOSPHERICS, INC.

SOURCE: Fire Department/Airport

COMMENT: Each year, Atmospherics, Inc. of Fresno locates a trailer-mounted radar unit at the Porterville Municipal Airport from November 1 through May 31. Atmospherics, Inc. has a contract with North Kern Water Storage District to perform “weather modification” operations, better known as cloud seeding.

The City has received a request from Atmospherics, Inc. to once again rent a portion of the airport for the placement of their trailer-mounted radar unit. In years past, a 40' by 40' portion of Lot 7 was approved for their use.

The prior agreements called for a rental fee of $150.00 per month, reimbursement to the City for electricity use, and compliance with the City’s policy on liability insurance.

On October 19, 1999, the City Council approved a First Right of Refusal to the Tule River EDC (TREDC) for Lot 7. Should a lease between TREDC and the City of Porterville be signed, Atmospherics, Inc. will be relocated to another site on the airport.

RECOMMENDATION: That the City Council approve the temporary rental of a portion of Lot 7 to Atmospherics, Inc. for a rental fee of $150.00 per month, reimbursement to the City for electricity use, and compliance with the City’s policy on liability insurance.

Attachments: None

Item No. 17 A
PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On October 3, 2006, the City Council continued the public hearing for the proposed Ennis Estates project. That evening, representatives of Ennis Homes presented information to the City Council regarding the compatibility of the project and adjacent projects. The applicant requested that the matter be continued to the October 17, Council meeting to allow time for further discussion between the interested parties.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and

2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report from September 19, 2006, including resolutions.
CITY COUNCIL AGENDA: OCTOBER 17, 2006

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 5-93, MODIFICATION NO. 1 (PORTERVILLE EVANGELICAL FREE CHURCH)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: 1091 West Linda Vista Avenue

SPECIFIC REQUEST: A request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases. The subject site is located in a C-3 (Heavy Commercial) Zone.

History: On August 3, 1993, by City Council Resolution 103-93, the Council approved Conditional Use Permit 5-93 to allow for the conversion of an existing building into a church.

On September 16, 2003, by City Council Resolution 120-2003, the Council approved a temporary use to allow for the placement of one (1) modular classroom to the south of the existing church.

On June 15, 2004, by City Council Resolution 73-2004, the Council allowed the placement of two (2) additional modular classrooms to the south of the church. As a result of the above, City Council Resolution 73-2004 combined the three (3) temporary uses into one. This allowed an additional two (2) years of life to the temporary units.

On September 19, 2006, by City Council Resolution 123-2006, the Council allowed for one (1) additional year of time for the temporary units. The one (1) year of time is from September 16, 2006 to September 16, 2007.

PROJECT DETAILS: Phase 1 proposes to construct the multipurpose building on the north side of the existing church and construction of the temporary parking (road base, hydro seed or surface as approved the City of Porterville) at the area south of the existing church. As a condition of approval, Phase 1 must be actively undertaken and completed. Upon completion of Phase 1 and Phase 2, (a maximum of two (2) years from time of approval), parking in the temporary parking area must be removed and replaced with permanent parking.

Phase 2 would consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin once Phase 1 has been completed.

Phase 3 would consist of interior improvements to the proposed multipurpose building.

APPROPRIATED/FUNDED ITEM NO. 19
This project is Categorically Exempt pursuant to Section 15303, Class 3 of the CEQA Guidelines—new construction or conversion of small structures. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

Staff has evaluated the proposed modification to the conditional use permit to facilitate the construction of the multipurpose building, expansion of the existing sanctuary and proposed parking and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations (more detailed in the staff report) are in keeping with the scope and character of the originally approved conditional use permit. The entire site is located on three (3) parcels. The proposed multipurpose building straddles the lot line separating the two (2) parcels to the north. Prior to the issuance of the building permit for the multipurpose building a lot line adjustment will be required which will merge all three (3) parcels into one (1).

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: OCTOBER 17, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 5-93, MODIFICATION NO. 1

APPLICANT: Porterville Evangelical Free Church
1091 W. Linda Vista Avenue
Porterville, CA 93257

APPLICANTS AGENT: Townsend Agricultural Group
633 N. Westwood Street, Suite “A”
Porterville, CA 93257

SPECIFIC REQUEST: A request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases. The subject site is located in a C-3 (Heavy Commercial) Zone.

History: On August 3, 1993, by City Council Resolution 103-93, the Council approved Conditional Use Permit 5-93 to allow for the conversion of an existing building into a church.

On September 16, 2003, by City Council Resolution 120-2003, the Council approved a temporary use to allow for the placement of one (1) modular classroom to the south of the existing church.

On June 15, 2004, by City Council Resolution 73-2004, the Council allowed the placement of two (2) additional modular classrooms to the south of the church. As a result of the above, City Council Resolution 73-2004 combined the three (3) temporary uses into one. This allowed an additional two (2) years of life to the temporary units.

On September 19, 2006, by City Council Resolution 123-2006, the Council allowed for one (1) additional year of time for the temporary units. The one (1) year of time is from September 16, 2006 to September 16, 2007.

PROJECT DETAILS: Phase 1 proposes to construct the proposed multipurpose building on the north side of the existing church and construction of the temporary parking (road base, hydro seed or surface as approved the City of Porterville) at the area south of the existing church. The bottom floor will consist of 20,896± square feet, which will be utilized for multipurpose uses. The top floor will consist of 5,096± square feet, which will have two (2) classrooms. The west elevation of the
The proposed multipurpose building will have a tubular steel trellis (brown in color supported by columns of tubular steel covered with a stone veneer stone, which will be light brown-gray in color. The sides of the building on the bottom floor will be covered with corrugated metal with a light stone color. The walls on the second story of the structure will also be covered with mini-rib corrugated metal with a light gray color. The parapet (green in color) on top of the building will be angled at which the highest point will be no more than 40 feet from finished grade.

Phase 2 consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin. Once the sanctuary has been expanded to its maximum of 5,670± square feet, the maximum seating capacity cannot exceed 810 seats. At the ratio of one (1) parking space per every five seats, a total of 162 parking spaces will be required. The total of 187 parking spaces are planned for the ultimate build out (completion of Phase 2). As part of the expansion of the sanctuary, the west elevation of the proposed multipurpose building will have a tubular steel trellis (brown in color supported by columns of tubular steel covered with a stone veneer, which will be light brown-gray in color. The sides of the building will be covered with corrugated metal with a light stone color. The parapet (green in color) on top of the building will be angled at which the highest point will be no more than 40 feet from finished grade.

Phase 3 would consist of interior improvements to the proposed multipurpose building.

GENERAL PLAN AND ZONING: The General Plan designates the site as Heavy Commercial. The subject site is zoned City C-3 (Heavy Commercial).

SURROUNDING ZONING AND LAND USE:  
North: City C-3- RV trailer repair.  
South: City C-3- Carpet and tile sales.  
East: City M-1- Southern Pacific Railroad and vacant land.  
West: City C-3- State Highway 65.

STAFF ANALYSIS: Staff has evaluated the proposed modification to the conditional use permit to facilitate the construction of the multipurpose building, expansion of the existing sanctuary and proposed parking and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations (more detailed in the staff report) are in keeping with the scope and character of the originally approved conditional use permit. The entire site is located on three (3) parcels. The proposed multipurpose building straddles the lot line separating the two (2) parcels to the north. Prior to the issuance of the building permit for the multipurpose building a lot line adjustment will be required which will merge all three (3) parcels into one (1).

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed modification to the use permit would not allow the expansion as proposed.
2. Approve the project. Approval of the proposed modification to the use permit would allow for the expansion as proposed.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15303, Class 3 of the CEQA Guidelines – new construction or conversion of small structures. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: April 26, 2006

DATE ACCEPTED AS COMPLETE: October 3, 2006

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

ATTACHMENTS:

1. Locator map
2. Original approved site plan
3. Proposed new site plan
4. Conditional Use Permit application
5. Categorical exemption
6. City Council Resolution 103-93 conditionally approving Conditional Use Permit 5-93
7. Draft Resolution approving the modification to Conditional Use Permit 5-93 to include the site plan, floor plans and elevation plans marked as EXHIBIT “A”.
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME:
PORTERVILLE EVANGELICAL FREE CHURCH - MULTIPURPOSE BUILDING

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
PORTERVILLE EVANGELICAL FREE CHURCH
1019 W. LINDA VISTA AVE, PORTERVILLE, CA 93257  783-2636

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
PORTERVILLE EVANGELICAL FREE CHURCH, BOB ELLIS, 719-0127
TOWNSEND ARCHITECTURAL GROUP, JASON BIAPIO 789-9999 X.1034

PROJECT ADDRESS AND NEAREST CROSS STREETS:
1019 W. LINDA VISTA AVE, PORTERVILLE, CA 93257
NEAREST CROSS STREETS --> HWY 65 & OLD MAIN STREET

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
THE APPLICANT WISHES TO REVISE THE EXISTING C.U.P. (5-93) TO ALLOW FOR THE EXPANSION OF EXISTING FACILITIES (SANCTUARY AND PARKING), AND THE ADDITION OF A MULTIPURPOSE FACILITY THEREBY COMPLETELY DEVELOPING VACANT AREA.

Date of most recent sale of property: 04/17/2003

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

List below the original deed restrictions pertaining to the type of improvements permitted.

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing lists are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

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

THE PROPOSED USE OF THIS FACILITY WILL BE SUPPORT OF EXISTING MINISTRIES AND WILL DEVELOP EXISTING VACANT LAND. PROPOSED IMPROVEMENTS WILL ENHANCE CURRENT FACILITY, NO DETRIMENTAL IMPACTS ARE PROPOSED.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

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

   SINCE THE TOTAL OCCUPANCY OF A CHURCH IS DETERMINED FROM THE ALLOWABLE OCCUPANCY OF ITS SANCTUARY, THE PROPOSED MAX. OCCUPANCY IS DERIVED FROM THE PROPOSED MAX. SANCTUARY SPACE AS FOLLOWS: 5,670 S.F. -> 810 PEOPLE MAX.

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

   PASTORAL STAFF CONSISTS OF FIVE (5) PASTORS.
   PROFESSIONAL STAFF CONSISTS OF FOUR (4) EMPLOYEES.
   THEREFORE NINE (9) TOTAL EMPLOYEES PROPOSED.

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

   187 TOTAL PARKING SPACES PLANNED FOR ULTIMATE BUILDOUT (COMPLETION OF PHASE II OF CONSTRUCTION). [177 STANDARD, 6 H/C TOTAL W/ 3 VAN SPACES, AND 4 PARALLEL SPACES]

   (d) Maximum height of buildings or structures.

   MAXIMUM PROPOSED (AS A DESIGN OPTION) PARAPET HEIGHT +40’-0”

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

   THIS PROJECT IS PLANNED TO BE PHASED AS FOLLOWS:
   PHASE I: ERECTION OF PROPOSED MULTIPURPOSE BUILDING AND CONSTRUCTION OF TEMPORARY PARKING (ROADBASE, HYDROSEED OR SURFACE AS APPROVED BY C.O.P.) AT THE AREA SOUTH OF EXISTING BUILDING

   PHASE II: REMOVAL OF EXISTING MODULAR CLASSROOMS, SANCTUARY EXPANSION, CONSTRUCTION OF PERMANENT PARKING AND DRAINAGE SUMP.

   PHASE III: COMPLETION OF INTERIOR IMPROVEMENTS TO PROPOSED MULTIPURPOSE BUILDING
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**OWNER'S DECLARATION**

STATE OF CALIFORNIA ) ) ss

COUNTY OF TULARE ) )

I, [Signature], being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

**September 11:00 AM** this 11th day of September, 2006.

Telephone (559) 783-2636

Signed [Signature]

Mailing Address 1091 W. Linda Vista Ave.
Porterville CA 93257

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received_________________________ Date

Receipt No._______________________

By______________________________
NOTICE OF EXEMPTION

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

FROM: City of Porterville
      291 N. Main Street
      Porterville, California 93257

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Modification No. 1 to Conditional Use Permit 5-93

Project Title

1091 W. Linda Vista Avenue

Project Location (Specific)

City of Porterville

Tulare County

Project Location (City)

Project Location (County)

A modification to Conditional Use Permit to allow for the expansion of an existing facility (sanctuary and parking) and
the addition of a multipurpose facility for the Porterville Evangelical Free Church.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

Pastor Rudy Martinez, Porterville Evangelical Free Church, 1091 W. Linda Vista Avenue, Porterville, CA 93257

Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)

Declared Emergency (Section 15071 (a))

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

Categorical Exemption. State type and section number: 15303, Class 3

New construction or conversion of small structures.

Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
   Yes: ______ No: ______

Date Received for filing: ______

Signature
Community Development Director

Title

U/NoticeExemptCUP5-93Mod#1

ATTACHMENT
ITEM NO. 5
RESOLUTION NO. 103-93

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS
IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT
5-93 TO ALLOW THE EVANGELICAL FREE CHURCH LOCATED AT 1091 WEST
LINDA VISTA AVENUE TO OCCUPY AN EXISTING BUILDING AND TO REMODEL
AND EXPAND ITS SANCTUARY WITH CLASSROOMS IN THE SAME BUILDING

WHEREAS: The City Council of the City of Porterville at its
regularly scheduled meeting of August 3, 1993, conducted a public
hearing to consider Conditional Use Permit 5-93, being a request
from the Evangelical Free Church to utilize an existing building
and to allow for future remodel of the same building to expand the
sanctuary and classroom facilities, located in the C-3 (Heavy
Commercial) zone at 1091 West Linda Vista Avenue; and

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

WHEREAS: The City Council made the following findings:

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

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

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

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

5. That a Negative Declaration in compliance with the
California Environmental Quality Act was prepared for the
project.

6. That the proposed location of the project and the
conditions under which it would be operated or maintained
will not be detrimental to the public health, safety or
welfare, or materially injurious to properties or
improvements in the vicinity.
7. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

8. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, and distances between structures will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-13, subject to the following conditions:

1. That any freestanding permanent reader panel proposed will conform to Section 2006 A-5 of the Zoning Ordinance.

2. That all proposed improvements shown on the existing and proposed future plot and floor plans shall be constructed or completed in accordance with City standards and all applicable building and fire codes.

3. Modification of the existing building to accommodate any future remodel will require the following:

   a. Installation of a fire protection system throughout the building is required to avoid one (1) hour firewall construction throughout the building. "Rated" corridors are required throughout the building.

   b. A fire alarm system with manual pull stations (at least two (2) stations).

   c. An emergency illumination system within the building.

   d. Lighted Exit signs for all public access Exit doors.

   e. Low level lighting in all public access corridors.

4. Upon submittal of any future building permit for remodel, the following will be required:

   a. Two (2) sets of plans signed by an architect or engineer;
5. At the time of future remodel, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (1991 Edition), Standard Plans and Specifications and all applicable building and fire codes.

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. This may include an additional Treatment Plant fee upon development of a kitchen facility.

7. If future remodel will include kitchen facilities, the developer/applicant shall comply with Ordinance No. 1288 regarding waste water discharge requirements prior to issuance of a building permit. This includes submission of the following:
   a. Waste Water Survey for Nonresidential Establishments;
   b. Application for Waste Water Discharge Permit, including payment of the applicable fee.

8. That pursuant to Article 29, Section 2903(c) of the Zoning Ordinance, this Conditional Use Permit, as it pertains to a remodel expansion of the sanctuary and classroom addition, shall become null and void three (3) years from the date of original approval (August 3, 1993) unless the City Council approves the permit for a longer period of time.

   [Signature]

Daryl C. Nicholson, Mayor

ATTEST:

    [Signature]

C. G. Huffaker, City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 5-93 MODIFICATION NO. 1 TO MODIFY THE ORIGINALLY APPROVED PLANS FOR THE PORTERVILLE EVANGELICAL FREE CHURCH LOCATED AT 1091 WEST LINDA VISTA AVENUE IN THE C-3 (HEAVY COMMERCIAL) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 17, 2006, conducted a public hearing to consider a request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases located in the C-3 (Heavy Commercial) Zone; and

WHEREAS: Phase 2 would consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin; and

WHEREAS: Phase 3 would consist of interior improvements to the proposed multipurpose building; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Heavy Commercial.

The subject site is in the C-3 (Heavy Commercial) Zone and is consistent with the General Plan. The existing and proposed uses are allowed pursuant to approval of a Conditional Use Permit.

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

The soil is not highly expansive and therefore will not create any barriers to the project as proposed.

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

The modification to the site plan as proposed will blend in with the existing church and allow for the expansion of the site to facilitate future expansion of the existing sanctuary, construction of the multipurpose building, and additional parking area. With the exception of the existing church and parking area, the site is vacant and,
other than maintained landscaping, is absent of any vegetation due to weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

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

The storage of hazardous materials other than what is utilized by churches and school classrooms will be prohibited. Only those uses allowed in the C-3 Zone will be allowed.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage and landscaping required in the C-3 Zone set forth by Article Nine of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 1 to Conditional Use Permit 5-93, subject to the following conditions:

1. That conditions contained in City Council Resolution No. 103-93 shall remain in full force and effect except as modified herein.

2. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.


4. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed Civil Engineer or Architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

6. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

7. The 50-foot wide private vehicular easement along the westerly boundary of the subject site was permitted through approval of Tentative Parcel Map 2-91. An irrevocable offer of dedication was made at that time. This satisfies any requirements for dedication of right of way along the frontage of the subject parcel(s). Similarly, as curb, gutter and sidewalks were not required to be constructed at the time of approval of TPM 2-91, and as the City of Porterville has not exercised its right to acquire the right of way, such improvements are not likely to be required as a condition of the proposed Lot Line Adjustment, Conditional Use Permit(s) or construction. However, the parking lot shall be designed to accommodate the appropriate location and grades for future curbs, gutters and sidewalks (9.5 feet wide) along the full frontage of all parcels.

8. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways. Onsite drainage reservoir shall comply with City Standard Plans D-8 through D-9.

9. Easements shall be in place that allow for mutual use of sewer and water, if applicable.

10. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

11. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

   a. Three copies of a Map and Legal Descriptions
   b. Processing fee in the amount of $125.
   c. Adequate title information (deed, etc.) to verify current ownership and the method of creation of the affected parcels.
The Lot Line Adjustment shall be approved prior to the issuance of a building permit.

12. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

13. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

14. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part “A”, and

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

15. The developer/applicant shall install a refuse container enclosure on each parcel of record with a structure unless there is a written recorded agreement in accordance with City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Location shall be approved by the Public Works Department prior to the issuance of a building permit.

16. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

17. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

18. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

19. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations,
and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

20. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turf-Landscaping.

21. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

22. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

23. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

24. The proposed multi-purpose building is considered an A 2.1 occupancy classification. Upon submittal of a building permit application the following will be required:

   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
   b. Compliance with access laws (both State and Federal) is required.
   c. Compliance with all applicable codes is required.
   d. Plan check fees are required at the time of building permit application submittal.
   e. A soil compaction test will be required.
   f. School development fees and all other City fees are due at the time of building permit issuance.

25. Signs require a separate permit.

26. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

27. On site storage units (cargo containers) must be removed, unless otherwise approved in Conditional Use Permit 5 –93 and by issuance of permits.

28. The applicant must maintain required yardage for existing sanctuary or provide plans for area separation walls.

29. Comply with latest applicable codes.
30. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

31. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies
   b. One hundred or more in all other occupancies.

32. Submit two (2) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

33. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50’ of the Fire Department Connection.

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

35. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

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

37. Fire hydrant spacing shall be as follows: **Residential development**, one hydrant shall be installed at 500 foot intervals. In **Commercial development**, one hydrant shall be installed at 300-foot intervals.

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

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

40. The project must meet minimum fire flow requirements per table in Appendix III-A & III-B of the California Fire Code.

41. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.
42. A Knox box will be required. An application may be obtained from the Fire Department.

43. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.

44. A building analysis must be completed and submitted to the building and fire departments to show compliance with allowable area increases on the existing structure prior to the lot line adjustment being filed.

45. The use of the property shall comply with the approved plans and local, state and federal regulations.

46. Phase 1 shall be actively undertaken and completed. Upon completion of Phase 1 and Phase 2, (a maximum of two (2) years from time of approval), parking in this temporary area must be removed and replaced with permanent parking in compliance with Sections 2206 and 2211 of the Zoning Ordinance.

47. Once the sanctuary has been expanded to its maximum of 5,670± square feet, the maximum seating capacity cannot exceed 810 seats. At the ratio of one (1) parking space per every five seats, a total of 162 parking spaces will be required. The total of 187 parking spaces are planned for the ultimate build out (completion of Phase 2).

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
NORTH ELEVATION - ANGLED PARAPET

SOUTH ELEVATION - ANGLED PARAPET
PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On September 5, 2006, by Minute Order 14-090506, the City Council continued the public hearing for the proposed Ennis Estates project and requested that a closed session on the matter be scheduled. That evening, representatives of Ennis Homes and Burton School District presented information to the City Council regarding the compatibility of the project and adjacent projects.

As there was such lengthy testimony and there has been adequate threat of litigation, the Council determined that in the best interest of all parties, the public hearing should be continued to the next meeting to allow the Council to discuss the matter in Closed Session. The majority of comments received at the public hearing addressed connectivity, both vehicular and pedestrian in nature.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and

Item No. 15
2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report from September 5, 2006, including resolutions.
CITY COUNCIL AGENDA: SEPTEMBER 5, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: ENNIS ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

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

James Winton
150 W. Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: Generally east of Lombardi Street and south of the Castle Avenue alignment in northwest Porterville.

