Call to Order
Roll Call

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation

PRESENTATION
City Employee of the Month - Linda Wammack
Recognition of Smith’s Alley
County General Plan Update Presentation Slides

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 20, 2006; December 1, 2006; and December 5, 2006.

2. Claim - Phelps
Re: Considering rejection of claim in the amount of $364.50 for property damage allegedly sustained from January 2 to January 27, 2007 due to sewer line backup at 579 North Villa Avenue.

3. Claim - Long
Re: Considering rejection of claim in the amount of $700 for window damage allegedly sustained on October 20, 2006 when ATF and Porterville Police Department served warrants on individuals leasing claimant’s property at 632 North Main Street.

4. Claim - Snyder
Re: Considering rejection of claim in the amount of $119.76 for tire replacement costs due to damages allegedly sustained on January 23, 2007 when claimant drove over a construction sign lying on Newcomb Avenue, near the Skate Park Project’s construction site.

5. Budget Adjustments for the 2006-2007 Fiscal Year
Re: Considering approval of six budget adjustments to account for revenues and expenditures, including English Language Literacy Grant; Airport Hazardous Soil Removal Project; West Street Industrial Park Development; and Mayor’s Trip to Washington, D.C.
6. Authorization to Advertise for Bids – Well No. 29 Project (Pumping Plant)
Re: Approving Plans and Project Manual for well project, located on the north side of Henderson Avenue between the Porter Slough and Westwood Street, with an estimated probable cost of $679,300.

7. Reject All Bids for the Retaining Wall at Church of Jesus Christ of Latter Day Saints (LDS) – 837 E. Morton
Re: Considering rejection of bids pursuant to City policy, or in the alternative, awarding contract to David L. Prado, Masonry Contractor, of Porterville, in the amount of $8,000, with the cost difference being paid out of Engineering “carry-over” funds.

8. Acceptance of the Effluent Outfall Delivery System
Re: Accepting project consisting of the construction of six percolation ponds, outfall delivery pipelines and other appurtenances as complete, authorizing the filing of the Notice of Completion, and authorizing final payment to Nicholas Construction, Inc.

9. Acceptance of Final Subdivision Map - Sierra Estates
Re: Accepting Final Map for Subdivision generally located east of Leggett Street and north of East Kanai Avenue.

10. Workforce Housing Reward Grant Program
Re: Authorizing the submittal of a grant application for an estimated $255,000 in funds to assist in the Downtown Revitalization Project on the northeast corner of Main Street and Olive Ave.

Re: Approving event to take place from 7:00 a.m. to 9:00 p.m. on August 25, 2007 at Murry Park.

12. Assignment of Airport Lease - Lot 38
Re: Considering approval of an assignment of Lease between City and Barbara Dillard to Mr. and Mrs. Cundiff, with a modification to the term and addition of option to renew.

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

PUBLIC HEARINGS

13. Urgency Ordinance Extending Interim Urgency Ordinance of the City of Porterville Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes
Re: Considering draft ordinance to extend the temporary moratorium on dispensaries for ten months and fifteen days, or until permanent regulations go into effect.

14. Regulations Regulating and/or Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes
Re: Considering direction to staff for preparation of ordinance to either regulate medical marijuana dispensaries or prohibit their use of land for operations in Porterville.
15. **Reimbursement Agreement for Concrete Improvements Constructed by the City – Indiana Street Project, Putnam Avenue to Olive Avenue**
   Re: Approving resolution implementing development charges for construction of curbs, gutters, sidewalks and drive approaches; and authorizing staff to record notice of Reimbursement Fee with the County Recorder.

16. **Subdivision Ordinance Amendment – Municipal Code Amendment to Article 21**
   Re: Considering approval of draft ordinance amending Article 21 of the Porterville Municipal Code pertaining to Subdivisions.

17. **Ennis Estates Tentative Subdivision Map (Ennis Homes)**
   Re: Considering a request to continue the public hearing to the Meeting of March 20, 2007.

**SECOND READING**
18. **Ordinance 1714, Zone Change 3-2007**
   Re: Giving Second Reading to Ordinance 1714, approving a change of zoning from M-1 (Light Manufacturing) to C-2 “D” (General Commercial with Design Review Overlay), waiving further reading and adopting said Ordinance.

19. **Ordinance 1715, Zone Change 1-2007**
   Re: Giving Second Reading to Ordinance 1715, approving a change of zoning from R-1 (One-Family Residential) to C-1 (D) (Neighborhood Commercial - Design Review Overlay) for two parcels located at 1907 Morton Avenue, waiving further reading, and adopting said Ordinance.

20. **Ordinance 1716, Zone Change 2-2007**
   Re: Giving Second Reading to Ordinance 1716, approving a change of zoning from C-1(D) (Neighborhood Commercial - Design Review Overlay) to R-1 (One-Family Residential) for two lots located on the southwest corner of Morton Avenue and Salisbury Street, waiving further reading, and adopting said Ordinance.

**SCHEDULED MATTERS**
21. **MOU with Kings/Tulare Area Agency on Aging, Authorization to Expend Funds in Support of Senior Citizen Activities, and Budget Adjustment for 06/07 Fiscal Year**
   Re: Consideration of draft MOU pertaining to expansion and relocation of Senior Nutrition Program at an estimated annual cost of $14,000.

22. **License Agreement with Comision Honorifica Mexicana, Inc. for the Community Center Located on East Putnam**
   Re: Considering approval of License Agreement for facility at 466 East Putnam.

23. **Options for Use of CDBG Entitlement Funds Not Utilized for Pool Water Slide Project**
   Re: Considering options for improvements at Murry Park utilizing unused CDBG funds.

24. **Card Tables – Gambling Wagering Limits**
   Re: Considering amendment to current regulations to meet statutory requirements by either establishing wagering limits or clearly specifying that the City has opted not to set limits.
ORAL COMMUNICATIONS

OTHER MATTERS

ADJOURNMENT - to the meeting of March 20, 2007

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.
Roll Call: Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez (came in three minutes late), Mayor Hamilton

Pledge of Allegiance led by Council Member Pedro Martinez

Invocation: Moment of Silence

ORAL COMMUNICATIONS

Larry Long, 192 West School Avenue, addressed the Council on sidewalks. He stated that he had met with the City Manager and Public Works Director regarding the fact that he wanted to add onto his house and the City required sidewalks to be installed. He stated that the City had looked at this issue before and decided not to put in sidewalks. He stated that there was a misunderstanding about the sidewalks, and he wanted a waiver for the sidewalks so that he would not lose his trees. Mr. Long stated that if the City did require the sidewalk, the City should be responsible, because they were in the project originally to have the sidewalks installed. He stated that he would have to address the Council at the November 21 meeting.

The City Manager stated that Mr. Long should submit a written request for a waiver and it would be brought back to Council with a recommendation and information.

Mr. Long stated that this was not a precedent, just the trees were an issue, and there were trees throughout the City that were in the sidewalk line and the City chose to go around, and he would present that evidence with his formal request.

The City Manager stated that it was needed next week.

SCHEDULED MATTER

1. City Goals and Project Priorities

The City Manager stated that Council met a month or so ago at Sierra View District Hospital and had a general discussion of macro-issues, trends and driving forces relative to the community. Out of the meeting there was a request for a specific project priority meeting so the staff could become well oriented to the Council’s specific goals and priorities, which was the purpose for this meeting. He stated that there were a number of intervening factors. Council set visions to find direction, and they were there to embrace those directions and move projects along. In the process there were many projects that had been formulated over time that were now being completed. He stated that some project’s life could be nine years, such as the Heritage Center, or shorter such as street projects. The purpose of this meeting was to provide the Council with specific projects and commitments they have in terms of their efforts today, which was represented by the blue dots. The
blue dots did not represent recommendations by the Directors of priorities within the Department, so much as where their investment was today and where they were putting their priority resources to complete projects. Mr. Longley stated that he would be asking the Directors to each get up and go through their list of projects and explain them to the Council. He stated that the Directors would be direct and specific in terms of how they saw project development over the next few years—what they saw in terms of their resource base, their ability to implement projects, and the kinds of things they saw as priorities. These may be different from the blue dots. The City Manager stated that the way the game was formulated, each Council member was given one green dot and nine red dots and they were requested to use the green dot to indicate which project the Council person felt was the most important project in the City. He stated that they were trying to winnow things down to a limited list that could be accomplished. The request on the green dot was to indicate which project was the most important in the City. The nine red dots were for the most important project in the nine departments. The City Manager stated that there would be a lot of dots on the paper, and they would then interpret those dots in terms of red, green and blue. The blue being where they were invested now and what was the momentum of their effort. The green being the super priority, and the red in terms of departmental. Staff would then interpret those and provide the Council the raw data back, and try to see where the trends, interests and emphases are. This will be written up in a report and brought back to Council, and then based on that report, the request will be to define the priority projects and move ahead on them. Mr. Longley stated that his goal was to have that report by the first meeting in December. He stated that the next item on the agenda was for the Council to discuss it and decide if there was buy-in to this game, and then go from there, and the next step was to have each of the Directors get up and address their project sheets.

Mayor Hamilton stated that the Directors chose what they felt was the most important, but he needed to know correlation on how the projects were inter tied to each other and how they affected other departments.

The City Manager stated that the blue dots weren’t important except to the extent they were the projects they were doing now. The Directors may not think they were important projects, but because of the Council’s or Manager’s direction, that was where they were invested. It was also requested that the Directors address the completion schedules of the blue dots.

Council Member McCracken suggested that the Directors also have a dot for what they think is important. The City Manager stated that the Directors could use yellow dots.

Baldo Rodriguez, Public Works Director, came up and addressed his list of projects. He stated that they had ten projects:
1. Jaye St. Widening
2. WDR - Effluent Pipeline and Land Leveling on 100 Acres at Airport
3. Percolation Ponds on 40 acres east of Hunsaker Property
4. Airport Water Inter-Tie Project
5. Well No. 29 (1100 gpm well)
6. Olive Avenue & Mathew Street Traffic Signal
7. Indiana Street Project, Phase 2
8. Date Avenue Reconstruction Project (Plano to Casas Buena Vista)
9. Well No. 30 (Airport - conversion of ag well to domestic well)
10. Land Development (Subdivision work)

Mr. Rodriguez stated that there were other projects just as important and time sensitive as they were grants:
- Plano Bridge Widening
- CNG (Compressed Natural Gas) Facility (Fueling Station at 555 N. Prospect)
- Newcomb Street Corridor Shoulder Stabilization (Morton to Olive)
- Traffic Signal at Newcomb Street and Westfield
- Plano Bridge

Mr. Rodriguez spoke on the interconnection between engineering and community development on the projects, and the environmental work that is required before the final design. He also spoke on the constraints they faced in dealing with other agencies in getting authorizations and permits. Mr. Rodriguez spoke regarding personnel needs within his department. He then placed his yellow dots: Jaye street Widening, Effluent Pipeline Project, and the CNG Facility. He stated that they hoped to have the CNG Facility designed to Council by August 2007.

The City Manager stated that they would also have to address phasing. In response to the Mayor’s question, Mr. Rodriguez clarified that his Department could complete, at the most, ten of the listed 29 projects.

Mayor Pro Tem F. Martinez asked about losing grant funds if they were not used in the allotted time. He asked how the Council would know when time was running out on the grant.

Mr. Rodriguez explained that all the grants had time limits, but some projects were just more important than others. In that instance, they attempted to get an extension on the project in order to keep the funding, but if it was not done, the grant would be taken, and it would be difficult to get it back.

Mayor Hamilton asked if hiring another engineer would allow them to get more projects done, and Mr. Rodriguez stated that it would allow them to accomplish the ten projects. He stated that they were a smaller division than in 1986.

Brad Dunlap, Community Development Director, stated that if some of Mr. Rodriguez’s projects didn’t happen, then some of his couldn’t happen, and this went for Mr. Perrine and the other departments also. If the effluent projects don’t happen, then growth might as well stop. Mr. Dunlap then presented his top five projects list:
1. Hillside Development Ordinance
2. General Plan Update (very critical right now) (most important long-term)
3. Porterville Hotel
4. Property Negotiation from the Economic Development Standpoint (most important short-term)
5. Bella Lago Planned Development (huge development)
Mr. Dunlap spoke about the staff time involved in the General Plan and the need for seasoned, journey level staff, which he doesn’t have in the Planning Division. He spoke on the staff shortage impact in the various Departments, which affected the interrelated projects in all the departments, especially large projects such as Bella Lago, which affects all the departments. Mr. Dunlap also spoke on the quality of life issues that are being addressed by Council. Mr. Dunlap stated that his department also has less staff than four years ago. He stated that he would rather have two journey level planners than one journey level with two or three entry level personnel because it creates a bottleneck.

Mayor Pro Tem F. Martinez asked about the interconnectivity between the departments and the projects. He asked about the low water crossing at Indiana and whether that would affect future projects.

Mr. Dunlap addressed the low water crossing at Indiana and pushing Gibbons through to Main Street that would really open up that area. He stated that they don’t have the funds to do those projects now.

The City Manager stated that the Directors could vote their yellow dots outside their departments.

Council took a break from 2:25 to 2:34 p.m.

