Call to Order
Roll Call

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

**CLOSED SESSION:**
Pursuant to:
A. Closed Session Pursuant to:
   1. Government Code Section 54956.8 – Conference with Real Property Negotiators/Property:
      280 North Fourth Street. Agency Negotiators: Jim Perrine. Negotiating Parties: City of
      Porterville, Porterville Senior Council, County of Tulare Health & Human Services Agency,
   2. Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated
      Litigation: One Case.
   3. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated
      Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Pro Tem F. Martinez
Invocation

**PRESENTATIONS**
   Outstanding Business Presentation - Porterville Tire and Recapping
   City Manager’s Featured Projects

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

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

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

2. Budget Adjustment - Police Department
   Re: Authorizing acceptance of $1,000 grant from Wal-Mart Stores, Inc. for the purchase of
crime prevention materials.
3. Edison Bill - Indiana Street Project  
Re: Authorizing payment of $26,000 to SCE for the removal and relocation of electrical grid box to accommodate street construction project.

4. Acceptance of Project - Sprayed Polyurethane Roofing Systems (City Hall Annex and Porterville Community Center)  
Re: Accepting project as complete from Universal Coatings, Inc., and authorizing the filing of the Notice of Completion.

5. El Dorado Estates Tentative Subdivision Map - Extension of Time (Del Valle Homes)  
Re: Approving a one (1) year extension of time for Tentative Map for Subdivision located generally on the north side of Olive Avenue east of Granite Hills High School.

Re: Considering the approval of a letter of Public Convenience or Necessity supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license.

7. Request for One (1) Temporary Trailer to be Utilized as a Sales Office  
Re: Approving the temporary use of a trailer on Lot 1 of Summit Estates Subdivision located generally on the northwest corner of Mathew Street and proposed Orange Avenue.

8. Proposed Reorganization Including a Change in the Table of Organization within Public Works Department  
Re: Considering reorganizations in the Engineering and Field Services Divisions.

9. State Homeland Security Grant - Fire Department  
Re: Authorizing the purchase of communications radios and firefighting equipment with $22,600 in grant funds allocated for the City of Porterville.

10. Assistance to Firefighters Grant Program 2006  
Re: Authorizing the purchase of communications infrastructure equipment with $46,854 in grant funds awarded to the City.

11. Transaction and Use Tax Oversight Committee  
Re: Informational report regarding the findings from the Oversight Committee’s meeting of November 9, 2006.

12. Voluntary Donation of Paid Leave Program for Fire Series Employees  
Re: Ratifying a Memorandum of Understanding between the City and Fire Porterville City Firefighters’ Association to allow for the voluntary donation of paid leave for a temporary period of time.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*
PUBLIC HEARINGS
13. Conditional Use Permit 7-99 Modification No. 1 (Landmark Christian Center)
   Re: Considering a modification to a CUP to allow for an additional 5,400± sq. ft. church
   accessory building, a future 4,500± sq. ft. church accessory building, and four 4-plexes and one
   triplex hotel/motel apartment units in the C-2 Zone.

14. Ennis Estates Tentative Subdivision Map (Ennis Homes)
   Re: Continuing the item and the public hearing to the Council Meeting of December 5, 2006.

SECOND READINGS
15. Ordinance No. 1709, Extension of a Temporary Use Permit for the Continued Operation of a
    Remote Control Car Track
    Re: Giving Second Reading to Ordinance No. 1709, issuing a one-year extension of a
    Temporary Use Permit for the continued operation of a remote control race track as a
    Hobby/Recreation Use, waiving further reading and adopting said Ordinance.

SCHEDULED MATTERS
16. Request for Waiver of Sidewalk at 192 West School Avenue
    Re: Considering waiver of installation of sidewalk, as required pursuant to Municipal Code §
    20-40.1, due to the presence of three mature trees in the subject location.

17. Hillside Development Ordinance Update - Purpose and Intent (Zoning Ordinance Amendment
    2006-8)
    Re: An update and discussion of the analysis to date for a Hillside Development Ordinance.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 21, 2006

Roll Call: Redevelopment Agency

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTERS
PRA-1. Acceptance of Project - Casas Buena Vista Slurry Seal
   Re: Accepting project as complete from Asphalt Maintenance Company of California
   for street maintenance project, and authorizing the filing of the Notice of Completion.

Adjourn to a Meeting of the Porterville Public Financing Authority.
PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
November 21, 2006

Roll Call: Public Financing Authority

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTERS
PFA-1. Annual Meeting of the Porterville Public Financing Authority
Re: Holding the annual meeting pursuant to the Authority’s By-Laws, accepting public commentary, and approving the 2006 Status Report for the Redevelopment Bond Issue No. 1 Projects.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of December 1, 2006 at 3:00 p.m.

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.
CITY MANAGER’S FEATURED PROJECT FOR
NOVEMBER 2006

1. Skatepark Opening

2. Fire Chief

3. Reroofing of City Hall Annex and Putnam Community
   Center
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 17, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

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
None

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

B. Redevelopment Closed Session Pursuant to:

The Redevelopment Agency Meeting then closed. The Council adjourned in Closed Session to the Redevelopment Closed Session Item

7:00 P.M. RECONVENE REDEVELOPMENT IN OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION FOR THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY
   City Attorney Julia Lew reported that no action had been taken.

CONSENT CALENDAR
1. AWARD OF CONTRACT - CASAS BUENA VISTA SLURRY SEAL

Recommendation: That the Redevelopment Agency:
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.

Documentation: PRA 01-101706
Disposition: Approved.

The Redevelopment Agency adjourned to a Meeting of the City Council.

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

PROCLAMATION
“Foster Grandparent/Senior Companion Day” - October 27, 2006
Staff informed the Council that the Proclamation had been pulled from the Agenda.

PRESENTATIONS
Employee Service Awards
The Council presented Service Awards to:
• Denise Marchant - 15 years of service
• Richard Keck - 5 years of service
Parks & Leisure Services Commission Semi-Annual Report
• Chairperson Joe Ruiz presented the report.
Library Board of Trustees Semi-Annual Report
• Chairperson Pamela Clark presented the report.

ORAL COMMUNICATIONS
• Renay Sprague, 75 North D Street, requested that the Council include the Gardner Tree in its approval for Christmas tree lighting, as proposed in Item No. 25.
• Christina Martinez, 2250 West Morton Avenue, voiced concern with speeding motorists on Morton Avenue and what she perceived to be a lack of enforcement of speed limits. She cited concerns with safety and proposed various ways in which the issue could be addressed.
• Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, acknowledged the efforts of Ms. Sprague with regard to the Car Show recently held Downtown; and requested the opportunity to address the Council when it discussed Item No. 25.

CONSENT CALENDAR
Items 1 and 14 were removed for further discussion.

2. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE THE MISCELLANEOUS CONCRETE IMPROVEMENTS PROJECT

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.

Documentation: M.O. 01-101706
Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT TO PREPARE A “RECLAMATION AREA MANAGEMENT AND MAINTENANCE PROPOSAL” (RAMMP)

Recommendation: That the 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 agreement with the second consultant, David R. Woodruff, Agricultural Consultant, if unable to successfully negotiate with Ms. Aure-Flynn.

Documentation: M.O. 02-101706
Disposition: Approved.

4. APPROVE SERVICE AGREEMENT FOR DESIGN OF BALL FIELDS PROJECT, HERITAGE CENTER SITE

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

Documentation: M.O. 03-101706
Disposition: Approved.

5. CONTRACT APPROVAL REQUEST FOR ENGINEERING SERVICES WITH CAROLLO ENGINEERS TO DEVELOP A NOTICE OF INTENT TO APPLY BIO-SOLIDS

Recommendation: That the City Council:
1. Approve the draft 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.

Documentation: M.O. 04-101706
Disposition: Approved.
6. AWARD OF CONTRACT - MORTON AVENUE CHIP SEAL PROJECT

Recommendation: That the 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.

Documentation: M.O. 05-101706
Disposition: Approved.

7. ACCEPTANCE OF THE WELL NO. 28 PROJECT

Recommendation: That the 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.

Documentation: M.O. 06-101706
Disposition: Approved.

8. ACCEPTANCE OF THE WELL 29 (PHASE ONE) PROJECT

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.

Documentation: M.O. 07-101706
Disposition: Approved.

9. 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

Recommendation: That the City Council:
1. Authorize staff to make payment to Gray’s Air Conditioning, Inc., and Joe Donald Gray, Trustee, owner of property in the amount of $1,425.00;
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 131-2006
Disposition: Approved.
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

Recommendation: That the 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.

Documentation: Resolution 132-2006
Disposition: Approved.

11. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

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.

Documentation: Resolution 133-2006
Disposition: Approved.

12. RANCH VICTORIA TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME (METCO INVESTMENTS)

Recommendation: That the City Council adopt the draft resolution approving a two (2) year extension of time for Ranch Victoria Tentative Subdivision.

Documentation: Resolution 134-2006
Disposition: Approved.

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

Recommendation: That the City Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the restrictions and requirements
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; and
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 Street.

Documentation: M.O. 08-101706
Disposition: Approved.

15. MAYOR HAMILTON’S TRIP TO WASHINGTON D.C. FOR SUCCESS DAM RELATED ISSUES

Recommendation: That the City Council authorize the travel of the Mayor to Washington D.C. with the Success Dam Remediation Committee and authorize the expenditure of City monies to support the trip.

Documentation: M.O. 09-101706
Disposition: Approved.

16. CANCELLATION OF JANUARY 2, 2007 COUNCIL MEETING

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

Documentation: M.O. 10-101706
Disposition: Approved.

17. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council extend the time to 5:00 p.m., October 31, 2006 for prospective applicants to submit a “Request for Appointment” form.

Documentation: M.O. 11-101706
Disposition: Approved.

17A. PORTERVILLE MUNICIPAL AIRPORT RENTAL - ATMOSPHERICS, INC.

Recommendation: That the City Council approve the temporary rental of a portion of Lot 7 to Atmospherics, Inc. for a rental fee of $150 per month; reimbursement to the City for electricity use; and compliance with the City’s policy on liability insurance.

Documentation: M.O. 12-101706
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 2 through 13, and 15 through 17A. The motion carried unanimously.
1. CITY COUNCIL MINUTES OF SEPTEMBER 5, 2006 AND SEPTEMBER 23, 2006

Recommendation: That the City Council approve the City Council Minutes of September 5, 2006 and September 23, 2006.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the City Council Minutes of M.O. 13-101706 September 5, 2006 and September 23, 2006.

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

Disposition: Approved.

14. AIRPORT LAND LEASE FOR DRY FARMING

Recommendation: That the City Council:
1. Accept the proposal from Mr. Sheets;
2. Direct staff to develop a three-year Lease Agreement consistent with staff’s recommendation; and
3. Authorize the Mayor to sign the Agreement.

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

In response to questions posed by Council Member Pedro Martinez, staff elaborated on the difference between the farming operation managed by Mr. Nuckols and the proposed farming operation at the Airport. It was stated that the goal of the proposed farming operation was to raise funds for the operation of the Airport, while the other operation was to dispose of water to meet the requirements of the City’s Cease and Desist Order. A discussion then ensued as to the provisions of the contract and means of ensuring production as stated.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the proposal from Mr. Sheets; direct staff to develop a three-year Lease Agreement consistent with staff’s recommendation; and authorize the Mayor to sign the Agreement. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS
18. 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. Mayor Hamilton noted that the Council and staff had received a request from the applicant to continue the matter until the Meeting of November 7, 2006. Noting Dr. Brown of Burton School District was in attendance, Mayor Hamilton confirmed that he had been previously notified of the applicant’s request for continuance.


19. CONDITIONAL USE PERMIT NO. 5-93 MODIFICATION NO. 1 (PORTERVILLE EVANGELICAL CHURCH)

Recommendation: That the City Council adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

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

The public hearing opened at 7:30 p.m.

• Dennis Townsend, Townsend Architectural Group, came forward, spoke in favor of the item, and requested the Council’s approval.
• Rudy Martinez, 22254 W. Thurman Avenue, Pastor of the Porterville Evangelical Free Church, spoke in favor of the item, elaborated on the proposed modifications, and requested the Council’s approval of the requested CUP modification.

The public hearing closed at 7:33 p.m.

Council Member Martinez spoke favorably of the progress made on the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft resolution approving the modification to Conditional Use Permit 5-93. The motion carried unanimously.

Disposition: Approved.

20. CREDIT CARD PROCESSING FEES

Recommendation: That the City Council:
1. Open the public hearing, take public comments, concerns and questions; and
2. Adopt the draft resolution approving a 2.5% processing fee for credit card methods of payment.

City Manager John Longley presented the item, and Administrative Services Manager John Lollis presented the staff report. Mr. Lollis advised the Council that staff had amended staff’s recommendation and the proposed resolution to strike “processing fee” and replace it with “convenience fee.”

The public hearing opened at 7:39 p.m. and closed at 7:40 p.m. when nobody came forward.

In response to questions posed by the Council, staff elaborated on the proposed convenience fee.

Council Member McCracken spoke of the proposed percentage rate of 2.5%, and opined that the City could likely find a more advantageous rate. Mr. Longley suggested that the resolution could be revised to read “up to 2.5%.”

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft resolution, as amended to provide for the assessment of a Convenience Fee of up to 2.5% for credit card methods of payment. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

Mayor Hamilton noted that there had been a request for Item 24 to be heard next, to which the Council agreed.

24. LOCAL REGULATIONS CONCERNING SEX OFFENDERS – ORDINANCE CONCERNING THE PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

Recommendation: That the City Council review the proposed ordinance, and if it meets with the Council’s approval, give first reading to the ordinance.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

Council Member Pedro Martinez spoke of the need to protect children, suggested that the proposed ordinance was a step in the right direction, and requested that the Council approve the draft Ordinance. Council Member Martinez then moved that the Council approve the draft ordinance.

Mayor Pro Tem Felipe Martinez seconded the motion.
In response to a question posed by Council Member McCracken, a discussion ensued as to enforcement of the proposed regulations. City Attorney Julia Lew spoke of the legal definition of loitering which specifically included intent, and of the difficulty in enforcing loitering based laws. She elaborated that while enforcement might prove difficult, the ordinance was in fact enforceable if the officers asked the right questions, and that it would also likely act as a deterrent for would-be offenders.

The Council Members voiced support for providing the Police Department with another tool to combat sexual offenders.