SPECIFIC REQUEST: The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

PROJECT DETAILS:

The “Estate Size” lots average 17,000 sq. ft. and would be within a proposed gated community. A Homeowners Association would maintain all streets within the project area. A 60-foot road, aligned diagonally through the project provides access to both Lombardi Street and Castle Avenue for residents of the subdivision and emergency vehicles. Two existing residences are northwest of the project area. One is not-a-part of the project; the other residence would be included in the remainder as a result of the subdivision. The project site is generally square.

North of the project is the city limit and Urban Development Boundary, and beyond is farmland and scattered single-family dwellings. Outside the City, to the north, the County has zoned the land for Residential and Agricultural uses. An unimproved private driveway extends east from Lombardi along the north property boundary; the access is not a part of the project and would not change. South of the project area, within the City, the land is zoned R-1 and an established residential subdivision (Orchard Ridge Phase 6) has been developed. Also to the south and adjacent to the project site is an existing drainage basin. East and immediately adjacent to the property, two residential subdivisions (Meadow Breeze Phase 2 and Orchard Ridge Phase 8) are being built. West of the project site is Lombardi Street; beyond is an agricultural field of mature plum trees extending to the Friant Kern Canal. This area to the west is outside the incorporated City and is not within the Urban Development Boundary.
The proposed project does not comply with all the requirements of the Subdivision Ordinance, but are design factors typically addressed through design exception. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site. Staff recommends the City Council approve the following exceptions; Lots 24, 25, 27, 28, 33, 34, 43, 45, 47, 48, 69 and 70 may exceed the maximum lot depth allowance of 180 feet. Lot 70 exceeds the maximum lot depth allowed on the east side of the lot and does not meet the minimum lot depth requirement of 90 feet on the west side of the lot. Lots 37, 39, 50, 54, 64, 67 and 68 are reverse corner lots and will have front yards assigned to the narrowest frontage of the lot and will require twelve (12) foot side yard setbacks. Lots 1-3 and 57-59 are double frontage and will require a limitation of access along the rear property line.

Burton Elementary School District has submitted plans to the County for development of a school on property west of the proposed project on a portion of the land currently occupied by the plum orchard. On March 28, 2006 the City Council made a finding of General Plan consistency regarding the placement of an elementary school in this location subject to one condition. The condition is that the school district acquire, improve and dedicate a minimum 26-foot wide road (Castle Avenue) between Lombardi Street on the west, and the current westerly termination of Castle Avenue on the east. The purpose of such a determination was to provide adequate secondary access for the school site. At the time the City Council made this determination no plans were known for the subject project. Parties of interest in the proposed subdivision map, school, and landowner selling to the school have expressed concerns regarding either the school or the subdivision. It generally boils down to the issue of accessibility to the school. Comments on the environmental document for the proposed map have been submitted by the School District, representatives of the School District, and representatives of the property owner selling to the School District. The submitted comment letters and staff's response to those comments are attached in Attachment 6 and 7.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: City Limit, Urban Development Boundary, and beyond is farmland and scattered homes. County has zoned land for Residential and Agricultural uses.

South: City – Land is zoned R-1 and an established residential subdivision (Orchard Ridge Phase 6).

East: City – Adjacent to the project, two residential subdivisions (Meadow Breeze Phase 2 and Orchard Ridge Phase 8) under construction.

West: City/County – Lombardi Street is a City street, beyond the street to the west is County and an agricultural field of mature plum trees extending to the Friant Kern Canal.

SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, the Initial Study and proposed Mitigation Measures were transmitted to public/private agencies for a 20-day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.
The Subdivision Review Committee, on August 23, 2006, discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the California Subdivision Map Act and local ordinances.

The proposal to develop the 34.1± acre parcel zoned City Single Family Residential (One-Family Zone) into a 70-lot single family residential subdivision to be developed in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

Connectivity of east-west streets is typically achieved with collectors at one-half mile intervals to maximize traffic flow throughout the community. The project proposes a gated diagonal, Jared Drive, which would connect Castle Avenue to Lombardi Street, but would only be available for residents of the subdivision and emergency vehicles. To maintain the half-mile grid, Castle Avenue would need to be extended through to Lombardi Street. This connection is not defined in the City’s current Circulation Element and therefore right of way dedication cannot be required. Instead of the typical half-mile grid pattern, other alternatives would likely provide adequate circulation. As the average density is lower in this area, a three-quarter mile connection may suffice, which would connect Lombardi Street from Westfield Avenue to North Grand Avenue. Another option would be to connect the Jared Drive diagonal across the south half of the proposed school site through to Westwood Street. Either alternative, if engineered correctly, could adequately address traffic circulation issues in the project vicinity.

The FIRM Flood Insurance Map 065066-0865 B, dated September 29, 1986, indicates that the site is not within a 100-year flood hazard zone, designated as Flood Zone A (areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined).

A six (6) foot high masonry block wall along all common lines with Lombardi Street shall border residential lots and comply with fence/wall height requirements. The area shall be placed in either a Landscape Maintenance District or under the maintenance of a Home Owners Association. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land
use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: August 4, 2006

DATE ACCEPTED AS COMPLETE: August 23, 2006

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Ennis Estates Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.

ATTACHMENTS:

1. Ennis Estates Tentative Subdivision Map
2. Initial Study
3. Mitigation Monitoring Program
4. Draft Environmental Resolution
5. Draft Resolution of Approval
6. Comment Letters
7. Responses to Comments
City of Porterville

Initial Study For
The Ennis Estates Subdivision Project

1. Project title: Ennis Estates Subdivision

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

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

4. Project location: East Lombardi Street and south of the Castle Avenue alignment in northwest Porterville (See Figures 1, 2 and 3)

5. Project sponsor's name and address: Ennis Homes, Inc.
   643 N. Westwood Street
   Porterville, CA 93257

6. General plan designation: Low Density Residential

7. Zoning: R-1 (One-Family) Zone

8. Description of project: See Figures 1, 2, and 3

The applicant proposes development of approximately 70 single-family residential units and two pocket parks on 34.1± acres, identified by Tulare County Assessor's Parcel Numbers 245-010-44,46,47,49,50,51, and 58. The project is generally located east of Lombardi Street and south of the Castle Avenue alignment in northwest Porterville. The proposed project consists of larger than average lots, with an average lot size of approximately 17,000 square feet.

The "Estate Size" lots would be within a gated community, and all streets within the project area would be privately maintained by a Home Owners Association. A 60-foot road, aligned diagonally through the project provides access to both Lombardi Street and Castle Avenue for residents of the subdivision and emergency vehicles. The project also proposes construction of two pocket parks within the gated community, which would be maintained by a Lighting and Landscape Maintenance District. Two existing residences are northwest of the project area. One is not part of the project; the other residence would be included in the remainder as a result of the subdivision.

There are no known environmental aspects peculiar to the proposed project area.

9. Surrounding land uses and setting:

To the north of the project is the City limit and Urban Development Boundary, and beyond is farmland and scattered single-family dwellings. Outside the City, to the north, the County has zoned the land for Residential and Agricultural uses. An unimproved private driveway extends east from Lombardi along the north property boundary; the access is not a part of the project and would not change. South of the project area, within the City, the land is zoned R-1 and an established residential subdivision (Orchard Ridge Phase 6) has been developed. Also to the south and adjacent to the project site is an existing drainage basin. East and immediately adjacent to the project, two residential subdivisions (Meadow Breeze Phase 2 and Orchard Ridge Phase 8) are being built. West of the project site is Lombardi Street; beyond is an agricultural field.
of mature plum trees extending to the Friant Kern Canal. This area to the west is not incorporated and is not within the urban development boundary; Burton Elementary School District has submitted plans to the County for development of a school on property west of the proposed project.

The FIRM Flood Insurance Map 060407 0010D, Dated October 15, 1985 indicates the site is in Flood Zone C, an area of minimal flooding (area of 500yr flood zone).

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

None
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics  ☐ Agriculture Resources  ☑ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☑ Transportation/Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature: Bradley D. Dunlap, AICP
Printed name: City of Porterville
Date: Aug 4, 2006
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
EARLIER ANALYSIS

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (C) (3) (D). In this case a discussion should identify the following items:

a) Earlier analysis used. Identify earlier analyses and state where they are available for review.
b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

Authority: Public Resources Code Sections 21083 and 21087.

SOURCE REFERENCES

1. Land Use Element of the Porterville General Plan (1998)
2. Circulation Element of the Porterville General Plan (1999)
3. Housing Element of the Porterville General Plan (1992)
5. Open Space Element of the Porterville General Plan (1998)
7. Safety Element of the Tulare County General Plan (1998)
9. Airport Master Plan (1990)
10. Porterville Strategic Plan (1992)
15. Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16. Porterville Redevelopment Housing Strategic Plan (1994)
17. City of Porterville Storm Drainage Master Plan (2001)
20. City of Porterville Sewer Master Plan (2001)
21. City of Porterville Water Master Plan (2001)
23. San Joaquin Valley Air Pollution Control District Attainment Plan
24. San Joaquin Valley Air Pollution Control District Regulation VII
25. Aerial photo records - City of Porterville
27. 1990 Census Data/Tract and Block Group Maps
28. Existing Infrastructure and Facilities Capacity
30. On-site field inspection
31. City of Porterville Transit Development Plan
32. Emergency Services Plan - Tulare County Operational Area
33. City of Porterville Urban Water Management Plan
35. Project Description
Issues:

**1. AESTHETICS** – Would the project:

a) Have a substantial adverse effect on a scenic vista?  ☐  ☐  ☐  ☑

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  ☐  ☐  ☑  ☐

c) Substantially degrade the existing visual character or quality of the site and its surroundings?  ☐  ☐  ☑  ☐

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?  ☐  ☐  ☑  ☐

Responses:

a), b), c): No Impact. The project area is in an area defined by the City of Porterville as an undeveloped residential area, but not as a scenic vista. There are no scenic resources on the site and the project area is not within or adjacent to a State Scenic Highway. The proposed residential development will be compatible with the existing and future land uses surrounding it, and it will not substantially degrade the existing visual character of the site. The proposed project would develop a fallow field, but would be consistent with existing development to the east of the project area. The development would not obstruct views of the higher foothills and the Sierra Nevada Mountain range further east. Sources: 1, 5 & 35.

d): Less Than Significant Impact. The project would include new street and residential lighting within the project area. This lighting would be required to meet City standards and would not adversely affect day or night-time views in the area. Sources: 1, 5 & 35.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ ☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? □ □ □ ☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? □ □ □ ☒

Responses:

a), b), c): No Impact. The project area is within the limits of the City of Porterville and is not being farmed. It is zoned for R-1 (single family residential) development and would not result in any indirect impact that could result in conversion of farmland to non-agricultural use. Sources: 1 & 35.
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☒ ☐ ☐

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ☐ ☒ ☐ ☐

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ☐ ☒ ☐ ☐

d) Expose sensitive receptors to substantial pollutant concentrations? ☐ ☒ ☐ ☐

e) Create objectionable odors affecting a substantial number of people? ☐ ☐ ☐ ☒

Response:

a), b), c), d): Less Than Significant Impact with Mitigation Incorporation. The project is smaller than the 152-unit threshold for small project analysis level defined by the San Joaquin Valley Air Pollution Control District (District), and as such, an URBEMIS model run was not performed. To comply with the District’s restriction of PM$_{10}$ generating activities, the project proponent will follow all Regulation VIII requirements (Tables 1 and 2). In addition, the proponent will further mitigate impacts by meeting the enhanced and additional control measures for construction emissions of PM$_{10}$ (Table 3). These actions will reduce any potential impact to less than significant.

e): No Impact. The project would not create any scents or odors. Sources: 4 & 24.
<table>
<thead>
<tr>
<th>Regulation VIII Control Measures</th>
<th>The following controls are required to be implemented at all construction sites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All disturbed areas, including storage piles, which are not being effectively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</td>
<td></td>
</tr>
<tr>
<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</td>
<td></td>
</tr>
<tr>
<td>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities shall be effectively controlled of fugitive dust emissions using water or by presoaking.</td>
<td></td>
</tr>
<tr>
<td>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</td>
<td></td>
</tr>
<tr>
<td>When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space form the top of the container shall be maintained.</td>
<td></td>
</tr>
<tr>
<td>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</td>
<td></td>
</tr>
<tr>
<td>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
<td></td>
</tr>
<tr>
<td>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</td>
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<tr>
<td>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</td>
<td></td>
</tr>
<tr>
<td>Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.</td>
<td></td>
</tr>
</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002, and SJVAPCD Regulation VIII
## Table 2

**Information to be Contained in a Dust Control Plan as Required by Regulation VIII**

<table>
<thead>
<tr>
<th>A dust control plan shall contain all of the following information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan and responsible for the dust generating operation and the application of dust control measures.</td>
</tr>
<tr>
<td>A plot plan which shows the type and location of each project.</td>
</tr>
<tr>
<td>The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.</td>
</tr>
<tr>
<td>The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.</td>
</tr>
<tr>
<td>The actual and potential sources of fugitive dust emissions on the site and the location of bulk material handling and storage areas, paved and unpaved roads; entrances and exits where carryout/trackout may occur; and traffic areas.</td>
</tr>
<tr>
<td>Dust suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</td>
</tr>
<tr>
<td>Specific surface treatment(s) and/or control measures utilized to control material carryout, trackout, and sedimentation where unpaved and/or access points join paved public access roads.</td>
</tr>
<tr>
<td>At least one key individual representing the owner/operator or any person who prepares a Dust Control Plan must complete a Dust Control Training Class conducted by the District. The District will conduct Dust Control Training Classes on an as needed basis.</td>
</tr>
</tbody>
</table>

## Table 3

**Enhanced and Additional Control Measures for Construction Emissions of PM10**

<table>
<thead>
<tr>
<th>Enhanced Control Measures – The following measure should be implemented at construction sites when required to mitigate significant PM10 impacts (note this measure is to be implemented in addition to Regulation VIII requirements).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
</tr>
<tr>
<td>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.</td>
</tr>
<tr>
<td>Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.</td>
</tr>
<tr>
<td>Install wind breaks at windward side(s) of construction areas.</td>
</tr>
<tr>
<td>Suspend excavation and grading activity when winds exceed 20 mph*; and</td>
</tr>
<tr>
<td>Limit area subject to excavation, grading, and other construction activity at any one time.</td>
</tr>
</tbody>
</table>

*Regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limitation.

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002
IV. BIOLOGICAL RESOURCES — Would the project:

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a), b), c), d), e), f): No Impact. The project is located on fallow, undeveloped land and the proposed use is consistent with the City’s General Plan for future residential development. A field survey by City Staff identified no sensitive species and no habitat on site. The project area is void of trees and shrubs, and is disked regularly for weed abatement. Approval of the project would not result in a conflict with the local ordinances, policies, or habitat conservation plans. Sources: 4, 5, 15, & 30.
V. CULTURAL RESOURCES — Would the project:

<table>
<thead>
<tr>
<th>Option</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
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</table>

Response:

a), b), c), d): No Impact. The project area was formerly disked on a regular basis as it is productive farmland but the agricultural uses have been removed and the site is currently not in use. As a result of prior uses, the surface of the site has been significantly disturbed. No known historic, archaeological, or paleontological resources exist on site. In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries. Sources: 4 & 30.
VI. GEOLOGY AND SOILS — Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>ii) Strong seismic ground shaking?</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<td>iv) Landslides?</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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</table>

**Response:**
a) i, ii, iii, iv, e, d, e) No Impact - The project area is not in the vicinity of any Alquist-Priolo Earthquake Fault Zones as defined by the State Geologist, and would not result in any seismic related impacts. The project area is comprised of stable soils and not subject to landslide, lateral spreading, subsidence, liquefaction or collapse. The project will be fully served by the City wastewater treatment facility, and would not require installation of any septic tanks.

b) Less Than Significant Impact - The project is located on flat land. Therefore, the project will not create any landslide or mudflows. Any future development of the site with single family residential uses would result in ground disturbance through leveling, grading, etc. and absent proper control measures, could contribute to minor soil erosion during construction. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant. Development of the site as proposed will result in ground disturbance through leveling, grading, etc. and could contribute to minor soil erosion during construction. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval would maintain a less than significant impact in regards to erosion. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Sources: 29.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</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>
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<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>
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<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>
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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>
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<tr>
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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>
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<tr>
<td>----------------------------------------------------------</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>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?</td>
</tr>
</tbody>
</table>

**Response:**

a), b), c), d), e), f), g), h): **No Impact.** The project as proposed will not involve hazardous materials, and the project site is not contaminated. The project is not within the vicinity of an airport or an airstrip. The project will not result in any change or interference with an adopted emergency response plan or evacuation plan. Mandatory conformance with the Porterville Zoning Ordinance and the Porterville weed abatement program will ensure that the project will not expose people or structures to a significant risk of loss due to wildfire. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?  
   - ☐ Yes ☒ No ☐ Possibly ☐ Insufficient Information

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)?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

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?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

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?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

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?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

f) Otherwise substantially degrade water quality?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

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?
   - ☐ Yes ☖ No ☒ Possibly ☒ Insufficient Information

j) Inundation by seiche, tsunami, or mudflow?
   - ☐ Yes ☖ No ☒ Possibly ☐ Insufficient Information

Response:

a), c), d), e), f): Less Than Significant with Mitigation Incorporation- Water quality standards could be violated by oils, chemicals, and residues conveyed by stormwater runoff along streets, driveways, and other impervious surfaces. Compliance with Federal, State, and local regulations
requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan.

b) Less Than Significant Impact: It is not anticipated that the development of the site as proposed would significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer. The City has recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The proposed use is consistent with the General Plan; the capital water system projects are intended to serve projects such as this, and the impact is therefore less than significant.

g), h), i), j): No Impact: The project site is outside the 100-year flood plain and the Success Dam flood inundation area, as defined by the Army Corps of Engineers. The FIRM Flood Insurance Map 060407 0010D, Dated October 15, 1985 indicates the site is in Flood Zone C an area of minimal flooding (area of 500yr flood zone). The project site is not in an area that could generate seiche or tsunami effects. The site would not be subject to mudflow events.
IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?  ☐ ☐ ☐ ☒

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?  ☐ ☐ ☐ ☒

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?  ☐ ☐ ☐ ☒

Response:

a), b), c): No Impact. Porterville’s General Plan designates the subject area for R-1 Zone (Single Family Residential Zone). The proposed project will not disrupt or divide the physical arrangement of an established community in this area. The project as proposed is consistent with the polices and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices, nor will it conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project. Therefore, no impact will occur. Sources: 1, 2, 3, 4, 12, & 30.
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): No Impact. There are no known mineral resources on the proposed project area. Sources: 4.
XI. NOISE — Would the project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<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 expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Response:**

a), b), c), d): Less Than Significant Impact with Mitigation Incorporation. Development of the site as proposed will result in short-term increases in noise associated with construction equipment. To mitigate the potential impacts, construction activities will be restricted to daytime hours: 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturday and Sunday.

c), d): Less Than Significant Impact. There will be a slight increase in noise from additional traffic in the area and general noise from increased population after construction is complete and residential uses are in place and occupied. However, the project site is designated for the proposed use in the City’s General Plan and is consistent with existing and planned adjacent uses. These impacts will be less than significant. Sources: 6.

e), f): No Impact. The project is not within the vicinity of an airport or private airstrip. Sources: 6.
XII. POPULATION AND HOUSING – Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
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</table>

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Response:**

a), b), c): **No Impact.** Based on the historical growth pattern, it is expected that Porterville's population will continue to grow at about 2.5% annually. The project as proposed will not cause any substantial increase in local population projections; rather, it serves to accommodate the current growth projections. The proposed project will facilitate development envisioned by the General Plan for this area. Further, the project as proposed will not require the removal of any existing housing. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES  Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? ☐ ☐ ☒ ☐
- Police protection? ☐ ☐ ☒ ☐
- Schools? ☐ ☐ ☒ ☐
- Parks? ☐ ☐ ☒ ☐
- Other public facilities? ☐ ☐ ☒ ☐

Response:

a): Less than Significant Impact. Fire, Police, Schools, Parks, and other Public Facilities will experience increased demand resulting from the development of the 34.1± acre site as proposed. The anticipated increased demand will be marginal, incremental initial impacts on the above referenced services. Sources: 1, 2, 3, 5, 7 & 8.
XIV. RECREATION — Would the project:

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

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

Response:

a), b): Less Than Significant Impact. The proposed site is not currently used for recreational activities and the proposed project will not reduce the quality or quantity of such opportunities. The project proposes two pocket parks within the subdivision for the use of the residents within the community.