John Lollis, Administrative Services Director, came forward and presented his project list. He stated that his was a support service, and one of his rolls that was critical was finding new ways to develop and hire professions. His list was as follows:
1. Energy Audit - Johnson Controls (upgrading facilities through energy use)
3. Budget Analysis for Meet and Confer (process to begin in Spring)
4. Police Officer Recruitment (with the implementation of Measure H, to obtain the best personnel)
5. GASB 34 - Infrastructure (requirement that come June 2007, the City must evaluate its infrastructure and place a value on it. Must have in the 2007/08 audit)

Mr. Lollis addressed the divisions of Finance, Human Resources and Information Technology, and to a degree, Risk Management. He stated that HR was focusing on recruitment at this time. In Finance itself, they were somewhat treading water as they recruited for a Chief Financial Officer. He stated that one of the biggest issues on the technology side was that they needed to look toward replacement of much of the equipment, such as servers, and where technology was heading. He stated that they had to address where the future of technology lies, as relates to the needs of the community, and how they build to that capacity. Mr. Lollis stated that the GIS System is now becoming a City-wide tool.

Council Member P. Martinez stated that he didn’t see the ‘hire up to’ numbers for the safety officers.
Mr. Lollis stated that they needed nine police officers, and backgrounds were being done on several now, which was a very time consuming process. He clarified that three officers would be hired on November 1, and four more were in the process.

Council Member P. Martinez stated that he appreciated that the standards were not lowered, even though they really needed the officers. He asked about the timeline on the GASB 34 requirement and whether the City was behind the curve.

Mr. Lollis stated that some of the work was already done, but the details on every piece of material the City owns—every tree, every light pole, etc. would need to be valued and reported. He stated that there wasn’t internal capacity to do this project, so did they bite the bullet and do the work themselves, or did they spend $40,000 to have a group come in and do it. Mr. Lollis also discussed the possibility of having the level four classes required for police officers here in Porterville in connection with Kern Community College.

The Police Chief stated that if the COS Bond measure passes in November, then they would be moving the Police Academy from Visalia to Hanford. That meant the cadets here would be going to Kern County.

Council Member P. Martinez asked Mr. Lollis if there was anything they could take away from his department. Mr. Lollis spoke about having conversations with Porterville College, and looking at the capacities here in the City to provide more opportunities. He also stated that there were more ways to become more efficient through technology such as online permits and applications. He stated that on the technology side it was where they best used their money. He stated that he didn’t see anything to pull off the charts, it was more a way to better refine and become more efficient.

In answer to Council Member P. Martinez, Mr. Guyton also explained the Employee Badge Administrative Policy project and the employee identification card system, for which they got a grant.

Council asked about resources Mr. Lollis was lacking, and he stated that there was the Chief Financial Officer in Finance, and in HR there was a lot of experience and memory that they were looking at replacing due to retirements in the next two years that they had to begin to replace. In IT they were looking at the possibility of entry level personnel to do lower level work.

Mayor Hamilton asked who was next.

The City Manager stated that they needed a place to add projects to the lists. He stated that he would like to add the Courthouse Project to the City Manager’s list. He then reviewed the City Clerk Division and the Airport Division lists.

Frank Guyton, Deputy City Manager and Fire Chief, reviewed his department list. He stated that he needed three firefighters, and he added Plan Review and Code Enforcement to his list. Mr. Guyton put all his yellow dots on the General Plan Update because that would guide everything.
He stated that they needed to plan the future and not react to it, and do their budgetary planning at budget time and anything that comes along should be done midyear. He stated that where they were going crazy on all the different projects was that they were being interrupted, and they didn’t have a clear vision on where the Council wanted them to go. He stated that it was great that the City Manager was doing this because it would give them direction on how to proceed forward. Mr. Guyton stated that airport went along with the general plan, if they built it, they would come—they had to have the vision at the airport, which they had, but it was dependent on private industry or other government entities having needs, and they had to stay on top of those needs and position themselves to take the best advantage of those opportunities when they come along. Mr. Guyton stated that it all keyed back to economic development, which was planning. Mr. Guyton stated that he wanted to see it grow as best they could with as few interruptions as they could. He stated that all the departments had needs but for each need there was an economic factor tied into it. Each time they added additional engineers, planners or officers, the money only went so far. He stated that perhaps the question for Baldo on his work load was how many open cases could they carry at a time, and then work on those top ten. He stated that was the direction he needed in order to get the first ten done.

Mayor Hamilton stated that if they got some things accomplished like Riverwalk, they would have more resources

Chuck McMillan, Police Chief, reviewed his list and the top five were:
1. Gangs (just did biggest task force operation in his eighteen years)
2. Graffiti (looking at installation of cameras)
3. Stolen Vehicles (most costly to the City)
4. Conducting background checks/fill newly allocated positions (biggest thing right now; looking at Cadet Program)
5. Establish Volunteer Policing Program

Chief McMillan spoke on their employee workshops and the continuing development of their goals. He stated that gangs, graffiti and stolen vehicles were still their focus internally. He stated that it was very important to get qualified people and he depended on HR. He stated that they were also looking at a satellite office at the airport now for their traffic team, and they wanted to put something west and east. He stated that it would be open during the day so people would not have to come downtown, and he agreed that it should be public safety with both police and fire combined, and if fire built a facility, it should contain offices for police. Chief McMillan stated that the Police facility was built in 1989, and it was maxed out, and in a year or two they would to look at making changes. He stated that they would have to look at quality of life issues also. The Chief spoke on the recruitment process and the Explorer Program.

Council Member P. Martinez questioned training for officers.

Chief McMillan went over the P.O.S.T. standards. He stated that he was an impact weapon’s instructor and they were going to try and certify their own program so that they didn’t have to go somewhere else. He stated that his budget for training was very high, and any programs they could do themselves would help. Chief McMillan stated that they were now certifying an emergency
vehicle operations program where they were teaching them high speed driving and accident avoidance, and he hoped to offer it to other agencies. He stated that he had four canine officers, having just added another dog, three on the street and one in the gang unit. He stated that they also have one school resource officer, and he would be looking at the possibility of sharing the costs with the schools.

When asked what equipment he might need, Chief McMillan stated that the biggest impact on his department was information technology. They need a data base for information City-wide that all departments could share and use in the field.

Jim Perrine, Parks and Leisure Services Director, spoke on multi project management and the need to move into more modern times. He stated that sometimes things didn’t follow procedure, or totally logical sequence, in compliance in new regulations and procedures as things evolved. He stated that when they have multiple projects it was more of a program, with program management, which commonly referred to multiple projects activities, but doing them in a programmatic fashion they got a bigger benefit than doing them independently. He stated that programs were a collective of different events, a logical sequence of actions that make a greater whole possible. Strategic planning, master planning, planning for funding, budgetary issues, and then implementation ultimately of the project, through design and actual construction was the most common as the sequence of events come form together into a program. Mr. Perrine stated that each department had been asked to identify where they individually allocated their efforts, but they haven’t come together to figure out as an organization what efforts should be recommended to formulate more of a program, and that was partly because they didn’t have good criteria for what is the program, and the goals they were trying to achieve, what were the priorities, the criteria, by which they the projects should all be evaluated. He stated that often his projects were reactionary to what the problems and perceptions were today, and what they had to deal with now, and not looking forward as the General Plan does, and setting a vision as to what they were trying to move toward, so they were constantly reacting and not being proactive, they were being reactive. He stated that he had twenty-eight projects but they were not organized or fashioned in any manner that they had any hopes of necessary ever getting all twenty-eight ever completed, but they worked on them incrementally, independently trying to make advances and do the best they could. He reviewed his list of top five projects and spoke on his dependence on other departments for assistance with his projects. His projects were:
1. Skate Park
2. Community Center
3. Library RFID System (budgeted this year; should be up and running by the end of December)
4. Library Floor covering (closing Library last two weeks of December for replacement)
5. Reroof City Hall Annex (almost complete)

Mr. Perrine then reviewed the remainder of his projects. He added three additional items:
1. Recruitment: nine vacant positions (six are now provisionally filled; 3 vacant; 2 vacant, unfunded; three ½ positions are Measure H; no new journey level positions since 1981)
2. New Library (part of Measure H)
3. New Golf Course Project
Council Member P. Martinez asked about the departments getting grants without the staffing to complete the process and staff the facility if built.

Mayor Pro Tem F. Martinez stated that one common theme was staffing, and he asked the City Manager whether the staff issue was due to the hiring freeze, qualified individuals, lack of guidance in that aspect of it (didn’t think it was important), or budget constraint.

The City Manager stated that it was not budget constraint. It had something to do with the hiring freeze, but currently it was the capacity of the Personnel Department to process lots of recruitments, and the additional police and fire have added to that significantly. He stated that in some positions it was a matter of available, qualified individuals, and the life cycle of recruitments themselves.

Council Member P. Martinez asked how many hours the Council was taking up with the staff if they wanted to make these projects happen. He stated that every Friday he had meetings and he saw staff there, and maybe they were taking up staff’s time with meetings that Council should handle.

The City Manager stated that the two issues were accomplishment and accountability, and he thought that to the extent that projects were not added regularly, and priorities moved around, was essential for continuity and project completion. He stated that the Council expects, and pays good money, for them to accomplish projects, so these kinds of sessions like today should happen a couple of times a year. There should be a sense to keep the things they have started going to completion, but they would have to justify where they were in the process and how they have moved along reasonably and deliberately. He stated that those two elements would be beneficial, and the extent to which just how regularly new projects are added, or if they are added, just exactly as the Council did last time when they were going to look at the BMX Track, and add it at some milestone. He stated that would facilitate the coordination and completion of projects.

Mayor Hamilton stated that what Council Member P. Martinez was really saying was that they get ideas or hear from the community and immediately come down and put something in action—it wasn’t where they were planning these things, it was all of a sudden they were changing direction because a citizen said something to them.

The City Manager stated that the Council had to be able to get into the process, they were the governing body, but it would be best to add things at certain times, perhaps midyear but mostly at budget time.

Mayor Hamilton stated that they had been told that sometimes they change a project as a whole because it was political, and he thought that frustrates everyone.

Council Member P. Martinez stated that items such as the Planning Commission came up where it will take a lot of staff time to do, should they look at that or wait until later in the year so they could get some of these things done. He stated that he didn’t know the capacity of the staff. He stated that be wanted to be responsive, and Mayor Hamilton added that if staff didn’t speak up
they would think they had unlimited capacity and they would keep on filling. Council Member P. Martinez stated that they were good at responding to their constituents, but would they be taking away things such as the General Plan getting done, and if he was doing that, then it was wrong, because it was important to him.

Mr. Rodriguez stated that his major complaint was that there was no right or wrong answer, such as truck parking. He stated that at a point they should be able to say there is not a good answer, but this is the answer, and be done with it. He stated that they meet with the truckers over and over and give them a sense that there may be another answer that he hasn’t thought of, so give him enough time and he will come up with it, and he can’t. Mr. Rodriguez stated that another issue was where people complain about cars speeding, and they do a traffic study, and the numbers presented support the traffic speed, but because the people don’t get what they want, it results in another study. When the facts do not support the complaint, then it should be a dead issue, as opposed to continuing to do something several different ways. Instead of things being “here’s what the reality is–it’s dead” or “you know what, you guys were right you deserve a stop sign,” a decision should be made and not one that keeps on going, because it takes up time. Mr. Rodriguez stated that it was frustrating because he could not come up with solutions for the truck thing, but they though he could. He stated that all he was saying was that when the study was done, the study was done. It would not always be the way staff wants, but once the answer was done, go with it. Mr. Perrine clarified that they have the criteria, they should understand the criterial and set the priorities. Mr. Rodriguez and the City Engineer then addressed warrants for traffic signals and the cost of traffic signals.

Mayor Hamilton asked if the Directors had any other comments.

Mr. Perrine stated that it was just understanding that these are the projects they were supposed to be working on, or what the criteria was to establish priorities. He stated that his staff would be more comfortable looking forward, that these would be the criteria, and these would be the priorities, so they could feel good about saying that these would be the type of things they would be working on in the future. He stated that many things they were asked to do were good for the community, but where did the idea come from, and maybe the item should have a higher priority, but maybe they should go back and communicate that better to the department so that other similar items could also be reevaluated and prioritized, and not just added.

Mayor Pro Tem F. Martinez stated that if they received a request and came to staff on items like traffic signals or signs, perhaps they could just be provided the study so Council could go back to the individual with the answer.

Mr. Rodriguez stated that he didn’t mean to imply that they shouldn’t be bothered by Council, because as stated by the City Manager, they were the ones in charge. He stated that the Council and Manager have the right to do those things, but it shouldn’t languish and become more than what it was. He invited Council to come to Public Works where they had binders since 1993 with the traffic counts. If Council were to call about a traffic intersection, they would pull the reports.
Council concurred that it would be helpful to have the traffic information so they could give informed answers.

Mr. Rodriguez invited the Council to the November 11 truck meeting.

Mayor Hamilton asked Bryan Styles about Field Services.

Bryan Styles, Field Services Manager, stated that his division was in the same position as the other departments, with staffing being an issue. They were getting new people but it was taking time to get the qualified people they needed. That was the sentiment from the working staff—not enough people. He stated that he didn’t see being hindered by the Council, but if a decision was made, stay with that decision and don’t ask for another study. If research was done and the information given to Council, then don’t ask for another study, and another.

Mayor Hamilton stated that it was like they didn’t trust what staff told them in the first place.

Mr. Styles stated that meetings like these, and study sessions, were very beneficial.