Council Member Pedro Martinez voiced concern with the issue of an above-average number of sexual offenders being relocated to the Porterville area, and requested that staff further investigate that issue.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the draft ordinance, give first reading, and order the ordinance to print, being 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. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

21. SKATEBOARD PARK REGULATIONS – ORDINANCE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE

Recommendation: That the City Council:

1. Hold a public meeting to consider testimony related to the proposed ordinance;

2. Consider any further direction with regard to the rules adopted by the Parks and Leisure Services Commission; and

3. Review and give first reading to the draft ordinance.

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

Mayor Hamilton noted that the item was a public meeting and invited members of the audience to come forward and speak on the topic. When nobody came forward, the Mayor turned the discussion over to the Council.
In response to a question raised by Council Member Pedro Martinez, City Attorney Julia Lew elaborated on the possible process for administrative hearings, indicating that the body had not yet been determined.

A discussion ensued as to how violations would be reported, during which Ms. Lew clarified that the City would not supervise the Park and that the City would depend on Skatepark users or observers to report violations to the City. It was suggested that a phone number for the Police Department and the Parks & Leisure Services Department be added to the posted Rules to report violations. Council Member McCracken suggested that a board or commission of users be established so as to facilitate self-governance of the Park.

Council Member Hernandez spoke of attending meetings on the Skatepark and of the enthusiasm and apparent desire for cooperation amongst the skaters present.

Council Member Pedro Martinez voiced concern with the inclusion of bicyclists in the Park, suggesting that the prime usage time was devoted to them rather than the skaters. Mayor Hamilton agreed with Council Member Martinez’s concerns and questioned why bicyclists were allowed in the Park at all. The Council invited Parks & Leisure Services Commissioner Joe Ruiz to come forward and address the Council.

- Joe Ruiz, Parks & Leisure Services Commissioner, 1385 North Lotas Way, came forward and stated that the cyclists and the skateboarders would get along well together. He indicated that it was decided to also allow bicyclists at the Park so as to address the need for finding a location where cyclists could ride, rather than on private and public properties. He spoke in favor of allowing the users to work together and of the need to open the park, noting the lengthy duration of the project from inception to completion. Commissioner Ruiz then implored the Council to approve the ordinance as proposed.

Council Member Pedro Martinez reiterated his concerns with also allowing bicycles in the Park, citing safety concerns, and spoke in favor of at least modifying the times for bicyclists to utilize the Park. It was noted that the rules proposed different times for skaters and bicyclists to use the Park. A discussion ensued, during which it was pointed out that “skaters” should be changed to “users” to also include cyclists.

Mayor Pro Tem Felipe Martinez moved that the Council accept the Parks & Leisure Services Commission’s recommendation, modified to change “skaters” to “users.” Council Member Hernandez seconded the motion.

Mayor Hamilton reiterated his opposition to allowing bicyclists in the Skatepark. A discussion ensued as to the proposed rules, and which City telephone numbers should be included in the posted Rules. In response to a question posed by the Council, Interim Police Chief McMillan advised the Council that while responding to a reported violation at the Skatepark would likely not be a priority call for the Police Department, said calls would receive their due attention.
A discussion next ensued as to the design of the Park and whether it had been constructed to withstand usage by cyclists. Mr. Perrine stated that the designer had provided written statement indicating that the Skatepark was safe for bicycle use.

Council Member McCracken moved to amend Mayor Pro Tem Felipe Martinez’s motion to eliminate bicycles from the Skatepark.

Council Member Martinez seconded the motion to amend.

- Joe Ruiz, Parks & Leisure Services Commissioner, spoke of the efforts of the Commission with regard to thoroughly researching the issue and coming up with a solution to address the needs of the community. He referenced language in the letter by Site Design Group, Inc. (“SDG”) in which the designers indicate that the Park, while not specifically designed for bicycle stunt riding, was safe for bicycles. He stated that SDG also stated that Parks generally handled usage by bicycles and skaters in different ways, depending upon the size of the Park itself, and recommended that Porterville consider establishing different times for usage by skaters and bicyclists. Mr. Ruiz then spoke of SDG’s recommendation to require “peg covers” on bikes at the Park to protect the surfaces at the Park. He then vigorously requested that the Council pass the Ordinance, noting his frustration with the Council at times working against the efforts of the Commission.

- Arletta Ruiz, 1385 North Lotas Way, spoke of the diligent efforts of the Commission and noted the need for a place for skaters and bicyclists to ride. She stated that while she understood the concerns of the Council, she suggested that concerns sometimes inhibited action being taken for the betterment of the Community. She then noted that the Council should at least allow the cyclists the opportunity to share the Park, and in the event it did not work out, the Council could always reconsider its decision.

- Greg Shelton, 888 North Williford Drive, stated that while he initially also had reservation regarding the inclusion of cyclists at the Park, it seemed like the inclusive thing to do. Mr. Shelton stated that according to the City Attorney, there would likely be limited liability if different times were established for cyclists and skaters. Mr. Shelton spoke in favor of allowing bicyclists in the Park, noting that they had shown up at the meetings, that the skaters were not opposed to also allowing cyclists, and that in the event it did not work out, the Council could always reconsider.

Council Member Pedro Martinez spoke of the Council’s need to make the Park as safe as possible for its users, despite other issues in the Community. He suggested that if a great need existed for finding a location for cyclists, and the Community was behind it, then he was in favor of building a facility for cyclists. He spoke against simply throwing the cyclists in with the skaters.

Mayor Hamilton commented that he agreed that in the event the Council approved the Ordinance as presented and problems arose with bicyclists being included, the Council could always reconsider its decision.

Council Member McCracken commented that his motion to amend was an effort to gauge the feelings of the Council and was in no way intended to give the impression that he challenged the
recommendation of the Parks & Leisure Services Commission. He then questioned whether the mixed use between the skaters and bicyclists would be workable.

Council Member Pedro Martinez stated that he was willing to try the mixed use between the cyclists and the skaters, contingent upon the item returning to the Council for review in three months. He then made a substitute motion to approve the proposed Porterville Skatepark Rules, as amended to change “Skaters” to “Users,” and to add the telephone numbers of the Porterville Police Department and the Parks & Leisure Services Department to report violations; to have staff bring the item back to the Council in three months for evaluation; and to approve the draft ordinance, give first reading, and order the ordinance to print.

Council Member McCracken seconded Council Member Martinez’s substitute motion.

Mayor Hamilton noted the importance of the Council Members individually spending some time at the Park to gauge its safety first hand.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the proposed Porterville Skatepark Rules, as amended to change “Skaters” to “Users,” and to add the telephone numbers of the Porterville Police Department and the Parks & Leisure Services Department to report violations; to have staff bring the item back to the Council in three months for evaluation; and to approve the draft ordinance, give first reading, and order the ordinance to print, being 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. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved, as amended.*

*Please refer to “Other Matters” for further direction regarding Item 21.

22. REDUCE SCOPE OF TULE RIVER PARKWAY WETLANDS ACQUISITION, PHASE III PROJECT

Recommendation: That the City Council reduce the scope of the Tule River Parkway Wetlands Acquisition, Phase III Project to 10% of the original scope.

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

In response to question posed by Council Member McCracken, staff clarified the recommendation with regard to the preparation of a budget adjustment.
Council Member Hernandez voiced disappointment in reducing the scope of the Tule River Parkway Project, but noted the unfortunate need to do so in order to move forward with the Rails to Trails Project. Mayor Hamilton agreed with Council Member Hernandez’s disappointment, yet noted that he did not believe the Tule River Parkway Project would fall by the wayside.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council reduce the scope of the Tule River Parkway Wetlands Acquisition, Phase III Project, to 10% of its original scope. The motion carried unanimously.

Disposition: Approved.

23. **CONSIDER REJECTION OF BIDS FOR RAILS TO TRAILS PROJECT**

Recommendation: That the City Council:
1. Accept the revised construction estimate;
2. Accept the additional funding supplied by TCAG;
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;
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.

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

Mayor Hamilton voiced concern with the way in which the estimate had been handled, but noted the importance of completing the Project. He then inquired as to the proposed 7% contingency, rather than the customary 10%. Staff indicated that the thought was to reduce the contingency in an effort to stay within the budget, as staff felt that administration of the project could be tightly handled. It was then estimated that a completion date could fall between March and May, depending on weather considerations.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the revised construction estimate; accept the additional funding supplied by TCAG; 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; award the construction contract to Central Valley Asphalt; and authorize a 7% construction contingency and the payment of up to 90% of the contract amount.

AYES: P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None
Disposition:  Approved.

25. DECORATIVE LIGHTING OF TREE AND SPECIAL EVENT SPONSORSHIP

Recommendation: That the City Council, for both the 2006 and 2007 holiday season:
1. Energize the decorative lights that remain operable on the West Olive and East Orange trees;
2. 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 lights; and
3. Authorize participation and expenditures for the “Tree Lighting Ceremony.”

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

Mayor Hamilton noted that Mr. Eckhoff had requested the opportunity to speak on the item, and invited him to come forward.

- Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, spoke in favor of the Council approving staff’s recommendation.
- Ron Irish, 768 North Prospect Street, spoke of the importance of lighting Main Street and of reinstating the yard lighting contest as had been conducted in previous years.

Council Member Hernandez voiced support for approving the item.

Mayor Pro Tem Felipe Martinez spoke in favor of “Christmas lights.”

Council Member McCracken agreed with the importance of the decorative lighting, noting that it enhanced commercial activity during the holiday season.

Mayor Hamilton spoke in favor of the proposed lighting, then spoke of “carryover” funds, noting that said funds never went into reserves. He then spoke in favor of making the holiday lighting a part of the structured budget, rather than utilizing “carryover” funds. He moved that the Council approve staff’s recommendation.

Mayor Pro Tem Felipe Martinez seconded the motion.

- Ron Irish, address on record, inquired as to the needed electrical repairs referenced in the staff report.

A discussion ensued as to the electrical problems, during which staff confirmed that a memorandum would be provided to the Council once the City electrician made his report. It was clarified that since the circuits were not yet energized at the problematic areas, they posed no safety risk.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council, for both the 2006 and 2007 holiday seasons, 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 lights; and authorize participation and expenditures for the “Tree Lighting Ceremony.” The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

26. FEASIBILITY OF QUAD OHV TRACK

Recommendation: That the City Council:

1. Allocate a $9,800 budget increase for the OHV Park for construction and staff expense to operate a quad track, and direct the acquisition of a water truck from funds set aside for replacement of other department equipment, as recommended by the Parks & Leisure Services Commission; or

2. Defer construction of the quad track until next year’s budget development.

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

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez both noted the need for a quad track.

A discussion ensued as to staffing, costs, and potential revenue generated by quad riders at the OHV Park. Staff indicated that the City did provide the personnel to operate the facility, and that staff estimated approximately $5,000 in net revenue to be generated, which could be allocated as the Council desired.

Mayor Hamilton commented that it appeared that staff was using the premise of a new quad track in order to justify the purchase of a new water truck. A discussion ensued during which staff commented that the water truck would need to be repaired and likely replaced in the next few years. Mr. Perrine stated that with the addition of the quad track, he believe the water truck would need to be replaced sooner. Mayor Hamilton voiced concern with not having all of the necessary information to make a decision.

Council Member Hernandez questioned whether a quad track would attract the amount of users as projected by staff, particularly when quad riders could utilize other areas, such as the river bed, for free. He voiced support for approving staff’s recommendation, as stated in No. 2 of the recommendation.
Mayor Pro Tem Felipe Martinez inquired as to the advertising capabilities to generate income at the OHV Park, during which staff clarified that no advertising sales program currently existed at the Park.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the Parks & Leisure M.O. 18-101706 Services Commission, as stated in No. 1 of the recommendation, with funding coming out of budget reserves.

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

Disposition: Motion failed.

M.O. 19-101706 MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the Council defer the construction of the quad track until next year’s budget development. The motion carried unanimously.

Disposition: Staff Recommendation No. 2 approved.

27. THREE YEAR STREET MAINTENANCE AND REHABILITATION PROJECT

Recommendation: That the City Council:
1. Approve the Three Year Street Rehabilitation Program as presented; and
2. Direct the Public Works Director to move forward with design and construction of the projects if Measure R and Proposition 1B pass this November.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez noted a typographical error in the report, noting that “Newcomb Street” should actually be “Indiana Street.”

In response to questions posed by the Council, Mr. Rodriguez clarified that the chip/seal work proposed in the East Side Street Rehabilitation Project would significantly increase the life of the project. Mr. Rodriguez then elaborated on the Main Street Rehabilitation Project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Three Year Street Rehabilitation Program as presented; and direct the Public Works Department to move forward with design and construction of the projects if Measure R and Proposition 1B pass this November. The motion carried unanimously.
28. CONSIDERATION OF ESTABLISHING A STEERING COMMITTEE FOR THE DEVELOPMENT OF A NEW COURT FACILITY IN PORTERVILLE

Recommendation: That the City Council consider establishing an ad hoc Community Coordination Committee to work with the City Council and City staff to achieve a new Courthouse for Porterville.

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

Council Member Pedro Martinez moved that the Council approve the establishment of an ad hoc Community Coordination Committee to work with the City Council and City staff to achieve a new Courthouse for Porterville.

Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member McCracken suggested that the Council agree in principle that the Committee was needed, yet wait until such time as the Council had the opportunity to meet with the EDC, noting that a meeting had already been scheduled for October 26, 2006. A discussion ensued as to whether the Council should proceed that evening.

Council Member Pedro Martinez withdrew his motion.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the concept of the establishment of an ad hoc Community Coordination Committee to work with the City and staff to achieve a new Courthouse for Porterville; and direct staff to discuss the issue with the Economic Development Committee for possible appointment at the Adjourned Meeting set for October 26, 2006. The motion carried unanimously.

Disposition: Approved.

29. APPOINTMENT(S) TO COUNCIL COMMITTEE VACANCIES

Recommendation: That the City Council:
1. Appoint a City Council Member to serve as the City’s alternate representative to the Tulare County Association of Governments/Transportation Planning Agency (“TCAG/TPA”);
2. Appoint a City Council Member to serve as the City’s representative member to the Consolidated Waste Management Authority (“CWMA”); and
3. Appoint a City Council Member to serve on the Hillside Development Ordinance Committee.
City Manager John Longley presented the item and the staff report.

Council Member Pedro Martinez stated that he was currently the alternate on the CWMA, and volunteered to become the member.

Council Member McCracken volunteered to serve as the alternate representative on TCAG.

Council Member Hernandez stated that adjustments could be made to his schedule so as to allow him to serve as the alternate member on the CWMA.

Council Member Hernandez volunteered to serve as the member on the Hillside Development Ordinance Committee.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council appoint: Council Member Pete McCracken to serve as the City’s alternate representative to the Tulare County Association of Governments/Transportation Planning Agency ("TCAG/TPA"); Council Member Pedro Martinez to serve as the City’s representative member and Council Member Eduardo Hernandez to serve as the alternate member to the Consolidated Waste Management Authority ("CWMA"); and Eduardo Hernandez to serve as the second member on the City’s Hillside Development Ordinance Committee. The motion carried unanimously.

Disposition: Members appointed.