City parks and recreation facilities will be sufficient to accommodate the additional recreational needs stemming from development of the site. Sources: 5 & 8.
XV. TRANSPORTATION/TRAFFIC – Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response:

a), b): Less Than Significant Impact with Mitigation Incorporation. Development of the 34.1± acre site with 70 single-family residential units is anticipated to result in about 670 additional daily vehicle trips. This estimate is derived from the ITE Trip Generation manual – calculations for single family detached housing. The traffic generated within the subdivision can exit from two locations: One location is from the north end of Jared Street, east on Castle Avenue to Newcomb Street. Newcomb Street is a four-lane divided arterial with the capacity of 30,000 average daily trips (ADT); The second entrance/exit location is from Lombardi Street south to Westfield Avenue. Westfield Avenue is a two (2) lane collector street with the capacity of 12,500 ADT. Both Lombardi Street (located on the west side of the proposed subdivision) and Castle Avenue (located at the northeast of the proposed subdivision) are designated local streets. The increase of trips generated by the proposed project may reduce the Level of Service in the project area. The project proponent will dedicate right of way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element, and will dedicate and improve the Lombardi Street right of way adequate for a minimum of two lanes of traffic and on street parking on one side. Traffic impact fees are assessed for projects of this type to contribute to funding improvements to the overall circulation system as adopted in the Circulation Element of the General Plan. Source: 34.
c), g): **No Impact.** The proposed development was anticipated in the Land Use Element and Circulation Elements of the General Plan and will not conflict with that plan. The project is not within the vicinity of a public airport or private airstrip. Sources: 1, 2, 34, & 35.

d), e), f): **Less Than Significant Impact.** Compliance with the City Code will ensure provision of adequate off-street parking. The project will not result in hazards related to design features. Adequate emergency access and parking will be provided in compliance with the City of Porterville’s ordinance and Building Code Regulations that govern development of single-family residential lots. As it is a gated community, Knox Locks will be required on both gates, ensuring emergency access. Sources: 1, 2, 34, & 35.
XVI. UTILITIES AND SERVICE SYSTEMS –
Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☒ ☐

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☐ ☐ ☒ ☐

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? ☐ ☐ ☒ ☐

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? ☐ ☐ ☐ ☒

g) Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

Response:

a), b), c), d), e): Less Than Significant Impact. The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan. Occupation of the project will not be permitted prior to completion of the annexation of land for biosolids spreading. New stormwater drainage facilities will installed as needed to serve the project. Sources: 30 & 35.

f): No Impact. The City of Porterville disposes of its solid waste at the Tea Pot Dome Disposal Site, southwest of the City. The landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs. Sources: 28 & 35.

g): No Impact. Refuse removed from the project area will conform to County regulations.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE —

Would the project:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

   ☑ ☐ ☐ ☐ ☑

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

   ☐ ☐ ☐ ☐ ☑

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

   ☐ ☐ ☐ ☐ ☑

Response:

a), b), c): No Impact. The project as proposed will have no impact on the quality of the natural environment, individually or cumulatively, and will not have substantial adverse effects on humans either directly or indirectly.
## MITIGATION AND MONITORING PLAN

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality a.),1.),c.),d.)</td>
<td>The project is smaller than the 152-unit threshold for small project analysis level defined by the San Joaquin Valley Air Pollution Control District (District), and as such, an URBEMIS model run was not performed. To comply with the District's restriction of PM10 generating activities, the project proponent will follow all Regulation VIII requirements (Tables 1 and 2). In addition, the proponent will further mitigate impacts by meeting the enhanced and additional control measures for construction emissions of PM10 (Table 3). These actions will reduce any potential impact to less than significant.</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Air Pollution Control District (SJVAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB SJVAPCD</td>
</tr>
<tr>
<td>Noise a.),b.)</td>
<td>Development of the site as proposed will result in short-term increases in noise associated with construction equipment that may exceed the City's noise level standards. To mitigate the potential impacts, construction activities will be restricted to daytime hours: 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturday and Sunday.</td>
<td>The City of Porterville will continue to implement the Noise Element of the General Plan.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>c.),d.)</td>
<td>There will be a slight increase in noise from additional traffic in the area and general noise from increased population after construction is completed and residential uses are in place and occupied. However, the project site is designated for the proposed use in the City's General Plan and is consistent with existing and planned adjacent uses. These impacts will be less than significant.</td>
<td>The City of Porterville will continue to implement the Noise Element of the General Plan.</td>
<td>City of Porterville</td>
</tr>
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<tr>
<td>Traffic/Transportation a), b.)</td>
<td>Development of the 34.1± acre site with 70 single-family residential units is anticipated to result in about 670 additional daily vehicle trips. This estimate is derived from the ITE Trip Generation Manual – calculations for single-family detached housing. The traffic generated within the subdivision can exit from two locations: One location is from the north end of Jared Street, east on Castle Avenue to Newcomb Street. Newcomb Street is a four-lane divided arterial with the capacity of 30,000 average daily trips (ADT); The second entrance/exit location is from Lombardi Street south to Westfield Avenue. Westfield Avenue is a two (2) lane collector street with the capacity of 12,000 ADT. Both Lombardi Street (located on the west side of the proposed subdivision) are designated local streets. The increase of trips generated by the proposed project may reduce the Level of Service in the project area. The project proponent will dedicate right of way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element, and will dedicate and improve the Lombardi Street right of way adequate for a minimum of two lanes of traffic and on street parking on one side. Traffic impact fees are assessed for projects of this type to contribute to funding improvements to the overall circulation system as adopted in the circulation system as adopted in the Circulation Element of the General plan.</td>
<td>The City of Porterville will include this requirement in all discretionary permits. Building permits will be reviewed to ensure compliance.</td>
<td>City of Porterville</td>
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</tbody>
</table>
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ENNIS ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 34.1± ACRE SITE LOCATED GENERALLY EAST OF LOMBARDI STREET AND SOUTH OF THE PROLONGATION OF CASTLE AVENUE IN NORTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 5, 2006 conducted a public hearing to consider approval of Ennis Estates Tentative Subdivision Map, being a division of a 34.1± acre site zoned Single Family Residential (One-Family Zone) into a 70 lot single family residential subdivision to be developed in one (1) phase for that site generally located east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville; and

WHEREAS: The City Council of the City of Porterville continued the public hearing to September 19, 2006; and

WHEREAS: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The City Council made the following findings:

1. That a Mitigated Negative Declaration (Exhibit A) was prepared for the project in accordance with the California Environmental Quality Act.

2. That the Mitigated Negative Declaration prepared for this project was made available for public review and comment. The 20-day review period was from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

That the proposed project could have a significant effect on the environment, but through implementation of the Mitigation Monitoring Program as defined (Exhibit B) will not create adverse environmental impacts.

The proposed Mitigated Negative Declaration was evaluated in light of the prepared environmental Initial Study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures (Exhibit B).
4. That the City Council is the decision-making body for the project.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Exhibit B and included as Condition 65 in the proposed resolution of approval for the Ennis Estates Tentative Subdivision Map.

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

Staff completed a field survey, and identified no protected species or habitat. Thus, no impact will occur.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this project supporting the Mitigated 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 Mitigated Negative Declaration for Ennis Estates Tentative Subdivision Map as described herein.

_____________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT
OF APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE ENNIS ESTATES
PROJECT FOR THAT 34.1± ACRE SITE LOCATED GENERALLY
EAST OF LOMBARDI STREET AND SOUTH OF THE PROLONGATION OF CASTLE
AVENUE IN NORTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of September 5, 2006 conducted a public hearing to consider approval of Ennis Estates
Tentative Subdivision Map, being a division of a 34.1± acre site zoned City Single Family
Residential (One-Family Zone) into a 70 lot single family residential subdivision to be developed
in one (1) phase for that site generally located east of Lombardi Street and south of the
prolongation of Castle Avenue alignment in northwest Porterville; and

WHEREAS: The City Council of the City of Porterville continued the public hearing to
September 19, 2006; and

WHEREAS: On August 4, 2006, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed
project; and

WHEREAS: The Subdivision Review Committee on August 23, 2006, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant’s agent and incorporated into the draft resolution of approval; and

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

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

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

   The Land Use Element of the General Plan designates the site for Low Density
   Residential (2-7 d.u./acre). The proposed subdivision will be developed to a
density of 2.1 d.u./acre.

2. That the site is physically suitable for the type and density of the proposed
development. The site is generally flat and does not slope. The soils are non-
expansive or of other geologic qualities that will require specific considerations.
3. That the Negative Declaration originally prepared and approved for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. The developer/applicant will be required to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the Staff Report.

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

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

The General Plan designates the site for Low Density Residential uses. Adjacent land uses surrounding the site are also designated for compatible Low Density Residential uses.

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

The proposed project does not comply with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site. The City Council approves the following exceptions:

Lots 24, 25, 27, 28, 33, 34, 43, 45, 47, 48, 69 and 70 may exceed the maximum lot depth allowance of 180 feet.

Lot 70 may exceed the maximum lot depth allowed on the east side of the lot and not meet the minimum lot depth requirement of 90 feet on the west side of the lot.

Lots 37, 39, 50, 54, 64, 67 and 68 are reverse corner lots and will have front yards assigned to the narrowest frontage of the lot and will require twelve (12) foot side yard setbacks.

Lots 1-3 and 57-59 are double frontage will require a limitation of access along the rear property line.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Ennis Estates Tentative Subdivision Map subject to the following conditions:


2. Although streets within the subdivision are to be privately owned and maintained, streets must be named consistently with those that are approximately in alignment as labeled on the map.

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

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

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

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

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

8. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

9. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the
improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

- Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
- Soils Report(s) in accordance with Chapter 18 of the California Building Code.

10. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

11. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of approval of final map acceptance.

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

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

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

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

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

17. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

18. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Rule (ISR)

19. Effective March 1, 2006, the District will enforce the Indirect Source Rule. ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects. The District
will provide a letter of rule compliance status to the local agency upon request. The ISR Program does not place any requirements upon the agency.

ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

20. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

21. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

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

(e) Lot corners are marked;

(f) The Fire Department and the Engineering Division accept fire hydrants.

22. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. On site drainage facilities will not be maintained by the City of Porterville, should the project proceed as a gated community.

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

24. The developer/applicant shall be aware that pursuant to Section 21-3 of the Municipal Code, private streets are subject to City Council approval and not encouraged per the City’s current Subdivision Ordinance.

25. The developer/applicant will not be required to dedicate street rights of way, as presently proposed, for internal streets within the gated community. The City will provide inspection services for the private roads, subsequent to payment of applicable fees. A homeowners association or other acceptable associations, complying with state and local regulations, shall be formed for the purpose of maintaining internal streets.
26. To accommodate refuse and emergency vehicles, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets. The developer/applicant shall also construct temporary turn-arounds at the ends of dead-end internal private streets that may be created as part of a phased development.

27. The developer/applicant shall hold the City harmless for any and all damages to the private streets that may be created by refuse trucks and/or emergency vehicles that traverse through the private community.

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

29. The developer/applicant shall construct City standard barricades at the end of all dead end streets, where applicable.

30. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer. A 50’ long Lombardi Street pavement transition will be required north of Lot 57.

31. The developer/applicant shall design the circular street approach to the private entrance at the west end of Castle Avenue to appropriately accommodate vehicular traffic. This may require the realignment of the existing curb and gutter along the south side of Castle Avenue (off-site improvements) and/or the acquisition of off-site right of way to accommodate proper turning movements.

32. The developer/applicant shall grant maintenance easements to the City of Porterville for the sewer mains within the gated community.

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

34. The developer/applicant shall be aware that there are two potential points of sewer connection. One being the west end of Castle Avenue, near the northeast corner of the proposed development. The other potential point of connection is Lombardi Street, about 400 feet north of Westfield Avenue. A sewer lift station may or may not be required to access these points of connection.

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

36. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 320-foot intervals along the Lombardi Street frontage. Internal street lights are not subject to City of Porterville approval as presently proposed.
37. The developer/applicant shall grant maintenance easements to the City of Porterville for the water mains within the gated community.

38. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

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

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

41. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.

42. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Lombardi Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Lombardi Street.

50. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. Unless otherwise included for maintenance within the homeowner’s association responsibilities, the developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. Submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Street Lighting for Lombardi; (2) Public landscaping along the Lombardi frontage; (3) Public walls/fences, if any, (4) pocket parks; and (5) any other public improvement. The developer/applicant shall prepare an Engineer’s Report for the establishment of assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day
plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

51. The applicant/developer shall provide park and common area open spaces of adequate size and acceptable location(s) within the development boundaries. The park and common area open spaces shall be fully landscaped by the applicant/developer. It is recommended that the amount of area devoted to park and common area open spaces be at least 140% of the average lot size, with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years.

52. The utilities cannot cross property lines. Any utilities that may cross property lines shall be identified by easements shown and appropriately dedicated on the final map.

53. All addresses will be determined by the narrowest lot dimension to the street.

54. The project must comply with the latest applicable codes.

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

56. Additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

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

58. Fire hydrant spacing shall be as follows:

In Residential development, one hydrant shall be installed at 500-foot intervals.

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

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

61. The project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

62. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.

63. A Knox Lock system will be required at all gate locations. An application may be obtained from the Fire Department.
64. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.

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

_________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By

Georgia Hawley, Chief Deputy City Clerk
VIA FEDERAL EXPRESS

Mr. John Longley, City Manager
CITY OF PORTERVILLE
291 North Main Street
Porterville, CA 93257

Re: Guido Lombardi – Burton School District
    Notice of Intent to Adopt a Negative Declaration of Environmental Impact and
    Approve the Ennis Estates Tentative Subdivision Map
    Review Period Comments

Dear Mr. Longley:

This office represents Guido Lombardi, trustee of the Lombardi Family Trust, the
owner of the school site proposed by Burton Elementary School District.

This letter provides comments to the Initial Study of the Ennis Estates Subdivision
Project, dated August 4, 2006, (Initial Study) and the proposed mitigation measures.

BACKGROUND

Mr. Lombardi, as trustee, owns the proposed site for a new Burton School. This site
sits at the northerly end of Lombardi Street on the west side, south of the Castle
Avenue alignment. The proposed Subdivision and the proposed school site are across
Lombardi Street from each other.

The City Council determined at a meeting on March 28, 2006, that this school site was
consistent with the general plan with one proviso: that the Burton School District
acquire, improve, and dedicate a road (Castle Avenue) between Lombardi Street on the
west and the currently westerly termination of Castle Avenue on the east. This would
be a secondary means of ingress and egress to the school site, a "mandatory
requirement for public safety vehicles" (letter from Mr. Dunlap dated March 29, 2006,
addressed to Dr. Don Brown, copy attached).

CONCERNS WITH EVALUATION OF ENVIRONMENTAL IMPACTS

Our client believes that the Initial Study contains three errors of substance. Those
errors relate to three environmental factors detailed in the Initial Study, namely: XII
Public Services, XV Transportation/Traffic, and XVII Mandatory Findings of
Significance. Each of these factors has a significant environmental impact neither
identified nor mitigated in the Initial Study.
But, before addressing the details, it is important to point out an express provision in the Initial Study that has a bearing on these comments. The Initial Study provides that when evaluating identified environmental impacts, “all answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.” (Initial study, fourth page, Item 2). And, why is this rule important? Because the impacts addressed below pertain not to the Subdivision directly but to the school site that adjoins the Subdivision off-site. Now, for our comments on the specific environmental factors potentially affected:

XIII PUBLIC SERVICES

The Initial Study finds that the subdivision would have a “less than significant impact” on Public Services (Schools). This is erroneous. Without a provision in the Ennis Estates Subdivision for the prolongation of Castle Avenue as required by the City Council, substantial adverse physical impacts for public services occurs with regard to the new school site. The new school site is a “lollypop” stuck on the northerly end of Lombardi Street with only one way in and one way out. This isolation with limited access creates a substantial potential hazard and real safety concern for the schoolchildren with no secondary or alternate means of access. This should have been marked as “Potentially Significant Impact” if not mitigated by the prolongation of Castle Avenue.

XV TRANSPORTATION/TRAFFIC

Here, subparts (c) and (e) of this Item are marked in the Initial Study as “less than significant impact.” Again, without making provision for the prolongation of Castle Avenue, the isolation of the new school, with only one way in and one way out, creates unreasonable and substantial safety risks to the children in the event of an emergencies as it does not allow for alternate emergency access if Lombardi Street is impaired. Therefore, these subparts should have been marked as “Potentially Significant Impact” if not mitigated visa via Castle Avenue.

XVII MANDATORY FINDINGS OF SIGNIFICANCE

Finally, the subdivision project perhaps has impacts individually limited but certainly cumulatively considerable on the future school site, a “probable future project.” But, the Initial Study found otherwise under item XVII (b). While the 60-foot road, aligned diagonally through the project subdivision, provides access to both Lombardi Street and Castle Avenue for residents of the subdivision, without the prolongation of Castle Avenue the subdivision isolates the new school site creating substantial safety concerns. As stated in the Initial Study, all answers to the issues must take account of the whole action involved including off-site and cumulative impacts. Obviously,
the finding of "no impact" under XVII(b) is erroneous. Thus, item (b) should have been marked "Potentially Significant Impact."

SOLUTION

The mitigation of these substantial impacts is obvious and simple – provide in the Initial Study for the prolongation of Castle Avenue to the new school site.

Respectfully submitted,

LAW OFFICES OF HURLEY & LAIRD

By

Russell F. Hurley

RFH/cdm

cc:  Mr. Guido Lombardi, with enclosure
     Mr. Bradley D. Dunlap, with enclosure
     City Council Members:
     The Honorable Cameron J. Hamilton, with enclosure
     Mr. Felipe A. Martinez, with enclosure
     Mr. Pedro "Pete" Martinez, with enclosure
     Mr. Richard M. Stadtherr, with enclosure
     Mr. Pete V. McCracken, with enclosure
August 25, 2006

Honorable Cameron Hamilton, Mayor,
and Members, City Council
City of Porterville
291 North Main Street
Porterville, CA 93257

Re: Notice of Intent to Adopt a Negative Declaration of Environmental Impact and Approve the Ennis Estates Tentative Subdivision Map

Dear Mayor Hamilton and Council Members:

This office represents the Burton School District regarding its Lombardi Street School Project and the Ennis Estate Subdivision Project. In conjunction with Owens Hill Consulting, the School District’s environmental consultants, we have reviewed the Initial Study and proposed Negative Declaration prepared by the City for the Ennis Estates Project and find that they must be revised in order to comply with the California Environmental Quality Act and its implementing regulations (“CEQA”). Our reasoning is as follows:

Comments on Initial Study and Proposed Negative Declaration

Owens Hill Consulting has performed a peer review of the Initial Study prepared by the City of Porterville for the proposed Ennis Subdivision (the “Project”). The comments that have been prepared are limited to those areas of "environmental impact" which will directly affect the Burton School District’s new elementary school on Lombardi Street.

Based upon the review of the information provided, the requirements of CEQA, and our analysis below, we have concluded that the Initial Study for the Ennis Subdivision must be amended. We find that the current Initial Study does not consider all the potential impacts the proposed Project would have on the Burton School District’s new elementary school planned for the west side of Lombardi Street, immediately across from the Ennis project, or provide a level of analysis to support the findings that have been reached. The City must reconsider its environmental impact conclusions and provide further analysis and mitigation for the impacts cited below in order to support the determination of a "Mitigated Negative Declaration." Once the Initial Study has been amended, all mitigation measures that are necessary for the Project to qualify for the adoption of a "Mitigated Negative Declaration" must be incorporated into the Project design.
1. **Land Use and Planning:**

The Land Use and Planning impact analysis contained in the Initial Study is limited to the proposed Project's consistency with the City's "current" General Plan. However, the City of Porterville is nearing completion of a comprehensive update to the General Plan. Because the current Initial Study does not consider the "General Plan Update 2030," it is not adequate under the provisions of CEQA.

The Initial Study correctly states, according to CEQA (CEQA Guidelines Section 15063), that the analysis of environmental impacts must address the consistency of a proposed project with "current" plans and policies. However, CEQA requirements do not state that the consistency analysis should be limited only to *adopted* plans and policies.

According to the City's "General Plan Update 2030" newsletter, dated August 2006, the public review "draft" of the updated General Plan and the Draft Environmental Impact Report (EIR) will be available in late 2006. Formal adoption of the General Plan update is anticipated in early 2007.

The "General Plan Update 2030" contains policies and future projects that are *probable and foreseeable* (See Item No. 4 below) and that must be considered in the environmental analysis of the Ennis Project. Therefore, an analysis of the proposed Project's consistency with both the "current" General Plan and the "updated" General Plan is warranted.

The District requests that the City provide a "consistency comparison" that analyzes the environmental impacts of the proposed Project in relation to both the "current" General Plan and the "draft" General Plan update.

2. **Public Services:**

The Initial Study concludes that the impact of the proposed Project on schools is "Less than Significant." The environmental impact analysis contained within the current Initial Study is limited to the discussion of increased demand for public services resulting from the approval of the Ennis residential subdivision. In considering the impact of a proposed project on public services, CEQA provides that a project may be considered to have a significant environmental effect if it will result in substantial adverse physical effects from construction of new or altered governmental facilities needed to maintain acceptable service ratios, response times or other performance objectives for... Schools. (CEQA Guidelines, Appendix G, section XIII a); emphasis added)

The District cannot agree with the Initial Study's determination that the Project, as proposed, will have a "Less than Significant Impact" on Public Services. The Ennis Subdivision, as currently designed, effectively prevents the extension and public use of Castle Avenue for direct access to nearby residential projects east of the Project that will be served by the new elementary school. The Burton School District requires that potential school sites have proximity to the student population being served; support the programmatic requirements of the proposed school; and that they provide multiple means (ease) of access for the student population, general public, and
emergency services. These requirements constitute the "performance objectives" utilized by the School District in making school site selections.

The proposed Project will substantially impact the District’s ability to satisfy this "performance objective" and therefore will result in “Potentially Significant” or “Less than Significant Impact with Mitigation Incorporation” in this environmental impact area.