Council Member P. Martinez stated that it was important that all things go through the City Manager, who would take it, and that was setting direction. Where he was worried, where it was affecting the goals that the Council set. They would set their goals today and say these where the things they want done, and the things they came up with from this day forward, he wasn’t sure they would take priority unless they met a certain criteria, i.e., economic development, state mandates. Council Member P. Martinez stated that other than that, it should be handled as the City Manager did at the last meeting, saying they would look at the item at budget time.

Mayor Hamilton stated that he would like to see that a little more, as the City Manager was so responsive. Mayor Pro Tem F. Martinez concurred, and stated that items should be held until budget time.

Mr. Perrine stated that the Council has three advisory bodies—Library Board, Parks and Leisure Services Commission, and Zalud House Funding Revenue Enhancement Committee. He stated that these are advisors and their input would be valuable. He stated that what was frustrating to him was the Public Works Department doesn’t have their engineering slots filled and that affected him getting his work done.

Mayor Hamilton stated that it was time to loosen the purses and get the job done.

Mike Reed stated that he was also frustrated that they couldn’t get the projects done.

Susan Duke, Project Manager, stated that a lot of the problem was timing, and the Mayor clarified that the discussion on the planning commission had been postponed six months.

Mr. Lollis spoke about the difference between cultures at the City and the School District.
Chief McMillan stated that it was about developing relationships between the Council and the Police Department and between staff.

Mayor Hamilton and Council congratulated Janet Enquist on taking the Analyst II test.

Mr. Guyton stated that the current sitting Council was easier to work with than others in the past 29 years. He stated that going through the City Manager’s office sometimes allowed them to get the information needed without taking the Director’s time. He stated that there were things on the board that would enhance the City, and he would like to see more projects come to fruition without interruption.

The City Manager stated that the Council should put up their dots with one green for the most important and one red for the most important in the department.

Mayor Hamilton stated that if the Council didn’t tell the staff that they appreciated them enough, they wanted them to know that did, and they thought they were all experts.

Council then went around the room and place their dots on the lists.

The City Manager stated that he would take the pages back and interpret them, and bring it back for Council for a final decision.

ORAL COMMUNICATIONS

None

ADJOURNMENT

The Council adjourned at 4:50 p.m. to the Council Meeting of October 26, 2006 at 6:30 p.m..

_____________________________
Georgia Hawley, Chief Deputy City Clerk

ATTEST:

_______________________________________
Cameron Hamilton, Mayor
Call to Order at 12:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

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

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, voiced concern with the proposed regulations, asserting such regulations were far too cumbersome and expensive for developers, and would likely result in the cessation of any hillside development whatsoever. Mr. Shelton spoke against various aspects of the proposed ordinance, such as the requirement of providing a scale model, and suggested that only Porterville’s most affluent citizens would be able to afford to build on the hillside. He requested that the Council proceed very cautiously.

SCHEDULED MATTER
1. HILLSIDE DEVELOPMENT ORDINANCE REVIEW

Recommendation: That the City Council provide direction to staff and the consultant.

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

Mr. Dunlap indicated that staff has reviewed an administrative draft of the Ordinance which had not yet been released to the public, and had provided comments back to the consultant, TRG Land. Mr. Dunlap then introduced Mr. Mark Rogers and JoAnne Sturges of TRG Land, indicating that they would make the presentation to the Council outlining the objectives of the ordinance. Mr. Dunlap stated that staff was looking for an indication from the City Council as to what direction development of the ordinance should take. Mr. Dunlap then turned the floor over to Mr. Mark Rogers to provide TRG Land’s presentation to the Council.

Mr. Rogers spoke of his credentials and expertise in the area of hillside planning and of the complexity of hillside development. He suggested an emotional element was involved in building on hillsides, pointing out the visibility of hillside projects to entire communities. Mr. Rogers noted that Porterville’s hillside was essentially a blank canvas and was comprised of one contiguous, monolithic topographic area. He then went on to speak of lot size and the decreased buildable area on a hillside lot versus that of a lot on flat soil. Mr. Rogers spoke of “map flippers,” individuals who looked for opportunities to convert rural land into suburban intensities. He stated that these individuals mapped properties regardless of whether such buildout was achievable or not, and then left town. He indicated that he looked to individuals who were vested in the community to develop
Hillside environments, and commented that long term value was created in environments that fed on themselves. He stated that good projects had a tendency to enhance other good projects, with the same being unfortunately true for bad projects. He stated that bad projects tended to bring down the value of the next project, and that this was especially true of hillside environments, since they were so visible.

With regard to the proposed regulations, Mr. Rogers stated that they had put together a fairly tough requirements for purposes of processing maps. He indicated that at a later point each of the requirements could be reviewed and administrative language added for possible exemptions. He stated that the focus that day, however, would be to agree on the overall philosophy of what the City was trying to achieve.

Mr. Rogers then proceeded to present a PowerPoint presentation, “Hillside Planning 101.” He spoke of the slopes and the limitations and increased expense of developing land as the grade increased. He reviewed the jurisdictional and physical constraints of hillside environments, including bluelines, geotechnical instabilities, access limitations and ridgelines. He indicated that in terms of access, the general maximum grade for local and secondary roads was approximately eight percent (8%), while the maximum for primary roads was typically six percent (6%). He stated that from an engineering standpoint, it became very prohibitive to have proper circulation in a hillside environment. Mr. Rogers then spoke of the importance of infrastructure and ownership, citing various hillside developments in Southern California as examples of what could be achieved.

Next discussed was the “reach,” which Mr. Rogers defined as how high a road could be developed on a hillside using conventional practices. He spoke of the need to wind the road around a hill to create length to absorb the grade, and indicated that the “reach” was an important aspect in the consideration of hillside environments. He then went on to speak of the earthwork necessary to create flat pads and the importance of balancing the earthwork on site, stating that it was extraordinarily cost-prohibitive not to do so.

Mr. Rogers then discussed the “old planning process,” and briefly reviewed each of the steps involved, which included:

1. Begin Technical Studies;
2. Mapping;
3. Digital Topographical Mapping;
4. Concept Alternatives;
5. Information Sharing;
6. Evaluation of Information/Brainstorming;
7. Process Document;
8. Environmental Evaluation and Mitigation Alternatives;
9. Validation of Concept and Alternative Refinement;
10. Draft EIR;
12. Detail and Technical Studies;
14. Lawsuits;
15. Implementation; and

Mr. Rogers noted that the problem with the “old” process lied in steps 12 and 13 in that the state and federal approval processes actually followed CEQA. He stated that either state or federal permits would not be available until such time as the applicant obtained a Certified EIR. He stated that the timing of steps 12 and 13 was problematic since those were two large and crucial components of a project’s approval and yet they took place late in the process, possibly after up to two years of work had already been expended on a project. Mr. Rogers went on to speak of TRG Land’s advocacy for the engagement of more of the geotechnical work prior to commencing the EIR process, and cited examples of why that would be beneficial. He stated that rearranging the steps in the planning process would not negatively impact individuals who were actually going to develop the property, since they were going to have to do the work anyway. He indicated, however, that in the event an individual was seeking only to do the map, the expenses would be extraordinary. He stated that rearranging the steps to require the geotechnical work to be completed prior to the EIR process, would likely eliminate the discovery of extraordinary circumstances, such as geological issues, that might make the project cost prohibitive.

In terms of the housing market, Mr. Rogers contended that he did not believe that the market was on the down swing, but rather, according to a recent article in the Los Angeles Times, the market was holding steady. Mr. Rogers then went on to discuss the importance of ridgeline preservation and presented various examples of both good and bad hillside developments in Southern California, some of which were visited by some of the Council Members on a field trip earlier in the year. He spoke of creating value through proper development.

Berms and super slopes were discussed next, during which Mr. Rogers presented examples of incorporating roads and ridge berms along the outer edges of various developments to serve as buffers from certain boundaries, such as freeways. With regard to the use of manufactured slopes, Mr. Rogers spoke of the importance of blending them with natural hill undulations, and presented various examples. He stated that good planning for every project enhanced the value of every project that followed.

Mr. Rogers then spoke of the proper use of retaining walls, presenting examples of loffel walls. He stated that in the examples presented, landscaping had been introduced in front of the wall, which then caused the wall to eventually disappear into the fabric of the hillside. He next spoke of the various types of slopes, including super, side and interim slopes; and retaining walls, and presented examples of each.

Hillside design techniques were presented next, which included landscaping, trails and edges. Mr. Rogers stated that a primary focus in such design should be on walkability, which he asserted was the single most popular recreational component today in communities. He advocated the inclusion of trail systems, citing the Irvine Ranch as an excellent example. Mr. Rogers then briefly touched upon water quality basins, noting their necessity in Southern California, and how naturalized treatment systems were utilized so as blend into the community.
Next, Mr. Rogers spoke of fuel modification zones, noting that the local hillside likely fell in the high fire hazard zone. He presented examples of how thinned vegetation and maintained landscaping provided buffer zones between housing and natural vegetation. He stated that often times such zones could be utilized as recreational areas.

Mr. Rogers then noted the controversial trend towards development of larger homes, which he referred to as “mansionization,” and briefly touched upon the various architectural elements of residential design, noting the importance of varying structural elevations and building heights. He proceeded to present examples of each and spoke of benefits of “cluster” design in hillside environments.

Mr. Rogers next presented information on computer modeling and how topography programs were utilized to assist in the development process, such as in the identification of the preferred location of structures on a hillside so as to limit visibility.

Mr. Rogers lastly presented photographs of hillside developments visited during the Council’s field trip earlier in the year. He concluded that the draft ordinance before the Council that evening included some tough standards in an effort to protect those individuals who would be in the community into perpetuity. He stated that the vested property owners were going to do the work anyway, it was just a matter of when, but that it was in everyone’s interest that it be done early on so as to ensure the work was done properly. He indicated that while there was much more detail work to be done with the ordinance, the current draft represented a philosophical viewpoint. Mr. Rogers concluded his presentation and indicated he was available for questions.

The Council recessed for ten minutes.

In response to a question posed by Mayor Pro Tem Felipe Martinez, Mr. Rogers indicated that the hillside developments presented that day had been constructed on varying types of soils. He stated that different soil types, such as more expansive soils and hard rock, could contribute to increased costs. He added that while the projects had varying soil types, they also had similarities.

Mayor Pro Tem Felipe Martinez spoke of water runoff and inquired as to how that should be addressed. Mr. Rogers stated that there were standards of care for purposes of ensuring that no water exited a property at a greater velocity than it did prior to the development. Mr. Rogers then spoke of retention ponds and systems and stated that he referred to them as “land takes” since they took away from the buildable acreage of a project. He stated that at the onset of a project, he generally liked to determine where all of the “land takes” were necessary so that the developer was aware at the very beginning of the process. Mr. Rogers commented that it was typical to have the hydrology of a project completed after the completion of the Map, which he did not believe was a good idea. He advocated completing the hydrology on the front end of the project so as to provide a clear expectation for the developer.

Council Member Hernandez inquired as to buffer zones from the natural land to the developed project. Mr. Rogers indicated that the rules changed from agency to agency, and that it generally depended upon fire conditions and natural hazards in a particular area. He stated that he would defer to the Fire Chief on that topic.
Council Member McCracken indicated that he had no questions at that time.

Council Member Pedro Martinez thanked Mr. Rogers for his efforts to date and spoke of the knowledge gained from the field trip earlier that year. He then commented that he had not viewed the hillside projects at night and questioned how a hillside development would look in Porterville. He inquired whether the draft ordinance included language that regulated lighting. Mr. Rogers stated that two of the projects that were visited during the field trip had actually voluntarily implemented low light standards. He spoke briefly of “dark sky” ordinances and stated that while there was not language addressing the issue in the current draft, something could be added, such as a light pollution standard. Council Member Martinez voiced support for including such language. A brief discussion ensued as to dark sky conditions and how such standards could be implemented while still maintaining safe environments. Mr. Rogers stated that he would provide sample ordinances addressing lighting regulations.

In response to comments made by Council Member Pedro Martinez regarding noise, Mr. Rogers indicated that it had been his experience that hillside projects were often more frequently impacted by noise than they were the generators of noise, noting that generally projects down south were built near large freeways.

Community Development Director Brad Dunlap added that sound naturally traveled and that the only way to obstruct it was to build barriers, such as berms. He stated that in his experience, he had dealt with many complaints regarding noise in hillside areas, which were not necessarily code violations. He stated that there would need to be some recognition by those individuals purchasing homes in hillside developments of the possibility of some noise in certain areas. He pointed out that on flat land, structures acted as sound barriers, however sound from the valley could reach hillside developments without such barriers.

Council Member Pedro Martinez next inquired about infrastructure and whether the City had enough in place so as to support any hillside development. City Manager John Longley stated that some, but not all, was currently in place. He added that the water system needed to be improved, particularly noting drainage. He stated that infrastructure and development needed to be coordinated, and that this was the reason for the careful drafting of the Hillside Ordinance.

Mayor Hamilton stated that he had thought that the Hillside Ordinance was going to be drafted specific to Porterville’s needs, yet the draft before them was more broadly based. He inquired as to the specifics for Porterville’s geology, topography, etc. Mr. Rogers stated that the draft before the Council that day was only the purpose and intent. He indicated that following that document was a multitude of pages containing information very specific to the area, and that Porterville’s general geology had been researched. He stated that the draft ordinance was specific to the area, and was crafted to provide some vision. He then cited examples of issues addressed in the ordinance, such as lot and pad sizes. Mr. Rogers elaborated on how the ordinance would provide vision for hillside development.