30. REQUEST BY COUNCIL MEMBER– DISCUSSION OF REINSTATEMENT OF PLANNING COMMISSION

Recommendation: None

City Manager presented the item.

Council Member Pedro Martinez indicated that he had requested that the item come before the Council for consideration of directing staff to prepare a staff report on the possibility of reinstating the Planning Commission.

The Council concurred that staff time be spent on preparing an Agenda item for the next meeting.

Disposition: Direction given to staff.

City Manager John Longley requested that staff be allowed to combine the presentation of staff reports for Item Nos. 31 and 32, to which the Council agreed.
31. QUARTERLY PORTFOLIO REPORT

Recommendation: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

32. INTERIM FINANCIAL STATUS REPORTS

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.

City Manager John Longley presented the items and Acting Chief Financial Officer Maria Bemis presented the staff reports.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the quarterly Portfolio M.O. 23-101706 Summary in accordance with SB 564 and SB 866; and accept the Interim Financial Status Reports as presented, and delay the implementation of the hiring freeze to April 1, 2007.

Disposition: Item Nos. 31 and 32 approved.

ORAL COMMUNICATIONS
- Greg Shelton, 888 North Williford Drive, congratulated the Council on its decision to allow bikes at the Skate Park; and voiced concern with the Council’s decision on Item 26 to not immediately move forward with construction of Quad Track at OHV Park.
- Dick Eckhoff, 197 North Main Street, thanked the Council for its approval of Item 25; and spoke of Item 26, acknowledging support for the Quad Track, but questioning the estimates provided in the staff report.

OTHER MATTERS
- Council Member Martinez spoke of Item No. 21 and requested that the Council also consider requiring all bikes to have “peg covers.” City Attorney Julia Lew advised that the Council could reopen the Item and take additional action.

21. SKATEBOARD PARK REGULATIONS – ORDINANCE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to add the requirement of M.O. 24-101706 “peg covers” on all bikes to the Skateboard Park Regulations. The motion carried unanimously.

Disposition: Additional direction given.
• Mayor Pro Tem Felipe Martinez requested that staff look into the feasibility of a stop sign at the intersection of Olive Avenue and Prospect Street. The Council concurred. City Manager John Longley confirmed that a memorandum would be provided.

ADJOURNMENT

The Council adjourned at 10:26 p.m. to the meeting of October 20, 2006 at 1:00 p.m. at the Porterville Public Library Community Room.

________________________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

____________________________
Cameron Hamilton, Mayor
SUBJECT: BUDGET ADJUSTMENT

SOURCE: Police Department

COMMENT: The Wal-Mart Stores, Inc. has awarded the City of Porterville Police Department a $1,000 grant, which will be used to purchase crime prevention materials.

RECOMMENDATION: That City Council

1. Authorize staff to accept the grant funds.
2. Authorize a budget adjustment to the Police Department in the amount of $1,000.
SUBJECT: EDISON BILL – INDIANA STREET PROJECT

SOURCE: ADMINISTRATION

COMMENT: The City originally requested and budgeted an 8’ high block wall around the Southern California Edison’s sub-station on Indiana Street. This was done as part of the Indiana Street expansion project.

SCE has asked the City not to install the block wall and also pre-pay an estimated $26,000 bill for their removal and relocation of their electrical grid, which was needed to accommodate the City’s street construction project.

Without the cost of constructing a new block wall, the Edison bill can be paid from the original construction allocation.

RECOMMENDATION: That the City Council:

1- Authorize the payment of the estimated SCE bill of $26,000.
2- Authorize a 10% contingency.
3- Authorize the above expenditures from the Capital Projects Account # 89-9106

ATTACHMENTS: 1- None

Dir. ☑ Funded ☑ C/M ☑ Approp. Item No. 3
SUBJECT: ACCEPTANCE OF PROJECT – SPRAYED POLYURETHANE ROOFING SYSTEMS (CITY HALL ANNEX AND PORTERVILLE COMMUNITY CENTER)

SOURCE: Parks and Leisure Services Department

COMMENT: Universal Coatings has completed the Roofing Project for the City Hall Annex and Porterville Community Center per plans and specifications. The project consisted of removing old roofing and spraying polyurethane roofing on each building.

City Council authorized expenditure of $127,832. Final contract costs are City Hall Annex $57,710, and the Community Center is $76,822. Funding was available from Capital Project Nos. 89-9086-88 and 89-9478-88.

Universal Coatings, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That the City Council:

1. Accept the 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.
STAFF REPORT

SUBJECT:  EL DORADO ESTATES TENTATIVE SUBDIVISION MAP- EXTENSION OF TIME (DEL VALLE HOMES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a one (1) year extension of time for El Dorado Estates Tentative Subdivision Map to allow for the opportunity to keep the map active and fulfill the development requirements. The subject site is generally located on the north side of Olive Avenue east of Granite Hills High School.

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 December 21, 2004, the Porterville City Council, by Resolution 155-2004 (Negative Declaration) and Resolution 156-2004 (findings and conditions), approved the Tentative Subdivision Map for El Dorado Estates. The tentative map proposes the division of a 38.04± acre parcel zoned City R-1 (One-Family Zone) into one hundred and eighty (180) single-family residential lots. Currently, the subdivision is in the plan checking process of the improvement plans. If the proposed one (1) year extension is granted, the map will not expire until December 21, 2007. Any additional time would require another extension of time.

RECOMMENDATION: That the City Council:

(1) Adopt the attached resolution approving a one (1) year extension of time for El Dorado Estates Tentative Subdivision Map.

ATTACHMENT:

1  Tentative Subdivision Map
2  Locator Map
3  Letter requesting Extension of Time
4  City Council Resolution 156-2004 (tentative map approval)
5  Draft Resolution

DD  APPROPRIATED/FUNDED  CM  ITEM NO. 5
"TENTATIVE MAP"

EL DORADO ESTATES

PORTERVILLE, CALIFORNIA
October 17, 2006

City of Porterville
291 N. Main St.
Porterville, CA 93257

Re: Request for Extension
   TM – El Dorado Estates

As per your request we are providing the following information:

1. Applicant's name, address and daytime phone number:
   Del Valle Capital Corporation, Inc. dba Del Valle Homes
   1012 N. 10th St.
   Modesto, CA 95354
   Attention: Mark Elrod
   (209) 550-0700

2. Tentative Map Name of the subject subdivision:
   El Dorado Estates

3. Requested period of extension:
   Twelve (12) months, from and after December 21, 2006.

4. Reasons for seeking extension: Time to complete final map.

5. Description of the efforts made to date to record the final map and the current status of the project: We have had the project under contract to sell to K. Hovnanian company and they were to process through final map. They cancelled their contract to buy the property and forfeited their deposit which means we are now processing the final map.

6. A description of what remains to be done to record the final map and what steps the subdivider proposes to complete the required subdivision improvements: The map can be signed as soon as the improvement plans are through 2nd plan check which is in process now and anticipate completion in 60 days.

7. The filing fee of $316.00 is enclosed.

Please feel free to contact me if you should have questions regarding this request for an extension, or if you require additional information.

Thank you for your consideration.

Respectfully,

Mark Elrod
Del Valle Homes

ATTACHMENT
ITEM NO. 3
RESOLUTION NO. 156-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR EL DORADO ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 38.04± ACRE VACANT SITE LOCATED ON THE SOUTH SIDE OF THE SOUTHERLY PROLONGATION OF TULSA STREET BETWEEN OLIVE AVENUE AND THE EASTERNLY PROLONGATION OF PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 21, 2004, conducted a public hearing to consider approval of El Dorado Estates Tentative Subdivision Map, being a division of a 38.04± acre vacant parcel zoned City R-1 (One-Family Zone) into an 180 lot single family residential subdivision to be developed in one (1) phase; and

WHEREAS: On November 22, 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 December 8, 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 4.73 d.u./acre.

All the interior streets within the proposed subdivision are designed to be 60 feet wide, with the exception of one (1) cul-de-sac street which will be 50 feet wide. Ingress and egress from the north portion of the subject site will be from two (2) different streets intersecting Putnam Avenue which is fully developed to the west of the site and designed as a two way Local Street. Ingress and egress from the south portion of the subject site will be from one (1) street intersecting Olive Avenue a designated Collector Street.
2. That the site is physically suitable for the type and density of the proposed development.

The vacant site has a square shaped design. The south portion of the site fronts on Olive Avenue. The remaining portion of the site extends up a gently sloping hill with an average grade of 6%.

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

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 46 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

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

The General Plan designates the site for Low Density Residential uses. The site has a developed high school located to the west and County rural residential uses to the south. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance 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 El Dorado Tentative Subdivision Map subject to the following conditions:

1. The developer/applicant will be required to relinquish access rights to Olive Avenue for lots 31 through 46.

2. The developer/applicant shall construct a minimum six foot tall concrete block wall and provide landscape along the Olive Avenue frontage of the project. Said area to be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:
   a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.
   b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:
      (1) A minimum of a 24 inch change of plane.
      (2) A minimum of an 18 inch change in height.
      (3) A section of semi-open fence, except where such a feature would interfere with required sound protection.
      (4) A change of material and/or color.

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

4. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential development 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.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

5. The required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designed, Lots 64, 111, 146 and 152 are reverse corner lots.
6. 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.


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

9. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on 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).

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

11. 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.

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

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

b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

c. Soils Reports in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of Vested Tentative Subdivision Map. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

14. 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.

15. 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 prior to recording the final map for each phase.

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

17. 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 coordinate this effort with the irrigation district and City of Porterville. The district shall specify appropriate size and material of piping and shall be in accordance with current City Standards and policies.
18. 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.).

19. 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.

20. 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.).

21. 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.

22. 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.

23. 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.

24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. The developer/applicant shall install pipeline in Olive Avenue from the easterly boundary of the proposed development to the point of connection at the easterly boundary of the Granite Hills High School property. Pipe sizing shall be in accordance the City’s adopted Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. The County Reservoir designated as Drainage Reservoir No. 26 in the City’s adopted Master Plan will require coordination between the developer, County of Tulare, and City of Porterville. The developer/applicant shall provide all calculations necessary to satisfy the County and the City on the enlargement of this reservoir.

25. 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.
26. The street names on the final map shall be changed to the following:
   - Oak Avenue to Garden Avenue
   - "G Street to Oak Avenue
   - Page Street to Tulsa Street
   - Alta Vista Street to Rocky Hill Street
   - Baxter Street changed to a name provided by the developer/applicant and approved by the City Engineer.

27. 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.

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

29. Cul-de-sacs shall be limited to a maximum of 600 feet. The grade must not exceed 12%. The grade at any fire hydrant must not exceed 7%.

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

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

32. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision. Nearest point of connection for this proposed subdivision is Olive Avenue at the easterly boundary of Granite Hills High School.

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

34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
35. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

36. The developer/applicant is hereby notified that proposed subdivision, in accordance with the Water Master Plan, lies within two water system pressure zones. Most of the development is below contour 580, which is within Rocky Hill Zone 1. This zone is currently being supplied by a booster pump system that provides 1,750 g.p.m. and has the capability of expansion. There are no lots above the 580 contour, Rocky Hill Zone 2.

37. 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.

38. Prior to the approval of grading plans, improvement plans, final map, or building permits on the subject site, the developer/applicant shall secure the appropriate F.E.M.A. map revisions to designate a Base Flood Elevation, or to remove the subject site from the 100 year Flood Zone.

39. 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.

40. Fire hydrants for the development shall be placed as required per the Fire Department.

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

42. 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.

43. All dead-ends access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

44. Project must meet minimum fire flow requirements per table in appendix III-A California Fire Code.
45. 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.

46. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Patrice Hildreth, Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of December, 2004.

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

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<th>HAMILTON</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, 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 ONE (1) YEAR EXTENSION OF TIME FOR EL DORADO ESTATES TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE NORTH SIDE OF OLIVE AVENUE EAST OF GRANITE HILLS HIGH SCHOOL.

WHEREAS: The Porterville City Council at its regularly scheduled meeting of November 21, 2006, considered a one (1) year extension of time request for El Dorado Estates Tentative Subdivision Map, generally located on the south side of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the California Subdivision Map Act.
2. That the site is physically suitable for the type and density of the proposed development.

The vacant site has a square shaped design. The south portion of the site fronts on Olive Avenue. The remaining portion of the site extends up a gently sloping hill with an average grade of 6%.

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

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 6 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

The General Plan designates the site for Low Density Residential uses. The site has a developed high school located to the west and County rural residential uses to the south. Conditions of approval are included to ensure adequate development standards are met.
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.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a one (1) year extension of time for El Dorado Estates Tentative Subdivision Map and that the conditions specified in City Council Resolutions 156-2004 and 155-2004 shall remain in full force and effect. Said extension of time shall commence on December 21, 2006, and shall expire on December 21, 2007.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
TITLE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY - ADEL JOUDI – EXPRESS MART AND GAS -1060 W. OLIVE AVENUE

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: Mr. Adel Joudi, owner of the Express Mart and Gas located at 1060 West Olive Avenue, is requesting City Council approval of a Letter of Public Convenience or Necessity as required by the Alcoholic Beverage Control Board (ABC). Express Mart and Gas is in the process of applying for a Type 21 (Off-Sale General). This authorizes the sale of all types of alcoholic beverages; beer, wine and distilled spirits, for consumption off the premises in original, sealed containers.

On July 1, 1997 the Porterville City Council, after approving the Conditional Use Permit for the service station, authorized a Letter of Public Convenience or Necessity for a Type 20 (Off-Sale Beer & Wine sales) from this location. The location has closed a number of times over the years and recently reopened and made traffic circulation improvements on Olive Avenue.

Pursuant to Section 2100 D of the Porterville Zoning Ordinance, the proposed off-sale of liquor for the subject site is not located within 600 linear feet of the nearest property line of any sensitive use as defined in this section, and therefore, does not require a conditional use permit.

Under the regulations of the Business and Professions Code, applicants for off-sale alcoholic beverage licenses must secure a determination from the City Council that the business serves a public convenience or necessity, if the issuance of the license would result in, or contribute to, an “undue concentration” of licenses within a census tract.

The determination “undue concentration” is based on the average ratio of licenses to population for all census tracts in the county. As many census tracts are primarily residential, with no licenses, the comparison causes most commercial areas to be defined as over concentrated.

The proposed location at Express Mart and Gas is within Census Tract No. 36.02 which currently has fourteen (14) off-sale licenses. Based on the Census Tract 36.02 population to license ratios, established by the Business and Professions Code, any license in excess of six (6) constitutes an “undue concentration” and requires a Letter of Public Convenience or Necessity from the City Council.
There are two census tracts in the general area and west of Highway 65; Census Tract 36.01, which is west of Census Tract 36.02, has two (2) off-sale licenses, one located along the north side of Olive Avenue and another located on Morton. Census Tract 38.01, which is east of Highway 65, has three (3) off-sale licenses located along the north side of Olive Avenue.