Without the Castle Avenue extension, students from these existing and proposed residential developments east of the Ennis Project will be required to travel southbound on Matthew Street to westbound Westfield Avenue and northbound on Lombardi Street to reach the elementary school. The proposed Project, as currently designed, does not result in a logical, appropriate, or safe routing of pedestrian and vehicular traffic to the new elementary school from residential projects north and east of the proposed Project.

The City of Porterville has designated Castle Avenue a “public local street.” However, this street is not improved beyond the proposed entry/access point to the subdivision. The extension of Castle Avenue to Lombardi Street is a goal/policy of the "General Plan Update 2030" Land Use and Circulation Element and has been presented to the update committee. The extension/improvement of this street is not considered in the Initial Study; therefore, the proposed Project is inconsistent with the General Plan update.

3. Transportation and Traffic:

The District cannot agree with the Initial Study's determination that the Project, as proposed, will have a “Less than Significant Impact” on Transportation and Traffic considerations. CEQA states a project may be considered to have a "significant environmental effect" if it will result in inadequate emergency access. (CEQA Guidelines, Appendix G, section XV e).)

If Castle Avenue is not extended, direct access between Matthew Street and Lombardi Street is prevented and all pedestrian, vehicular, and emergency access to the new elementary school will be limited to northbound access on Lombardi Street. This limited site access to the new elementary school site (i.e., a dead end street configuration) will impede adequate emergency access and the District’s ability to implement an effective emergency evacuation plan.

4. Mandatory Findings of Significance:

Based upon the comments presented above, the District cannot agree with the Initial Study's determination that the Project, as proposed, has no "cumulatively considerable" effects. As CEQA requirements state...

“Cumulatively Considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.” (CEQA Guidelines, section 15065 (a)(3); emphasis added.)

As currently designed, the Project will have a "cumulatively considerable" effect on other current projects:
The Orchard Ridge (Phase 8) and Meadow Breeze subdivisions, which have been recently constructed or are currently under construction.

These projects will be negatively impacted by the proposed Project, as designed, because the plans do not include the extension of Castle Avenue between Matthew Street and Lombardi Street. The students generated by these residential developments will be denied the utilization of Castle Avenue, which provides a direct, reasonable, and safe access to the new elementary school.

As currently designed, the Project will have a "cumulatively considerable" effect on probable future projects:

- The current Initial Study does not consider the impacts the proposed Project will have on the planning for the new elementary school or how it will affect the use of and access to the school by the community it serves.
- If Castle Avenue is not extended, then the direct, reasonable and safe access to the new elementary school will be prevented. Additionally, the proposed Project will have an adverse impact on adequate emergency access and the District’s emergency evacuation planning.
- The Project is not consistent with the current draft of the "General Plan Update 2030" that has indicated the extension of Castle Avenue as project for future implementation.

5. Source References:

The General Plan Update 2030 should be included in the reference list. (See comments above)

Conclusions/Recommendations

On behalf of the Burton School District, we recommend the Council direct staff to revise the Initial Study and proposed Negative Declaration to reflect the potentially significant impacts we’ve identified above, but add the following mitigation measure to reduce the potential impacts to a level of less than significant:

_The Applicant shall redesign the proposed tentative subdivision map by moving its northern boundary to a point not less than thirty (30) feet south of the centerline of the Castle Avenue alignment, in order to allow for the future development of Castle Avenue as a public street between Matthew and Lombardi Streets._

Alternatively, the Council may wish to defer its consideration of Project approval and direct that a Traffic Study be prepared to analyze the specific traffic and circulation impacts of the Ennis Project, alone and in relation to other approved and foreseeable projects in the area, so that more specific mitigation measures or design changes may be applied to the Project.
Thank you for your attention to these comments. The School District looks forward to a continuation of its cooperative relationship with the City in order to best serve the needs of all area residents.

Sincerely,

LOZANO SMITH

Jeffrey L. Kuhn, Esq.

JLK/sfc

cc: Burton School District
    John Longley, City Manager
    Brad Dunlap, Community Development Director
    Julia Lew, City Attorney

OWENS HILL CONSULTING

Maureen Hill, Principal

Maureen Hill, Principal
August 11, 2006

City of Porterville
Mr. John Longley, City Manager
291 N. Main Street
Porterville, CA 93257

Dear Mr. Longley:

Despite the fact that the Burton Board of Trustees has a meeting on the same night as the upcoming hearing (September 5), District representatives will be present to share information with the Council regarding the impact the Ennis project would have on the proposed elementary school in that area.

As presented in the site map that was approved by the PRC, the project conflicts with the District's interest in constructing a school on the northern part of the adjacent Lombardi property and in acquiring required Castle Avenue access. In particular, the City Council passed the following motion on March 28, 2006:

"Moved by Mayor Pro Tem Hamilton, Seconded by Council Member West, that the Council determine that the proposes 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, conditioned upon the Burton School District obtaining an easement for the prolongation of Castle Avenue." To approve the Ennis project in its current form would add greatly to the burden of "obtaining an easement for the prolongation of Castle Avenue."

The Burton School District is heavily invested in the property and is well along in getting full site approval. Already, the site passed the Geo Hazard review and has received contingent site approval. Currently, the Purchase Agreement is in
City of Porterville  
August 10, 2006

Escrow and the CEQA process has begun. The CEQA process includes a traffic study that will soon begin. The Council may want to delay approval of the proposed project until the traffic study in progress is completed.

Thank you for working with the District to find the best solution.

Sincerely,

[Signature]

Donald R. Brown, PhD  
Superintendent  
Burton School District

cc: Brad Dunlap  
City Council Members

Attachment: Letter from Brad Dunlap, dated March 29, 2006  
Official minutes from Council meeting of March 28, 2006
March 29, 2006

Dr. Don Brown  
Superintendent of Schools  
Burton School District  
264 North Westwood Street  
Porterville, CA 93257

Subject: City Council Reconsideration of General Plan Consistency Determination

Dear Dr. Brown:

On March 28, 2006, at an adjourned meeting of the City Council, the Council reconsidered its determination of your request for determination of General Plan Consistency for a proposed school site located at the north end of Lombardi Street and the westerly prolongation of Castle Avenue. The item was previously considered by the City Council on February 21, 2006, at which time the Council made the determination that the school site was not consistent with the General Plan. However, after discussions with School District representatives that were unable to attend the first meeting, the Council agreed to reconsider its decision. Upon receiving a presentation by Burton School District representatives, the Council made the determination that the proposed school is consistent with the General Plan provided certain conditions are complied with.

Primarily, the conditions require the School District to acquire, improve and dedicate a minimum of a 26-foot wide road (Castle Avenue) between Lombardi Street on the west, and the current westerly termination of Castle Avenue on the east. The distance is approximately 1,300 feet in length. This second means of ingress and egress to the site is a mandatory requirement for public safety vehicles and must be provided prior to opening of the school. General comments on project requirements are summarized in a letter from the City to you dated February 16, 2006 and continue to be relevant. Detailed comments on construction requirements will be made based upon submittal of plans to the Project Review Committee.

If you have any questions regarding this information, please contact me at (559) 782-7460.

Sincerely,

Bradley D. Dunlap, AICP  
Community Development Director

Cc: City Council  
    John Longley, City Manager  
    Mike Reed, City Engineer  
    Julia Lew, City Attorney  
    Julie Boyle, Senior Planner
August 22, 2006

City of Porterville
291 N. Main Street
Porterville CA 93257

Attention: Bradley D. Dunlap, AICP

Subject: Ennis Estates Subdivision Project: E. Lombardi St and South of the Castle Avenue alignment, Porterville, CA.

We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from existing gas mains located in and around the area. The service would be in accordance with the Company’s policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project, but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affects gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Contact the New Business Project Manager for your area, Alan Suhovy, @ (559) 739-2238, or visit our web site SCGMapping@SempraUtilities.com for information on current energy efficiency programs, gas equipment, or to find out how to get your line extension project started.

Thank you again for choosing clean, reliable natural gas, your best energy value.

Sincerely,

Louise Lankford/RV
Pipeline Planning Assistant

xc: Larry Jacquez
    Alan Suhovy
RESPONSES TO COMMENTS RECEIVED ON ENVIRONMENTAL DOCUMENT:

Letter from Russell F. Hurley, representing Guido Lombardi, a neighboring property owner.

Comment 1: The Initial Study finds that the subdivision would have a “less than significant impact” on Public Services (Schools)... Without a provision in the Ennis Estates Subdivision for the prolongation of Castle Avenue as required by the City Council, substantial adverse physical impacts for public services occurs with regard to the new school site... This isolation with limited access creates a substantial potential hazard and real safety concern for the schoolchildren with no secondary or alternate means of access [and] should have been marked as “Potentially Significant Impact” if not mitigated by the prolongation of Castle Avenue.

Response 1: The proposed project does not preclude a secondary means of access for the school district. Although the City Council conditioned its finding of general plan consistency on the extension of Castle Avenue through to Lombardi Street, the school district has the ability to find and create an alternate access, for example, extending Lombardi Street north to connect to North Grand Avenue. Alternately, the school district could still extend Castle Avenue along the northern property boundary of the proposed project. Multiple alternatives could be designed to achieve the same result, and the school district has the ability to work with the City in resolving the matter.

Comment 2: Without making the provision for the prolongation of Castle Avenue, the isolation of the new school, with only one way in and one way out, creates unreasonable and substantial safety risks to the children in the event of [any] emergencies as it does not allow for alternate emergency access if Lombardi Street is impaired.

Response 2: Again, the proposed project does not preclude a secondary means of access for the school district. The traffic study and environmental analysis to be prepared by the school district for its proposed site should evaluate these concerns, as they are directly related to the construction of the school, and pedestrian access solutions cannot be determined until the environmental analysis is complete. The fire department has indicated that with proper emergency override systems in place, emergency access through the proposed development would be satisfactory.

Comment 3: (Regarding Mandatory Findings of Significance) While the 60-foot road, aligned diagonally through the project subdivision, provides access to both Lombardi Street and Castle Avenue for residents of the subdivision, without the prolongation of Castle Avenue the subdivision isolated the new school site creating substantial safety concerns... Item (b) should have been marked “Potentially Significant Impact”.

Response 3: Pedestrian access to the school from areas east of the proposed subdivision need not be provided through the project. Though it may be inconvenient and a longer walk, there are alternate routes. Further, as stated above, Castle Avenue could still be extended to Lombardi Avenue. As there is no formally adopted alignment for that segment of Castle Avenue (the County abandoned the alignment in 1986), the road could be connected by simply following the northern project boundary.
Letter from Jeffrey L. Kuhn and Maureen Hill, representing Burton School District

Comment 1: The Land Use and Planning impact analysis contained in the Initial Study is limited to the proposed Project’s consistency with the City’s “current” General Plan... Because the current Initial Study does not consider the “General Plan Update 2030,” it is not adequate under the provisions of CEQA. The Initial Study correctly states, according to CEQA, that the analysis of environmental impacts must address the consistency of a proposed project with “current” plans and policies. However, CEQA requirements do not state that the consistency analysis should be limited only to adopted plans and policies. The “General Plan Update 2030” contains policies and future projects that are probable and foreseeable and that must be considered in the environmental analysis of the Ennis project. Therefore, an analysis of the proposed Project’s consistency with both the “current” General Plan and the “updated” General Plan is warranted.

Response 1: At this early stage, the City is still working with the General Plan consultant and Update Advisory Committee and public to develop the G.P. Update including defining the circulation element and proposed land uses. City staff and the Consultant are only beginning to draft new policies at this time. Further, because the General Plan Update is still in the analysis stages, to assume a specific alternative would bind the Council’s decision-making authority to make modifications to the General Plan Update. It would be inappropriate to assume the current draft land use diagram will be the same when approved by Council, and therefore it is not reasonable to require consistency with an ever-changing draft.

Comment 2: The Ennis Subdivision, as currently designed, effectively prevents the extension and public use of Castle Avenue for direct access to nearby residential projects east of the Project that will be served by the new elementary school. The Burton School District requires that potential school sites have the proximity to the student population being served; support the programmatic requirements of the proposed school; and that they provide multiple means (ease) of access for the student population, general public, and emergency services. These requirements constitute the “performance objectives” utilized by the School District in making school site selections... Without the Castle Avenue extension, students from these existing and proposed residential developments east of the Ennis Project will be required to travel southbound on [Mathew] Street to westbound Westfield Avenue and northbound on Lombardi Street to reach the elementary school...[lacking] logical routing of pedestrian and vehicular traffic to the new school from residential projects north and east of the proposed Project.

Response 2: The proposed project does not preclude a secondary means of access for the school district. Further, the traffic study and environmental analysis to be prepared by the school district for its proposed site should evaluate these concerns, as they are directly related to the construction of the school, and pedestrian access solutions cannot be determined until the environmental analysis is complete. Pedestrian access to the school from areas east of the proposed subdivision need not be provided through the project. Though it may be less convenient and a longer walk, there are alternate routes. Further, Castle Avenue could still be extended to Lombardi Avenue.

Comment 3: The City of Porterville has designated Castle Avenue a “public local street”
Response 3: Neither the City nor the County have designated Castle Avenue a local street, a collector, or any other roadway designation. In fact, there is no formally designated street nor adopted alignment for that segment of Castle Avenue, as the County abandoned the alignment in 1986.

Comment 4: CEQA states a project may be considered to have a “significant environmental effect” if it will result in inadequate emergency access. (CEQA Guidelines, Appendix G, Section XV e). Limited site access will impede adequate emergency access and the District’s ability to implement an effective emergency evacuation plan.

Response 4: Emergency access is provided through the subdivision along the Jared Diagonal. While the project proposes a gated community, all gates include Knox boxes and emergency personnel will have full access through the subdivision to relay emergency services, as well as to assist in evacuation plans.

Comment 5: The Project will have a cumulatively considerable effect on other current projects (Orchard Ridge and Meadow Breeze subdivisions) because the plans do not include the extension of Castle Avenue to Lombardi Street.

Response 5: The approval of the project does not preclude extension of Castle Avenue through to Lombardi Street, nor other street extensions that could connect to North Grand Avenue or Westwood Street, both of which are designated as arterials in the City’s current General Plan.
CITY COUNCIL AGENDA: OCTOBER 17, 2006

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 5-93, MODIFICATION NO. 1 (PORTERVILLE EVANGELICAL FREE CHURCH)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: 1091 West Linda Vista Avenue

SPECIFIC REQUEST: A request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases. The subject site is located in a C-3 (Heavy Commercial) Zone.

History: On August 3, 1993, by City Council Resolution 103-93, the Council approved Conditional Use Permit 5-93 to allow for the conversion of an existing building into a church.

On September 16, 2003, by City Council Resolution 120-2003, the Council approved a temporary use to allow for the placement of one (1) modular classroom to the south of the existing church.

On June 15, 2004, by City Council Resolution 73-2004, the Council allowed the placement of two (2) additional modular classrooms to the south of the church. As a result of the above, City Council Resolution 73-2004 combined the three (3) temporary uses into one. This allowed an additional two (2) years of life to the temporary units.

On September 19, 2006, by City Council Resolution 123-2006, the Council allowed for one (1) additional year of time for the temporary units. The one (1) year of time is from September 16, 2006 to September 16, 2007.

PROJECT DETAILS: Phase 1 proposes to construct the multipurpose building on the north side of the existing church and construction of the temporary parking (road base, hydro seed or surface as approved the City of Porterville) at the area south of the existing church. As a condition of approval, Phase 1 must be actively undertaken and completed. Upon completion of Phase 1 and Phase 2, (a maximum of two (2) years from time of approval), parking in the temporary parking area must be removed and replaced with permanent parking.

Phase 2 would consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin once Phase 1 has been completed.

Phase 3 would consist of interior improvements to the proposed multipurpose building.

APPROPRIATED/FUNDED

ITEM NO. 19
This project is Categorically Exempt pursuant to Section 15303, Class 3 of the CEQA Guidelines—new construction or conversion of small structures. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

Staff has evaluated the proposed modification to the conditional use permit to facilitate the construction of the multipurpose building, expansion of the existing sanctuary and proposed parking and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations (more detailed in the staff report) are in keeping with the scope and character of the originally approved conditional use permit. The entire site is located on three (3) parcels. The proposed multipurpose building straddles the lot line separating the two (2) parcels to the north. Prior to the issuance of the building permit for the multipurpose building a lot line adjustment will be required which will merge all three (3) parcels into one (1).

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: OCTOBER 17, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 5-93, MODIFICATION NO. 1

APPLICANT: Porterville Evangelical Free Church
1091 W. Linda Vista Avenue
Porterville, CA 93257

APPLICANTS AGENT: Townsend Agricultural Group
633 N. Westwood Street, Suite “A”
Porterville, CA 93257

SPECIFIC REQUEST: A request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases. The subject site is located in a C-3 (Heavy Commercial) Zone.

History: On August 3, 1993, by City Council Resolution 103-93, the Council approved Conditional Use Permit 5-93 to allow for the conversion of an existing building into a church.

On September 16, 2003, by City Council Resolution 120-2003, the Council approved a temporary use to allow for the placement of one (1) modular classroom to the south of the existing church.

On June 15, 2004, by City Council Resolution 73-2004, the Council allowed the placement of two (2) additional modular classrooms to the south of the church. As a result of the above, City Council Resolution 73-2004 combined the three (3) temporary uses into one. This allowed an additional two (2) years of life to the temporary units.

On September 19, 2006, by City Council Resolution 123-2006, the Council allowed for one (1) additional year of time for the temporary units. The one (1) year of time is from September 16, 2006 to September 16, 2007.

PROJECT DETAILS: Phase 1 proposes to construct the proposed multipurpose building on the north side of the existing church and construction of the temporary parking (road base, hydro seed or surface as approved the City of Porterville) at the area south of the existing church. The bottom floor will consist of 20,896± square feet, which will be utilized for multipurpose uses. The top floor will consist of 5,096± square feet, which will have two (2) classrooms. The west elevation of the
proposed multipurpose building will have a tubular steel trellis (brown in color supported by columns of tubular steel covered with a stone veneer stone, which will be light brown-gray in color. The sides of the building on the bottom floor will be covered with corrugated metal with a light stone color. The walls on the second story of the structure will also be covered with mini-rib corrugated metal with a light gray color. The parapet (green in color) on top of the building will be angled at which the highest point will be no more than 40 feet from finished grade.

Phase 2 consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin. Once the sanctuary has been expanded to its maximum of 5,670± square feet, the maximum seating capacity cannot exceed 810 seats. At the ratio of one (1) parking space per every five seats, a total of 162 parking spaces will be required. The total of 187 parking spaces are planned for the ultimate build out (completion of Phase 2). As part of the expansion of the sanctuary, the west elevation of the proposed multipurpose building will have a tubular steel trellis (brown in color supported by columns of tubular steel covered with a stone veneer, which will be light brown-gray in color. The sides of the building will be covered with corrugated metal with a light stone color. The parapet (green in color) on top of the building will be angled at which the highest point will be no more than 40 feet from finished grade.

Phase 3 would consist of interior improvements to the proposed multipurpose building.

GENERAL PLAN AND ZONING: The General Plan designates the site as Heavy Commercial. The subject site is zoned City C-3 (Heavy Commercial).

SURROUNDING ZONING AND LAND USE:
North: City C-3- RV trailer repair.
South: City C-3- Carpet and tile sales.
East: City M-1- Southern Pacific Railroad and vacant land.
West: City C-3- State Highway 65.

STAFF ANALYSIS: Staff has evaluated the proposed modification to the conditional use permit to facilitate the construction of the multipurpose building, expansion of the existing sanctuary and proposed parking and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations (more detailed in the staff report) are in keeping with the scope and character of the originally approved conditional use permit. The entire site is located on three (3) parcels. The proposed multipurpose building straddles the lot line separating the two (2) parcels to the north. Prior to the issuance of the building permit for the multipurpose building a lot line adjustment will be required which will merge all three (3) parcels into one (1).

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed modification to the use permit would not allow the expansion as proposed.
2. Approve the project. Approval of the proposed modification to the use permit would allow for the expansion as proposed.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15303, Class 3 of the CEQA Guidelines – new construction or conversion of small structures. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: April 26, 2006

DATE ACCEPTED AS COMPLETE: October 3, 2006

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

ATTACHMENTS:

1. Locator map
2. Original approved site plan
3. Proposed new site plan
4. Conditional Use Permit application
5. Categorical exemption
6. City Council Resolution 103-93 conditionally approving Conditional Use Permit 5-93
7. Draft Resolution approving the modification to Conditional Use Permit 5-93 to include the site plan, floor plans and elevation plans marked as EXHIBIT “A”.
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME:
PORTERVILLE EVANGELICAL FREE CHURCH - MULTIPURPOSE BUILDING

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
PORTERVILLE EVANGELICAL FREE CHURCH
1019 W. LINDA VISTA AVE, PORTERVILLE, CA 93257  783-2636

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
PORTERVILLE EVANGELICAL FREE CHURCH, BOB ELLIS, 719-0127
TOWNSEND ARCHITECTURAL GROUP, JASON BIAGIO 789-9999 X.1034

PROJECT ADDRESS AND NEAREST CROSS STREETS:
1019 W. LINDA VISTA AVE, PORTERVILLE, CA 93257

NEAREST CROSS STREETS --> HWY 65 & OLD MAIN STREET

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
THE APPLICANT WISHES TO REVISE THE EXISTING C.U.P. (5-93) TO ALLOW FOR THE EXPANSION OF EXISTING FACILITIES (SANCTUARY AND PARKING), AND THE ADDITION OF A MULTIPURPOSE FACILITIY THEREBY COMPLETELY DEVELOPING VACANT AREA.