In response to a question posed by Mayor Hamilton, Mr. Dunlap spoke of the provisions in
the ordinance that would regulate those individuals building a single residence versus a subdivision. He added that there were also provisions for those individuals that had an existing hillside residence seeking to do improvements. He stated that the ordinance also addressed building massing and architectural standards, pursuant to Council’s previous direction. He spoke of how beneficial it would be for the City to obtain as much information as possible in the beginning so as to have a determined outcome and have a comprehensive understanding of what exactly the developer was proposing to build. He indicated that in order to have that understanding, there would be information that needed to be provided up front, regardless of whether or not it would add cost at the front end.

Mayor Pro Tem Felipe Martinez spoke of the City’s plans to install water tanks in the hillside area and inquired whether the City would follow the regulations of the Ordinance. Mr. Dunlap stated that he and the City Engineer had conversations regarding that particular issue and that he had expressed interest in having the water tanks screened through the use of berming and vegetation. He added that the Martin Hill tank would be more challenging, as the land had been purchased a long time ago. He stated that, however, landscaping could be utilized to camouflage the tank. Mr. Dunlap noted that it was important for the City to set an example of compliance.

In response to a question regarding regulating color palettes, Mr. Rogers stated that design guidelines would be beneficial to ensure continuity, pointing out that the devil was in the details. A brief discussion ensued as to the aesthetic benefits of coordinated color palettes. Mr. Rogers commented that he did not believe it was too restrictive to limit color choices, nor did he think it was too much to ask developers to provide design plans on the front end. Mr. Dunlap stated that such issues were issues that came to the surface each time the City worked with a developer who obviously had no intentions of building the units proposed on the Map. He stated that this was the type of information that, if provided, the City would know what was to be built.

A brief discussion next ensued regarding landscape guidelines, the benefits of having uniformity within developments, and of the benefits of zero-scapes, particularly for water conservation.

Council Member Hernandez voiced concern with density, particularly over-saturation. He spoke in favor of setting a minimum lot size, such as ½ acre lots, pointing out that the development would be extremely visible.

Mr. Rogers stated that the draft ordinance addressed density on the basis of slope, with the flatter slopes having a little higher land use intensity and the steeper slopes having less density. He recommended thinking in terms of pad size rather than lot size. He indicated that the ordinance required a minimum pad size of 6,000 sq. ft. and a minimum lot size of a 1/4 acre. He pointed out that this was a starting point and that it was consistent with the General Plan in terms of land use intensity.

Council Member Pedro Martinez inquired whether language should be included in the ordinance to encourage developers to include design elements to promote a healthy lifestyle, such as walking trails.
Mr. Dunlap indicated that there provisions included in the draft ordinance that would allow for walking trails, bike paths, equestrian trails, etc. within the open space areas of a development. He spoke of the importance of connectivity and consistency from one development to another, and briefly mentioned plans for Foothill Boulevard. He advised that the language would be clarified in the ordinance so as to inform all developers that such elements were desired by the City.

Mayor Pro Tem Felipe Martinez inquired as to whether the ordinance addressed the possibility of small commercial development along with the residential hillside development, as was proposed in the General Plan Update’s Preferred Plan to promote walkable communities. Mr. Rogers spoke of the general reluctance of commercial developers to build on hillsides, noting their reliance on population and housing statistics, and proximity to major thoroughfares, which tended to be located in the flatter areas of communities. Mr. Dunlap further elaborated on the concept of walkable communities pursuant to the Preferred Plan, and proceeded to briefly review the Preferred Plan as it related to hillside development. He indicated that residential development on the lower sloped areas would have a commercial component.

Mayor Hamilton voiced support for the provisions as drafted thus far.

Council Member McCracken also spoke in favor of the ordinance as drafted, and spoke of the importance of finding reasonable regulations for hillside development which were perhaps more stringent than those for regular development, yet not overly controlling.

Council Member Pedro Martinez indicated that he too agreed with most of the proposed ordinance and suggested that provisions regulating lighting also be included.

Mayor Pro Tem Felipe Martinez stated that agreed with his fellow Council Members and voiced his support in moving forward. He then inquired of the consequences if the moratorium was to expire without any action being taken. Mr. Longley responded that the moratorium was fairly limited in its scope, essentially addressing the submittal of materials. He stated that when the moratorium expired, the ability to enact another ordinance was not restricted. Mr. Longley then confirmed that the moratorium could not be renewed.

Mr. Dunlap added that in the event the interim ordinance expired prior to adopting a permanent ordinance, there would be a period of time in which there was nothing specifically addressing hillside development. He then spoke of the interim ordinance and of its lack of “sharp teeth” with the changes made to it by Council.

Council Member Hernandez agreed with the proposed provisions of the draft ordinance and voiced support for moving forward.

Mr. Dunlap requested that another study session be scheduled in the next few weeks in order to review the details of the ordinance.

ORAL COMMUNICATIONS
• Greg Shelton, address on record, spoke favorably of the expertise of Mr. Rogers, yet
noted much of his experience was in Southern California. Mr. Shelton commented on the converse relationship between Southern California and Porterville, and suggested that Mr. Roger’s assertions were not applicable in Porterville. He voiced concern with the proposed regulations on color, architecture, orientation, etc., and of the potential regulation of existing property owners. Mr. Shelton then referenced the Los Angeles Times article cited by Mr. Rogers and contended that in fact the article had indicated that the housing market had “tanked.” Mr. Shelton opined that the ordinance as drafted was Draconian and would devalue hillside properties.

ADJOURNMENT

The Council adjourned at 2:37 p.m. to the Council Meeting of December 5, 2006.

ATTEST:

________________________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

________________________________________
Cameron Hamilton, Mayor
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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.
2- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.
3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
9- Closed Session Pursuant to Government Code § 54957 - Public Employee Performance Evaluation - Title: City Manager

Mayor Hamilton stated that rather than convening Closed Session, the Council would instead pay their respects to Mr. Buck Shaffer and attend his service from 6:00 p.m. to 7:00 p.m. He stated that the Closed Session would convene immediately following Other Matters at the end of the Meeting.

7:00 P.M. RECONVENE OPEN SESSION
Mayor Hamilton informed everyone that the Council would convene Closed Session at the end of the Meeting, and that from 6:00 p.m. to 7:00 p.m. the Council had instead attended Mr. Buck Shaffer’s viewing.

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

PRESENTATION
Employee of the Month - Janie Rodriguez
• Mayor Pro Tem Felipe Martinez presented Ms. Rodriguez with a Letter of Appreciation and Certificate.

Commendation - Hovel Salinas
• Fire Chief of Operations Mario Garcia presented Mr. Salinas with Certificate of Commendation for his heroic actions on October 24, 2006.

Art Association Presentation of Projects - Vedra McElfresh
• Ms. McElfresh spoke of the Art Association’s six year history and of its Gallery on Main Street. She invited everyone to the Gallery to see its current exhibit, and to the Association’s First Annual Christmas Boutique which was to take place on December 15th and 16th. Ms. McElfresh then spoke of the Association’s second planned mural and of the benefits that murals provided communities. She indicated then informed everyone of the budget to date for the mural project, and indicated that she had pledge cards with her that evening for those interested in supporting the effort. Ms. McElfresh then spoke of the late Mr. Buck Shaffer and of his enthusiasm with the idea of a band mural as the third mural the Association pursued.

ORAL COMMUNICATIONS
• Kathleen Harris, 187 South Mill Street, requested that an item be placed on the Agenda to consider street light installation on South Villa Street between Porterville High School and Union Avenue. Ms. Harris then voiced concern with what she perceived was a lack of enforcement for parking violations near Porterville High School, and suggested that the City was being deprived of a significant revenue stream.
• Raul Pickett, Director of El Futuro Credit Union, spoke of a volunteer income tax program to assist individuals in claiming the earned income tax credit. He stated he had presented the program to the Council the prior year. He spoke of the benefits of such a program and requested the City’s financial sponsorship and/or assistance in obtaining needed funds and equipment.
• Dick Eckhoff, 197 North Main Street, inquired as to how code enforcement, as discussed in Item No. 14, would be addressed on weekends and holidays, and suggested that contact information be provided to the community for code violation reporting. He then spoke of Item No. 16, voicing concern with the placement of several items on the list of priorities identified by the Council, suggesting that graffiti abatement and Downtown parking should have ranked higher on the list. Mr. Eckhoff then commented on the issue of homelessness, citing recent articles and commentary in the Porterville Recorder. He spoke of the importance of comprehensively addressing the problem, rather than simply building a shelter.
• Terry Bergfalk, voiced disappointment that the flag was not flying at half staff in memory of Mr. Buck Shaffer, and requested that the City do so.
CONSENT CALENDAR

Item No. 10 was removed for further discussion.

Mayor Hamilton noted that staff had requested that the Minutes of November 21, 2006 be amended to correct a typographical error on Page 1, specifically “Martha Alcantar Florez” should be “Martha Alcazar Flores.”

With regard to Item No. 6, Public Works Director Baldo Rodriguez noted an error existed in the staff report, and that “300 feet” should actually read “330 feet.”

1. CITY COUNCIL MINUTES OF NOVEMBER 7, 2006 AND NOVEMBER 21, 2006

Recommendation: That the City Council approve the City Council Minutes of November 7, 2006 and November 21, 2006, as amended to change “Martha Alcantar Florez” to “Martha Alcazar Flores” on Page 1 of the November 21, 2006 Minutes.

Documentation: M.O. 01-120506
Disposition: Approved.

2. CLAIM - LIZETH FERNANDEZ

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

Documentation: M.O. 02-120506
Disposition: Approved.

3. RATIFY EXPANSION OF LIBRARY CARPETING PROJECT

Recommendation: That the City Council consider and ratify expansion of the Library’s carpeting project with $1,644 from the Library operating budget.

Documentation: M.O. 03-120506
Disposition: Approved.

4. AWARD OF CONTRACT - AIRPORT WATER INTER-TIE PROJECT

Recommendation: That the City Council:
1. Award the Airport Water Inter-Tie Project to Halopoff and Sons in the amount of $2,859,782.70;
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. 04-120506
Disposition: Approved.

5. ACCEPTANCE OF PROJECT - SINGER BUILDING DEMOLITION PROJECT
Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize final payment per the Special Provisions, Payment of the Project Manual, which states that within 30 days of the Contractor's final billing, the City must pay 100% of the sum due to the Contractor, provided that the City Engineer recommends and the City Council accepts the work as complete.

Documentation: M.O. 05-120506
Disposition: Approved.

6. PARTIAL RECONVEYANCE - ROBERT C. NUCKOLS PROPERTY

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Deed of Partial Reconveyance;
2. Authorize the Mayor to execute the Partial Release Agreement;
3. Direct the City Clerk to record the Deed of Partial Reconveyance with the Tulare County Recorder's Office upon payment of $500 by Mr. Nuckols to the City of Porterville; and
4. That Robert C. Nuckols pay all recordation fees associated with the partial reconveyance transaction.

Documentation: Resolution 145-2006
Disposition: Approved, based on the staff report as amended by Mr. Rodriguez changing “300 feet” to “330 feet.”

7. CITY/COUNTY AGREEMENTS RELATED TO ANNEXATION NO. 464

Recommendation: That the City Council:
1. Approve the agreement as written;
2. Authorize the Mayor and City Clerk to execute five (5) agreements with Tulare County; and
3. Authorize the City Clerk to forward the agreement to Tulare County for Board of Supervisor action.

Documentation: M.O. 06-120506
Disposition: Approved.

8. TIME EXTENSION REQUEST - TULE RIVER PARKWAY WETLANDS ACQUISITION PROJECT - PHASE III

Recommendation: That the City Council:
1. Adopt the draft resolution approving the filing of a Cooperative Work Agreement time extension request for the Tule River Parkway - Wetlands Acquisition Project - Phase III; and
2. Authorize the Director of Parks & Leisure Services to sign the time extension request.

Documentation: Resolution 146-2006
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE AREA MINISTERIAL ASSOCIATION - CHRISTMAS CHOIR CONCERT - DECEMBER 16, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Area Ministerial Association, subject to the Restrictions and Requirements contained in said documents.

Documentation: M.O. 07-120506
Disposition: Approved.

11. TULARE COUNTY REGIONAL PASS

Recommendation: That the City Council authorize staff to prepare and sign a letter of support addressed to the County of Tulare for implementation of the Tulare County Regional Pass System.

Documentation: M.O. 08-120506
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council approve Item Nos. 1 through 9, and 11. The motion carried unanimously.

10. TULARE COUNTY REGIONAL EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT

Recommendation: That the City Council:
1. Approve the Tulare County Regional Emergency Management Mutual Aid Agreement; and
2. Authorize the Mayor to sign documents related to the Agreement.

City Manager John Longley presented the item, and Fire Chief of Operations Mario Garcia presented the staff report.