Taking into account the orientation of the business to major arterial with full access, convenience to surrounding residences, the fact that beer & wine sales are currently allowed, and the history of the location closing because of economic reasons, staff believes that allowing additional distilled spirits to its existing license would be a safer alternative location for pedestrian traffic and the increased sales would contribute to this location remaining a productive and viable business.

RECOMMENDATION: It is recommended that the City Council approve a letter of public convenience or necessity (draft included as Attachment No. 5) supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 36.01 for the Express Mart and Gas, located at 1060 West Olive Avenue.

ATTACHMENTS:

1. Letter of Request for City Council approval of Letter of Convenience and Necessity
2. Locator Map
3. Census Tract 36.01 Map
4. Business and Professional Code Section 23958
5. Draft Letter
November 8, 2006

City Of Porterville
291 North Main
Porterville, CA. 93257

Re. Public Convenience or Necessity for Express Mart & Gas

In compliance with Section 23958.4 of the California Business and Professions Code, Please consider the following information in support of a finding of public convenience or necessity for the above reference location.

Express Mart will provide customers with an assortment of merchandise as well as very convenient operating hours. Alcoholic beverages sold by this location are for home consumption and are approximately 5-10% of the total sales for this particular business.

Express Mart is located on the North side of Olive Avenue. There are several blocks of residences also located on the north side of Olive Avenue. Being located on the north side allows patrons to walk to the store without the need to cross the busy four-lane thoroughfare. We feel this is a very important safety factor for the location of this convenience store. The closest convenience store located on the north side of Olive Avenue is approximately one half mile in either direction.

In addition, this business is in need of such a license to enable it to be competitive with the surrounding businesses as it would be the only one in this area of town without a liquor license.

Thank you for your consideration and assistance in this matter.

Sincerely
Adel Joudi

[Signature]
23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winemaking license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.
(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:
   (A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).
   (B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises to premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be determined by the most recent yearly retail license count published by the department in its Procedure Manual.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued prior to April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.
November 22, 2006

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

Attention: Vicky Bearfield

RE: Express Mart and Gas - 1060 West Olive Avenue

Dear Ms. Bearfield:

The City Council of the City of Porterville has voted to approve submittal of this letter regarding the public convenience and necessity to be served through issuance of a Type 21 off-sale of beer, wine and distilled spirits license for Express Mart and Gas located at 1060 West Olive Avenue.

The proposed establishment of an off-sale license allowing beer, wine and hard-liquor sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the service station are to be in small quantities in conjunction with the purchase of food and other supplies. Furthermore, there are several blocks of residences also located on the north side of West Olive Avenue. Being located on the north side allows patrons to walk to the store without the need to cross the busy four lane thoroughfare.

For these reasons, the City Council of the City of Porterville supports the issuance of the off-sale license for beer, wine and distilled spirits sales only for Express Mart and Gas located at 1060 West Olive Avenue.

Sincerely,

Cameron J. Hamilton
Mayor

BF:kp
SUBJECT: REQUEST FOR ONE (1) TEMPORARY TRAILER TO BE UTILIZED AS A SALES OFFICE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Smee Builders is requesting the temporary use of a 10'x44' trailer to be utilized as a sales office on Lot 1 of Summit Estates Subdivision located on the northwest corner of Mathew Street and proposed Orange Avenue. The subject site is in the R-1 (One Family Residential) Zone.

The request indicates the use of the temporary trailer for a sales office until the model homes are under construction and completed. At that time, the temporary trailer will be utilized as a construction office and no further need for a temporary use permit or extension of time would be required for the temporary use.

Section 7-3.3 of the City Code empowers the City Council to conditionally approve temporary structures. Section 7-3.3 also provides the City Council the discretion to determine the type and location of the structure, period of time that the structure will be allowed, and other conditions deemed pertinent by the City Council.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution and conditions of approval for the temporary trailer for a six (6) month period of time expiring on May 21, 2006.

ATTACHMENTS:

1. Locator Map, construction plan and elevation plan
2. Letter of request
3. Draft Resolution
October 23, 2006

City of Porterville

We hereby request a Conditional Use Permit for a Temporary Sales Office Trailer on Lot # 1 at Summit Estates Unit # 1.

The Trailer will be converted to a Construction Office upon completion of our Model Homes.

Sincerely,

Gary M. Smee
Smee Builders, Inc.
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING ONE (1) TEMPORARY
TRAILER FOR SMEE BUILDERS TO BE UTILIZED AS A SALES OFFICE TO BE
LOCATED ON LOT 1 OF SUMMIT ESTATES SUBDIVISION LOCATED ON
NORTHWEST CORNER OF MATHEW STREET AND PROPOSED ORANGE AVENUE

WHEREAS: The Porterville City Council, on November 21, 2006, conducted a public
meeting to consider a request to place one (1) temporary trailer on Lot 1 of Summit Estates
Subdivision located at the northwest corner of Mathew Street and proposed Orange Avenue; and

WHEREAS: The proposed temporary 10' x 44' trailer is intended to be utilized for sales
office until model homes can be built and at that time, the trailer will be utilized as a construction
office and no further need for a temporary use permit or extension of time would be required for the
temporary use; and

WHEREAS: That the temporary modular structure shall be allowed for a six (6) month
period of time expiring on May 21, 2006. Any additional time after this date would require an
extension of time to be granted by the City Council; and

WHEREAS: Chapter 7, Section 7-3.3 of the City Code empowers the City Council to
approve temporary structures in conjunction with residential, commercial or industrial development
or in times of stress or emergency; and

WHEREAS: The City Council has thoroughly reviewed and examined the request for the
temporary structure.

NOW, THEREFORE, BE IT RESOLVED: By the City Council of the City of Porterville that
the request for the temporary trailer to be utilized for a sales office, located on Lot 1 of Summit
Estates Subdivision is approved subject to the following conditions:

1. That the temporary modular structure shall be allowed for a six (6) month period of
time expiring on May 21, 2006. Any additional time after this date would require an
extension of time to be granted by the City Council

2. Compliance with access laws (both State and Federal) is required.

3. Compliance with all applicable codes is required.
5. The modular office unit must be listed and approved by the State of California.

6. Signs require a separate permit.

7. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
  Georgia Hawley, Chief Deputy City Clerk
SUBJECT: PROPOSED REORGANIZATION INCLUDING A CHANGE IN THE TABLE OF ORGANIZATION WITHIN PUBLIC WORKS DEPARTMENT

SOURCE: Administrative Services

COMMENT: The Public Works Department has proposed a Reorganization in the Engineering Division of the Department, and a change in the Table of Organization within the Field Services Division of the Department.

The Public Works Department proposes to create an Assistant Engineer (Limited Term) position within the Engineering Division. The Limited Term nature of the position would be stipulated and contingent upon the City's current and expected grant-funding in both Public Works and Parks & Leisure Services Departments. The addition of this position would provide for the capacity of a manager of several projects that the City has not yet attended to yet has received funding for, including the Rails to Trails project.

The Field Services Division has proposed a change in the table of organization in the Streets Section. For the past several years, a single position of Field Services Supervisor has overseen the Refuse, Streets, and Traffic Sections. The Field Services Supervisor (Streets) position has been unallocated and essentially been under-filled with Field Services Worker III positions, however, the Supervisor position has been budgeted for in the 2006/2007 budget. Currently, there are two (2) Field Services Worker III allocated positions within the Streets Section, and it is proposed to allocate the Field Services Supervisor (Streets) position then conduct a Closed/ Promotional recruitment within the City to staff this position (similar process being utilized in the recruitments of Leisure Services Superintendent and Shop Superintendent). Once the Supervisor position is staffed, then one (1) of the Field Services Worker III positions would be unallocated and unstaffed.

To effect this change, the enclosed draft Resolution has been prepared for the Council's consideration.
RECOMMENDATION: That the City Council adopt the attached draft Resolution authorizing the Reorganization in the Engineering Division and a change in the Table of Organization in the Streets Section of the Field Services Division.

ATTACHMENT: Draft Resolution
RESOLUTION NO. ______ - 2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROVIDING FOR THE REORGANIZATION AND CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE PUBLIC WORKS DEPARTMENT

Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Public Works Department, effective November 21, 2006; and

Whereas, the reorganization and change in staffing allocations of City departments is periodically beneficial to enhance the economy and efficiency of City operations; and

Whereas, the City Manager has considered the current organization and staffing levels of the Public Works Department, and in consultation with the Department Director has defined an organizational structure that will enhance organizational integration and effectiveness; and

Whereas, this structure has been recommended to the City Council for consideration and adoption to be implemented.

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

Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the addition of one Limited Term Assistant Engineer; and to reflect the addition of one Field Services Supervisor (Streets Section) and decrease the number of Field Services Worker III positions by one, i.e., from seven to six positions, in the Field Services Division.

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

______________________________
Cameron Hamilton, Mayor

Attest:

______________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: STATE HOMELAND SECURITY GRANT

SOURCE: FIRE DEPARTMENT

COMMENT: The County of Tulare is charged with coordinating the Fiscal Year 2005 State Homeland Security Grant. Under the grant guidelines, the program has additional funds, which can be used by the City of Porterville. The City of Porterville has been allocated $22,600 for the purchase of communications equipment in the form of mobile and portable radios, as well as firefighting equipment.

Under the terms of the grant program, the Fire Department will purchase the items and submit the receipts for reimbursement. The State funds have been allocated and reimbursement does not appear to be an issue.

To expedite the process and achieve a December 2006 grant deadline, staff is requesting permission to purchase the equipment under the negotiated bid process. This methodology will achieve the best and most timely results.

RECOMMENDATION: That the City Council:

1) Authorize staff to purchase the equipment under the negotiated bid process.

2) Authorize staff to do a budget adjustment in the amount of $22,600 to the Fire Department’s operating budget.

ATTACHMENT: List of proposed purchase items.
<table>
<thead>
<tr>
<th>Item</th>
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<th>Vendor</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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<td>Mobile Radios</td>
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<td></td>
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<td><strong>$22,600.00</strong></td>
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</table>
SUBJECT: ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2006

SOURCE: FIRE DEPARTMENT

COMMENT:
On April 18, 2006, Council authorized staff to apply for and accept a grant under the Federal Emergency Management Administration’s Assistance to Firefighters grant program. The City’s application was approved and we have been awarded a grant for $46,854 which is 90% of the total $52,060 program costs. These funds are dedicated to purchase communications infrastructure equipment in the form of a radio repeater and base station radios. Because this equipment is extremely technical and highly specialized, the Department is requesting permission to purchase the equipment under the negotiated bid process.

RECOMMENDATION: That the City Council:

1) Authorize staff to purchase the equipment under the negotiated bid process.

2) Authorize staff to do a budget adjustment in the amount of $46,854 to the Fire Department’s operating budget.

ATTACHMENT: None
CITY COUNCIL AGENDA: NOVEMBER 21, 2006

SUBJECT: TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

SOURCE: Administration

COMMENT: On November 9, 2006, the Transactions and Use Tax Oversight Committee had their second meeting in compliance with City Council Resolution No. 24-2006.

At the November 9 meeting, the Committee reviewed the available budgetary documents regarding Measure H Funding, and the group concurred on the finding that the City was spending Measure H funds as allowed by the ballot measure.

ATTACHMENT: Letter from Gregory Gillett, Chairperson Measure H Committee.
SUBJECT: VOLUNTARY DONATION OF PAID LEAVE PROGRAM FOR FIRE SERIES EMPLOYEES

SOURCE: Administrative Services

COMMENT: A catastrophic event recently occurred affecting the personal health of one of the City's newest firefighters for a temporary period of time (approximately six weeks). According to the City's Pay and Benefit Plan, an employee may not access their accrued Sick Leave while serving their initial six months of City service, which would result in this individual being without pay during most of their recovery to health. It is an interest of both the City and the Porterville City Firefighters' Association (PCFA) to permit Fire Series Employees in this particular and single circumstance to voluntarily donate accrued vacation and compensatory time to this individual so that he is not financially disadvantaged.

Under the Meyers-Millas-Brown Act, changes in conditions of employment, i.e., leaves of absence, requires Administration to Meet and Confer with the Recognized Employee Organization representing Fire Series Employees before the leave donation program can be implemented. Administration met with representatives of the PCFA on November 15, 2006, and reached concurrence on the details for implementation of a Voluntary Donation of Paid Leave program.

RECOMMENDATION: That the City Council ratify the attached Memorandum of Understanding to create a Voluntary Donation of Paid Leave program.

ATTACHMENT: Memorandum of Understanding

[Signatures] Appropriated/Funded C/M Item No. 12
November 15, 2006

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF PORTERVILLE

AND

PORTERVILLE CITY FIREFIGHTERS' ASSOCIATION

Pursuant to the provisions of Section 3500, et. seq., of the Government Code,

Representatives of the City of Porterville have met and conferred with representatives of

the Porterville City Firefighters’ Association (P.C.F.A.) and have reached concurrence on

the following item:

I. VOLUNTARY DONATION OF PAID LEAVE.

Fire Series Employees may voluntarily donate their accrued vacation or compensatory time on an hourly basis to another employee who is experiencing a catastrophic event and has exhausted all leave balances. In no circumstance shall the vacation leave of the employee who is donating the leave incur a negative balance.

The purpose of this Memorandum and the concurrence of the parties is to address a particular event and special circumstance. This Memorandum is understood by the parties to not set precedence and is non-binding on the parties beyond this event and circumstance.
FOR THE CITY OF PORTERVILLE:

S. Frank Guyton
Deputy City Manager

John Lollis
Administrative Services Manager

Mario Garcia
Chief of Fire Operations

FOR THE PORTERVILLE CITY FIREFIGHTERS' ASSOCIATION:

Larry Newby, Vice President

Rick Land, Treasurer

Shannon Skiles, Secretary
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 7-99 MODIFICATION NO. 1 (LANDMARK CHRISTIAN CENTER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: The northeast corner of Olive Avenue and Westwood Street.

SPECIFIC REQUEST: The applicant is requesting approval of a modification to Conditional Use Permit 7-99, to allow for an additional 5,400± square foot church accessory building, a future 4,500± square foot church accessory building and four (4) four-plexes and one (1) triplex hotel/motel apartment units in the C-2 (Central Commercial) Zone.

HISTORY: On November 16, 1999, the Porterville City Council approved a Negative Declaration (Resolution 128-99) and a resolution for Conditional Use Permit 7-99 (Resolution 129-99) containing findings and conditions to allow for the construction of the existing church. The original site plan indicated that the church facility would include a sanctuary with a seating capacity for no more than 600 people, and two (2) modular units for classrooms and office space. Additionally, as part of the approval, Phase 2 would consist of conversion of the existing sanctuary into classrooms and office space, and construction of a new sanctuary with a capacity for no more than 600 people, and removal of the modular units, and approval of Phase 3, (consisting of 0.30± acres) located at the northwest corner of the entire 6.02± acre site which would allow for a future 3,600± square foot office and recording studio for the church.