Date of most recent sale of property: 04/17/2003

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

List below the original deed restrictions pertaining to the type of improvements permitted:

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Property underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing lists are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

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

THE PROPOSED USE OF THIS FACILITY WILL BE SUPPORT OF EXISTING MINISTRIES AND WILL DEVELOP EXISTING VACANT LAND. PROPOSED IMPROVEMENTS WILL ENHANCE CURRENT FACILITY, NO DETRIMENTAL IMPACTS ARE PROPOSED.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

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

SINCE THE TOTAL OCCUPANCY OF A CHURCH IS DETERMINED FROM THE ALLOWABLE OCCUPANCY OF ITS SANCTUARY, THE PROPOSED MAX. OCCUPANCY IS DERIVED FROM THE PROPOSED MAX. SANCTUARY SPACE AS FOLLOWS: 5,670 S.F. -> 810 PEOPLE MAX.

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

PASTORAL STAFF CONSISTS OF FIVE (5) PASTORS.
PROFESSIONAL STAFF CONSISTS OF FOUR (4) EMPLOYEES.
THEREFORE NINE (9) TOTAL EMPLOYEES PROPOSED.

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

187 TOTAL PARKING SPACES PLANNED FOR ULTIMATE BUILDOUT (COMPLETION OF PHASE II OF CONSTRUCTION). [177 STANDARD, 6 H/C TOTAL W/ 3 VAN SPACES, AND 4 PARALLEL SPACES]

(d) Maximum height of buildings or structures.

MAXIMUM PROPOSED (AS A DESIGN OPTION) PARAPET HEIGHT +40'-0”

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

THIS PROJECT IS PLANNED TO BE PHASED AS FOLLOWS:
PHASE I: ERECTION OF PROPOSED MULTIPURPOSE BUILDING AND CONSTRUCTION OF TEMPORARY PARKING (ROADBASE, HYDROSEED OR SURFACE AS APPROVED BY C.O.P.) AT THE AREA SOUTH OF EXISTING BUILDING

PHASE II: REMOVAL OF EXISTING MODULAR CLASSROOMS, SANCTUARY EXPANSION, CONSTRUCTION OF PERMANENT PARKING AND DRAINAGE SUMP.

PHASE III: COMPLETION OF INTERIOR IMPROVEMENTS TO PROPOSED MULTIPURPOSE BUILDING
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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OWNER'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE ) ss

I, ____________________________, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

September 11:00 AM this 11th day of September, 2006.

Telephone (559) 783-2630 Signed ____________________________

Mailing Address 1091 W. Linda Vista Ave. Porterville CA 93257

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received__________________________ Receipt No.__________

Date

By ________________________________
NOTICE OF EXEMPTION

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Pastor Rudy Martinez
Porterville Evangelical Free Church
1091 W. Linda Vista Ave.
Porterville, CA 93257

Modification No. 1 to Conditional Use Permit 5-93

Project Title

1091 W. Linda Vista Avenue

Project Location (Specific)

City of Porterville

Tulare County

Project Location (City)

Project Location (County)

A modification to Conditional Use Permit to allow for the expansion of an existing facility (sanctuary and parking) and
the addition of a multipurpose facility for the Porterville Evangelical Free Church.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

Pastor Rudy Martinez, Porterville Evangelical Free Church, 1091 W. Linda Vista Avenue, Porterville, CA 93257

Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)

Declared Emergency (Section 15071 (a))

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

Categorical Exemption. State type and section number: 15303, Class 3

New construction or conversion of small structures.

Reasons why project is exempt

Bradley D. Dunlap, Community Development Director

Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
   Yes:______  No:______

Date Received for filing:______________

Signature

Community Development Director

Title

U/NoticeExemptCUP5-93Mod#1

ATTACHMENT

ITEM NO. 5
RESOLUTION NO. 103-93

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS
IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT
5-93 TO ALLOW THE EVANGELICAL FREE CHURCH LOCATED AT 1091 WEST
LINDA VISTA AVENUE TO OCCUPY AN EXISTING BUILDING AND TO REMODEL
AND EXPAND ITS SANCTUARY WITH CLASSROOMS IN THE SAME BUILDING

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 3, 1993, conducted a public hearing to consider Conditional Use Permit 5-93, being a request from the Evangelical Free Church to utilize an existing building and to allow for future remodel of the same building to expand the sanctuary and classroom facilities, located in the C-3 (Heavy Commercial) zone at 1091 West Linda Vista Avenue; and

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

WHEREAS: The City Council made the following findings:

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

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

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

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

5. That a Negative Declaration in compliance with the California Environmental Quality Act was prepared for the project.

6. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
7. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

8. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, and distances between structures will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-13, subject to the following conditions:

1. That any freestanding permanent reader panel proposed will conform to Section 2006 A-5 of the Zoning Ordinance.

2. That all proposed improvements shown on the existing and proposed future plot and floor plans shall be constructed or completed in accordance with City standards and all applicable building and fire codes.

3. Modification of the existing building to accommodate any future remodel will require the following:
   a. Installation of a fire protection system throughout the building is required to avoid one (1) hour firewall construction throughout the building. "Rated" corridors are required throughout the building.
   b. A fire alarm system with manual pull stations (at least two (2) stations).
   c. An emergency illumination system within the building.
   d. Lighted Exit signs for all public access Exit doors.
   e. Low level lighting in all public access corridors.

4. Upon submittal of any future building permit for remodel, the following will be required:
   a. Two (2) sets of plans signed by an architect or engineer;
b. Energy calculations;

c. Compliance with all State and Federal Handicapped regulations.

5. At the time of future remodel, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (1991 Edition), Standard Plans and Specifications and all applicable building and fire codes.

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. This may include an additional Treatment Plant fee upon development of a kitchen facility.

7. If future remodel will include kitchen facilities, the developer/applicant shall comply with Ordinance No. 1288 regarding waste water discharge requirements prior to issuance of a building permit. This includes submission of the following:

   a. Waste Water Survey for Nonresidential Establishments;

   b. Application for Waste Water Discharge Permit, including payment of the applicable fee.

8. That pursuant to Article 29, Section 2903(c) of the Zoning Ordinance, this Conditional Use Permit, as it pertains to a remodel expansion of the sanctuary and classroom addition, shall become null and void three (3) years from the date of original approval (August 3, 1993) unless the City Council approves the permit for a longer period of time.

   Daryl C. Nicholson, Mayor

ATTEST:

   George Hanley, Clerk
   C. G. Huffaker, City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 5-93 MODIFICATION NO. 1 TO MODIFY THE ORIGINALY APPROVED PLANS FOR THE PORTERVILLE EVANGELICAL FREE CHURCH LOCATED AT 1091 WEST LINDA VISTA AVENUE IN THE C-3 (HEAVY COMMERCIAL) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 17, 2006, conducted a public hearing to consider a request to revise the existing site plan for Conditional Use Permit 5-93. The modification would allow for the expansion of an existing church (sanctuary and parking area) and the addition of a two (2) story multipurpose building to be completed in three (3) phases located in the C-3 (Heavy Commercial) Zone; and

WHEREAS: Phase 2 would consist of removing the three (3) temporary modular classrooms, enlarging the existing sanctuary and construction of permanent parking and drainage basin; and

WHEREAS: Phase 3 would consist of interior improvements to the proposed multipurpose building; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Heavy Commercial.

The subject site is in the C-3 (Heavy Commercial) Zone and is consistent with the General Plan. The existing and proposed uses are allowed pursuant to approval of a Conditional Use Permit.

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

The soil is not highly expansive and therefore will not create any barriers to the project as proposed.

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

The modification to the site plan as proposed will blend in with the existing church and allow for the expansion of the site to facilitate future expansion of the existing sanctuary, construction of the multipurpose building, and additional parking area. With the exception of the existing church and parking area, the site is vacant and,
other than maintained landscaping, is absent of any vegetation due to weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

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

The storage of hazardous materials other than what is utilized by churches and school classrooms will be prohibited. Only those uses allowed in the C-3 Zone will be allowed.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage and landscaping required in the C-3 Zone set forth by Article Nine of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 1 to Conditional Use Permit 5-93, subject to the following conditions:

1. That conditions contained in City Council Resolution No. 103-93 shall remain in full force and effect except as modified herein.

2. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.


4. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed Civil Engineer or Architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

6. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

7. The 50-foot wide private vehicular easement along the westerly boundary of the subject site was permitted through approval of Tentative Parcel Map 2-91. An irrevocable offer of dedication was made at that time. This satisfies any requirements for dedication of right of way along the frontage of the subject parcel(s). Similarly, as curb, gutter and sidewalks were not required to be constructed at the time of approval of TPM 2-91, and as the City of Porterville has not exercised its right to acquire the right of way, such improvements are not likely to be required as a condition of the proposed Lot Line Adjustment, Conditional Use Permit(s) or construction. However, the parking lot shall be designed to accommodate the appropriate location and grades for future curbs, gutters and sidewalks (9.5 feet wide) along the full frontage of all parcels.

8. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways. Onsite drainage reservoir shall comply with City Standard Plans D-8 through D-9.

9. Easements shall be in place that allow for mutual use of sewer and water, if applicable.

10. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

11. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

   a. Three copies of a Map and Legal Descriptions
   b. Processing fee in the amount of $125.
   c. Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.
The Lot Line Adjustment shall be approved prior to the issuance of a building permit.

12. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

13. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

14. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part “A”, and

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

15. The developer/applicant shall install a refuse container enclosure on each parcel of record with a structure unless there is a written recorded agreement in accordance with City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Location shall be approved by the Public Works Department prior to the issuance of a building permit.

16. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

17. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

18. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

19. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations,
and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

20. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

21. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

22. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

23. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

24. The proposed multi-purpose building is considered an A 2.1 occupancy classification. Upon submittal of a building permit application the following will be required:
   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
   b. Compliance with access laws (both State and Federal) is required.
   c. Compliance with all applicable codes is required.
   d. Plan check fees are required at the time of building permit application submittal.
   e. A soil compaction test will be required.
   f. School development fees and all other City fees are due at the time of building permit issuance.

25. Signs require a separate permit.

26. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

27. On site storage units (cargo containers) must be removed, unless otherwise approved in Conditional Use Permit 5–93 and by issuance of permits.

28. The applicant must maintain required yardage for existing sanctuary or provide plans for area separation walls.

29. Comply with latest applicable codes.
30. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

31. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies
   b. One hundred or more in all other occupancies.

32. Submit two (2) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

33. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50’ of the Fire Department Connection.

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

35. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

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

37. Fire hydrant spacing shall be as follows: **Residential development**, one hydrant shall be installed at **500 foot** intervals. In **Commercial development**, one hydrant shall be installed at **300-foot** intervals.

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

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

40. The project must meet minimum fire flow requirements per table in Appendix III-A & III-B of the California Fire Code.

41. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.
42. A Knox box will be required. An application may be obtained from the Fire Department.

43. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.

44. A building analysis must be completed and submitted to the building and fire departments to show compliance with allowable area increases on the existing structure prior to the lot line adjustment being filed.

45. The use of the property shall comply with the approved plans and local, state and federal regulations.

46. Phase 1 shall be actively undertaken and completed. Upon completion of Phase 1 and Phase 2, (a maximum of two (2) years from time of approval), parking in this temporary area must be removed and replaced with permanent parking in compliance with Sections 2206 and 2211 of the Zoning Ordinance.

47. Once the sanctuary has been expanded to its maximum of 5,670± square feet, the maximum seating capacity cannot exceed 810 seats. At the ratio of one (1) parking space per every five seats, a total of 162 parking spaces will be required. The total of 187 parking spaces are planned for the ultimate build out (completion of Phase 2).

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: CREDIT CARD PROCESSING FEES

SOURCE: Administrative Services – Finance Division

COMMENT: For a number of years, the City has been accepting both MasterCard and Visa credit cards as a method of payment for City services, including building permits in Public Works, activity registration (including golf) and facility scheduling in Parks & Leisure Services, and business license and utilities in Finance. Prior to September 2005, the City was not assessed any credit card processing fees in providing this payment option. However, beginning in September 2005, the City began being assessed credit card processing fees of 2.35% for Visa credit cards and 2.80% for MasterCard by the merchant services provider. The cash collection history for the months of September 2005 through August 2006 show that the City collected nearly $1.4 million in credit card charges, resulting in approximately $40,000 in credit card processing charges, an expense the majority of which has been accounted for by Public Works (please see table below).

Credit Card Processing Charges (09/05 – 08/06)

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Services (Finance):</td>
<td>$ 7,520 ( 19%)</td>
</tr>
<tr>
<td>Parks &amp; Leisure Services:</td>
<td>$ 2,367 ( 6%)</td>
</tr>
<tr>
<td>Public Works (Engineering):</td>
<td>$29,486 ( 75%)</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>$39,373 ( 100%)</strong></td>
</tr>
</tbody>
</table>

To accommodate the expense for credit card processing charges, staff recommends that the Council consider the assessment of a 2.50% fee when customers utilize credit cards as a method of payment for City services.

RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions; and

2. Adopt the Draft Resolution approving a 2.50% processing fee for credit card methods of payment.

ATTACHMENT: Draft Ordinance

D.D. Appropriated/Funded C.M. Item No. 20
RESOLUTION NO. ___-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROVIDING FOR THE ASSESSMENT OF A PROCESSING FEE OF 2.50% WHEN CREDIT CARD IS THE METHOD OF PAYMENT FOR CITY SERVICES

WHEREAS, the City Council has determined that it would be beneficial and the public interest is served or advantaged by including a credit card processing fee with each credit card transaction used to make a payment to the City of Porterville; and

WHEREAS, the amount collected from City customers shall be used to pay the monthly processing charge billed by the credit card companies being utilized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that a processing fee of 2.50% shall be added to the total amount charged to credit card methods of payment for City services.

APPROVED AND ADOPTED this 17th day of October, 2006.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
Georgia Hawley, Chief Deputy City Clerk
COUNCIL AGENDA: OCTOBER 17, 2006

PUBLIC MEETING

SUBJECT: SKATEBOARD PARK REGULATIONS – ORDINANCE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE

SOURCE: CITY ATTORNEY AND PARKS AND LEISURE SERVICES

COMMENT: As presented at the October 3, 2006, City Council Meeting, the construction of the Skatepark will be completed soon. The park is tentatively scheduled to open on October 18, 2006. The Parks and Leisure Services Commission, pursuant to its authority in Article I of Chapter 19 of the Municipal Code, adopted rules, attached to this report, for the operation of the Park at its Board meeting on October 5. These rules are effective immediately upon posting at the Park, and violations are punishable under the City’s general penalty code enforcement provisions.

Government Code Section 831.7 provides that cities are not liable to persons participating in “hazardous recreational activities” conducted on public property which create a substantial risk of injury to a participant or a spectator. This section also goes on to list specific recreational activities that qualify, on their face. Health and Safety Code Section 115800 added skateboarding to this “per se” list, provided that the person skateboarding is 14 years of age or older, the skateboarding activity that caused the injury was a stunt, trick or “luge” skateboarding, and the skateboarding is on a public park that 1) requires persons to wear helmets, elbow pads, and knee pads, and/or 2) the park is non-supervised, there is an ordinance requiring the equipment, and signs are posted concerning these requirements. This office and the Parks and Leisure Services Department are proposing the attached regulations in order to clarify the requirements, and the applicable enforcement proceedings.

It should be noted that the Parks and Leisure Services Commission did approve, in the rules, the use of bicycles in the facility, as the designers have determined that the surface is appropriate for this use. At the Commission meeting, there was substantial testimony from the public concerning the desire for bicycles to be allowed. The Commission, however, decided to permit bicycles only at times specified and posted by the Department, and skateboarding will not be allowed at those times. Although bicycling is not, per se, a hazardous activity, the City may claim that it falls within the definition of hazardous activities as defined by statute, in the event of legal action related to a bicycling injury at the park.
The attached ordinance is proposed in accordance with the above-described statutes. This ordinance codifies the helmet, elbow pad, and knee pad requirement and also specifies that violations of the Ordinance, which would include any violation of the posted rules as set forth by the Parks and Leisure Services Commission, would be chargeable as a misdemeanor (with the discretion to charge as an infraction). The proposed regulations also include the possibility of a graduated scale for violations, charged as infractions that occur within a one year period (first violation set a maximum of $100, second violation at a maximum of $200, and the third violation at a maximum of $500). Additionally, the confiscation provisions set forth in the Ordinance regulating skateboarding elsewhere in the City have been set forth in this Ordinance as well. These provisions allow the City to temporarily confiscate the skateboard of a second-time offender within a one year period. In the event a skateboard is confiscated under this section, the offender will be entitled to an automatic hearing.

We have also included the ability, at the City’s discretion, to refer a violator to a community service program (in the alternative or in addition to the imposition of the fines set forth), if such a program is available.

In addition to criminal citation, the violations of this Ordinance shall constitute a nuisance; this will provide the City with tools to potentially enjoin repeat or other serious offenders from the Park if necessary.

RECOMMENDATION: The City Attorney recommends that the Council hold a public meeting to consider testimony related to this Ordinance. Additionally, the City Attorney recommends that the City Council consider any further direction with regard to the rules adopted by the Parks and Leisure Services Commission, and review and give first reading to the draft ordinance, An Ordinance of the City Council of Porterville Adding Article IV, Sections 19-45 through 19-49 to Chapter 10 of the Porterville Municipal Code Concerning Skateboard Facilities

Attachment: 1) Porterville Skatepark Rules adopted by the Parks and Leisure Services Commission on October 5, 2006
2) Draft Ordinance, An Ordinance of the City Council of Porterville Adding Article IV, Sections 19-45 through 19-49 to Chapter 10 of the Porterville Municipal Code Concerning Skateboard Facilities
CITY OF PORTERVILLE SKATEPARK

This park was built for you, the skaters. Take care of it and each other. If you want to keep the park, follow the rules and do not allow others to destroy your skatepark. Report vandalism, graffiti and aggressive behavior. Be aware, skateboarding is a hazardous recreational activity. Skate at your own risk. This is a non-supervised facility. Please keep your park clean from trash.

SKATEPARK RULES

All skaters shall wear a helmet, knee pads and elbow pads at all times when skating. Persons failing to do so will be subject to citation under City of Porterville regulations. (Porterville Municipal Code Sections 19-8 and 1-9, and see Calif. Health & Safety Code Section 115800)

A parent or guardian must accompany anyone under 14 years of age.

All skaters must wear shirts while in the skatepark facility.

Spectators, portable/personal stereos, headphones, and animals are prohibited inside the skatepark facility.

Additional obstacles, toys, ramps and jumps, or other materials may not be brought into the skatepark.

All vehicles classified as skateboards, roller blades/in-line skates and skates propelled by human power and meeting the definitions prescribed in Section 18-61. of the Porterville Municipal Code are allowable for usage. Tricycles, unicycles, scooters, Razors, or motorized vehicles are not allowed.

Bicycles are permitted only during posted time periods. Skating is not permitted when bicycles are present.

This park will open from 8:00 A.M. until closure. City of Porterville “No Trespassing” Ordinance will be enforced after skatepark is closed.

Any person failing to comply with these rules and applicable Porterville Municipal Code will be subject to citation.
BICYCLES PERMITTED
9:00 AM to 11:00 AM
2:00 PM to 3:00 PM
5:00 PM to 7:00 PM *

* Skatepark hours vary, closure may occur prior to this time.
Skating is not permitted when bicycles are present.
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING, ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING SKATEBOARD FACILITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. Article 4, Skatepark Regulations, Sections 19-45 through 19-49, is hereby added to Chapter 19 of the City Code and shall read as follows:

ARTICLE IV. SKATEPARK REGULATIONS

19-45. Purpose and Intent.

The City Council finds and declares that the purpose of this chapter is to comply with California Health and Safety Code Section 115800 with regard to the operation of any and all skateboard parks and facilities operated by the City, as well as to set forth basic requirements for use of such parks and facilities.


In any skateboard park or facility owned or operated by the City, any person riding a skateboard, in-line skates, a bicycle or similar device shall wear a helmet, elbow pads, and knee pads.

19-47. Facility/Park Signs and Rules.

(a) The Parks and Leisure Services Department shall cause a sign or signs to be posted at all such parks or facilities providing reasonable notice of Section 19-46 and stating that any person failing to comply with this section will be subject to citation in accordance with this ordinance and the City’s applicable regulations.

(b) The Parks and Leisure Services Commission shall prepare additional rules for use of city-owned Skateboard facilities consistent with this ordinance. The rules shall be posted at the applicable facility(ies) and shall state that any person that fails to comply with these rules will be subject to citation in accordance with this ordinance and the City’s applicable regulations.
19-48. **Violations, Enforcement and Penalties.**

(a) Any violation of Section 19-46 and/or the posted rules shall be deemed to be an misdemeanor, and punishable as such; however at the discretion of the City Attorney, the violation may be filed and charged as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Any person found guilty of an infraction shall be punished by a fine not to exceed one hundred dollars ($100.00) for the first violation in a one year period, a fine not to exceed two hundred dollars ($200.00) for the second violation in a one year period, and a fine not to exceed five hundred dollars ($500.00) for third and subsequent violations, charged as infractions, in a one year period. Individuals found guilty of a misdemeanor under this Ordinance shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in jail, or both, in the discretion of the court. In addition to the provisions of this section, subsequent violations of this Ordinance by the same person within 120 days, may, in the discretion of the City Attorney, constitute a misdemeanor. Violators, may, in the discretion of the City Attorney and with approval of the court, be referred to an appropriate community service program, in the alternative or in addition to the penalty provisions of this section, if such program is available.