In response to questions posed by Council Member Pedro Martinez, Mr. Longley indicated that the proposed action was a part of the Standard Emergency Management System created by the State of California. He stated that typically each county was considered an operational area, and that the item was an implementation of Tulare County’s plan. He stated that the concept was to pool resources and
coordinate systems between agencies. He confirmed that communication between the agencies was possible.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Tulare County Regional Emergency Management Mutual Aid Agreement; and authorize the Mayor to sign documents related to the Agreement. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

12. VACATION OF A PORTION OF GARDEN AVENUE BETWEEN FOURTH STREET AND THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY PROPERTY (JORGE RAMOS)

Recommendation: That the City Council:
1. Adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fourth Street and the Atchison, Topeka and Santa Fe Railroad Company property; and
2. Authorize the City Clerk to record the resolution of Vacation and Easement Deed with the County Recorder.

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

The public hearing opened at 7:36 p.m. and closed at 7:37 p.m. when nobody came forward.

Mayor Hamilton noted that he had no financial dealings with Mr. Ramos, but informed everyone of his long standing friendship with him.

Mayor Pro Tem Felipe Martinez also noted his friendship with Mr. Ramos. He stated that he too, however, had no financial conflict of interest.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fourth Street and the Atchison, Topeka and Santa Fe Railroad Company property; and authorize the City Clerk to record the resolution of Vacation and Easement Deed with the County Recorder. The motion carried unanimously.

Disposition: Approved.

13. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the meeting of December 19, 2006.
Community Development Director Brad Dunlap indicated that the applicant had requested a continuance until the next City Council Meeting, which he pointed out, differed from the direction of the Council at the last Council Meeting. Mayor Hamilton recalled that the direction at the last meeting had been to remove the item from the Agenda if the applicant again needed a continuance. He confirmed with staff that if the item was removed from the Agenda, a public hearing would need to be re-noticed which would cause additional staff time. Mr. Dunlap indicated that no additional fees would be submitted by the applicant to pay for the re-noticing.

A discussion ensued as to whether or not there was progress in the negotiations between the applicant and interested parties. Mr. Dunlap stated that he perceived that there was some action, although he was not certain.

Council Member McCracken moved that the Council continue the item and the public hearing to the regularly scheduled meeting in January. Mayor Pro Tem Felipe Martinez seconded the motion.

City Manager John Longley pointed out that the applicant had requested that the item be continued to the meeting of December 19, 2006. Mr. Dunlap indicated that he believed that the applicant was out of town and had requested it be continued to December 19th.

Council Member McCracken restated his motion to continue the item and the public hearing to the meeting of December 19th. Mayor Pro Tem Felipe Martinez seconded the restated motion.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council continue the item to the meeting of December 19, 2006. The motion carried unanimously.

Disposition: Continued to December 19, 2006.

**SCHEDULED MATTERS**

14. UPDATE - CODE ENFORCEMENT PROGRAM

Recommendation: That the City Council:
1. Accept the informational report;
2. Approve the implementation concept; and
3. Direct staff to bring back to the Council a review of the program during budget development.

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

Mayor Pro Tem Felipe Martinez voiced concern with code enforcement being based on only a complaint basis. He spoke of public perception and the ability of officers to act in the event they witnessed a violation. Staff indicated that it was a matter of being proactive and reactive, and that any violation witnessed by the officer was just as important and enforceable as complaints received. He stated that the officer would have the latitude to make a judgment call in the field should something be seen.
Council Member McCracken pointed out that complaints need not only come from the public, but that City employees should also report any violations seen while out in the field.

In response to questions posed by Mayor Hamilton, Mr. Guyton elaborated on the “non-sworn” status, which he indicated meant not post-certified. It was also confirmed that the position would be hired then, with a review of the program taking place during budget development.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the informational report; approve the implementation concept; and direct staff to bring back to the Council a review of the program during budget development.

Disposition: Approved.

15. RECRUITMENT OF A DEPUTY CITY MANAGER

Recommendation: That the City Council:
1. Approve the recruitment of a Deputy City Manager who may succeed the current City Manager;
2. Approve the draft resolution and job description;
3. Authorize a budget adjustment to implement the proposed allocation methodology;
4. Determine whether to use in-house staff or a professional executive search firm for the recruitment of a Deputy City Manager. If an executive search firm is approved, authorize $30,000 from the City’s unallocated General Fund Reserve for the recruitment; and
5. Authorize the City Manager to appoint an existing director as an additional duty to serve as Deputy City Manager with a 10% pay differential.

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

Mayor Pro Tem Felipe Martinez commended staff on being proactive, yet voiced concern with authorizing $30,000 to use an executive search firm, rather than utilizing City staff in the recruitment process.

Council Member McCracken commented that the item proposed to fundamentally change the structure of City staff. He stated that in the past, the City had never had just a Deputy City Manager, but rather a City employee also took on the duties of Deputy City Manager with a pay differential. He requested additional time to look at the issue, considering that the Council would be adding another position. He stated that the Council was currently evaluating the City Manager and contended it would be beneficial to wait until the Council decided what it was going to do.

In response to questions posed by Mayor Pro Tem Felipe Martinez, Mr. Longley indicated that it was his understanding that the Deputy City Manager position had always been attached to another
position, such as the Finance Director position. He proceeded to review the various positions that had served as Deputy City Manager in the past.

Council Member Hernandez voiced concern with the proposed job description, indicating that he believed it should have added responsibilities. He commented that he wanted a smooth succession into the City Manager position in the future, however additional details were needed with regard to the job duties.

Council Member Pedro Martinez voiced concern with possibly limiting the City by preordaining an individual to succeed the current City Manager. He stated, as Council Member McCracken pointed out, the Council should proceed cautiously and review the Charter to ensure the process meets with its provisions.

Mayor Hamilton commented that the Charter clearly provided the City Manager the authority to proceed as recommended. He stated that Mr. Longley was likely to retire in 2008 and the concept was to create a seamless replacement for his position. He pointed out that Deputy City Manager Guyton would be retiring that month, which provided an opportunity to begin the recruitment process for a possible replacement for Mr. Longley. He stated being proactive was a responsible thing for the Council to do. He then commented that he disagreed with Mayor Pro Tem Martinez’s contention that the recruitment should be handled by City staff. He stated that by utilizing an executive search firm, the breadth of the search would increase substantially.

Council Member McCracken voiced concern with taking any action to address a situation that the Council might regret in the future. He voiced support for taking time to develop a solution that not only addressed the immediate issue, but that was also good for the future. A discussion ensued during which the Council Members reiterated their perspective views. The projected time line for the recruitment was also discussed during which staff estimated it would be a three month process that would commence immediately.

With regard to authorizing the City Manager to appoint an existing director to serve as acting Deputy City Manager, Mr. Longley indicated that without such appointment, the organization would be impaired. Mayor Hamilton inquired as to why staff was seeking authorization when such authorization was already held by the City Manager.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the recruitment of a Deputy City Manager who may succeed the current City Manager; approve the draft resolution and job description; authorize a budget adjustment to implement the proposed allocation methodology; direct staff to a professional executive search firm for the recruitment of a Deputy City Manager; authorize $30,000 from the City’s unallocated General Fund Reserve for the recruitment; and authorize the City Manager to appoint an existing director as an additional duty to serve as Deputy City Manager with a 10% pay differential.

**AYES:** P. Martinez, F. Martinez, Hernandez, Hamilton

**NOES:** McCracken

**ABSTAIN:** None
ABSENT: None

Disposition: Approved.

16. CONSIDERATION OF ESTABLISHING PRIORITY PROJECTS FOR 2007

Recommendation: That the City Council:
1. Approve a list of ten priority projects; and
2. Approve the statement defining how priority projects will be managed and reviewed.

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

In response to a request from Mayor Pro Tem Felipe Martinez, Mr. Longley elaborated on the process by which the projects were prioritized by the Council. He stated that the goal was to define priority projects at the beginning of the year for which staff would be accountable in December. He stated that Council could proceed as it wished, but that he would recommend again setting priority projects in January of the following year. A discussion ensued as to the various projects. It was pointed out that the majority of the top ten projects had to do with economic development.

Council Member McCracken commented that the list was not static, but was rather constantly changing as projects were completed.

Council Member Hernandez commented that he would like to amend the priority list right then. He commented that while economic development was important, he didn’t see anything recreational in the top ten, with the exception of the Skate Park, which he pointed out was already completed. Council Member Hernandez then spoke of the deteriorated state of Murry Park and spoke in favor of prioritizing its revitalization and adding it to the list. A discussion ensued, during which it was stated that the projects included on the list had already been funded, whereas the funding needs for Murry Park had not yet even been identified.

Mayor Pro Tem Felipe Martinez commented that he would like a focus to be kept on Murry Park, noting its importance to the community and attracting new residents.

Parks and Leisure Services Director Jim Perrine advised everyone on the status of the concept plan for Murry Park, indicating that the City’s consultant was currently preparing the environmental document. He pointed out that the document had been in preparation for well over a year. Mr. Perrine then confirmed that funding was in place for the EIR and that once it was completed, the Master Plan would be brought forward for consideration in prioritizing the phasing of the improvements, identifying budgets and commencing design activities.

A discussion next ensued as to which current projects would be re-prioritized in the event the Murry Park EIR was moved up on the priority project list. Community Development Director Brad Dunlap indicated that he has had the document for months, yet due to staffing constraints, was unable to work on it. He inquired whether the Council would like to prioritize the Murry Park EIR over some of the other large projects currently under way in his department, such as the General Plan Update, the Hillside Development Ordinance, etc. Mayor Pro Tem Felipe Martinez inquired whether the first
quarter in 2007 was a reasonable target date for the EIR’s completion, to which Mr. Dunlap responded that he would shoot for that time.

Council Member Pedro Martinez spoke of the Council’s prior action in redirecting funds from the parking lot repairs downtown, and spoke of the need for balancing economic development and recreational needs. He spoke in favor of addressing the parking needs downtown and commented that he would like to see the project in the top ten.

Mayor Hamilton commented that he was perplexed as to why the Council was now wanting to change the priorities identified at the recent study session, pointing out that the priorities on the list had been selected by the Council.

Council Member McCracken agreed with the Mayor’s comments.

It was agreed that the concept to which the Council agreed was to focus on economic development. Council Member Pedro Martinez stated that the Skate Park Project was relatively complete and suggested removing it from the list.

Mayor Pro Tem Felipe Martinez spoke of Murry Park being the center of the community and of the importance of maintaining its cultural aspect. He suggested that his fellow Council Members walk through the Park.

Mayor Hamilton agreed that Murry Park was a jewel to the Community. He commented, however, that the Master Plan was a huge undertaking and that various improvements could be made throughout the park rather than prioritizing the Master Plan as a whole.

A discussion ensued as to the current top ten, during which the Council agreed to remove the Skate Park Project and advance the next project up to the top ten.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve a list of ten priority projects, as amended to remove the Skate Park Project from the list and advance the next project to the top ten, being the Community Center; and approve the statement defining how priority projects will be managed and reviewed.

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

Disposition: Approved.

17. CONSIDERATION OF A PROPOSED LETTER TO ASSEMBLYMAN MAZE DEFINING PORTERVILLE’S LEGISLATIVE PROPOSALS

Recommendation: That the City Council:
1. Approve the draft letter to Assemblyman Maze and direct staff to transmit it; and
2. Direct staff to prepare the City’s Legislative Program for 2007 in substantially the same format and transmit same to the City’s other legislators.

City Manager John Longley presented the item and the staff report, which included the City’s Legislative Program for 2007 as follows:

1. Ralph Brown Act: Council Organization;
2. Enterprise Zone;
3. Highway 65 and Highway 190; and
4. State Bond Act Projects
   A. Proposition 1C-Housing and Emergency Shelter Trust Fund Act of 2006
   B. Proposition 1D-Kindergarten - University Public Education Facilities
   C. Proposition 84-Water Quality, Safety & Supply, Flood Control, Natural Resource Protection, Park Improvements, Bonds, Initiative Statute

Council Member McCracken noted the interest by some Council Members of prioritizing the revitalization of Murry Park and questioned why the City was not asking for funds to achieve that. Mr. Longley spoke of the critical importance of partnerships with other agencies on projects for which funding was sought from the State. He stated that with regard to Items 4B and C, discussions with potential partners had taken place.

A brief discussion ensued as to the Murry Park Master Plan. Mr. Longley clarified for everyone’s edification the critical path for the Murry Park Project. He stated that completion of the EIR was the next step, with the completion of the Master Plan itself following. He stated at that point, staff believed there would be funding to proceed with some of the design elements. He indicated that once the Project was to that point, shopping for grants could then take place.

Council Member Pedro Martinez spoke of the issue of homelessness and commented on the need to address the matter on a County-wide basis. He stated that resolution to the problem required more than simply emergency housing, but should include more widespread assistance, such as funding for drug rehabilitation programs and work programs. He spoke of the importance of helping individuals help themselves. He stated that it was not his intent to develop programs that would create dependency. He stated that the Council could request some funding from the State, and noted the need to partner with other agencies, such as Tulare County, to address the matter. Mr. Longley suggested that if the Council decided to seek funding for an emergency shelter, both construction and operational costs should be sought, and stated that the $5 million figure quoted in the Porterville Recorder that day was likely a fairly close estimate.

Mayor Hamilton stated that the homeless issue was much more complex than people understood. He commented that the County was really charged with addressing the issue, but that the City should partner with the County. He voiced support for seeking State funding on the matter, however, first suggested meeting with the County and forming a partnership with it.