In conjunction with Conditional Use Permit 7-99, the Porterville Parcel Map Committee on November 17, 1999, approved Tentative Parcel Map 4-99 by Resolution 391 which allowed for the following: Parcel 1 – 2.50± acres (existing church and parking area); Parcel 1A – 0.30± acres (existing 3,600± square foot office and recording studio for financing purposes only); Parcel 2 – 2.20± acres (area for the proposed church accessory building and future proposed accessory building); Parcel 3 – 1.02± acres for the future proposed hotel/motel apartment units.

PROJECT DETAILS: The proposed 5,400± square foot church accessory building and the future 4,500± square foot church accessory building will be located generally at the northeast corner of the subject site (Parcel 2). Since the proposed accessory building will encroach across the west lot line of Parcel 2 into a portion of Parcel 1, a lot line adjustment will be required prior to construction of the proposed accessory building.
The proposed accessory building will have a covered entrance on the south side of the building. The walls of the building will be constructed with 8” shiplap siding with a “Dove Gray” color. The roof will be constructed of 26 gauge metal “Ash Gray” in color. The fascia boards, door and window trim will be white in color. The proposed new construction will match the existing church and church accessory building.

The applicant has indicated that the future development of four (4) four-plexes and one (1) triplex (19 units total) located on Parcel 3 as shown on the proposed site plan will provide an opportunity for renting or leasing to Senior Citizens. Under the current provisions of the Zoning Ordinance, multiple-family residential units are not allowed in the Central Commercial (C-2) Zone. The only provision for multiple units is through the approval of a conditional use permit for a Hotel/Motel/Apartment Hotel Pursuant to Section 801.5 A-11. While this provision exists, the applicant has not provided adequate information on the residential development to approve the residential component of their proposal with this conditional use permit. As such the applicant will need to submit the requisite information for approval at a later date. It is Staff’s position that this component of the proposed development would be better suited for residential land use designation and an R-2 Zone classification with approval of a conditional use permit for more than four (4) units in the R-2 Zone. Under this alternative scenario, the residential units could still be owned and managed by the church.

In anticipation of this, Staff will identify this site for Medium Density Residential land use designation in the draft General Plan. Upon final approval of the General Plan, the applicant would submit for a zone change and a conditional use permit when more specifics are known for the residential component of their plans.

The proposed 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 additional church accessory building and future proposed church accessory building and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations are in keeping with the scope and character of the originally approved conditional use permit.
RECOMMENDATION: That the City Council:

1. Revise the plans to omit the layout of residential units on the east end of the site.

2. Adopt the draft resolution approving the modification to Conditional Use Permit 7-99 subject to conditions of approval.

ATTACHMENTS:

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

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 7-99 MODIFICATION NO. 1 (LANDMARK CHRISTIAN CENTER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Paulette Blaylock
2380 W. Olive Ave.
Porterville, CA 93257

PROJECT LOCATION: The northeast corner of Olive Avenue and Westwood Street in the in the C-2 (Central Commercial) Zone.

SPECIFIC REQUEST: The applicant is requesting approval for a modification to Conditional Use Permit 7-99, to allow for an additional 5,400 square foot church accessory building, a future 4,500 square foot church accessory building and four (4) four-plexes and one (1) triplex hotel/motel apartment units in the C-2 (Central Commercial) Zone.

HISTORY: On November 16, 1999, the Porterville City Council approved a Negative Declaration (Resolution 128-99) and a resolution for Conditional Use Permit 7-99 (Resolution 129-99) containing findings and conditions to allow for the construction of the existing church. The original site plan indicated that the church facility would include a sanctuary with a seating capacity for no more than 600 people, and two (2) modular units for classrooms and office space. Additionally, as part of the approval, Phase 2 would consist of conversion of the existing sanctuary into classrooms and office space, and construction of a new sanctuary with a capacity for no more than 600 people, and removal of the modular units, and approval of Phase 3, (consisting of 0.30± acres) located at the northwest corner of the entire 6.02± acre site which would allow for a future 3,600± square foot office and recording studio to be utilized by the church.

In conjunction with Conditional Use Permit 7-99, the Porterville Parcel Map Committee on November 17, 1999, approved Tentative Parcel Map 4-99 by Resolution 391 which allowed for the following: Parcel 1 – 2.50± acres (existing church and parking area); Parcel 1A – 0.30± acres (existing 3,600± square foot office and recording studio for financing purposes only); Parcel 2 – 2.20± acres (area for the proposed church accessory building and future proposed accessory building); Parcel 3 – 1.02± acres for the future proposed hotel/motel apartment units.
PROJECT DETAILS: The proposed 5,400± square foot church accessory building and the future 4,500± square foot church accessory building will be located generally at the northeast corner of the subject site (Parcel 2). Since the proposed accessory building will encroach across the west lot line of Parcel 2 into a portion of Parcel 1, a lot line adjustment will be required prior to construction of the of the proposed accessory building.

The proposed accessory building will have a covered entrance on the south side of the building. The walls of the building will be constructed with 8” shiplap siding with a “Dove Gray” color. The roof will be constructed of 26 gauge metal “Ash Gray” in color. The fascia boards, door and window trim will be white in color. The proposed new construction will match the existing church and church accessory building.

The applicant has indicated that the future development of four (4) four-plexes and one (1) triplex (19 units total) located on Parcel 3 as shown on the proposed site plan will provide an opportunity for renting or leasing to Senior Citizens. Under the current provisions of the Zoning Ordinance, multiple-family residential units are not allowed in the Central Commercial (C-2) Zone. The only provision for multiple units is through the approval of a conditional use permit for a Hotel/Motel/Apartment Hotel Pursuant to Section 801.5 A-11. While this provision exists, the applicant has not provided adequate information on the residential development to approve the residential component of their proposal with this conditional use permit. As such the applicant will need to submit the requisite information for approval at a later date. It is Staffs’ position that this component of the proposed development would be better suited for residential land use designation and an R-2 Zone classification with approval of a conditional use permit for more than four (4) units in the R-2 Zone. Under this alternative scenario, the residential units could still be owned and managed by the church.

GENERAL PLAN DESIGNATION: General Commercial

SUBJECT SITE ZONING: Existing - City C-2 (Central Commercial) Zone

SURROUNDING LAND USES:

North: City – Developed single-family residential subdivision.
South: City – Olive Avenue, tire shop and mobile home park.
East: City – Single-family residential subdivision.
West: County - Mini-mart and single-family residential dwellings.

STAFF ANALYSIS: Staff has evaluated the proposed modification to the conditional use permit to facilitate the construction of the additional church accessory building and future proposed church accessory building and has found that it complies with the pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations are in keeping with the scope and character of the originally approved conditional use permit.
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: August 30, 2006

DATE ACCEPTED AS COMPLETE: September 25, 2006

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the modification to Conditional Use Permit 7-99.

ATTACHMENTS:

1. Zoning, Land Use and General Plan designation map
2. Original approved site plan
3. Proposed new site plan
4. Conditional Use Permit application
5. Layout of existing parcels
6. Negative Declaration
7. City Council Resolution 129-99 approving CUP 7-99
8. Categorical exemption
9. Draft Resolution approving the modification to Conditional Use Permit 7-99 to include the elevation plans and floor 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: LANDMARK CHRISTIAN CENTER

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
PAUL Lete BLAYLOCK 559-789-2847
2380. W. OLIVE DR. PORTERVILLE, CA. 93257

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
CITA DEVELOPMENT, INC / BOBBEN 661-631-9541
1201 24th ST. STE. B. 210, BAK. CA. 93301

PROJECT ADDRESS AND NEAREST CROSS STREETS:
2380. W. OLIVE DR. @ NORTH EAST CORNER OF WESTWOOD.

The applicant requests a Conditional Use Permit to use the above described property for the following purposes: CONTINUED CHURCH USE. SEE (BSR 51-2006) FOR PROPOSED U.P. MOD. OF 7-1999.

Date of most recent sale of property: 1997

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

List below the original deed restrictions pertaining to the type of improvements permitted.
EXIST. EASEMENT FOR STORMRAIN PER MAP OF SIERRA UPLANDS ESTATE NO. 2 12M 31/01.

Date said restrictions expire: N/A

(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 list 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. THIS IS A MODIFICATION OF EXIST. CHURCH USE AND FUTURE RESIDENTIAL. BOTH USE ARE ON SITE OR ADJACENT TO SITE, MAKING PROPOSAL CONSISTENT WITH EXIST. ZONES.

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). PROPOSED ACCESSORY BUILDING CAN ACCOMODATE A MAX. OF 196 OCCUPANTS.

(b) Total number of employees that will work on the property. NO MORE THAN (10) TEN.

(c) Total number of off-street parking spaces provided or planned. THERE EXISTS (185) STALLS. FUTURE PLANS OF ADDING (87) MORE IN FUTURE PHASES. CURRENT REQUIRED SPACES ARE (181).

(d) Maximum height of buildings or structures. MAX. HT. OF ALL EXIST. OR FUTURE STRUCTURES IS 30' TO FRIESE.

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested. PERMANENT.
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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<th>No. on Map</th>
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<th>APN</th>
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**OWNER'S DECLARATION**

**STATE OF CALIFORNIA**  
**COUNTY OF TULARE**

I, _Paula Blaylock_, 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

Porterville this _10th_ day of October, 2006

Telephone (559) 783-8960  Signed

Mailing Address 1889 S. Rose St., 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 _10/16/06_  Date.

By _Vickie Schultz_

Receipt No. _3_
NEGATIVE DECLARATION

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

PROJECT TITLE: Tentative Parcel Map 4-99 and Conditional Use Permit 7-99

ADDRESS/LOCATION: Northeast corner of Westwood Street and West Olive Avenue

PROJECT APPLICANT: Landmark Christian Center

PROJECT DESCRIPTION: Tentative Parcel Map to create four Central Commercial lots consisting of:
Parcel 1: 3.30 ± acres, Parcel 2: 2.60 ± acres, Parcel 3: 2.20 ± acres, Parcel 4: 1.02 ± acres, and a Conditional Use Permit to allow the construction of a church to be constructed on proposed Parcel 2 of the aforementioned parcel map in two phases, as follows: Phase 1 - construct an 11,500 sq. ft. sanctuary and install two mobile units (980 sq. ft. each); Phase 2 - convert the sanctuary to classrooms/offices, and remove the modular buildings, and construct an 11,500 ± sq. ft. sanctuary.

CONTACT PERSON: Michael R. Unser (559) 782-7460

Per Resolution No. 8956, 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 not made a condition of the approval of the project.

On October 6, 1999, the Environmental Review Committee 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: October 6, 1999

Approved: Michael R. Unser, Environmental Review Committee

[Signature]

Engineering (559) 782-7452
Planning (559) 782-7460
Building (559) 782-7480
Field Services (559) 782-7514
Redevelopment (559) 782-7460

ATTACHMENT
ITEM NO. 6
RESOLUTION NO. 129-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
CONDITIONAL USE PERMIT 7-99 TO ALLOW THE CONSTRUCTION OF A NEW
CHURCH FACILITY TO BE LOCATED ON THE NORTHEAST CORNER OF WESTWOOD
STREET AND WEST OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of November 16, 1999, conducted a public hearing to consider Conditional Use Permit 7-99, being
a request to allow the construction of a new church facility (in two phases), and an office and
recording studio (in the third phase) to be located on the northeast corner of Westwood Street and
West Olive Avenue; and

WHEREAS: The City Council made the following findings with respect to the subject
project:

1. That the proposed project is consistent with the site’s General Plan land use
designation and zoning.

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

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

4. That a Negative Declaration was prepared for this project indicating that such will
not have a significant effect on the environment.

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.

6. That the standards of population density, site area dimensions, site coverage, yard
spaces, height of structures, distance between structures, off-street parking facilities,
and landscaped areas will produce an environment of stable and desirable character
consistent with the objectives of the Zoning Ordinance.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 7-99, subject to the following conditions:


2. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that he/she has the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020 (a).

3. That the developer/applicant shall follow Chapter 70 of the Uniform Building Code including provision of a grading and drainage plan and storage calculations signed by a licensed civil engineer. The developer/applicant shall follow City Retaining Wall Standards at lot lines adopted by the City Council on January 3, 1989.

4. The developer/applicant shall construct and/or repair any half street, curb, gutter, sidewalk, etc., along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ordinance No. 1306).

5. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306).

6. The developer/applicant is hereby notified that reimbursement for Master Plan improvements 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.

7. The developer/applicant shall dedicate right of way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s).

8. The developer/applicant shall provide street lights on Marbelite poles along the Westwood Street frontage, following Southern California Edison Company specifications, as approved by the City Engineer. The use of wood poles will require prior written approval by the City Engineer.
9. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing and grading or issuance of the building permit, whichever comes first.

10. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 of the Zoning Ordinance.

11. The developer/applicant shall install a refuse container enclosure according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The location of the enclosure shall be approved by the Field Services Division.

12. 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.

13. The developer/applicant shall relocate the truck route sign to a position behind the sidewalk on Olive Avenue in conjunction with sidewalk construction.

14. The developer/applicant shall pay a street light fee for the Olive Avenue frontage only.

15. City policy allows for partial payment of development fees for a property if development is phased with only a portion of the site affected by initial development.

16. All off-site water, sewer and/or storm drain pipe laterals to be installed in Olive Avenue must be installed prior to completion of the City’s currently underway Olive Avenue Street Improvement Project.

17. A ten (10) foot wide sidewalk is required along the site’s Olive Avenue frontage by City Ordinance. A six (6) foot wide sidewalk is permissible along the Westwood Street frontage.

18. The developer/applicant shall comply with all applicable 1997 Uniform Codes.

19. That one (1) parking space per every five (5) seats in the main sanctuary shall be provided on site.
20. That two (2) sets of detailed landscape plans shall be submitted at the time of building permit submittal. Said plans shall be in conformance with the City Water Efficient Landscape Ordinance (Ordinance No. 1483).

21. That a five (5) foot wide landscape strip must be provided where the parking lot abuts public streets.

22. That a minimum of 5% of interior landscaping area of the parking lot must be landscaped.

23. That two (2) sets of plans, structural calculations, and energy calculations signed by an architect or engineer is required at building permit submittal.

24. That design and construction will be in compliance with the latest City adopted uniform codes.

25. That design and construction will be in compliance with all applicable state and federal access laws.

26. That payment of Plan Check Fees will be required at the time of building permit submittal.

27. That the sanctuary building must be designed and constructed as a Type V-1 hour structure or provide the building with a fire protection sprinkler system.