(b) Notwithstanding the police department’s ability to confiscate a skateboard as an instrumentality or evidence of a violation of this Ordinance, and in addition to the enforcement provisions of the preceding section, the City may seize and hold the skateboard at the time an individual is cited for any violation of any provisions of this Article for the second time within a one year period. Any time a violator's property is confiscated pursuant to this section, the City shall provide the violator with a receipt and notice of a time and location for an automatic hearing in front of the City's designated administrative hearing officer no later than ten (10) days from confiscation of the skateboard. The violator shall be entitled to the return of the skateboard either 180 days from the date of the confiscation, or at the time as determined at the conclusion of the hearing.

(c) Any person who fails or refuses to comply with the provisions of Section 19-46 and who is injured while using the park or facility shall be deemed negligent.

(d) A violation of any of the provisions of this Ordinance shall constitute a nuisance and may be abated by the City through a civil process by means of restraining order, preliminary or permanent injunction, or in any manner provided by law for the abatement of such nuisances. With regard to violations committed by minors, the parent or legal guardian having control or custody of the minor whose conduct violates this section shall be jointly and severally liable with the minor for all penalties and/or costs and fees.

(e) The City shall be entitled to recover all attorney's fees and costs incurred in the filing or prosecution of any action or administrative proceeding brought to enforce any provision(s) of this Ordinance.
19-49. Severability.

It is declared to be the intention of the City Council that the subsections, paragraphs, sentences, clauses, and phrases of this Article are distinct and severable and, in the event that any subsections, paragraphs, clauses and/or phrases are declared to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining subsections, paragraphs, clauses, or phrases of this Article.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of _____________, 2006.

President of the Council and Ex-Officio Mayor of the City of Porterville

ATTEST:

Chief Deputy City Clerk and Clerk of the Council of the City of Porterville

E:\juliea\MKJL\PORTERV\GENERAL\ORD\SKATE2.WPD
SUBJECT: REDUCE SCOPE OF TULE RIVER PARKWAY WETLANDS ACQUISITION, PHASE III PROJECT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: This project consists of acquisition of land for the future development of the Tule River Parkway between Main Street and Plano Street. A State Department of Transportation $250,000 grant for ‘Environmental Enhancement and Mitigation’ (EEM) related to roadway improvement was obtained some time ago for this project. During the preparation of the most recent budget the required $32,000 in local matching funds was programmed from Parks and Leisure Services Department ‘carry-over’ funds (budget savings) from fiscal year 2003-2004. The grant requires that the project be completed and that final billing for reimbursement of expenditures be submitted to the State by April 30, 2007. Very little effort has been put into the project to date. This is due to competition with other projects and activities. No staff resources have yet been identified to allocate to the project. If concentrated efforts are not immediately initiated on the project it is not likely that the land acquisitions can be fully completed.

The Parks and Leisure Services Commission discussed this matter at their October 5, 2006 meeting. There are other needs and projects that could benefit from the reassignment of the local funds currently allocated to this project. The Commission concurred with staff that the ability to adequately complete the land acquisition process would be difficult given the time remaining on the grant. Other projects, the Rails to Trails Project as an example, could benefit from the allocation of additional local funds for construction activities.

The Commission recommends that the Council reduce the scope of the Tule River Parkway, Phase III Project to 10% of the original scope, adjusting the budget to $28,200. The project would then consist of defining the specific Parkway route and land needing to be acquired, with minimal legal description, appraisal and land acquisitions to be completed. This would provide a program for the project in the future when opportunities for funding are presented and resources are available.

The remaining $28,800 of general funds would be available for other expenditure purposes, and the remaining approximately $223,000 of state grant authorization would be released.

RECOMMENDATION: That the City Council reduce the scope of the Tule River Parkway Wetlands Acquisition, Phase III Project to 10% of the original scope.

ATTACHMENT: Alternative alignment locator map.

DIRECTOR

APPROPRIATED/FUNDED

CITY MANAGER

ITEM NO.: 22
SUBJECT: CONSIDER REJECTION OF BIDS FOR RAILS TO TRAILS PROJECT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: On August 29, 2006, staff received two (2) bids for the Rails to Trails Project. The project consists of a commuter assistance pedestrian/bicycle pathway and landscape improvements of a portion of the former Tulare Valley Railroad right-of-way from Olive Avenue to Henderson Avenue.

The base bid project cost estimate was $330,422. The responsible design engineer that prepared the estimate has provided recent correspondence indicating error in the cost estimate, and indicates that a revised estimate would be $378,651. The low bid exceeds the original project cost estimate by 17.8%, but would be within 5% of the revised cost estimate. The bids were found to be acceptable and the base bids are as follows:

- Central Valley Asphalt, Lindsay, CA. $389,316.00
- Halopoff & Sons, Porterville, CA. $426,996.64

Construction contingency funds and expenditures for construction management, inspection and material testing services are anticipated to require an additional $57,000 over the construction contract amount. There is $399,067 remaining available in the project budget.

OPTIONS:
1. City Council policy is to reject all bids when the low bid exceeds the construction estimate by more than 10%. In this case staff would recommend changing the project scope to eliminate plant materials from the base bid, and possibly reduce the length of pathway. The result could be more on-street bike lanes or routes, and several add alternatives for the plant materials.
2. TCAG staff has identified and recommended to the TCAG Board the allocation of $25,000 in additional funds, in the event that the City moves forward to award a construction contract with the current project scope. TCAG staff is also searching for additional funds to support the project. If the project budget could be supplemented by at least another $22,000, it is possible to award the construction contract to the lowest bidder. An additional $40,000 ($62,000 total) could accommodate the award of contract with Add Alternate #1, to provide the planting of an additional 190 trees above the base bid quantity of 166 trees.

ITEM NO.: 23
The Parks and Leisure Services Commission has considered this matter and recommends that the City Council consider accepting the additional funding offered by TCAG, allocate $28,800 from the Tule River Parkway, Phase III Project to the Rails to Trails Project, and award the construction contract to the low bidder.

**RECOMMENDATION:**

That the City Council:

1. Accept the revised construction estimate, and;
2. Accept the additional funding supplied by TCAG, and;
3. Direct the preparation of a budget adjustment to increase the project budget by the amount of the supplemental TCAG funding and an allocation of $28,800 from the Tule River Parkway, Phase III Project, and;
4. Award the construction contract to Central Valley Asphalt, and;
5. Authorize a 7% construction contingency and the payment of up to 90% of the contract amount.

**ATTACHMENTS:**

Construction Estimate Revision
Project locator map
October 9, 2006

Jim Perrine
Director of Parks and Leisure Services
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Perrine:

After the bids were received for the Rails to Trails project, I reviewed the bids. I believe some of the costs may have been shifted to the earlier items of work. Even if this is so, it is not enough for me to suggest that the bid is not balanced. I reviewed the early items of work, which is where the increased costs are primarily found and believe the engineer’s estimate of probable costs for some of these items were underestimated. I have attached a spreadsheet showing the received bids, the original engineer’s estimate of probable costs and a revised engineer’s estimate. The revised estimate only changes the early items that I previously mentioned, and are highlighted.

The engineer’s estimate was an update of the original engineer’s estimate, which was two years old. Most of the items of work were thoroughly analyzed and updated. For the early items of construction, the volatility of pricing in the construction industry was not provided for adequately. In addition, in the process of updating the costs for clearing and grubbing, the efforts to clear and grub the construction area was analyzed, but the extent of the additional property to be cleared was not fully considered. Similarly, the revised plans developed detailed controls for both horizontal and vertical alignments. The extent of the change in scope for the surveying involved and the likelihood that the staking might be damaged and need to be replaced were not fully considered.

Based upon the revisions the low bid was five percent over the engineer’s estimate, which can probably be attributed to the uncertainty of costs associated with petroleum products.

I hope this information is helpful to you. If you have any questions, please don’t hesitate to contact me.

Yours truly,

[Signature]

Doug Wilson
San Joaquin Area Manager
# RAILS TO TRAILS PARKWAY
Bid Summary
Bids Opened August 29, 2006 at 2:30 pm

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NOT TO SCALE
LOCAL REGULATIONS CONCERNING SEX OFFENDERS – ORDINANCE CONCERNING THE PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

CITY ATTORNEY

Pursuant to the direction given by the City Council, attached for the City Council’s consideration is an ordinance regulating the proximity of registered sex offenders to schools, parks, and other facilities regularly frequented by children. This ordinance is modeled after ordinances that have been adopted in the cities of La Mesa, National City, and Santee, commonly known as “Child Safety Zone Legislation.” The proposed ordinance contains specific exceptions that would likely be required in order to ensure that the provisions are constitutional. Furthermore, it should be understood that this is a relatively “untested” area of the law, and the 9th Circuit has not ruled on the constitutionality of such local regulations. To the extent possible, terms were defined to be consistent with other areas of the Porterville Municipal Code. The proposed ordinance prohibits sex offenders from being on or within, or loitering on or within, 300 feet of a public or private school for children, a child care and development facility, a public park or recreation area, playground, arcade or “public building regularly frequented by children” (as defined in relation to the City’s adult business regulations).

This office was also asked to review whether the City could impose reporting requirements by applicants to current or prospective employers within the City. Just last month, new state legislation was signed by the Governor that appears to “occupy” this area. Therefore it would likely be difficult to legally impose additional restrictions or reporting requirements. I have attached a memorandum summarizing the status of the law in this area.

RECOMMENDATION: 
That the City Council review the proposed ordinance. If the City Council wishes to proceed it may approve and give first reading to the draft Ordinance, An Ordinance of the City Council of the City of Porterville Adding, Article V, Sections 18-55 through 18-60 to Chapter 18 of the Porterville Municipal Code Concerning Proximity of Registered Sex Offenders to Children’s Facilities.

ATTACHMENTS: 
1. Memorandum Concerning New State Legislation
2. Draft Ordinance -- An Ordinance of the City Council of the City of Porterville Adding, Article V, Sections 18-55 through 18-60 to Chapter 18 of the Porterville Municipal Code Concerning Proximity of Registered Sex Offenders to Children’s Facilities

Item No. 24
MEMORANDUM
MCCORMICK KABOT JENNER & LEW
A Professional Corporation
1220 West Main Street
Visalia, California 93291
Telephone: (559) 734-6729
Facsimile: (559) 734-8762

October 12, 2006

TO: Porterville City Council

CC: John Longley, City Manager
    Chuck McMillan, Chief of Police

FROM: Julia Lew

SUBJECT: New Sex Offender Disclosure Requirements Relating to Employers/Employees

On September 20, 2006, Governor Schwarzenegger signed six bills that provide additional protections for Californians against dangerous sexual predators. Among those bills are two that require registered sex offenders to disclose their registration status to prospective employers when applying for certain jobs and prohibit child molesters from employing minors or working near them.

The first, AB 2263, requires registered sex offenders, applying for jobs that involve physical contact with children, to disclose their registration status to prospective employers. Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county or their residence upon release from custody. Under existing law, a person who is required to register as a sex offender who applies or accepts a position as an employee or volunteer with any person, group, or organization where he or she would be working directly and in an unaccompanied setting with minor children on a regular basis, is required to disclose his or her registrant status.

AB 2263 requires all persons required to register as sex offenders who apply for or accept a position as an employee or volunteer with any person, group or organization to disclose their status as a registrant to that person, group or organization, upon application or acceptance of the position, where 1) the applicant would be working directly and in an accompanied setting with minor children or 2) the applicant's work would require him or her to touch the minor children on more than an incidental and occasional basis.

The second, AB 1900, prohibits registered sex offenders who committed crimes against children under the age of 16 from employing minors or working near them. The bill closes a legal loophole by specifying that any person convicted of a sexual offense involving a child 15 years
old or younger is prohibited from being an employer or an independent contractor where he or she would have direct, unaccompanied contact with minors on more than an occasional or incidental basis.

Under existing law, a person who is required to register as a sex offender for a crime where the victim was a minor under 16 years of age is prohibited from being an employee or volunteer with any person, group, or organization where the person would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. AB 1900 adds employers and independent contractors to this prohibition.

There has been some discussion regarding drafting a City ordinance that would require all registered sex offenders to disclose such information to any employer operating within City limits. Given the state legislation of the matter, it is unlikely that the City could impose additional requirements in this area.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING, ARTICLE V, PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES, SECTIONS 18-55 THROUGH 18-60, TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. Article 5, Proximity of Registered Sex Offenders to Children’s Facilities, Sections 18-55 through 18-60, is hereby added to Chapter 18 of the City Code and shall read as follows:

ARTICLE V. PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

18-55. Purpose.

Sex offenders pose a clear threat to the children residing, or visiting in the community. Because convicted sex offenders are more likely than any other type of offender to reoffend for another sexual assault, the City Council desires to impose safety precautions in furtherance of the goal of protecting the children. The purpose of this regulation is to reduce the potential risk of harm to children of the community by impacting the ability for sex offenders to be in contact with unsuspecting children in locations that primarily designed for use by, or are primarily used by children, namely, the grounds of a public or private school for children, a center or facility that provides day care or children’s services, a video arcade, a playground, park, or an amusement center. The City desires to add location restrictions to such offenders where the state law is silent.

18-56. Definitions.

(a) “Arcade” shall have the meaning ascribed by Section 3302.A.7.5 of the Porterville Zoning Ordinance.

(b) “Child” or “children” means any person under the age of eighteen years of age.

(c) “Child care and development facility” shall have the meaning ascribed by California Education Code Section 8208.

(d) “Loitering” means remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual
act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

(e) “Playground” shall have the meaning ascribed by Section 3302.A.73 of the Porterville Zoning Ordinance.

(f) “Public Park” or “Recreation Areas” shall have the meaning ascribed by Section 15-43(j) of this code.

(g) “Public Building Regularly Frequent by Children” shall have the meaning ascribed by Section 15-43(i) of this code.

(h) “Sex offender” means an individual who is currently required by law to register with a governmental entity as a sex offender.

18-57. Prohibitions.

Any sex offender is prohibited from being on or within, or loitering on or within, three hundred (300) feet of a public or private school for children, a child care and development facility, a public park or recreation area, playground, arcade, or public building regularly frequented by children.

18-58. Exceptions.

(a) This article does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such activity does not amount to loitering as defined in Section 18-56 of this Article.

(b) This article does not restrict access to schools or child care and development facilities for purposes limited to the education and care of child with regard to the sex offender’s responsibilities as a parent or legal guardian.

(c) This chapter does not apply to restrict a sex offender’s place of residence when regulated by state law.

18-59. Enforcement.

Any person who violates this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine not less than twenty-five dollars or more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. A person is guilty of a separate offense for each and every day during which a violation occurs.
18-60. **Severability.**

It is declared to be the intention of the City Council that the subsections, paragraphs, sentences, clauses, and phrases of this Article are distinct and severable and, in the event that any subsections, paragraphs, clauses and/or phrases are declared to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining subsections, paragraphs, clauses, or phrases of this Article.

**SECTION 2.** This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ___________, 2006.

__________________________
President of the Council and Ex-Officio
Mayor of the City of Porterville

**ATTEST:**

__________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
SUBJECT: DECORATIVE LIGHTING OF TREES AND SPECIAL EVENT SPONSORSHIP

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Historically the City has provided decorative lights for the trees within the center landscape median along West Olive Avenue, the official City Christmas Tree (Chief Gardner Tree) at Main and Thurman, some downtown parking lot trees and along Main Street. The tree decoration efforts were funded through carry-over funds and conducted in a very basic fashion. Several years ago carry-over funding was not available, so the Downtown Porterville Association provided decorative lights for the trees along Main Street, introducing more decorative installation. They also have coordinated a ‘Tree Lighting Ceremony’ downtown, relying upon funding from the Business Improvement District (BID) to retain a contractor for the Main Street tree decorations. The City reverted to decorating about every third tree along West Olive Avenue and continued to decorate the Chief Gardner Tree. Two years ago the East Orange Avenue center landscape median island trees were added to the City list for decoration.

Community Development personnel have collaborated with other event organizers to ensure the success of the ‘Tree Lighting Ceremony’. The Field Services and Parks Maintenance crews have historically shared in the efforts to install and remove the decorative lighting along West Olive Avenue. Parks Maintenance personnel also have maintained the lights for the Chief Gardner Tree until its height extended beyond the reach of City equipment. Field Services personnel have coordinated electrical system repairs for all lighting circuits and operate the circuitry to facilitate the Main Street ‘Tree Lighting Ceremony’ and procession. Last year, Field Services crews were not available to assist, so Parks Maintenance crews installed the lights, but were not able to remove them because of the need to shift attention to winter storm response actions.

The following is an estimate to fully decorate all trees, except those in the parking lots. The estimate also includes addressing needed repairs to electrical systems and the purchase of lighting materials:

<table>
<thead>
<tr>
<th>Location</th>
<th>labor</th>
<th>materials</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive and Orange Avenues</td>
<td>$5,500</td>
<td>$2,000</td>
<td>$ 7,500</td>
</tr>
<tr>
<td>Repairs to electrical system</td>
<td>$4,000</td>
<td>$ 500</td>
<td>$ 4,500</td>
</tr>
<tr>
<td>Main Street (contractor)</td>
<td>$9,000</td>
<td>$3,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>Chief Gardner tree (contractor)</td>
<td>$1,040</td>
<td>$1,500</td>
<td>$ 2,540</td>
</tr>
<tr>
<td>Henderson Avenue</td>
<td>no electrical system available</td>
<td>N/A</td>
<td>$26,540</td>
</tr>
</tbody>
</table>

TOTAL

ITEM NO.: 25
Funding has not been programmed into budgets for this magnitude of effort. The only funding not currently allocated is in the 2007-2008 ‘Carryover’ fund. Staff is estimating $29,000 in ‘interest earnings’ from this fund. Maintenance crews can be directed to the activity of repairing electrical systems and installing and removing lights along West Olive and East Orange, but other maintenance work will need to be delayed or foregone. The Downtown Porterville Association no longer has BID funding available for the Main Street tree decoration.

OPTIONS

1. Forego City efforts to provide decorative lighting, but energize any decorative lights that remain operable on the West Olive and East Orange trees.

2. Energize the decorative lights that remain operable on the West Olive and East Orange trees; Provide budget adjustments to retain contractor services for the decoration of the Chief Gardner Tree, some or all of the Main Street trees; and authorize participation and expenditures for the ‘Tree Lighting Ceremony’.

3. Provide budget adjustments to obtain materials, and direct maintenance crew efforts to repair electrical circuits and decorate all of the West Olive and East Orange trees, as well as retain contractor services for the decoration of the Chief Gardner Tree, some or all of the Main Street trees; and authorize participation and expenditures for the ‘Tree Lighting Ceremony’.

RECOMMENDATION: For both the 2006 and 2007 holiday season, energize the decorative lights that remain operable on the West Olive and East Orange trees; Provide $14,540 of additional budgetary allocation each year from the interest earnings on ‘Carryover’ funds to retain contractor services for the decoration of the Chief Gardner Tree and the Main Street trees; and authorize participation and expenditures for the ‘Tree Lighting Ceremony’.
SUBJECT: FEASIBILITY OF QUAD OHV TRACK

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has requested a study and recommendation on the possibility of having the BMX Track at the OHV Park converted into a quad-vehicle track. After being presented with a report on this matter, the Parks and Leisure Services Commission passed a motion to recommend the construction of the quad track south of the BMX track. The original BMX track is currently being used as a 50 cc track.

City Staff estimates the cost involved with constructing a quad track would involve the three day rental cost of a D-6 dozer and the labor of two individuals eight hours a day for three days. A fence would also need to be built to partially block the 50 cc track to make it safe for riders and individuals driving their cars and to allow for parking. Another fence would need to be built in front of the proposed quad track. A total of 150 feet of fencing is required.

After the track is built there are costs that would go along with it. An additional flagger would be needed as would the purchase of a water truck for the facility.

Total cost estimates for the capital improvement and equipment to build and operate a quad track:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dozer Estimate</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>Two employees for three days</td>
<td>$600.00</td>
</tr>
<tr>
<td>Fence estimate</td>
<td>$2,300.00</td>
</tr>
<tr>
<td>Water Truck</td>
<td>$40,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$44,700.00</strong></td>
</tr>
</tbody>
</table>

An additional flagger would need to be employed and this would cost the City an estimated $5,095 annually. Assuming the straight-line amortization of the capital investment over a ten-year period, the quad track would need to generate about $9,565 per year to be cost neutral. At $15 per rider per day and assuming 87 days of availability, there would need to be an average of about eight riders per day. Staff believes that the park will have at least 8 riders a day on average.
While the track can be built for about $4,700 along with the annual cost of a flagger, staff believes that the water truck will also need to be replaced sooner rather than later. The Parks and Leisure Services Commission also recommends that the City Council direct the Parks and Leisure Services Department to fund a used water truck from the equipment replacement fund. The OHV Park equipment is not depreciated and therefore has not contributed to the equipment replacement fund. All OHV Park equipment has previously been purchased with state grant funds.