Mayor Pro Tem Felipe Martinez spoke of information gleaned from a conference the Council attended in San Diego. He agreed that addressing the problem of homelessness should be a joint task, headed by Tulare County.
Council Member McCracken voiced support for encouraging Assemblyman Maze to work towards solutions on a regional basis.

Mayor Hamilton spoke in favor of partnering with the County of Tulare to tackle the problem. He commented, however, with regard to emergency shelter, the City should have plans in place. He suggested that the Armory could be utilized as a shelter during extremely cold nights. Mayor Hamilton then volunteered to commence discussions with the County for a cooperative solution to local homelessness, if the Council so agreed. The Council concurred.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the draft letter to Maze and direct staff to transmit it; direct staff to prepare the City’s Legislative Program for 2007 in substantially the same format and transmit same to the City’s other legislators; and authorize the Mayor to begin discussions with Tulare County to address homelessness. The motion carried unanimously.

Mr. Longley noted that the typographical error in the draft letter to Assemblyman Maze, as identified by Council Member McCracken, would be corrected.

Disposition: Approved.

18. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - “BUDGET REQUEST FOR TOYS FOR TOTS”

Recommendation: That the City Council provide direction staff.

City Manager John Longley presented the item.

Mayor Hamilton spoke of the desire at the race track to hold a toys for tots drive during which race participants would be required to bring toys in lieu of paying fees at the gate. He stated that rather than the Parks & Leisure Services Department losing the approximate $500 in fees, he would like the Council to reimburse Parks & Leisure Services from its Community Promotion Fund.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve a $500 appropriation from the Council’s Community Promotion Fund for reimbursement to Parks & Leisure Services Department for the Toys for Tots promotion at the Sports Complex. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

- Greg Shelton, address on record, came forward to address the Council on several items: 1) He spoke against the idea of a government-sponsored tax preparation program as requested by Mr. Raul Pickett during Oral Communications; 2) He suggested that if the City were to pursue the reinstatement of the Enterprise Zone, as discussed in Item No. 17, he stated the City should also seek a revision to the boundaries of the Zone. Staff
confirmed that the proposed Zone area had been expanded; 3) With regard to Item No. 16 and the discussion on Murry Park being prioritized, he noted the cost of the project to be $12,000,000, and spoke of the Parks & Leisure Services Commission’s accomplishments during the past year with limited available funds. He agreed, however, that the fence along Putnam Avenue was in need of repairs; 4) He voiced concern with a full-time Deputy City Manager, suggesting that the need was not likely there and that a “top heavy” administration was not beneficial to the City. He commented that the City would be better served by utilizing such funds on hiring a new engineer or planner.

- Dick Eckhoff, address on record, 1) voiced support for improvements to Murry Park; 2) spoke of the connection between drug abuse and homelessness, and of the need for a comprehensive solution; and 3) commented that the City unfortunately did not have the authority to lower the flag in honor of Mr. Buck Shaffer, as was requested by Ms. Bergfalk during Oral Communications at the beginning of the meeting.

**OTHER MATTERS**

- Council Member McCracken:
  1. Spoke of Mr. George Sutton’s previous offer of irises for plantings throughout the City, and suggested that the City take advantage of that offer. He requested that an item be placed on the agenda to discuss the matter.
  2. Spoke of Mr. Buck Shaffer’s contributions to the City of Porterville and requested that an agenda item be prepared for the consideration of recognizing him, suggesting possibly a clock in Centennial Park. A discussion ensued as to the estimated cost for a clock and for involving the community in the effort.

- Council Member Hernandez requested an item be brought forward after the first of the year to consider a revitalization of the Neighborhood Watch Program.

- Council Member Pedro Martinez:
  1. Spoke of the Mariachi Winter Wonderland event that he recently attended at the Buck Shaffer Auditorium, and requested that a proclamation be prepared on behalf of the entire Council.
  2. Requested that the Council participate as sponsors for the Art Association’s mural. Mr. Longley indicated that an item would be brought forward on the next agenda.

- Vedra McElfresh, Porterville Art Association, thanked the Council for their consideration and suggested that the City could also support the program by purchasing a painting of every mural to display in the halls of City Hall. Ms. McElfresh then volunteered her services towards fundraising efforts for a clock recognizing Mr. Shaffer, noting his interest in a clock in Centennial Park.

The Council recessed at 9:22 p.m. for ten minutes and then convened Closed Session.

**RECONVENE OPEN SESSION**

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**

The Council reconvened Open Session at 1:30 a.m. and reported the following action:

It was reported that the Council authorized and approved the sale of a 3.1 acre site in the Airport Industrial Park, APN 302-390-016, to Airport Industrial, LLC, in the amount of $95,439.96, and that the payment for parcel map preparations and other costs associated with the transaction be paid for from the proceeds of the sale. The Council also authorized the Mayor to sign all documents and agreements necessary to complete the project; directed staff to record all documents with the County Recorder; and approved the request by Airport Industrial, LLC to post signage reflecting availability of build to suit sites during escrow.

Documentation: Resolution 149-2006
Disposition: Approved.

ADJOURNMENT
The Council adjourned at 1:31 a.m. to the meeting of December 19, 2006.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Cameron Hamilton, Mayor
SUBJECT: CLAIM - PHELPS

SOURCE: Administration

COMMENT: Ruth Phelps has filed a claim against the City for property damage sustained from January 2 to January 27, 2007. Mrs. Phelps is alleging that the sewer line at 579 North Villa became backed up due to a blockage in the City main at that location.

The amount being claimed as of the presentation of this claim is $364.50, based on plumber repair billings.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

RECEIVED
JAN 30 2007
CITY OF PORTERVILLE
CITY CLERK OFFICE

CLAIM AGAINST
CITY OF PORTERVILLE

Claimant's name: Ruth Phelps
SS#: [redacted]
Claimant's Telephone No.: 559-781-2625
DOB: [redacted
Claimant's address: 579 N Villa Porterville

Address where notices about claim are to be sent, if different from above: 
Same

Date of incident/accident: 1-20-07
Date injuries, damages, or losses were discovered: Same

Location of incident/accident: See video and notes on invoices
(Use back of this form or attach Diagram if necessary to answer this question in detail)

What did entity or employee do to cause this loss, damage, or injury? See video and notes on invoices
(Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Money paid to plumber for city problem
(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

How was this amount calculated (please itemize)? Attached
(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 1-29-07
Signature: Ruth Phelps

If signed by representative:

Representative's Name
Address

Telephone #
Relationship to Claimant
## Task # Warranty

<table>
<thead>
<tr>
<th>DESCRIPTION OF PRODUCTS AND SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week Ice through main line glacier</td>
</tr>
<tr>
<td>at Save your Area</td>
</tr>
<tr>
<td>Side for cheese</td>
</tr>
</tbody>
</table>

## Diagnosis

Need to use case to open main line

## Recommendations

Advantage Plan Members save money!

---

Acceptance of work performed: I find the service and materials performed and installed have been completed in accordance with this agreement. I agree to pay reasonable attorney fees, collection fees and court costs in the event of legal action pursuant to collection of amount due.

I do hereby state that the above work has been done in a workmanlike manner and to applicable codes.

---

Customer Signature: [Signature]

Technician Signature: [Signature]
Mr. Rooter

PLUMBING

VISA L A HANFO RD  P O RT V I L L E  K IN G SBU RG  F R ES NO  CLOVIS  MA D E R A
732-2323  687-9422  572-3036  897-9290  442-1776  230-1776  645-1776
Send Payment to 36755 Rd. 124 . VISALIA, CA 93291
CONTRACTORS LIC. # 360437  CLAIM NO.  P.O. NO.

DATE: 1/27/09

JOB ADDRESS
CUSTOMER NAME: Luth Phelps
ADDRESS: 529 W. N. Lila
PORTERVILLE CA 93257
PHONE: 781-2625

BILLING ADDRESS IF DIFFERENT
CUSTOMER NAME:

ADDRESS:

CITY: PORTERVILLE  ST:  ZIP:  OTHER PHONE:

PAYMENT
CASH  CHECK  BILLED  AE  MC  VI  DIS  CREDIT CARD #

SERVICE AUTHORIZATION
I AGREE THAT INITIAL PRICE Quoted PRIOR TO START OF WORK DOES NOT INCLUDE ANY ADDITIONAL OR UNFORESEEN TASKS, MATERIALS WHICH MAY BE FOUND TO BE NECESSARY TO COMPLETE REPAIRS OR REPLACEMENTS. I ALSO AGREE TO HOLD MR. ROOTER OR ITS ASSIGNS HARMLESS FOR PARTS DEEMED CORRODED, UNSERVICEABLE OR UNRELIABLE FOR COMPLETION OF STATED WORK TO BE DONE. I HEREBY AUTHORIZE MR. ROOTER TO PERFORM THAT THIS INVOICE IS DUE UPON RECEIPT.

An Independently Owned and Operated Franchise

AUTHORIZED SIGNATURE

DIAGNOSIS

NEED TO USE CABLE TO CUT SOME AT ROOTS IN LINE

TASK #  WARRANTY  DESCRIPTION OF PRODUCTS AND SERVICES

$500 6 FT WED CAM TO INSPECT MAIN SEWER LINE THROUGH CLEAN OUT IN BACK YARD

After Using Camera Found Connection to City Sewer to Have Bad Root Growth. That Continued in to City Line. Also Found City Line to Be Holding Water. Found It to Be 1 of mud At Bottom. Closer Used Cable to Cut Some at Roots In Line

RECOMMENDATIONS

USE ALL ROOTER AS NEEDED.

Advantage Plan Members save money!

$400 TASK ($ TOTAL

SUB TOTAL

TOTAL

CUSTOMER SIGNATURE

TECHNICIAN SIGNATURE

Acceptance of work performed: I find the service and materials performed and installed has been completed in accordance with this agreement. I agree to pay reasonable attorney fees, collection fees and court costs in the event of legal action pursuant to collection of amount due.

I DO HEREBY STATE THAT THE ABOVE WORK HAS BEEN DONE IN A WORKMANLIKE MANNER AND TO APPLICABLE CODES.

www.mrrooter.com

24 Hours a Day • 7 Days a Week... Never An Overtime Charge!
SUBJECT: CLAIM - LONG

SOURCE: Administration

COMMENT: Bill Long has filed a claim against the City for property damage to the main glass window at 632 North Main Street on October 20, 2006. Mr. Long is claiming that the City Police and ATF personnel damaged his property when serving warrants to individuals leasing the property.

The amount being claimed as of the presentation of this claim is $700.00, based on repair estimates.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLM AGAINST: Bill Long

CITY OF PORTERVILLE

Claimant's name: Bill Long
Claimant's Telephone No.: 559-361-5632
Claimant's address: P.O. Box 179, Porterville, CA 93258
Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 10/20/2006
Date injuries, damages, or losses were discovered: 10/20/2006
Location of incident/accident: 632 N Main (Use back of this form or attach Diagram if necessary to answer this question in detail)

What did entity or employee do to cause this loss, damage, or injury? Windows smashed, Business

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? ATF and City Police

What specific injuries, damages, or losses did claimant receive? Smashed temper, glass set attached

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)] $700

How was this amount calculated (please itemize)? Bills Attached

Date Signed: 01/08/2007 Signature: Bill Long

If signed by representative:
Representative's Name
Address
Telephone #
Relationship to Claimant
(TO CITY OF PORTERVILLE)

Bill B. Long
P. O. Box 189
Porterville CA 93258
Cell 559-361-5632
Fax & Home 559-784-5707

This is in regard to the ATF breaking into Personal Touch Car Wash located at 632 North Main.

On October 20, 2006 at 05:39 (Case # 06-5980) the ATF broke out the main window at the office at the above location. This is a Tempered Tinted Glass 5 Ft Wide by 7 Ft High, enclosed in an aluminum frame. (They could have just as easily went through the Glass Door which would have only been around $250 to Replace)??

Included are Bids for the repair of the Damage from Porterville Glass and from Point's Glass.

They also broke open, the front door of the house, (at the south side of the office) which had nothing to do with the car wash.

I temporarily put plywood in the Office and repaired the house door myself, which I'm not charging any labor or material for fixing the temporarily office and house door.

Would appreciate Reimbursement as soon as Possible.

Thank You,

Bill B. Long (01/08/2007)
Points Glass Company
1580 West Olive
Porterville, CA 93257
Phone # 559.784.0780  Fax # 559 784.1237

Bill Long
P.O. BOX 187
Porterville, CA 93258

<table>
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<tr>
<th>Date</th>
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<tr>
<td>1/8/2007</td>
<td>6769</td>
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**Main St Car Wash**

**Description**

1/4" TEMPERED GREY LITE #14 : 60 X 84 LABOR & TAX INCLUDED

Labor

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. Points Glass is authorized to do the work as specified.

Payment Due Upon Completion

<table>
<thead>
<tr>
<th>Quoted Price</th>
<th>$700.00</th>
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Signature
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<th>QTY</th>
<th>COST</th>
<th>TOTAL</th>
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<td>520.00</td>
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<tr>
<td>DARK GRAY WOULD BE $750.00</td>
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<tr>
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<tr>
<td>Thank you</td>
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</table>

**TOTAL**

$520.00
SUBJECT: CLAIM - SNYDER

SOURCE: Administration

COMMENT: Gregg Snyder has filed a claim against the City for property damage sustained on January 23, 2007, when he drove across a road construction sign on Newcomb Avenue, between Morton and Henderson Avenues, and damaged his tire. Mr. Snyder states that a KRC Safety truck was present and workers were setting up cones and signs in preparation of construction work on the skatepark.