28. That fire hydrants serving the property must provide a minimum fire flow of 2000 gpm. Any future buildings, will increase the 2000 gpm requirement unless buildings are sprinkled.

29. Installation of an "EVAC" fire alarm system is required within the proposed sanctuary building.

30. On-site fire hydrants and hydrant water service lines will require recording of a maintenance access easement in favor of the City of Porterville prior to issuance for an occupancy permit for the sanctuary building.

31. That the two proposed signs as shown on the plans will require a separate building permit.

32. That maximum allowable height (above finished grade) of the structure shall not exceed 50 feet.
33. Prior to issuance of a building permit, the developer/applicant shall enter into an agreement that provides for completion of improvements within six months.

34. That the two (2) modular units will be mounted or anchored to an acceptable foundation system to be approved by the Building Division.

35. That construction of any facilities or buildings on the site shall conform substantially to the applicant's precise plot plans as approved, and incorporated herein by this reference as Exhibit "A".

ATTEST:

Virginia R. Gurrola, Mayor

C. G. Huffaker, City Clerk
STATE OF CALIFORNIA

COUNTY OF TULARE

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 16th day of November, 1999.

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

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<th>WILSON</th>
<th>LEAVITT</th>
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C. G. HUFFAKER, City Clerk

By: Georgia Hawley, Deputy City Clerk
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

Pastor Paulette Blaylock
Landmark Christian Center
2380 W. Olive Avenue
Porterville, CA 93257

Conditional Use Permit 7-99 Modification No. 1
Project Title

2380 West Olive Avenue
Project Location (Specific)

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

Modification to an existing Conditional Use Permit to allow for an additional 5,400± square foot church accessory building and a future 4,500± square foot church accessory building in the C-2 (Central Commercial) Zone.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Pastor Paulette Blaylock, Landmark Christian Center, 2380 West Olive Avenue, Porterville, CA 93257
Person or Agency Carrying Out Project

Exempt Status: (Check One)

X 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/NoticeExemptCUP7-99Mod#1
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 7-99 MODIFICATION NO. 1 TO MODIFY THE ORIGINALLY APPROVED PLANS FOR THE LANDMARK CHRISTIAN CENTER LOCATED AT THE NORTHEAST CORNER OF OLIVE AVENUE AND WESTWOOD STREET IN THE C-2 (CENTRAL COMMERCIAL) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 21, 2006, conducted a public hearing to consider Conditional Use Permit 7-99 Modification No. 1 to modify the originally approved site plan for the Landmark Christian Center located at the northeast corner of Olive Avenue and Westwood Street in the C-2 (Central Commercial) Zone; and

WHEREAS: On November 16, 1999, the Porterville City Council approved a Negative Declaration (Resolution 128-99) and a resolution for Conditional Use Permit 7-99 (Resolution 129-99) containing findings and conditions to allow for construction of the existing church. The original site plan indicated that the church facility would include a sanctuary with a seating capacity for no more than 600 people, and two (2) modular units for classrooms and office space. Additionally, as part of the approval, Phase 2 would consist of conversion of the existing sanctuary into classrooms and office space, and construction of a new sanctuary with a capacity of no more than 600 people, and removal of the modular units, and approval of Phase 3, (consisting of 0.30± acres) located at the northwest corner of the entire 6.02± acre site which would allow for a future 3,600± square foot office and recording studio to be utilized by the church; and

WHEREAS: In conjunction with Conditional Use Permit 7-99, the Porterville Parcel Map Committee on November 17, 1999, approved Tentative Parcel Map 4-99 by Resolution 391 which allowed for the following: Parcel 1 – 2.50± acres (existing church and parking area); Parcel 1A – 0.30± acres (existing 3,600± square foot office and recording studio for financing purposes only); Parcel 2 – 2.20± acres (area for the proposed church accessory building and future proposed accessory building); Parcel 4 – 1.02± acres for the future proposed apartment units); and

WHEREAS: The revised site plan indicates that the proposed 5,400± square foot church accessory building and the future 4,500± square foot church accessory building will be located generally at the northeast corner of the subject site (Parcel 2). Since the proposed accessory building will encroach across the west lot line of Parcel 2 into a portion of Parcel 1, a lot line adjustment will be required prior to construction of the proposed accessory building; and

WHEREAS: The proposed accessory building will have a covered entrance on the south side of the building. The walls of the building will be constructed with 8” shiplap siding with a “Dove Gray” color. The roof will be constructed of 26 gauge metal “Ash Gray” in color. The fascia boards, door and window trim will be white in color. The proposed construction and color match the existing church and church accessory building; and

ATTACHMENT I
ITEM NO. 9
WHEREAS: The applicant has indicated that the future proposed four (4) four-plexes and one (1) triplex located on Parcel 3 are shown on the proposed site plan will be utilized for renting or leasing to senior citizens; however, lack of detailed information exists to include the residential component of the project in the conditional use permit approval; and

WHEREAS: Approval of residential development in conjunction with the church or adjacent to the church will require submittal of a new conditional use permit application when the project is defined and land use provisions are in place or are included in the application submittal package; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as General Commercial.

   The subject site is zoned C-2 (Central Commercial) which 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 two (2) additional church accessory buildings. Staff conducted an on-site inspection. With the exception of the existing church, classrooms, existing church accessory building, and parking area, the 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.

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.
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, including but not limited to include off-street parking, lot coverage and landscaping required in the C-2 Zone set forth by Article Eight of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.

6. Pursuant to Section 15303, Class 3 of the CEQA Guidelines – new construction or conversion of small structures, the proposed project is categorically exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 7-99, Modification No. 1, subject to the following conditions:

1. That conditions outlined in City Council Resolution No. 129-99 shall remain in full force and effect.

2. The proposed church accessory building is to be utilized for ancillary church activities such as Sunday school. If this accessory building is changed to a school type use, the Building Department will require additional modifications to the structure.

3. The future proposed apartments proposed for Parcel 3 pursuant to Section 801.5 A-11 (Hotel/Motel and Apartment Hotel) of the Porterville Zoning Ordinance will be subject to a conditional use permit when the project is better defined.

4. Prior to construction of the proposed 5,400 square foot church accessory building, a lot line adjustment will be required.

5. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (Latest Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Cal-Trans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

6. 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.

7. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
8. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

9. The developer/applicant shall illustrate the true location of property lines and bus turn out.

10. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

11. 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.).

12. 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.

13. 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.

14. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

15. 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.

16. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

17. 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.

18. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The owner/applicant shall plant at least 4 trees along the easterly edge of the existing parking lot to fulfill this requirement.
19. The future 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 future paved area. Existing trees planted near the edges of the future paved areas will count towards the planting requirement. Parking lot tree wells are recommended to be a minimum of twenty-square feet in size.

20. 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.

21. The owner/applicant is to plant additional trees, approved as City Street Trees, along the Westwood Street frontage of the property. The number of trees to be planted shall result in an equivalent to a minimum of one tree per 35 feet of roadway frontage when considered with the existing trees. 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.

22. 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 clean appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

23. The proposed church accessory building(s) are considered A-3 occupancy. Upon submittal of a building permit the following will be required:

1. 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.
2. Compliance with access laws (both State and Federal) is required.
3. Plan check fees are required at the time of building permit submittal.
4. Soils compaction test will be required.
5. Other city fees are due at the time of building permit issuance.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: NOVEMBER 21, 2006

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 a later date to allow time for further discussion between the interested parties. Staff is requesting that the item be continued to the December 5, 2006 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 continue the item to the December 5, 2006 meeting.
COUNCIL AGENDA - NOVEMBER 21, 2006

SUBJECT: SECOND READING - ORDINANCE NO. 1709, EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1709, issuing an extension of a Temporary Use Permit for the continued operation of a remote control race track as a Hobby/Recreation Use was given First Reading on November 7, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1709, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1709

Item No. 15

[Signatures: Approp., Funded]
ORDINANCE NO. 1709

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE
CONTINUED OPERATION OF A REMOTE CONTROL RACE
TRACK AS A HOBBY/RECREATIONAL USE

WHEREAS: Porterville City Council, on November 7, 2006, conducted a public meeting
to consider a request for a one (1) year extension of time for a remote control car track to continue
in use. The site is located on the south side of Henderson Avenue, east of Fourth Street; and

WHEREAS: The letter of request states they would like an extension for the continued
use of the Remote Control Car Track and that they had not received any complaints caused by the
use of the site; and

WHEREAS: On October 19, 2004, the City Council of the City of Porterville by City
Council Ordinance 1659 adopted a temporary use permit to allow an existing remote control car
track to allow temporary structures subject to certain conditions; and

WHEREAS: Chapter 7, Section 7-3.3 of the City Code empowers the City Council to
approve temporary structures in conjunction with residential, commercial or industrial
development or in times of stress or emergency.

NOW, THEREFORE, BE IT ORDEIGNED:

SECTION 1: That the City Council of the City of Porterville does hereby issue a permit
for the use of Temporary Structures to apply to the Remote Control Vehicle Race Track located on
the south side of Henderson Avenue, east of Fourth Street, subject to the following condition:

1. That all conditions outlined in City Council Ordinance 1659, attached hereto as
   Exhibit "A", be adhered to.

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

SECTION 3: This ordinance continue to be in effect for the period of one year from its
extension date, and shall be subject to review and reconsideration annually, thereafter.

ATTEST:

Cameron Hamilton, Mayor

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
EXHIBIT “A”

1. The operators shall pay an amount to the City of Porterville to reimburse the City for the actual cost of processing the permit.

2. The Permit shall expire after one year, unless an extension of time is granted by the City Council. Any complaints received with regard to the facility shall be considered at the time of review.

3. Under no circumstances shall any fee be charged related to the use of the site for a Remote Control Track. Prohibited fees include, but are not limited to; Admissions Fees, Use Fees, Concessions, etc.

4. The consumption of alcohol on the subject site shall be prohibited.

5. Operation of the facility shall be limited to the hours of 8:00 A.M. to 9:00 P.M.

6. The volume of sound at the property line shall not exceed 65dB.

7. Portable handicapped accessible sanitary facilities shall be provided whenever ten (10) or more persons are present.

8. The site shall be watered sufficiently to prevent the generation of dust prior to and during use.

9. A fire hydrant shall be installed upon the construction of any permanent building on the subject site.

10. Permits shall be secured as necessary to ensure that any structures on the site comply with applicable building codes.

11. Except as permitted herein, the site shall be developed and operated in full compliance with the standards of the Zoning Ordinance, Municipal Code and other laws and regulations.
CITY COUNCIL AGENDA: NOVEMBER 21, 2006

SUBJECT: REQUEST FOR WAIVER OF SIDEWALK AT 192 W. SCHOOL AVENUE

SOURCE: Public Works Department – Engineering Division

COMMENT: Approximately 2 years ago, the City installed curb, gutter and sidewalk in the vicinity of School Avenue and Hawaii Street. The project, known as the CORE Area 1 project was made possible by a Congestion Mitigation & Air Quality (CMAQ) grant. Mr. Larry Long, the property owner at 192 W. School Avenue, requested a field meeting to discuss the possibility of not installing sidewalk along his frontage and side yard.

Mr. Long informed staff that the presence of three mature trees made installing the sidewalk problematic. A field review confirmed Mr. Long’s concerns. Also noted, was the fact that one of the trees was a mature Oak tree and that the other two trees provided a tremendous amount of shade. With this information in hand, the Public Works Director elected not to spend CMAQ funds to remove the three trees.

Approximately 15 months ago, Mr. Long secured a building permit to construct a room addition and re-roof his residence. The value of the building permit exceeded $15,000 and therefore, the installation of sidewalks was required per Section 20-40.1 of the Porterville Municipal Code. Mr. Long requested a waiver of this requirement but was informed that staff did not have the authority to waive the sidewalk requirement.

Mr. Long’s only recourse lies in petitioning the City Council for a waiver under Section 20-40.7 “Waiver of article’s provisions” of the Municipal Code. Section 20-40.7 allows Council to waive concrete improvements if street location, topographic conditions or physical factors make the installation of concrete improvements impractical. Mr. Long’s letter requesting the waiver is attached in Council’s packet.

The presence of the three mature trees in the same location where the sidewalk should be, make it impossible to construct standard City sidewalks. There are three basic options available to Council.

Option 1) Waive the concrete improvements specific to Building Permit #RER-07-05-0165 with the knowledge that future building permit requests may trigger the concrete improvement requirements at 192 W. School Avenue.

Dir Appropriated/Funded CM Item No. 110
Option 2) Direct the Parks Department to remove or have removed the three mature trees thus allowing Mr. Long to install the requisite sidewalk along School Avenue and along Hawaii Street. Staff estimates the cost to Mr. Long at approximately $3,000 not including the cost of a disabled ramp.

Option 3) Request that Mr. Long deposit $3,000 with the City in its “Trust & Agency” (T & A) account until such time that the City removes the trees from the sidewalk area. At that time, the City will install the requisite sidewalks.

RECOMMENDATION: That the City Council:

1. Approve the sidewalk waiver specific to Building Permit RER-07-05-0165 and inform Mr. Long that any subsequent building permit requests for 192 W. School Avenue may trigger the concrete improvement provision;

2. Direct staff to methodically review, as time permits, the various locations throughout the City where similar physical obstruction may prevent the implementation of Section 20-40.1;

3. Direct staff to prepare a detailed report with accompanying photos identifying locations where the installation of curb, gutter and sidewalks may be problematic; and

4. Direct staff to schedule a study session to give the City Council the opportunity to discuss and act on staff’s report.

ATTACHMENT: Letter from Mr. Long
Photographs
October 23, 2006

John Longley, City Manager
City of Porterville
291 N. Main Street
Porterville, CA 93257

Subject: Request To Be Placed On City Council Meeting of November 21, 2006

Dear Mr. Longley:

Please accept this letter as my official request to be placed on the November 21, 2006 Council meeting. It is my intent to ask the City Council for a waiver on the sidewalk requirement at 192 W. School Avenue as a condition of a building permit.

Approximately two years ago the City installed curb, gutter & sidewalk in my neighborhood. At that time Mr Baldo Rodriguez decided that existing mature Oak, Elm and Maple trees along the front and side of my property made it difficult to install the sidewalk and therefore, sidewalk would not be installed.

I recently constructed an addition to my residence. As a condition of the building permit, the City is insisting that I install sidewalk along the east and south side of my property. The mature trees are still in the way and if I am forced to install the sidewalk, the City will have to remove the beautiful mature trees. This would be a terrible loss to me and to the Neighborhood.

Section 20-40.7 of the City Municipal Code gives the City Council the right to waive the sidewalk requirement if street conditions, topography or physical factors make it unfeasible to install the concrete improvements. I respectfully ask that City Council grant a waiver on the sidewalk requirement for 192 W. School Avenue based on the existing conditions at this location.