There is the possibility of obtaining State grants, which the City has received in the past, but the City has also been turned down for grant monies in the past. It is Staff’s opinion that development and operational implementation of a new facility cannot be appropriately administered at this time. In addition, no source of funds are presently available for the construction or the acquisition of a water truck. Short funding other equipment is not viewed by Staff to be a prudent action.

**RECOMMENDATION:**

1) The Parks and Leisure Services Commission recommends that the City Council allocate a $9,800 budget increase for the OHV Park for construction and staff expense to operate a quad track, and also direct the acquisition of a water truck from funds set-aside for replacement of other department equipment.

2) Staff recommends that the City Council defer construction of the quad track until next year’s budget development process.

**ATTACHMENT:** Site Map
SUBJECT: THREE-YEAR STREET MAINTENANCE AND REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Public Works received direction to place an item before Council describing street maintenance and rehabilitation projects that could be undertaken if Measure R and Proposition 1B pass this November.

Passage of Measure R will result in approximately $1,270,000 over the next three years. Passage of Proposition 1B will result in a one-time distribution of $1,436,000 to the City within the same three-year period. In addition to Measure R and Proposition 1B monies, the City will receive $655,000 from Proposition 42 monies. Over the next three years, the City can potentially realize 3.5 million dollars for street maintenance and rehabilitation projects. It must be strongly emphasized that the three-year street maintenance program presented herein is contingent upon passage by the voters of the ½ cent sales tax (Measure R) and Proposition 1B. The 3.5 million dollars includes $200,000 from the City's street maintenance budget.

It is clear that there are more street projects requiring Public Work's attention than there is available funding. The street projects with pertinent information are presented to show the number and type of projects that can be undertaken at the proposed funding level of $3,500,000. A locator map identifying the project limits and "keyed" to each project number is included in Council's agenda packet.

1. East Side Street Rehabilitation Project
   Type of Treatment - Chip Seal
   Construction Year - 2006/2007
   Construction Estimate - $200,000

2. Main Street Rehabilitation Project
   Type of Treatment - Grind/Remix
   Construction Year - 2006/2007
   Construction Estimate - $240,000
3. Mathew Street Rehabilitation Project  
   Type of Treatment - Grind/2" Cold Mix Overlay  
   Construction Year - 2006/2007  
   Construction Estimate - $350,000

4. Olive Avenue Rehabilitation Project  
   Type of Treatment - Remove/Repair/2" Overlay  
   Construction Year - 2007/2008  
   Construction Estimate - $1,500,000

5. "G" Street Rehabilitation Project  
   Type of Treatment - Reconstruction  
   Construction Year - 2007/2008  
   Construction Estimate - $280,000

6. Westwood Street Rehabilitation Project  
   Type of Treatment - Reconstruction/2" Overlay  
   Construction Year - 2008/2009  
   Construction Estimate - $950,000

An alternative to the Westwood Street Rehabilitation Project is:

7. Date Avenue Rehabilitation Project  
   Type of Treatment - Reconstruction  
   Construction Year - 2008/2009  
   Construction Estimate - $950,000

At a prior Council meeting, the City Council implied that funds from Prop 1B ($1,436,000) should be applied to the Newcomb Avenue Low Water Crossing. The $1,436,000 represents approximately half the cost needed to construct the low water crossing. Under this scenario, the “Three year Street Maintenance & Rehabilitation Program” will consist of the following projects:

A. Newcomb Avenue Low Water Crossing  
   Type of Treatment - New construction  
   Construction Year - Unknown  
   Construction Estimate - 2.3 to 2.8 million  
   Partial funding via Prop 1B - $1,436,000

1. East Side Street Rehabilitation Project  
   Type of Treatment - Chip Seal  
   Construction Year - 2006/2007  
   Construction Estimate - $200,000

2. Main Street Rehabilitation Project
Type of Treatment - Grind/Remix  
Construction Year - 2006/2007  
Construction Estimate - $240,000

3. Mathew Street Rehabilitation Project  
Type of Treatment - Grind/2" Cold Mix Overlay  
Construction Year - 2006/2007  
Construction Estimate - $350,000

4. “G” Street Rehabilitation Project  
Type of Treatment - Reconstruction  
Construction Year - 2007/2008  
Construction Estimate - $280,000

5. Westwood Street Rehabilitation Project  
Type of Treatment - Reconstruction/2” Overlay  
Construction Year - 2008/2009  
Construction Estimate - $950,000

An alternative to the Westwood Street Rehabilitation Project is:

6. Date Avenue Rehabilitation Project  
Type of Treatment - Reconstruction  
Construction Year - 2008/2009  
Construction Estimate - $950,000

Under the Newcomb Low Water Crossing allocation program, the Olive Avenue Rehabilitation project was eliminated. Another scenario could be the elimination of the Westwood Street and Mathew Street Rehabilitation projects in lieu of eliminating the Olive Avenue Rehabilitation project.

The estimates noted for each project includes design costs, construction management costs and the cost for material testing. With the exception of the Date Avenue project, the estimates do not include the cost for curb, gutter, sidewalk or right of way.

RECOMMENDATION: That the City Council:

1. Approve the Three Year Street Rehabilitation Program as presented herein; and

2. Direct Public Works to move forward with design and construction of the projects if Measure R and Proposition 1B pass this November.

ATTACHMENT: Locator Map
SUBJECT: Consideration of Establishing a Steering Committee for the Development of a New Court Facility in Porterville

SOURCE: City Manager

The City of Porterville has received a project feasibility report regarding the Superior Court of California, County of Tulare, New Porterville Court. At the last meeting of the City Council, a resolution was approved strongly supporting the project.

Following the approval of the resolution, the Mayor and City Manager met with both Senator Ashburn and Assemblyman Maze to provide information and achieve their support for the project.

At the meeting with Senator Ashburn, a suggestion was made by the Senator that a local steering committee should be established to provide coordination and support for the project. The thought was that a broad based committee could provide community coordination and support in the important initial stage of project siting.

According to the feasibility report, the site selection/land acquisition (including CEQA) will be accomplished by the State of California between July, 2007 and February, 2009. Actual construction is not projected for completion until July, 2012.

Currently, the most important steps are to have the present County Court facilities transferred to the State of California. This is a prerequisite to funding the initial stage of the project. At the same time the transfers are being accomplished, the California Department of Finance is considering funding for the site selection and acquisition. It is important that this appear in the Governor’s Budget for 2007/08.

RECOMMENDATION: Consider establishing an ad hoc Community Coordination Committee to work with the City Council and City staff to achieve a new Courthouse for Porterville.
SUBJECT: APPOINTMENT(S) TO COUNCIL COMMITTEE VACANCIES

SOURCE: Administration

COMMENT: When Council Member Stadtherr resigned his term of office on September 5, 2006, he was serving as the City’s representative to the Tulare County Association of Governments/Transportation Planning Agency (TCAG/TPA) as the alternate member, and to the Consolidated Waste Management Authority as the Member. Council Member Stadtherr also served with Council Member McCracken on the Hillside Development Ordinance Committee. With the September 25, 2006 appointment of Eddie Hernandez to the Council vacancy, it would now be appropriate to appoint a replacement, or replacements, to these positions.

RECOMMENDATION: That the City Council:
1. Appoint a City Council member to serve as the City’s alternate representative to TCAG/TPA;
2. Appoint a City Council member to serve as the City’s representative member to the CWMA; and
3. Appoint a City Council member to serve on the Hillside Development Ordinance Committee.

Attachment: Appointment of Council Members to Various Committees List

Item No. 29
**APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Member/Alternate</th>
<th>Appt.</th>
<th>Mthly Mtg. Day/Time/Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County Assoc. of Governments/Transportation Planning Agency:</td>
<td>Cameron Hamilton - Member</td>
<td>03-04-03</td>
<td>Bd. of Supervisor’s Conf. Rooms A &amp; B Admin. Bldg. 2800 W. Burrell Ave., Visalia TCAG - Mon. 1:00 p.m.; TAC - Thurs. 1:30 p.m (for exact dates see <a href="http://www.tularecog.org/meetings.htm">www.tularecog.org/meetings.htm</a> )</td>
</tr>
<tr>
<td></td>
<td>_______________ - Alternate</td>
<td><strong>10-17-06</strong></td>
<td></td>
</tr>
<tr>
<td>Tulare County E.D.C.:</td>
<td>Felipe Martinez - Member</td>
<td>07-05-06</td>
<td>4th Wed. @ 7:30 am @ Heritage Complex-International Agri-Center 4500 S. Laspinas, Tulare CA</td>
</tr>
<tr>
<td></td>
<td>Alternate not applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Incentive Zone Council</td>
<td>Felipe Martinez - Member</td>
<td>07-05-06</td>
<td>Quarterly (Feb., May, Aug &amp; Nov. immediately following EDC (above)</td>
</tr>
<tr>
<td></td>
<td>John Longley - Alternate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tule River Improvement JPA</td>
<td>Cameron Hamilton - Member</td>
<td>07-05-06</td>
<td>Quarterly; next mtg. Mon. 7/10/06 @ 2 p.m. Lower Tule Irrigation Dist. Conference Rm 357 E. Olive Ave., Tipton CA</td>
</tr>
<tr>
<td></td>
<td>Baldo Rodriguez - Alternate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivision Review Committee:</td>
<td>Pete McCracken - Member</td>
<td>07-05-06</td>
<td>Wed. @ 1 p.m. (as needed only @ City Hall Conf. Room, Porterville</td>
</tr>
<tr>
<td>Consolidated Waste Management Authority:</td>
<td>_______________ - Member</td>
<td><strong>10-17-06</strong></td>
<td>3rd Thursday each month @ 12 p.m. City Hall Council Chamber 707 W. Acequia, Visalia CA</td>
</tr>
<tr>
<td></td>
<td>Pete Martinez - Alternate</td>
<td>04-04-06</td>
<td></td>
</tr>
<tr>
<td>Professional Services Selection Committee:</td>
<td>As needed. Members will rotate. with two Council Members serving on the Committee each time.</td>
<td></td>
<td>As needed (no set time) @ City Hall Conf. Room, Porterville</td>
</tr>
<tr>
<td>Committee</td>
<td>Name</td>
<td>Position</td>
<td>Date</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------</td>
<td>----------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Hillside Development Ord. Committee</td>
<td>Pete McCracken</td>
<td>Member</td>
<td>07-05-06</td>
</tr>
<tr>
<td></td>
<td>(Member)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southeastern Tulare County Intergovernmental Coordinating Committee (STIG)</td>
<td>Cameron Hamilton</td>
<td></td>
<td>07-02-02</td>
</tr>
<tr>
<td></td>
<td>Felipe Martinez</td>
<td></td>
<td>07-05-06</td>
</tr>
<tr>
<td>Indian Gaming Local Community Benefit Committee</td>
<td>Cameron Hamilton</td>
<td></td>
<td>03/02/04</td>
</tr>
<tr>
<td>Joint City/School Committee</td>
<td>Mayor/Mayor Pro Tem</td>
<td></td>
<td>04/06/04</td>
</tr>
<tr>
<td>PDC Advisory Board</td>
<td>John Longley - Member</td>
<td>Mayor - Alternate</td>
<td></td>
</tr>
<tr>
<td>Tulare County City Selection Committee</td>
<td>Mayor - City Member</td>
<td>Mayor Pro Tem - Alternate</td>
<td></td>
</tr>
</tbody>
</table>

The appointments to fill any current vacancies, and any appointments to redistribute the currently filled positions, shall be determined by the City Council.
SUBJECT: REQUEST BY COUNCIL MEMBER—DISCUSSION OF REINSTATEMENT OF PLANNING COMMISSION

SOURCE: Administration

COMMENT: A request has been made to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None

Attachment: None

Item No. 30
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council. These quarterly updates are to be delivered no later than 30 days after the end of each quarter.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary
<table>
<thead>
<tr>
<th>INVESTMENT OR CUSIP NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>MARKET VALUE</th>
<th>COUPON INTEREST RATE</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DAYS TO MATURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1006</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>7,242,669</td>
<td>7,242,669</td>
<td>5.023%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
</tr>
<tr>
<td>1008</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>1,612,448</td>
<td>1,612,448</td>
<td>5.023%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
</tr>
<tr>
<td>1007</td>
<td>CSUVRA INVESTMENT FUND</td>
<td>5,107,357</td>
<td>4,938,992</td>
<td>4.430%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
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<tr>
<td>866</td>
<td>TULARE COUNTY INVESTMENT POOL</td>
<td>6,990,297</td>
<td>6,990,297</td>
<td>4.190%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
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<tr>
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<td>FEDERAL FARM CREDIT</td>
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<td>485,625</td>
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<td>06/18/2008</td>
<td>627</td>
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<tr>
<td>31339LYLW0</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>485,780</td>
<td>3.360%</td>
<td>07/30/2003</td>
<td>07/30/2008</td>
<td>669</td>
</tr>
<tr>
<td>31339MYY4</td>
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<td>487,345</td>
<td>3.580%</td>
<td>08/14/2003</td>
<td>08/14/2008</td>
<td>684</td>
</tr>
<tr>
<td>3133XWRS8</td>
<td>FEDERAL HOME LOAN BANK</td>
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<td>488,280</td>
<td>4.000%</td>
<td>03/30/2004</td>
<td>03/30/2009</td>
<td>912</td>
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<tr>
<td>3133X566G0</td>
<td>FEDERAL HOME LOAN BANK</td>
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<td>484,065</td>
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<td>04/06/2009</td>
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<td>02/22/2005</td>
<td>12/22/2008</td>
<td>83</td>
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<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>499,530</td>
<td>5.300%</td>
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<td>03/24/2010</td>
<td>1,271</td>
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<td>31328X4D4Y</td>
<td>FEDERAL HOME LOAN MORTGAGE ASSN</td>
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<td>495,370</td>
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<td>07/13/2005</td>
<td>07/13/2007</td>
<td>266</td>
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<tr>
<td>31336F3W2</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
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<td>484,065</td>
<td>3.000%</td>
<td>06/11/2003</td>
<td>06/11/2008</td>
<td>620</td>
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<tr>
<td>31336F5G8P</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
<td>500,000</td>
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<td>4.040%</td>
<td>03/16/2004</td>
<td>03/16/2009</td>
<td>898</td>
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<tr>
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<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
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<td>492,030</td>
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<td>10/25/2004</td>
<td>10/25/2009</td>
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<td>491,035</td>
<td>4.500%</td>
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<td>FEDERAL HOME LOAN BANK</td>
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<td>990,000</td>
<td>5.000%</td>
<td>08/10/2005</td>
<td>08/10/2011</td>
<td>410</td>
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<tr>
<td>31328XZ0Y6</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>1,000,000</td>
<td>977,940</td>
<td>4.125%</td>
<td>02/27/2005</td>
<td>02/27/2010</td>
<td>940</td>
</tr>
<tr>
<td>31339XM44</td>
<td>FEDERAL HOME LOAN BANK (STEP UP)</td>
<td>500,000</td>
<td>495,470</td>
<td>4.000%</td>
<td>05/28/2005</td>
<td>12/28/2007</td>
<td>452</td>
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<tr>
<td>31339XM35</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>495,000</td>
<td>4.000%</td>
<td>08/03/2005</td>
<td>08/03/2008</td>
<td>614</td>
</tr>
<tr>
<td>31339Y555</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>485,315</td>
<td>3.300%</td>
<td>06/20/2003</td>
<td>06/20/2008</td>
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</tr>
<tr>
<td>31328X1BP7</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>500,000</td>
<td>483,310</td>
<td>3.000%</td>
<td>07/09/2003</td>
<td>07/09/2008</td>
<td>648</td>
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<tr>
<td>3133X06D6</td>
<td>FEDERAL HOME LOAN BANK</td>
<td>181,818</td>
<td>177,989</td>
<td>3.800%</td>
<td>08/11/2003</td>
<td>08/11/2008</td>
<td>681</td>
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</tbody>
</table>

| TOTALS | $ 37,604,669 | $ 37,162,584 |

<table>
<thead>
<tr>
<th>WEIGHTED AVERAGE RATE OF EARNINGS</th>
<th>3,606%</th>
<th>3,731%</th>
<th>3,914%</th>
<th>4,119%</th>
<th>4,447%</th>
<th>55,719%</th>
<th>376</th>
</tr>
</thead>
<tbody>
<tr>
<td>% OF LIQUID HOLDINGS</td>
<td>3,606%</td>
<td>3,731%</td>
<td>3,914%</td>
<td>4,119%</td>
<td>4,447%</td>
<td>55,719%</td>
<td>376</td>
</tr>
</tbody>
</table>

Comments: Portfolio holdings as of September 30, 2006, are in compliance with the current Investment Policy. With 55.719% of the portfolio being held in liquid instruments, the cash needs of the City will be met. As per SB 564 and SB 866, the next portfolio report will be calculated for the fourth calendar quarter ended December 31, 2005, and will be presented during the January 16, 2007 Council meeting.
SUBJECT: INTERIM FINANCIAL STATUS REPORTS

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 established the requirement and parameters for the preparation and presentation of interim financial status reports. These reports are due on the second Council meeting following the quarters ended March 31, June 30, September 30, and December 31.

In accordance with Council Minute Order #13-041602, the interim financial status reports for the 1st fiscal quarter ended September 30, 2006, are submitted.

At the Council meeting of May 16, 2006, City Council had authorized the continuation of the hiring freeze beginning October 1, 2006. Staff requests that the Council delay the implementation of the hiring freeze to April 1, 2007.

RECOMMENDATION: That the City Council accept the interim financial status reports as presented and delay the implementation of the hiring freeze to April 1, 2007.

ATTACHMENTS: Interim financial reports

D.D. Appropriated/Funded C.M. Item No. 32
CITY OF PORTERVILLE

REVENUE STATUS REPORT - GENERAL FUND
FOR THE THREE MONTHS ENDED
SEPTEMBER 30, 2006 AND SEPTEMBER 30, 2005

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY TAXES</td>
<td>$ 5,510,000</td>
<td>$ 4,701,676</td>
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<td>OTHER TAXES:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>SALES AND USE TAX</td>
<td>4,150,000</td>
<td>848,345</td>
<td>20.44%</td>
<td>3,745,877</td>
<td>694,513</td>
<td>18.54%</td>
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<tr>
<td>UTILITY USERS TAX</td>
<td>3,754,416</td>
<td>742,358</td>
<td>19.77%</td>
<td>3,000,000</td>
<td>622,170</td>
<td>20.74%</td>
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<td>TRANSIENT OCCUPANCY TAX</td>
<td>285,000</td>
<td>230,000</td>
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<tr>
<td>PROPERTY TRANSFER TAX</td>
<td>100,000</td>
<td>10,591</td>
<td>10.59%</td>
<td>95,000</td>
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<tr>
<td>FRANCHISE TAX</td>
<td>1,460,000</td>
<td>246,658</td>
<td>16.89%</td>
<td>1,456,558</td>
<td>247,500</td>
<td>16.99%</td>
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<tr>
<td>SALES TAX - PUBLIC SAFETY</td>
<td>164,000</td>
<td>27,859</td>
<td>16.99%</td>
<td>125,000</td>
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<td></td>
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<tr>
<td>LICENSES AND PERMITS:</td>
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<td></td>
</tr>
<tr>
<td>BUSINESS LICENSES</td>
<td>380,000</td>
<td>177,151</td>
<td>46.62%</td>
<td>362,000</td>
<td>178,448</td>
<td>49.30%</td>
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<td>CONSTRUCTION PERMITS</td>
<td>564,772</td>
<td>276,834</td>
<td>49.02%</td>
<td>339,000</td>
<td>86,002</td>
<td>25.37%</td>
</tr>
<tr>
<td>REVENUE FROM AGENCIES-TAXES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>390,000</td>
<td>89,348</td>
<td>22.91%</td>
<td>375,200</td>
<td>74,651</td>
<td>19.90%</td>
</tr>
<tr>
<td>OTHER TAXES</td>
<td>30,000</td>
<td>33,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE FROM AGENCIES-GRANTS</td>
<td>1,144,000</td>
<td>33,960</td>
<td>2.97%</td>
<td>1,640,633</td>
<td>37,300</td>
<td>2.27%</td>
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<tr>
<td>USE OF MONEY AND PROPERTY</td>
<td>70,210</td>
<td>26,700</td>
<td>38.03%</td>
<td>85,000</td>
<td>12,442</td>
<td>14.64%</td>
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<tr>
<td>FINES AND FORFEITURES</td>
<td>42,380</td>
<td>7,089</td>
<td>16.73%</td>
<td>24,700</td>
<td>384</td>
<td>1.55%</td>
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<tr>
<td>CHARGES FOR SERVICES:</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>PLANNING AND ENGINEERING</td>
<td>277,178</td>
<td>71,256</td>
<td>25.71%</td>
<td>100,000</td>
<td>48,297</td>
<td>48.30%</td>
</tr>
<tr>
<td>POLICE</td>
<td>74,200</td>
<td>28,236</td>
<td>38.05%</td>
<td>120,000</td>
<td>33,517</td>
<td>27.93%</td>
</tr>
<tr>
<td>FIRE</td>
<td>15,400</td>
<td>4,991</td>
<td>32.41%</td>
<td>37,000</td>
<td>3,934</td>
<td>10.63%</td>
</tr>
<tr>
<td>LIBRARY</td>
<td>31,000</td>
<td>7,954</td>
<td>25.66%</td>
<td>41,000</td>
<td>7,511</td>
<td>18.32%</td>
</tr>
<tr>
<td>RECREATIONAL</td>
<td>937,000</td>
<td>271,919</td>
<td>29.02%</td>
<td>939,500</td>
<td>126,341</td>
<td>13.45%</td>
</tr>
<tr>
<td>INTERDEPARTMENTAL</td>
<td>1,500,000</td>
<td>431,596</td>
<td>28.77%</td>
<td>1,400,000</td>
<td>402,280</td>
<td>28.73%</td>
</tr>
<tr>
<td>OTHER</td>
<td>2,500</td>
<td>3,466</td>
<td>138.64%</td>
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<td>3,619</td>
<td>14.48%</td>
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<td>AFFINITY CARD PROGRAM</td>
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<td>400</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>OTHER REVENUES</td>
<td>136,527</td>
<td>21,968</td>
<td>16.09%</td>
<td>133,706</td>
<td>30,591</td>
<td>22.88%</td>
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<tr>
<td>SUBTOTALS</td>
<td>$ 21,018,583</td>
<td>$ 3,328,279</td>
<td>15.83%</td>
<td>$ 19,013,850</td>
<td>$ 2,610,424</td>
<td>13.73%</td>
</tr>
<tr>
<td>DEBT SERVICE TRANSFERS</td>
<td>750,000</td>
<td>187,500</td>
<td>25.00%</td>
<td>580,000</td>
<td>145,000</td>
<td>25.00%</td>
</tr>
<tr>
<td>$ 21,768,583</td>
<td>$ 3,515,779</td>
<td>16.15%</td>
<td>$ 19,593,850</td>
<td>$ 2,755,424</td>
<td>14.06%</td>
<td></td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