The amount being claimed as of the presentation of this claim is $119.76, based on tire replacement costs.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM FORM

(Please Type Or Print)

CLAIM AGAINST: City of Porterville Road Crew

Claimant's name: Gregg Snyder

DOB: __________

Claimant's address: 31062 Angus Loop Drive, Springville, Ca. 93265

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 1-23-07 7:20 am

Date injuries, damages, or losses were discovered: 1-23-07 7:21 am

Location of incident/accident: Newcomb Ave. between Morton and Henderson while road safety crew setting up road signs

What did entity or employee do to cause this loss, damage, or injury? Triangle road sign used by construction safety crew (Truck sign reads KRC Safety) was not setup with stand. Construction worker left sign laying on ground on north bound lane of Newcomb Ave. Metal from stand punctured tire causing tire to go flat immediately. Tire unrepairable.

(Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

Called Porterville Police case #7-440 to inform of road sign laying face down in road. City of Porterville crew working on corner of Henderson and Newcomb Ave. white truck flatbed truck with KRC Safety on back. Truck had cones and signs being set up for construction work on Newcomb near skate park signs.


(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(3)]

$119.76 receipt attached Tire taken to Carrols Tire, verified tire unrepairable. Contact person is Dominique Galpin.

How was this amount calculated (please itemize)?  $96.95 265/70R16 Tire

$1.95 valve stem

$9.95 computerized spin balance

$1.50 tire disposal

$1.75 California tax waste fee

$7.66 tax

$119.76 Total

(Use back of this form or separate sheet if necessary to answer this question in detail)
Date Signed: 1-23-07
Signature: [Signature]

If signed by representative:

Representative's Name

Address

Telephone #

Relationship to Claimant
## Carroll's Tire Warehouse

### Complete Car Care Service

**BRAKES TUNE-UP CUSTOM LIFTING**

**Invoice Number:** 199542

**Date:** 01/23/07

**Amount:** $119.76

**Total:** $119.76

<table>
<thead>
<tr>
<th>Date</th>
<th>P.O. #</th>
<th>S.P.</th>
<th>License #</th>
<th>Make</th>
<th>Year</th>
<th>Odometer</th>
<th>Terms</th>
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<tbody>
<tr>
<td>01/23/07</td>
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<table>
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<tr>
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<td>50</td>
<td>061</td>
<td></td>
<td>1.75</td>
<td>1.75</td>
</tr>
</tbody>
</table>

**Terms:** Cash unless arrangements made. All parts new unless otherwise indicated. All sales final, no cash refunds.

**Note:** I acknowledge notice and oral approval of an increase in the original estimated price.

**Customer Acknowledges Receipt of a Copy Hereof:** Signed

**Total:** $119.76

**Terms:** To avoid additional charges, pay by closing date of the month.

All accounts are due and payable by the 10th of the month following purchase. A finance charge of 1% per month for a minimum charge of $1.00 for balances under $50.00 which is an annual percentage rate of 24% will be applied to the unpaid balance of the monthly statement after the 10th of each month. Should an attorney be employed to collect or sue brought to enforce payment of this account, the buyer agrees to pay a reasonable attorney’s fee and cost at suit. All warranty work must be returned to any Carroll’s Tire Warehouse for warranty repair. It is the customer’s responsibility to return the car to Carroll’s Minimum warranty 30 days or 1,000 miles.
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2006-07 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council's consideration.

There are six (6) adjustments proposed for Council consideration:

No. 1: English Language Literacy Grant
This revenue budget adjustment accounts for the funds received from the California State Library for the English Language and Literacy Improvement program.

No. 2: English Language Literacy Grant
This expenditure budget adjustment accounts for the expending of funds received from the California State Library for the English Language and Literacy Improvement program.

No. 3: Airport Hazardous Soil Removal Project
This expenditure budget adjustment accounts for the Council approval to proceed in the removal of hazardous soil from the Airport, having authorizing the allocation of funds from the Risk Management Fund to complete the project.

No. 4: West Street Industrial Park Development
This revenue budget adjustment accounts for the Council approval to use proceeds from the lease and sales of West Street property for costs associated with site development.

No. 5: West Street Industrial Park Development
This expenditure budget adjustment accounts for the Council approval to use proceeds from the lease and sales of West Street property for costs associated with site development.
No. 6: Mayor Hamilton Trip to Washington D.C.
This expenditure budget adjustment accounts for the Council
approval for Mayor Hamilton’s trip to Washington D.C. for the San
Joaquin River Settlement Meetings

RECOMMENDATION: That the Council approve the attached budget adjustments,
and authorize staff to modify revenue and expenditure
estimates as described on the attached schedule.

ATTACHMENT: Budget Adjustment Worksheet
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
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<td>001-4516</td>
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<td>English Language Literacy Grant</td>
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<td>$14,850.00</td>
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<td>001-5060-025-360</td>
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<td>English Language Literacy Grant</td>
<td>State of California</td>
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<td>089-5099-052-880</td>
<td>3</td>
<td>Airport Hazardous Soil Removal Project</td>
<td>Risk Management Liability Fund</td>
<td>$560,000.00</td>
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<td>001-4604</td>
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<td>West Street Industrial Park Development</td>
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<td>West Street Industrial Park Development</td>
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<td>001-5010-001-410.03</td>
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<td>Mayor Hamilton Trip to Washington D.C.</td>
<td>General Fund Reserves</td>
<td>$2,785.00</td>
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Modification No: 3-06/07
COUNCIL AGENDA: MARCH 6, 2006

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PROJECT (PUMPING PLANT)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Well No. 29 Project (Pumping Plant). The well is located on the north side of Henderson Avenue between the Porter Slough and Westwood Street. This is the second phase of the well project and consists of the installation of a 150 HP pump, electrical system, above ground discharge piping and other items of work necessary to provide a complete pumping plant.

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

The contractor (Zim Industries, Inc.) for the first phase of the Well No. 29 Project has completed the drilling operations, development and production testing. The water quality is good and production will be approximately 1,100 gallons per minute. This portion of the project was formally accepted by City Council several months ago.

The City's consultant, Dee Jaspar & Associates, has prepared an Estimate of Probable Cost and the amount is $679,300.

Available funding for this project is approximately $585,000. An appropriation of $128,000 from other accounts within the Water Replacement Fund is necessary to cover all costs, including construction contingencies, consultant services and staff time.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual;

2. Authorize staff to advertise for bids on the project; and

3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\PUB\WORKS\ENGINEERING\COUNCIL ITEMS\AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PUMPING PLANT - 2007-03-06 DOC

Dir Appropriated/Funded CM Item No.6
City of Porterville
Well No. 29 Facility Project
Project No. 89-9766

Engineer’s Cost Estimate for Well No. 29 Facility Construction

<table>
<thead>
<tr>
<th>Item</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Mobilization, Demobilization, Clean-up</td>
<td>1</td>
<td>LS</td>
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<td>2</td>
<td>Earthwork</td>
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<td>Concrete Pump Foundation for Deep Well</td>
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<td>4</td>
<td>Vertical Hollow Shaft Electric Motor</td>
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<td>5</td>
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<td>Concrete Foundation w/ VFD Building &amp; Shade Structure</td>
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<tr>
<td>8</td>
<td>3/4” Class II Aggregate Base Site Ground Cover</td>
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<td>9</td>
<td>Chain Link Fencing w/ Drive and Personnel Gates/Block Wall</td>
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<td>6’ Block Wall</td>
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<td>12</td>
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<td>On-Site Sodium Hypochlorite Generation System</td>
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<td>Chlorine Building w/ Concrete Foundation</td>
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</table>

Subtotal $617,545
10% Contingency $61,755
Total Construction Cost (to nearest $100) $679,300

Notes:
1) Estimate does not include SCE or phone company costs

Date: 1/25/07

Reviewed By: Michael K. Reed, City Engineer
Date: 2/27/07

Reviewed By: Baldomero S. Rodriguez, Public Works Director
Date: 2/27-07

Reviewed By: John Longley, City Manager
Date:

S:\City of Porterville\Well 29 Facility\Documents & Correspondence\Cost Estimate.xls
Updated: 1/25/2007
COUNCIL AGENDA: MARCH 6, 2007

SUBJECT: REJECT ALL BIDS FOR THE RETAINING WALL AT CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (LDS) - 837 E. MORTON

SOURCE: Public Works Department - Engineering Division

COMMENT: In June 2006, City Council authorized the Engineering Division to advertise for bids for the construction of a 32" high x 35' long retaining wall at the LDS Church. The City committed to the installation of a retaining wall when Morton Avenue was reconstructed as part of the Granite Hills Streets Project.

When Morton Avenue was constructed, the new street was elevated resulting in a steep embankment along the north property line of the LDS Church. The proposed retaining wall will ensure that the embankment stays in place. The engineer's estimate for the 35' wall was $5,775. Staff revisited the site after the first year's rains and concluded that the proper design should be 40' long. Based on staff's original estimate, adding 5' to the wall length would result in an engineer's estimate of $6,735. On February 20, 2007, staff received the two following bids:

1  David L. Prado, Masonry Contractor
   Porterville, CA
   $8,000

2  Halopoff & Sons, General Contractor
   Porterville, Ca
   $12,379.20

The low bid is 18.7% above the engineer's estimate. The retaining wall was a commitment made to the LDS Church as a result of the change in street elevation. Nevertheless, consistent with Council's policy, staff recommends that the City reject all bids.

If Council chooses to proceed with the award of contract, funds for the project are available from COPs in the amount of $5,775 and the difference from Engineering "carry-over" funds.

RECOMENDATION: That the City Council:

1  Reject all bids; and
2  Direct Engineering to re-advertise for bids.

If Council decides to award the LDS Retaining Wall Project, it is staff's recommendation that the City Council:

[Signature]

Item No. 7
1 Award the LDS Retaining Wall project to David Prado, Masonry Contractor, in the amount of $8,000;

2 Authorize a 10% contingency to cover unforeseen construction costs;

3 Authorize progress payments up to 90% of the contract amount;

4 Direct staff to fund $5,775 from interest earned on the COPs and fund $2,225 from Engineering “carry-over” to pay for the project; and

5 That the 10% contingency be funded from Engineering’s “carry-over”.
COUNCIL AGENDA: MARCH 6, 2007

SUBJECT:   ACCEPTANCE OF THE EFFLUENT OUTFALL DELIVERY SYSTEM

SOURCE:   Public Works Department - Engineering Division

COMMENT: Nicholas Construction, Inc. has completed construction of the Outfall Delivery System per plans and specifications. The project consisted of the construction of six (6) percolation ponds, outfall delivery pipelines and other appurtenances necessary to expand the effluent delivery system. This project is required under the City's Cease and Desist order issued by the Regional Water Quality Control Board.

City Council authorized expenditure of $1,431,317.00. Final construction cost is $1,362,326.87.

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

RECOMMENDATION: That 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.
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – SIERRA ESTATES

SOURCE: Public Works Department – Engineering Division

COMMENT: The subdivider, K. Hovnanian Forecast Homes Northern, Inc. (Richard Balestreri, Vice President), has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

The subdivider has submitted the required guarantee to the City to complete and/or accept all necessary public improvements on the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 115-2004. The improvement plans, specifications and the final map have been approved by the City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Sierra Estates Subdivision;

2. Accept all offers of dedication shown on the final map; and

3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map – Sierra Estates

P:\PUB\WORK\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF FINAL SUBDIVISION MAP - SIERRA ESTATES - 2007-03-26 DOC

Dir Appropriated/Funded CM Item No. 9
SIERRA ESTATES
BEING A SUBDIVISION OF THE REMAINDER OF NORTH GATE ESTATES,
PHASE ONE, R.M. 36-33, T.C.R., SITUATED IN PORTIONS OF THE
NORTHWEST 1/4 OF SECTION 25, T. 21S., R. 28E., AND OF THE
NORTHWEST 1/4 OF SECTION 30, T. 21S., R. 28E., M. D. B. & M.
COUNTY OF PORTERVILLE, CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
GROSS AREA
13.03 ACRES

OWNER'S STATEMENT
We state that we are the owners of the property herein described and that the same is sold in its present condition and subject to all encumbrances and taxes that may be due and payable.

Owner: K. Hovnanian Foremost Homeowner's Corporation
Richard J. Beekers, Vice President

NOTARY STATEMENT
I, the undersigned, do hereby certify that the above and foregoing instrument was executed, acknowledged and sworn to by the persons named herein and that the same is true and correct to the best of my knowledge and belief.

Notary Public in and for Tulare County and State of California
Date: July 25, 2000

SECRETARY'S STATEMENT
I, C. Eric Hudec, County Administrative Officer / Clerk of the Board of Supervisors, have examined the instrument described above and believe it to be a genuine instrument executed by the person(s) described therein.