Sincerely,

Larry D. Long
192 W. School Avenue
(559) 781-8761
Looking East on School Avenue
Looking west on School Avenue
Looking north on Hawaii Street
Looking South on Hawaii Street
2 Houses east
Looking east on School Avenue
SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE UPDATE – PURPOSE AND INTENT (ZONING ORDINANCE AMENDMENT 2006-8)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

Introduction

On September 6, 2005 the City Council adopted an interim urgency ordinance regulating development for the protection of the hillside areas of the community. In October 2005, the Council approved the first extension of the interim ordinance and removed certain provisions requiring the submittal of additional information intended to provide clarity on what the ultimate project would look like. On February 13, 2006, the City Council approved the second and last extension of that ordinance to February 13, 2007. Staff and the consultant have been working on the preparation of the ordinance and have an administrative draft currently under review.

Background

Council’s interest in the hillside/eastside area of the city has consistently been expressed as wanting to encourage/facilitate hillside/eastside development to balance out growth, conserve prime farmland, provide an additional housing opportunity, and spur on revitalization of the eastside of the community. This is evidenced by actions previously taken by the Council to create a hillside advisory committee, to prioritize the creation of the hillside ordinance, adjust fees for low density development in the hills, undertake capital improvement efforts to improve water service in the hillside areas to facilitate development, and establish an Interim Urgency Ordinance regulating new proposals for hillside development.

When the Council initially adopted the Interim Urgency Ordinance in September 2005, it included a requirement to submit grading and drainage information and eliminated the conditional use permit requirement, which extends beyond the requirements for typical flatland developments in the City. Submittal of the additional information was intended to provide clarity on what the finished product of a proposed development would look like. When the Council extended the Interim Urgency Ordinance in October 2005, the provisions for grading information and conditional use permit requirements were removed from the ordinance.

There are two fundamental approaches to take in promoting the development of the hillside area with variation in between. The first approach would be to open the door wide and have limited provision for hillside developments. This would allow just about anything without specific policies to ensure consistency or continuity of development and preserve the public interest in protecting the views of the hillside, defining and addressing grading and drainage issues and other issues that may affect surrounding property owners or the
broader community. This approach leads to greater uncertainty about what the outcome will be for the ultimate development of the hills.

The City’s current standards more closely represent this condition resulting in limited certainty as to the outcome of hillside development. Over the years the City has seen a number of subdivision maps proposed for the hillside areas while few have been developed. It appears that maps have typically been intended for speculative development that has rarely materialized. Currently, there is one subdivision under construction in the lower reaches of the hillside and three others either approved and awaiting development or reinitiating the environmental review process.

The second fundamental approach would be to require the necessary information and define development requirements to the extent that the City decision makers could clearly understand the outcome of a development proposal in the hillside area. To illuminate the issue, it is obvious that a light that shines on a hill is more noticeable to a community than the same light on flat land or in a basin. This concept plays out into what views should be preserved, how and whether subdivision designs should be tailored to natural topography, etc. The fact is, that the approach taken may have an affect on when and how the city would realize development of the hillside. The market has to support the development or it will not happen.

Analysis

Under the draft ordinance, there is an added level of submittal information and design considerations that will require additional Staff analysis. While the City has experienced concentrated development activity on the west side of town over the past few decades, development on the east side has lagged, particularly in the hillside area. The City has been working on the preparation of a hillside development ordinance for at least 7 to 8 years. Staff believes that policies defining an expected outcome, and most likely a higher quality of hillside development are important. It is important to note that there are some realities to this approach that should be discussed prior to moving forward. Some of these are as follows:

1. The additional submittal requirements could deter the development community from pursuing development of the hillside area, at least for a period of time. As stated earlier, much of the activity seen in the hillside area to date has been speculative mapping. If the development were economically feasible, the subdivisions would have been developed. These additional requirements could deter or delay development but the ultimate development of this area should be a higher quality.

2. Development will likely occur at a faster pace in other areas of the city until the market dictates otherwise. The City is experiencing the construction of larger homes than in the past, which could be considered an indicator that the market is evolving – progressing.
3. While not necessarily facilitating development of the hillside in the short term, the
code would facilitate a higher quality and more comprehensively integrated
development.

Based on an initial review of the draft document, staff believes it important to review the
Purpose and Intent of the ordinance with the Council at this time, especially due to the fact
that there are three new Councilmembers that will have an opportunity to provide input into
the process. An excerpt of the Draft Hillside Development Ordinance - Section 240
specifically states the Purpose and Intent of the ordinance and is attached for reference. It
outlines permit types, permit requirements, content of and technical studies required for
submittal, and identifies the fact that the ordinance will include design guidelines intended
to assist in preparing submittals. The Draft Ordinance includes Section 240.01 Purpose
and Intent, which has been excerpted for this report. Certain portions have been
emphasized for discussion. This section reads as follows:

A. This Code, Article 2, R-H: Hillside Residential Zone is established to achieve the
City’s objective to facilitate and permit the orderly development of property within
the hillside areas through a set of hillside development standards aimed at
protecting the public health, safety and welfare; protecting and preserving natural
and biological resources for the long-term benefit of the Porterville community and
the broader community; recognizing the inherent value in the properties subject to
this Code; allowing size, type, location, density, and intensity of development based
on available infrastructure, the geographic steepness of terrain, presence of unique
geo graphic conditions and constraints, and presence of environmentally sensitive
areas; and optimizing the use of sensitive site design, grading, landscape
architecture, and architecture, all to achieve the City’s objectives.

B. The Hillside Residential (R-H) zoning district and the regulations contained in this
Code are intended to provide development that is consistent with and serves to
implement the goals and policies of the Porterville General Plan for properties
designated R-H Zone. Specific regulations and standards address the following
City objectives:

1. To establish a Hillside Residential Development Application process that
requires property owners to select suitable development sites on their real
property for new hillside development projects founded on science-based
conclusions, including the use of slope density calculations and maximum
land holding capacity, to determine the appropriate density and intensity
of a structure that can be built on a particular hillside slope.

2. To involve participation of affected resource agencies early in the
application process of new hillside development projects.

3. To uphold the value of the community and the subject property by
protecting ridgelines, prominent landforms, rock outcroppings, open
space areas, hydrologic features, wildlife communities, unique and
4. To **preserve and enhance the visual and aesthetic qualities of hillsides** in the surrounding community.

5. To **facilitate the protection of existing views** from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

6. To **minimize grading and cut and fill operations** where possible to **retain the natural character of the hillside areas**.

7. **Minimize water runoff and soil erosion** incurred in adjusting the terrain to meet onsite and offsite development needs.

8. To **encourage all the characteristics and qualities of a cohesive neighborhood that promotes a “sense of place”** within a hillside setting.

9. To **promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas** by utilizing the highest quality of prescribed standards.

10. To preserve the public health, safety, and welfare and **specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire**, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

11. To **reflect the City’s design goals and policies expressed in the General Plan**.

As should be the case, the Purpose and Intent portion identifies the salient points that define the character of the Ordinance. Staff agrees with the Statement contained in this section but wants Council input. It is important for Council to indicate any disagreement with, or seek clarification on any of these principals so this effort can progress. If the Council is looking for a better-defined outcome and quality of development, this approach is warranted. If the Council is looking toward facilitating development of the hillside in the short term, Staff and Consultant will need to proceed in a different direction. Regardless of the direction the development the Code takes, the market will dictate when the hillside is developed.

**RECOMMENDATION:** That the City Council provide direction to Staff and the Consultant.

**ATTACHMENT:** Draft Ordinance Section 240
Section 240

Hillside Residential Zone

Purpose and Intent
ARTICLE TWO: ONE-FAMILY ZONES

Section 240.00 Hillside Residential Zone

The following regulations set forth in Section 240.01 through Section 245.05 shall apply in the Hillside Residential Zone unless otherwise provided in this ordinance.

Section 240.01 Purpose and Intent

A. This Appendix, Article 2, R-H: Hillside Residential Zone is established to achieve the City’s objective to facilitate and permit the orderly development of property within the hillside areas through a set of hillside development standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this Appendix; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, and presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

B. The Hillside Residential (R-H) Zone district and the regulations contained in this Appendix are intended to provide development that is consistent with and serves to implement the goals and policies of the Porterville General Plan for properties designated R-H Zone. Specific regulations and standards address the following City objectives:

1. To establish a Hillside Residential Development Application process that requires property owners to select suitable development sites on their real property for new hillside development projects founded on science-based conclusions, including the use of slope density calculations and maximum land holding capacity, to determine the appropriate density and intensity of a structure that can be built on a particular hillside slope.

2. To involve participation of affected resource agencies early in the application process of new hillside development projects.

3. To uphold the value of the community and the subject property by protecting ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, and scenic resources.

4. To preserve and enhance the visual and aesthetic qualities of hillsides in the surrounding community.

5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

6. To minimize grading and cut and fill operations where possible to retain the natural character of the hillside areas.

7. Minimize water runoff and soil erosion incurred in adjusting the terrain to meet onsite and offsite development needs.
8. To encourage all the characteristics and qualities of a cohesive neighborhood that promotes a “sense of place” within a hillside setting.

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas by utilizing the highest quality of prescribed standards.

10. To preserve the public health, safety, and welfare and specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

11. To reflect the City’s design goals and policies expressed in the General Plan.

Section 240.02 Applicability and Permit Requirements

A. This Appendix A applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City’s official Sphere of Influence that are designated RE:Zone on the City of Porterville General Plan Land Use Map.

B. No person shall grade, erect, or construct into, over or on top of property within the RE: zoning district without first obtaining a Hillside Development Permit (HDP) in compliance with this Appendix A.

Section 240.03 Exemptions from Hillside Development Permit

A. Notwithstanding the provisions of Section 240.02, the following actions and activities are exempt from the requirement for a Hillside Development Permit, except that all development in the Hillside Residential Zone district shall comply with hillside development standards set forth in this Appendix A:

1. Construction that does not require a grading permit or a building permit.

2. The construction and installation (trenching, utility construction, and backfilling) of underground utility systems.

3. The re-grading of existing yard areas for landscaping installation, provided such regraded yard area does not exceed 1,000 square feet in area.

4. Pool/spa construction that does not involve the construction of any retaining walls, whether or not part of the pool structure, over 2 feet in height.

5. Additions to existing structures and/or construction of accessory structures which are less than 300 square feet in area, unless a grading permit for establishment of same is required.

6. Any project that has received final approval of a Hillside Development Permit prior to the effective date of this Appendix A, provided that such permit or approval has not expired or is not otherwise revoked and further provided that the development is in accordance with the approved Hillside Development Permit and related approvals.

B. Grading of flat areas in excess of 1,000 square feet including, but not limited to, such items as tennis courts or riding arenas, are NOT exempt.
Section 240.04  Hillside Development Permit Approving Authority

A. An application for a Hillside Development Permit or Hillside Development Permit Amendment shall be processed and approved concurrently with any other development permits required by this Appendix A and any other applicable provision of the Municipal Code. The same decision-making body or official that has the authority to approve, conditionally approve, or deny the other development permits required for the project shall have the authority to approve, conditionally approve, or deny a Hillside Development Permit.

B. If no other development permits are required by this Appendix A or other provisions of the Municipal Code, then the property owner or duly authorized agent may submit an application for an Administrative Hillside Development Permit. The Community Development Director shall have the authority to approve, conditionally approve, or deny an application for an Administrative Hillside Development Permit in the same manner as authorized for a Certificate of Compatibility [What is the ministerial permitting process equivalent in Porterville], as set forth in Section xx-xx-xx.4 of this title.

Section 240.05  Voluntary Pre-Application Review Process

A. Prior to the submittal of an application for any Hillside Development Permit or Hillside Development Permit amendment, the property owner or an agent with written authorization is recommended to voluntarily meet with the Community Development Director or designee to review the requirements of this Appendix A and to review matters set forth in this Appendix A.

B. The purpose of pre-application review is to review the requirements of this Appendix A, to identify and review available information regarding physical conditions affecting the property for which the application will be submitted, to respond to questions of the property owner or agent, and to present and review General Plan policies affecting use and development of the property.

C. The pre-application review process is not meant to constitute a comprehensive Hillside Development Permit application review and should not be considered to commence any timeline, whether under the California Environmental Quality Act, Permit Streamlining Act, or any law, statute or ordinance. City comments are to provide direction so that the review of the subsequent Hillside Development Permit or Hillside Development Permit amendment can be facilitated.

Section 240.06  Review Procedure and Cost Recovery

A. Administrative Hillside Development Permit

An Administrative Hillside Development Permit shall be processed in compliance with the procedures and noticing requirements established for a Certificate of Compatibility [Porterville equivalent], as set forth in this Appendix A. The Community Development Director or designee may refer an Administrative Hillside Development Permit to the City Council, in which case, the City Council acts as the Director and follows the procedures and noticing requirements for a conditional use permit, as set forth in Appendix A: Article 29 of the City Code.
B. **Hillside Development Permit**

A **Hillside Development Permit** shall be processed in compliance with the procedures and noticing requirements established for a conditional use permit, as set forth in Appendix A, Article 29 of the City Code, and it shall be acted upon by the Approving Authority having final jurisdiction over accompanying actions.

**Section 240.07 Application Filing Requirements**

The following information, maps, and other specified data shall be submitted concurrently with all required application forms and fees.

**A. Topographical Map**

A topographical map at a scale specified in development applications. This map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue-line stream or Waters of the United States, rock outcroppings, and existing vegetation. The vegetation map shall indicate whether the plant communities or habitat are native (**e.g., southern mixed chaparral**) or exotic (**e.g., palm trees**). Also depicted shall be known landslides and other existing geologic conditions.

**B. Conceptual Grading Plan**

A conceptual grading plan, which shall include the following items in addition to those required by the City Code:

1. Top of walls
2. Top of curbs
3. High point and low point elevations
4. Elevation of significant trees, which are defined as trees with a greater than 6 inch trunk diameter measured at 4 feet above grade
5. Spot elevations, where appropriate
6. Pad and/or finished floor elevations
7. Change in direction of drainage
8. Areas of cut and fill, calculated as a percentage of the total site area
9. Contours for existing and proposed topography. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown at minimum intervals of 5 feet of change in elevation, with 25-foot contours shown in the flatter areas below 10%
10. Lot and pad dimensions, along with a statistical summary
11. Design of roads and driveways, including average grades indicated, as well as areas of the steepest grade
12. Lot drainage, including the gradient of the drainage and flow velocities
13.
C. Cut and Fill Map

A cut and fill map identifying proposed fill areas colored blue and cut areas colored red, with depths of such areas clearly shown in 10 foot major contour lines. Quantities of each cut and fill area shall also be clearly specified on the map.