**REVENUE STATUS REPORT - ALL OTHER FUNDS**  
**FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2006 AND SEPTEMBER 30, 2005**

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$1,670,000</td>
<td>$548,551</td>
<td>32.8%</td>
<td>$</td>
<td>$</td>
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<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>729,970</td>
<td>119,507</td>
<td>16.4%</td>
<td>542,797</td>
<td>69,313</td>
<td>3.4%</td>
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<tr>
<td>SPECIAL GAS TAX</td>
<td>7,619,400</td>
<td>168,643</td>
<td>2.2%</td>
<td>2,010,413</td>
<td>69,313</td>
<td>3.4%</td>
</tr>
<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>1,241,287</td>
<td>2,125</td>
<td>0.2%</td>
<td>605,000</td>
<td>50</td>
<td>0.1%</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>40,518</td>
<td>24,459</td>
<td>60.4%</td>
<td>85,500</td>
<td>50</td>
<td>0.1%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>4,000</td>
<td>2,129</td>
<td>53.2%</td>
<td>91,500</td>
<td>868</td>
<td>0.9%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>2,929,707</td>
<td>205,452</td>
<td>7.0%</td>
<td>1,936,000</td>
<td>34,822</td>
<td>1.8%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>2,781,538</td>
<td>70,521</td>
<td>2.5%</td>
<td>2,692,400</td>
<td>45,977</td>
<td>1.7%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>323,373</td>
<td>401</td>
<td>0.1%</td>
<td>206,661</td>
<td>554</td>
<td>0.3%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>6,195,165</td>
<td>1,545,254</td>
<td>24.9%</td>
<td>5,885,050</td>
<td>1,424,567</td>
<td>24.2%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,036,164</td>
<td>1,170,501</td>
<td>23.2%</td>
<td>4,668,621</td>
<td>1,037,695</td>
<td>22.2%</td>
</tr>
<tr>
<td>AIRPORT OPERATIONS</td>
<td>932,127</td>
<td>315,288</td>
<td>33.8%</td>
<td>749,610</td>
<td>245,162</td>
<td>32.7%</td>
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<tr>
<td>GOLF COURSE</td>
<td>312,430</td>
<td>89,588</td>
<td>28.7%</td>
<td>304,000</td>
<td>81,467</td>
<td>26.8%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,853,822</td>
<td>1,675,232</td>
<td>34.5%</td>
<td>5,212,457</td>
<td>1,664,836</td>
<td>31.9%</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>3,565,759</td>
<td>886,543</td>
<td>24.9%</td>
<td>3,271,500</td>
<td>757,645</td>
<td>23.2%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>1,893,444</td>
<td>332,402</td>
<td>17.6%</td>
<td>1,121,640</td>
<td>296,116</td>
<td>26.4%</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>162,000</td>
<td>388</td>
<td>0.2%</td>
<td>175,025</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>672,002</td>
<td>183,757</td>
<td>27.3%</td>
<td>3,124,403</td>
<td>163,918</td>
<td>5.2%</td>
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<tr>
<td>SOLID WASTE RESERVE</td>
<td>465,356</td>
<td>124,160</td>
<td>26.7%</td>
<td>2,000</td>
<td>97,422</td>
<td></td>
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<tr>
<td>SEWER REVOLVING</td>
<td>347,002</td>
<td>93,043</td>
<td>26.8%</td>
<td>291,225</td>
<td>84,450</td>
<td>29.0%</td>
</tr>
<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>305,000</td>
<td>89,152</td>
<td>29.2%</td>
<td>1,233,500</td>
<td>60,156</td>
<td>4.9%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>144,500</td>
<td>28,492</td>
<td>19.7%</td>
<td>126,800</td>
<td>32,029</td>
<td>25.3%</td>
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<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>1,003,178</td>
<td>210,310</td>
<td>21.0%</td>
<td>3,398,871</td>
<td>235,408</td>
<td>6.9%</td>
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<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>265,000</td>
<td>108,838</td>
<td>41.1%</td>
<td>265,000</td>
<td>57,977</td>
<td>21.9%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>12,472</td>
<td>24.9%</td>
<td>50,000</td>
<td>4,791</td>
<td>9.6%</td>
</tr>
</tbody>
</table>

**TOTALS**  
$41,872,742 $8,007,208 19.1% $38,049,973 $6,436,641 16.9%
### CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND**

**FOR THE THREE MONTHS ENDED**

**SEPTEMBER 30, 2006 AND SEPTEMBER 30, 2005**

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>CITY COUNCIL</td>
<td>$113,960</td>
<td>$15,843</td>
<td>13.9%</td>
<td>$132,660</td>
<td>$48,015</td>
<td>36.2%</td>
<td>37.4%</td>
</tr>
<tr>
<td>COMMUNITY PROMOTION</td>
<td>173,765</td>
<td>91,988</td>
<td>52.9%</td>
<td>147,447</td>
<td>55,214</td>
<td>37.4%</td>
<td>37.4%</td>
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</table>

<table>
<thead>
<tr>
<th>ADMINISTRATIVE &amp; LEGAL:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>CITY MANAGER</td>
<td>258,434</td>
<td>68,434</td>
<td>26.5%</td>
<td>241,585</td>
<td>75,815</td>
<td>31.4%</td>
<td>31.4%</td>
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<tr>
<td>CITY CLERK</td>
<td>174,557</td>
<td>42,781</td>
<td>24.5%</td>
<td>207,432</td>
<td>39,066</td>
<td>18.8%</td>
<td>18.8%</td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td>202,602</td>
<td>49,296</td>
<td>24.3%</td>
<td>205,853</td>
<td>51,184</td>
<td>24.9%</td>
<td>24.9%</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>145,500</td>
<td>24,998</td>
<td>17.2%</td>
<td>158,425</td>
<td>24,587</td>
<td>15.5%</td>
<td>15.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCE:</th>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>725,307</td>
<td>127,892</td>
<td>17.6%</td>
<td>539,596</td>
<td>127,491</td>
<td>23.6%</td>
<td>23.6%</td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td>329,837</td>
<td>60,245</td>
<td>18.3%</td>
<td>301,826</td>
<td>53,927</td>
<td>17.9%</td>
<td>17.9%</td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>371,164</td>
<td>91,041</td>
<td>24.5%</td>
<td>365,942</td>
<td>91,635</td>
<td>25.0%</td>
<td>25.0%</td>
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</table>

<table>
<thead>
<tr>
<th>POLICE PROTECTION:</th>
<th></th>
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<th></th>
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<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>691,826</td>
<td>128,729</td>
<td>18.6%</td>
<td>665,160</td>
<td>125,651</td>
<td>18.9%</td>
<td>18.9%</td>
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<tr>
<td>OPERATIONS</td>
<td>3,778,090</td>
<td>870,495</td>
<td>23.0%</td>
<td>3,144,027</td>
<td>816,602</td>
<td>26.0%</td>
<td>26.0%</td>
</tr>
<tr>
<td>INVESTIGATIVE</td>
<td>2,336,274</td>
<td>634,831</td>
<td>27.2%</td>
<td>2,186,165</td>
<td>524,593</td>
<td>24.0%</td>
<td>24.0%</td>
</tr>
<tr>
<td>ANIMAL CONTROL</td>
<td>119,270</td>
<td>112,270</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

| FIRE PROTECTION         | 3,274,658               | 806,413                       | 24.6%                | 3,081,617                | 690,951                       | 22.6%                    | 22.6%       |

<table>
<thead>
<tr>
<th>COMMUNITY DEVELOPMENT:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>775,584</td>
<td>207,403</td>
<td>26.7%</td>
<td>741,467</td>
<td>160,878</td>
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<tr>
<td>PLANNING &amp; ZONING</td>
<td>393,354</td>
<td>95,530</td>
<td>24.3%</td>
<td>345,741</td>
<td>59,071</td>
<td>17.1%</td>
<td>17.1%</td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>224,502</td>
<td>48,572</td>
<td>21.6%</td>
<td>218,286</td>
<td>47,681</td>
<td>21.8%</td>
<td>21.8%</td>
</tr>
<tr>
<td>STREET MAINTENANCE</td>
<td>394,143</td>
<td>94,683</td>
<td>24.0%</td>
<td>374,702</td>
<td>60,422</td>
<td>16.1%</td>
<td>16.1%</td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>336,781</td>
<td>83,138</td>
<td>24.7%</td>
<td>303,395</td>
<td>65,875</td>
<td>21.7%</td>
<td>21.7%</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>308,798</td>
<td>55,555</td>
<td>18.0%</td>
<td>308,367</td>
<td>46,925</td>
<td>15.2%</td>
<td>15.2%</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>117,699</td>
<td>11,021</td>
<td>9.4%</td>
<td>107,731</td>
<td>7,630</td>
<td>7.1%</td>
<td>7.1%</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>37,390</td>
<td>9,270</td>
<td>24.8%</td>
<td>40,702</td>
<td>5,537</td>
<td>13.6%</td>
<td>13.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PARKS &amp; LEISURE:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,551,144</td>
<td>376,004</td>
<td>24.2%</td>
<td>1,367,278</td>
<td>331,633</td>
<td>24.3%</td>
<td>24.3%</td>
</tr>
<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>153,000</td>
<td>42,543</td>
<td>27.8%</td>
<td>254,353</td>
<td>38,975</td>
<td>15.3%</td>
<td>15.3%</td>
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<tr>
<td>COMMUNITY CENTERS</td>
<td>291,645</td>
<td>60,867</td>
<td>20.9%</td>
<td>270,648</td>
<td>76,264</td>
<td>28.2%</td>
<td>28.2%</td>
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<tr>
<td>LEISURE SERVICES</td>
<td>243,536</td>
<td>27,986</td>
<td>11.5%</td>
<td>316,836</td>
<td>52,694</td>
<td>16.6%</td>
<td>16.6%</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>798,700</td>
<td>179,073</td>
<td>22.4%</td>
<td>783,000</td>
<td>167,093</td>
<td>21.3%</td>
<td>21.3%</td>
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<tr>
<td>SWIMMING POOL</td>
<td>144,247</td>
<td>69,359</td>
<td>48.1%</td>
<td>144,000</td>
<td>77,598</td>
<td>53.9%</td>
<td>53.9%</td>
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<tr>
<td>LIBRARY OPERATIONS</td>
<td>587,403</td>
<td>110,406</td>
<td>18.8%</td>
<td>586,490</td>
<td>154,012</td>
<td>26.3%</td>
<td>26.3%</td>
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<tr>
<td>SPECIAL PROJECTS</td>
<td>56,027</td>
<td>19,444</td>
<td>34.7%</td>
<td>108,481</td>
<td>11,241</td>
<td>10.4%</td>
<td>10.4%</td>
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</table>

**SUB TOTALS**

<table>
<thead>
<tr>
<th></th>
<th>19,109,397 $</th>
<th>4,503,840 $</th>
<th>23.6%</th>
<th>17,731,482 $</th>
<th>4,088,260 $</th>
<th>23.1%</th>
</tr>
</thead>
</table>

**DEBT SERVICE**

|               | 2,310,000 | 577,500 | 25.0% | 1,835,000 | 456,750 | 25.0% |

**$ 21,419,397 $ | 5,081,340 $ | 23.7% | 19,566,482 $ | 4,547,010 $ | 23.2% |
<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED APPROP</th>
<th>YEAR-TO-DATE EXPEND</th>
<th>% OF 2006-2007 APPROP</th>
<th>AMENDED EXPEND</th>
<th>% OF 2005-2006 APPROP</th>
<th>YEAR-TO-DATE EXPEND</th>
<th>% OF 2005-2006 ACTUAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure H Sales Tax</td>
<td>$1,640,000</td>
<td>$166,655</td>
<td>10.2%</td>
<td>$1,592,595</td>
<td>29,909</td>
<td>1.9%</td>
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</tr>
<tr>
<td>Redevelopment Agency</td>
<td>661,860</td>
<td>1,698,721</td>
<td>256.7%</td>
<td>1,592,595</td>
<td>29,909</td>
<td>1.9%</td>
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</tr>
<tr>
<td>Zalud Estate</td>
<td>28,123</td>
<td>6,326</td>
<td>22.5%</td>
<td>31,700</td>
<td>6,076</td>
<td>19.2%</td>
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</tr>
<tr>
<td>Community Development Block Grant</td>
<td>274,941</td>
<td>46,184</td>
<td>16.8%</td>
<td>184,409</td>
<td>39,522</td>
<td>21.4%</td>
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<tr>
<td>Transit</td>
<td>2,316,781</td>
<td>378,624</td>
<td>16.3%</td>
<td>3,014,200</td>
<td>392,507</td>
<td>13.0%</td>
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<tr>
<td>Special Safety Grants</td>
<td>323,373</td>
<td>49,212</td>
<td>15.2%</td>
<td>434,069</td>
<td>28,192</td>
<td>6.5%</td>
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</tr>
<tr>
<td>Sewer Operating</td>
<td>5,501,280</td>
<td>1,273,950</td>
<td>23.2%</td>
<td>5,441,672</td>
<td>1,155,291</td>
<td>21.2%</td>
<td></td>
</tr>
<tr>
<td>Refuse Removal</td>
<td>4,757,157</td>
<td>1,140,679</td>
<td>24.0%</td>
<td>4,429,556</td>
<td>967,323</td>
<td>21.8%</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>1,007,344</td>
<td>244,814</td>
<td>24.3%</td>
<td>833,732</td>
<td>397,172</td>
<td>47.6%</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>372,241</td>
<td>93,102</td>
<td>25.0%</td>
<td>375,000</td>
<td>78,235</td>
<td>20.9%</td>
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<tr>
<td>Water Operating</td>
<td>4,266,791</td>
<td>1,109,927</td>
<td>26.0%</td>
<td>4,246,593</td>
<td>949,043</td>
<td>22.3%</td>
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<tr>
<td>Risk Management</td>
<td>3,565,759</td>
<td>732,873</td>
<td>20.6%</td>
<td>3,271,500</td>
<td>978,406</td>
<td>29.9%</td>
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<tr>
<td>Equipment Maintenance</td>
<td>1,891,707</td>
<td>270,705</td>
<td>14.3%</td>
<td>954,950</td>
<td>210,434</td>
<td>22.0%</td>
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</tr>
<tr>
<td>Central Stores</td>
<td>29,922</td>
<td>194,964</td>
<td>6.5%</td>
<td>36,000</td>
<td>18.5</td>
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<tr>
<td>Landscape Maintenance District</td>
<td>203,207</td>
<td>25,243</td>
<td>12.4%</td>
<td>175,025</td>
<td>28,949</td>
<td>16.5%</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>$26,810,564</strong></td>
<td><strong>$7,266,937</strong></td>
<td><strong>27.1%</strong></td>
<td><strong>$25,179,965</strong></td>
<td><strong>5,297,059</strong></td>
<td><strong>21.0%</strong></td>
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CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
As of September 30, 2006

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$2,129.00</td>
<td>(6,326.00) $</td>
<td>(4,197.00)</td>
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<tr>
<td>Sewer</td>
<td>1,545,254.00</td>
<td>(1,273,950.00)</td>
<td>271,304.00</td>
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<tr>
<td>Solid Waste</td>
<td>1,170,501.00</td>
<td>(1,140,679.00)</td>
<td>29,822.00</td>
</tr>
<tr>
<td>Airport</td>
<td>315,288.00</td>
<td>(244,814.00)</td>
<td>70,474.00</td>
</tr>
<tr>
<td>Golf</td>
<td>89,588.00</td>
<td>(93,102.00)</td>
<td>(3,514.00)</td>
</tr>
<tr>
<td>Water</td>
<td>1,675,232.00</td>
<td>(1,109,927.00)</td>
<td>565,305.00</td>
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</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>REVENUES</td>
<td>$548,551.09</td>
</tr>
<tr>
<td>EXPENDITURES</td>
<td>(166,654.87)</td>
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<tr>
<td>REVENUE OVER/(UNDER) EXPENDITURES</td>
<td>$381,896.22</td>
</tr>
<tr>
<td>Grant/Subsidized Loan Description</td>
<td>City/Project Contact</td>
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<tr>
<td>----------------------------------</td>
<td>---------------------</td>
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<tr>
<td><strong>COMMUNITY DEVELOPMENT DEPARTMENT:</strong></td>
<td></td>
</tr>
<tr>
<td>2009 CIDG entitlement allocation</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>2005 CIDG entitlement allocation</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>2004 CIDG entitlement allocation</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>CalHFA Loan (Casas Buenas Vista)</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>HOME FTHD grant for infill development</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>TEA grant for bike lanes</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>2005 CAPCARE</td>
<td>B. Dunlap</td>
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<tr>
<td><strong>FIRE DEPARTMENT / AIRPORT:</strong></td>
<td></td>
</tr>
<tr>
<td>Assistance to Firefighters Grant</td>
<td>F. Gupton</td>
</tr>
<tr>
<td>AP Project</td>
<td>F. Gupton</td>
</tr>
<tr>
<td>AP Project</td>
<td>F. Gupton</td>
</tr>
<tr>
<td>AP Project</td>
<td>F. Gupton</td>
</tr>
<tr>
<td>Radio</td>
<td>F. Gupton</td>
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<tr>
<td>EOC equipment</td>
<td>F. Gupton</td>
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<tr>
<td>Loan - Purchase of Aircraft</td>
<td>F. Gupton</td>
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<tr>
<td><strong>PARKS AND RECREATION SERVICES DEPARTMENT:</strong></td>
<td></td>
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<tr>
<td>Trails to Trails</td>
<td>J. Penne</td>
</tr>
<tr>
<td>Robert, Zilberg, Harris (competitive), skateboard park</td>
<td>J. Penne</td>
</tr>
<tr>
<td>Tuba City Waterfall, Platte River</td>
<td>J. Penne</td>
</tr>
<tr>
<td>Porterville Park O&amp;M</td>
<td>J. Penne</td>
</tr>
<tr>
<td><strong>POLICE DEPARTMENT:</strong></td>
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<tr>
<td>Citizens Option for Public Safety (COPS)</td>
<td>S. Rodriguez</td>
</tr>
<tr>
<td>Buffer Proof Vest Grant</td>
<td>S. Rodriguez</td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant (JAG)</td>
<td>S. Rodriguez</td>
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<tr>
<td><strong>PUBLIC WORKS DEPARTMENT:</strong></td>
<td></td>
</tr>
<tr>
<td>Plane St @ Tuba River Bridge widening project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Jack St @ Tuba River Bridge widening project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Traffic Signal Rs (Plane St @ Mulberry Ave) project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Core and curb, gutter &amp; sewer projects</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Additional bike lanes and signal project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Additional tree plants and signs</td>
<td>B. Rodriguez</td>
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<tr>
<td><strong>HYBRID VEHICLE:</strong></td>
<td></td>
</tr>
<tr>
<td>Hybrid vehicle</td>
<td>B. Rodriguez</td>
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<tr>
<td>Traffic Signal @ Mathew and Olive</td>
<td>B. Rodriguez</td>
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<tr>
<td>Newcomb Street sidewalk stabilization project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Men St @ Colfax Ave Roundabout project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Traffic Signal @ Newcomb and Westfield</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td><strong>TRAFFIC SIGNAL @ INLAND AND PULASKI:</strong></td>
<td></td>
</tr>
<tr>
<td>Traffic Signal @ Inland and Pulaski</td>
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<tr>
<td><strong>FINANCING THROUGH C.I.E.D.R.</strong></td>
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<tr>
<td>Sewer system expansion</td>
<td>B. Rodriguez</td>
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<tr>
<td><strong>TOTAL GRANTS/SUBSIDIZED LOANS AWARDED:</strong></td>
<td>B. Rodriguez</td>
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</tbody>
</table>