D. Constraints Map

A series of existing conditions and constraints composite maps that, respectively, describe in detail the information described below. Such maps shall be included as part of any technical report required pursuant to paragraph I (Section 240.07.H) of this section.

1. Geotechnical and soils conditions, including known faults and landslides.
2. Archaeological and paleontological resources and documented or potential historic resources.
3. Recorded easements and title report planning constraints.
4. Prominent ridgelines and required ridgeline setback zones, consistent with information on the City’s adopted Prominent Ridgeline Map.
5. Biological resource map showing all of the existing plant communities, with sensitive or protected species or communities clearly delineated, as well as known habitat area for protected animal species including the location of sensitive biological resources.
6. Map identifying significant trees, which, for the purposes of this map, are defined to be trees with a caliper greater than 6 inches when measured 4 feet above grade.
7. 100-year floodplain areas, USGS blue-line streams, and jurisdictional wetlands
8. Slope areas 25 percent or greater which are at least 1 acre in size and have a minimum dimension of 30 feet in any direction

E. Slope Analysis Map

1. A detailed slope analysis map to use in determining the average slope and the amount and location of land as it exists in its natural state. For the slope analysis map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with 2 foot intermediates. This interval may be adjusted with the approval of the Community Development Director and City Engineer on the basis of good engineering principles. This base topographical map shall include all adjoining properties within 150 linear feet of the site boundaries to portray the site’s context. The slope map shall delineate slope bands, with monochromatic but distinct colors for the following slope ranges:

   5a. Upto 5%
   5b. 6% to 10.9%
   5c. 11% to 20.9%
   5d. 21% to 25.9%
   5e. 26% to 30.9%
   5f. 31% to 50%
2. Also included shall be a tabulation of the land/area by slope percentage specified in acres. Such slope map shall be prepared using CAD-based or GIS-based software specifically designed for such purpose and approved for such use by the City Engineer.

3. A calculation of the average slope of the entire parcel. Such calculation shall be performed by using the average percent slope formula as follows:
   
   \[ S = \frac{(0.00229 I L)}{A} \]

   Where \( S \) = Average percent slope
   
   \( I \) = Contour interval, in feet
   
   \( L \) = Summation of length of contours, in feet
   
   \( A \) = Area in acres of parcel being considered

4. Calculations of average slope percent shall be based upon accurate topographic surveys using a contour interval no greater than 10 feet and a horizontal map scale of at least 200 feet or larger.

5. The slope analysis shall be stamped and signed by a registered or licensed professional competent to provide such analysis and indicating the datum, source, and scale of topographic data used in the slope analysis, and attesting to the fact that the slope analysis has been accurately calculated.

F. Future House Plotting Map

In the event that no grading is proposed, a statement to that effect shall be filed with a plan that shows possible future house plotting and driveway design for each parcel proposed. This future house plotting map shall be prepared on a topographic map at the scale required in the development application.

G. Site Sections

Sufficient number of site sections to clearly illustrate the extent of the proposed grading. The sections shall:

1. All be drawn at the same scale and indexed, or keyed, to the existing topography, grading plan, and project site map. Both vertical and horizontal scales shall be indicated and not exaggerated. The site section shall extend at least 150 feet outside the project site boundary to clearly show impact on adjacent property.

2. At a minimum, sections shall be drawn along those locations of the project site where:
   
a. The greatest alteration of existing topography is proposed; and
   
b. The most intense or massive development is proposed; and
   
c. The site is most visible from surrounding land uses; and
   
d. At all site boundaries illustrating maximum and minimum conditions; and
   
e. Where grading will impact natural drainage conditions.
3. At least two of the site profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines. At least one other slope profile shall be roughly at a 45-degree angle to the other slope profiles and existing contour lines.

4. The slope profiles shall be stamped and signed by civil engineer or landscape architect registered in the State of California indicating the datum, source, and scale of topographic data used in the slope profiles, and attesting to the fact that the slope profiles have been accurately calculated and identified.

5. Show existing and proposed topography, structures, and infrastructure facilities. Proposed topography, structures, and infrastructures shall be drawn with a dashed line. Existing topography and features shall be drawn with a thin, solid line.

6. The site profiles shall be stamped and signed by a registered civil engineer indicating the datum, source, and scale of topographic data used in the slope profiles, and attesting to the fact that the slope profiles have been accurately calculated and identified.

H. Technical Reports

The following technical reports:

1. A geologic and soils report prepared by a registered geotechnical engineer mutually agreed upon by the applicant and the City from the City’s list of approved geologists or soils engineers, payment for which will be made by the applicant, in sufficient detail to substantiate and support the design concepts presented in the application as submitted.

2. Phase I (records search) and any and all Phase II (physical investigation of soils) environmental assessments identifying any hazards present on the property.

3. A biological resource survey report identifying all existing plant communities, with sensitive or protected species or communities clearly delineated, as well as known habitat area for protected animal species, including the location of sensitive biological resources. All sensitive species surveys shall be conducted in accordance with any applicable protocols established by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The report shall be signed by the person preparing such report, with the signature intended to verify that the mandatory protocols were conformed to in the analysis.


A comprehensive architectural and landscaping design guideline manual shall be part of the development application. Such manual shall be required for all Hillside Development Permit applications except those involving the construction of one single-family dwelling unit on an existing lot, in which case paragraph J below shall apply. Such manual shall be approved as part of the applicable Hillside Development Permit and shall be binding upon all subsequent development authorized by that applicable Hillside Development Permit. The manual shall include the following, but the applicant/land owner may include additional information at his/her discretion.

1. Illustrative, color drawings or similar representations of the various architectural styles to be used with text and visual descriptions on the overall architectural theme of the project.
2. A neighborhood design diagram depicting the locations of proposed vehicular and pedestrian circulation, utility easements, developable pad, property lines, perimeter setbacks, parks, and recreation centers.

3. A description of all housing types to be built which references the location of defined parcels within the property, diagrams of how the product orients to the flat pad with setbacks, and an illustrative street scene perspective of the product.

4. Identification of building articulation in the following locations (but not limited to): front massing and entry scale, garage placement, architectural projections, rear articulation, and corner lots.

5. Identification of exterior building materials (structure and trim), roofing materials, and colors for primary structures.

6. Illustrations and descriptions of permitted fencing and wall materials.

7. Illustrations and descriptions of permitted signage and entry treatments.

8. Description and illustrative drawings or similar representations of how the architecture and building approaches established in the manual implement the Architectural Standards set forth in Section 243 of this Appendix A.

9. Identification of landscaping approaches and plant palettes for all common open space areas, roadway medians, edge and berm treatments, common slopes, and private front yard areas.

10. Description of how the landscaping approaches and plant palettes established in the manual implement the Landscape Standards set forth in Section 244.

J. Single Lot Applications

For applications involving one single-family dwelling unit residence on an existing lot or a second unit on a single lot, architectural and landscaping treatment materials shall be provided consistent with the requirements for a Certificate of Compatibility [Porterville equivalent?], as set forth in Section [Porterville equivalent?] of this title.

K. Additional Analysis

The following items shall also be required as part of an application, unless waived or conditionally waived by the Community Development Director or the City Council to aid in the analysis of the proposed project to illustrate existing or proposed conditions or both:

1. A topographic model and/or large scale detailed partial model at a 1:1 vertical to horizontal relationship.

2. A line of site or view analysis as described in paragraph N below.

3. Visual simulation of the post-development condition, including use of photographic and/or computer generated graphic renderings as described in paragraph N below.

L. Landscape and Irrigation

Preliminary landscape and irrigation plans for all common areas showing project compliance with the provisions of this Appendix A and requirements of the City Fire Chief for fire hazard mitigation and brush management zones in Chapter 12, Article III of the City Code.
M. Government Agency

Any pre-application comments received from other affected government agencies having authority over any component of the development application, including but not limited to the California Department of Fish and Game; U.S. Fish and Wildlife Service; and U.S. Army Corps of Engineers shall be included in the application.

N. Visual Simulation

1. Purpose and Intent

   The purpose of requiring a visual simulation is to provide decision makers with a pictorial representation of the future condition of a development project as close to reality as possible.

2. Photography

   The photograph is the basis of view simulation, and care shall be taken in the camera selection. The goal is to select a camera-lens combination that will yield photographs that, as closely as possible, represent site views from a variety of locations distant from the project and from surrounding areas that will have a direct view of the project.

   The photographs shall be taken with the camera mounted on a leveled tripod and the height of the camera recorded. If the scene cannot be captured in one photograph and a panoramic shot is required, a proper panorama camera or lens/camera that accurately records a panorama shall be used. If a series of incremental panoramic shots were taken, special stitching software or photo retouching software shall be used.

3. Control Data

   The location of the camera shall be recorded as accurately as possible at the time the photograph is taken. The location can be determined by field survey, existing topographic maps, or GPS locators.

   Items or features that appear in each photograph shall be field surveyed for accurate location using the methods described above to allow for accurate configuration of the views in the modeling software.

4. Computer Modeling

   The proposed project shall be modeled based on subdivision design, architectural, and landscape data. Existing terrain, buildings, survey data, and any field notes shall be included in the modeling effort. The level of detail included in the computer model will be determined by the intended use of the simulation.

5. Staging

   The computer model shall be aligned to the photographs in the rendering software utilizing the alignment data and the lens and focal length of the camera used. The model shall be lighted according to the time of day and year and the views rendered.

6. Rendering

   The rendering process shall be completed after aligning the model to the photograph. The subject matter should be colored and textured to simulate the proposed project as closely as possible.
7. Photocomposition

Any retouching undertaken to make foreground objects visible shall be done in such a way so as to preserve the original photograph and the rendered image intact.
REDEVELOPMENT AGENCY AGENDA: NOVEMBER 21, 2006

SUBJECT: ACCEPTANCE OF PROJECT – CASAS BUENA VISTA SLURRY SEAL

SOURCE: Public Works Department - Engineering Division

COMMENT: Asphalt Maintenance Company of California has completed the Casas Buena Vista Slurry Seal Project per plans and specifications. The street maintenance project included 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 Redevelopment Agency authorized expenditure of $31,895.60. Final construction cost is $28,996. 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.

Asphalt Maintenance Company of California requests that the Redevelopment Agency accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That the Redevelopment Agency:

1. Accept the 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:\pubwork\Engineering\Council Items\2006-11-21 Acceptance of Project - Casas Buena Vista Slurry Seal.doc

[Signatures]

P.R.A. Item No._
AGENDA: NOVEMBER 21, 2006

PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: In 1992, the Porterville Public Financing Authority was formed designating the City Council members as directors. According to the Authority’s By-laws, an annual meeting is to be held each year to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 issued in December 1992. A status report for these projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept public comment, and approve the 2006 Status Report for the Redevelopment Bond Issue #1 Projects.

1992 Total Bond Issue: $6,185,000

Redevelopment Fund $4,682,242
Low and Moderate Income Housing Fund $1,170,561

<table>
<thead>
<tr>
<th>REDEVELOPMENT FUND</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streetscape:</td>
<td></td>
</tr>
<tr>
<td>Main Street – Morton Avenue to Olive Avenue</td>
<td>Complete</td>
</tr>
<tr>
<td>(includes conversion of Main Street, Second</td>
<td></td>
</tr>
<tr>
<td>Street and Hockett Street to two-way traffic)</td>
<td></td>
</tr>
<tr>
<td>Putnam Avenue and Olive Avenue – Hockett</td>
<td>Design Phase Complete</td>
</tr>
<tr>
<td>Street to Second Street</td>
<td></td>
</tr>
<tr>
<td>Street and Pedestrian Lighting of side streets</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Alley Lighting – Morton Avenue to Olive</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Avenue</td>
<td></td>
</tr>
<tr>
<td>Street Furnishings</td>
<td>Phase I Complete; Additional Phases to be accomplished as funds become available</td>
</tr>
<tr>
<td>Main Street – Olive Avenue to Orange Avenue</td>
<td>Design Phase Complete</td>
</tr>
<tr>
<td>Parking Lots – Construction and Acquisition:</td>
<td></td>
</tr>
<tr>
<td>Second/Harrison</td>
<td>Complete</td>
</tr>
<tr>
<td>Hockett/Oak</td>
<td>Site was acquired by the City of Porterville and construction completed for a Transit Center on site utilizing alternative funding source.</td>
</tr>
<tr>
<td>Second/Olive and adjacent lots</td>
<td>Complete</td>
</tr>
<tr>
<td>Railroad – Fourth, Morton to Thurman</td>
<td>Phase I Complete Acquisition of parcels from Morton to Harrison. One parcel sold in 2003-04.</td>
</tr>
</tbody>
</table>
### Building Renovation:
- **Financial Incentive Program**
  - 14 Façade Renovations Complete

### Building Assistance:
- Chamber of Commerce Office Complex
  - Complete

### Loan Repayment:
- City Loan Repayment – Risk Management Fund Loan 1
  - Complete

<table>
<thead>
<tr>
<th>LOW AND MODERATE INCOME HOUSING FUND</th>
<th>STATUS</th>
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</thead>
<tbody>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 1 (1994)</td>
<td>Complete - $250,000 expended</td>
</tr>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 2 (Year 2002)</td>
<td>Complete - $121,951 expended</td>
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<tr>
<td>Low Income Homebuyer Casas Buena Vista Homebuyer Assistance</td>
<td>Allocated $619,411, Received* $23,910, Expended $425,342, Available Balance: $217,979</td>
</tr>
<tr>
<td>Casas Buena Vista Project Common Area Improvements, Utilities, Meeting Expenses, Escrow Costs, Debt Service</td>
<td>Original Allocation $265,000, Increase in Allocation** $139,575, Profit share –CBV $125,000, Decrease in Allocation** $139,575, Expended $321,830, Available Balance: $68,170</td>
</tr>
<tr>
<td>Multifamily Rental Construction Program</td>
<td>Complete - $254,000 expended (served as the 25% match for the $1,000,000 HOME grant)</td>
</tr>
<tr>
<td>Project #1: St. James Place Construction Complete February 2005</td>
<td></td>
</tr>
<tr>
<td>Project #2: Date Avenue Apartments Infrastructure</td>
<td>Complete - $115,000 expended</td>
</tr>
<tr>
<td>Implementation Plan</td>
<td>Complete - $24,364 expended</td>
</tr>
</tbody>
</table>

*Home buyer program received $23,910 from pay-off of prior loan.

**RDA funds that had been reallocated from the St. James Place project to Casas Buena Vista were repaid to the HOME Program Income account for the St. James Place project.

Note: Bond funds have been allocated toward the highest priority projects as detailed in the Redevelopment Strategic Plan. Projects detailed in the Redevelopment Strategic Plan with a lower priority ranking are not included in this Status Report due to lack of available funds.