C. Eric Hudec, County Administrative Officer / Clerk of the Board of Supervisors
Date: July 25, 2000

Imagined Document
SUBJECT: WORKFORCE HOUSING REWARD GRANT PROGRAM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Workforce Housing Reward Grant Program (WFH) is an innovative program designed to encourage cities and counties to approve new residential housing affordable to lower income households. The WFH Program, funded through the passage of Proposition 46 (Chapter 482, Statutes of 2002), provides grant funds to eligible local governments for every qualifying unit permitted beginning calendar year 2004. The City was awarded $143,575 for the housing produced in the 2004 calendar year, and $151,000 for the housing produced in 2005. Grant awards can be used to fund any capital asset project. The first two years of grant funds have been used to help fund the skateboard park, the traffic signal at Plano Street and Mulberry Avenue, and the current project of installing a traffic signal at Putnam Avenue and Indiana Street.

The Department of Housing and Community Development (HCD) has issued the application for the third round of these grant funds which is due March 21, 2007. WFH Program funds will be awarded based on the number of bedrooms in newly constructed housing units affordable to very low-and low-income households with final land use approval issued on or after January 1, 2005 and building permits issued between January 1, 2006 and December 31, 2006.

All applicants must meet the following WFH Program threshold requirements to be eligible for funding:

- Housing Element adopted and found in compliance by HCD by December 31, 2006
- Submittal of the Annual Progress Report to HCD by December 31, 2006
- Final land use approvals issued on or after January 1, 2005 and building permits for affordable units issued between January 1, 2006 through December 31, 2006

The City has met these threshold requirements with the Sequoia Village at River’s Edge Apartment Complex on South “E” Street and the three homes built on Date and “A” Street and is therefore in the position to submit an application to the State for these grant funds.
The City anticipates receiving approximately $255,000 for the third year of the program. The planned use for these funds is to assist in the downtown revitalization project on the northeast corner of Main Street and Olive Avenue (the Porterville Hotel site).

As is typical with this type of state contract, the Mayor is authorized to sign the application, the Standard Agreement and all other participation documents, while the Community Development Director is authorized to execute all drawdown requests and other administrative documents for the program.

RECOMMENDATION: That the City Council:

1. Authorize the application submittal to the Department of Housing and Community Development for the Workforce Housing Reward Grant Program.

2. Approve the draft resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California.

3. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents and the Community Development Director to sign all drawdown requests and other administrative documents required for the Workforce Housing Reward Grant Program.

ATTACHMENT: Draft Resolution
RESOLUTION NO ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING APPLICATION FOR WORKFORCE HOUSING REWARD GRANT

WHEREAS: The State of California, Department of Housing and Community Development (the “Department”) has issued a Notice of Funding Availability dated April, 2006 (the “NOFA”) under its Workforce Housing Reward (WFH) Program, and

WHEREAS: The City of Porterville (“Applicant”) desires to apply for a WFH grant and submit the Application Package released December 2006 by the Department for the WFH Program, and

WHEREAS: The Department is authorized to approve funding allocations for the WFH Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

NOW, THEREFORE BE IT RESOLVED:

1. Application is hereby authorized and directed to apply for and submit to the Department the Application Package released December 2006 by the Department of the WFH Program. If the application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (the “Standard Agreement”), and any and all other documents required or deemed necessary or appropriate to secure a WFH Grant from the Department, and all amendments thereto (collectively, the “WFH Grant Documents”).

2. Application shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

3. That the Mayor and/or their designee are authorized to execute in the name of the City of Porterville the Application package and the WFH Grant Documents as required by the Department for participation in the WFH Program and that the Community Development Director is authorized to execute in the name of the City of Porterville grant drawdown requests, and all other administrative documents required by the Department for administration of the WFH program

______________________________
Cam Hamilton, Mayor

Attest:

______________________________
John Longley, City Clerk

SOURCE: Administrative Services - Finance Division

COMMENT: Porterville Historical Museum, Inc. and Porterville Harley Rider’s Association is requesting approval to hold a Motorcycle Bike Show on Saturday, August 25, 2007, from 7:00 a.m. to 9:00 p.m. No street closures are requested. However, park roadway closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.” The application, Exhibit “A,” the agreement, request for street closures, and a map showing the park roadway closures requested are attached.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Museum for a Bike Show on Saturday, August 25, 2007, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.


D.D. Appropriated/Funded C.M. Item No. 11
CITY OF PORTERVILLE

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

Application date: Dec 12, 2006  Event date: August 25, 2007

Name of Event: Hot August Bikes - Bike Show
Porterville Historical Museum and Park

Sponsoring organization: Huey Riders Assoc
PHONE # 784-7053
Address: 257 N "D" Street Porterville CA 93257

Authorized representative: Wayne Feliz
PHONE # 784-8484
Address: 317 W Henderson Ave Porterville CA 93257

Event chairperson: Wayne Feliz
PHONE # 359-2390

Location of event (location map must be attached):
Musey Park

Type of event/method of operation: Motorcycle Bike Show
Volunteers from various service clubs/individuals
Nonprofit status determination: 501-C-3 Status

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

Barricades (quantity): □ □ □ □ □ Street sweeping □ □ □ □ □
Police protection Yes □ □ □ □ Refuse pickup Yes □ □ □ □ □
Other: Possibility of requesting two police officers on site while event is taking place
Parks facility application required: Yes X □ □ Assembly permit required: Yes X □ □

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

Approve Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Chief Fire Oper.
Parks Dir
Police Chief
Deputy City Mgr
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

Porterville Historical Museum, Inc. Mary Fitzpatrick 12-12-06
(Name of organization) (Signature) (Date)

Wanda Fritz
CITY OF PORTERVILLE

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

Name of event: **Hot August Bike Show**

Sponsoring organization: **Porterville Motorcycle Riders Association and Porterville Historical Museum Inc.**

Location: **Murry Park**

Event date: **August 25, 2007**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tr>
<td><strong>Will be Submitted at a Later Date</strong></td>
<td><strong>When Vendors Sign-up</strong></td>
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3 of 4
CITY OF PORTERVILLE

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

Name of event: **Hot August Bikes**

Sponsoring organization: **Porterville Historical Museum Inc. and Porterville Harley Riders**

Event date: **August 25, 2007**  
Hours: 7:00 a.m. to 9:00 p.m.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
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<tr>
<th>Street Name</th>
<th>From</th>
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<th>Activity</th>
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<tbody>
<tr>
<td>Park Loop</td>
<td>Park Road</td>
<td>Pictom</td>
<td>Bike Show</td>
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<td>Sidewalks</td>
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<tr>
<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
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<td>All Spaces <strong>Area</strong></td>
<td>North of Pool near Main Park</td>
<td>Bike Show</td>
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December 12, 2006

The Porterville Historical Museum Inc. (a 501-C-3 organization) with the help of the Porterville Harley Riders Association is in the planning stages for Hot August Bike Show. This is a major fund raising event for the Porterville Museum. The Committee would like to bring the Hot August Bike Show back to Murry Park. The Bike show will be directed towards motorcyclists and the general viewing public. We fully understand that the Park is a family facility and Murry Park represents the City of Porterville. The event is also a reflection of the Porterville Historical Museum, Inc. The Bike show will try to project a family atmosphere appropriate for both adults and children that attend the event.

We are asking that the Porterville Harley Riders and Porterville Historical Museum Inc. receive permission from the City of Porterville to hold a fund raising event at Murry Park on August 25, 2007. We are requesting advanced permission from the City of Porterville before financial commitment to promote the event.

We are requesting the use of approximately one half of the area of Murry Park from 7:00 a.m. to 9:00 p.m. The boundaries include the parking area by the North East end of the pool, North to Putnam Avenue, then West to the North West corner of the park, then South to the middle of the park, then turning East, to the Bathroom area, then turning North East, back to the North-side of Swimming Pool. We also request that the road leading to the pavilions and fishing area be closed to traffic not related to the event. Request that special parking circumstances are given to allow motorcycles to park on a controlled area of the grass. That participant’s vehicles are allowed to unload and load supplies and equipment on the grass areas.

The event is schedule to start around 11:00 a.m. and end sometime in the late afternoon to early evening. We need to have the park available from 7:00 a.m. for set-up until 9:00 p.m. for the clean-up and removal.

The event will have food and drinks available for sale from vendors and possibly other items for sale from commercial vendors. We are asking for exclusive control of the requested area and exclusive rights with all vendors within the requested area. This will allow us the ability to insure that all vendors are properly licensed under both the City of Porterville and Tulare County rules and regulations.

We plan on having a local service organization serve alcohol in a controlled fenced area during the event. The organization will be required to secure the proper permits and satisfy all requirements of the City of Porterville and the Department of Alcohol. The event will have live music and or a Disc-jockey playing music. We fully understand that an amplifier permit must be issued from the City of Porterville prior to the event.

We are very early in the planning stage of the fund raiser. It is currently not possible to answer all the questions on the application. We will be able to answer and supply the needed information to the City of Porterville when our plans are confirmed.

Sincerely,

Wayne Foltz
President

— A Non-Profit Community Effort Supported by Donations Only —
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE HISTORICAL MUSEUM, INC AND PORTERVILLE HARLEY RIDERS ASSOCIATION

HOT AUGUST BIKES – BIKE SHOW

AUGUST 25, 2007

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

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

Community Development Director:  No comments.
    B. Dunlap

Field Services Manager:  No comments.
    B. Styles

Fire Chief:  No comments.
    M. G. Garcia

Parks & Leisure Services Director:  Insurance certificate required, facility reservation and fees required, minimum of 4 portable toilets required, signage and fencing required to define event area requested to be under exclusive event control, perimeter and gate control are responsibility of organizers.
    J. Perrine

Police Chief:  Permit holder can employ private security, and need outside amplifier permit approval.
    C. McMillan

Deputy City Manger, Interim  See Exhibit “A”, page 2.
    J. D. Lollis
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Historical Museum, Inc. and Porterville Harley Rider’s Assoc.
Event: Hot August Bike Show
Event Chairman: Wayne Foltz
Location: Murry Park
Date of Event: August 25, 2007
Time of Event: 7:00 a.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☑ Murry Park ☐ Community Center ☐ Sports Complex ☐ Burton Ballfields ☐ Zalud Garden
☐ Veterans Park ☐ Library ☐ Hayes Fields ☐ Heritage Cnty. Center ☐ Other ____________
☐ Zalud Park ☐ Municipal Ballpark ☐ Pool ☐ Centennial Plaza

Area/Room: North Hall of the Park - Seasonal Use of Pavilion 6A-13, Exclusive Control of the Area

Nature of Use: Area Rent for Food Service Are fees being charged?

Date of Event: August 25, 2007

Amplified Equipment/Music: ☑ Yes ☐ No

Time: 7:00 A.M. To: 9:00 P.M.

Bounce House: ☐ Yes ☐ No

Bounce House Company: ____________________________

Attendance: 0-300

Will Alcohol be Served: ☑ Yes ☐ No

Number of Drinking Adults ($2 per person): ____________________________

Requested Requirements: Will comply with # of vehicles in pens area. Parking of motorcycles in a

Controlled Area Area- An Application and Agreement has been submitted to City Hall

for a Community / Civic event to be held on public property.

Organization: Porterville Historical Museum Inc. Porterville Hacky Riders Assoc

Name: Wayne Forliz, Jr Porterville Museum

Mailing and/or Billing Address: 257 North “O” Street Porterville CA 93257

Phone: Day/Work: 784-8444 Cell No.: 359-2300 Evening/Home: 525-2430 Email: wfw@8500spek.com

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

SIGNATURE: ____________________________________________ Date: 12-12-06

* * * FOR OFFICE USE ONLY * * *

APPROVED: ____________________________________________ DATE: ____________________________

POLICE DEPT.: ____________________________________________ DATE: ____________________________

RENTAL CHARGE: ____________________________________________ DATE: ____________________________

ALCOHOL PERMIT CHARGE: Date Paid: ____________________________ Received By: ____________________________

SECURITY/KEY DEPOSIT: Date Paid: ____________________________ Received By: ____________________________

ENTERTAINMENT CHARGE: Date Paid: ____________________________ Received By: ____________________________

INSURANCE REQUIRED: Date Submitted: ____________________________ Received By: ____________________________

SUPERVISOR FEE: DEPOSIT RETURNED: ____________________________

SPECIAL DEPARTMENT NOTATIONS: ____________________________

PARK IN DESIGNATED AREAS ONLY

Distribution: Original - Dept.; Green - Parks; Blue - Police; Yellow - Applicant

291 NORTH MAIN STREET, PORTERVILLE, CA 93257, PHONE (559) 782-7461

FAX (559) 782-4053, Park/facility information available @ www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES

07/15/05 Rev.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   WILL BE Submitted PRIOR TO EVENT Phone #

2. Address where amplification equipment is to be used:
   N/A Phone #

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

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

5. Dates and hours of operation of amplification equipment:

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

Applicant ___________________________

Date ___________________________

Chief of Police ___________________________

Date ___________________________

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

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

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

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

cc: __________________________________________

________________________________________

________________________________________

3/27/01
CITY COUNCIL AGENDA: March 6, 2007

SUBJECT: ASSIGNMENT OF AIRPORT LEASE - LOT 38

SOURCE: Administrative Services/Purchasing Division

COMMENT: Barbara Dillard, the current lease holder of Lot 38, has sold her hangar to Roy S. and Carol J. Cundiff of Long Beach, CA. The new owners are requesting Council authorization to assume the existing lease between the City of Porterville and Mrs. Dillard dated June 20, 2000. Additionally, the new owners are requesting a 10-year lease with an option to extend for an additional five years.

Paragraph two (2) defines the term of the lease. The City is proposing to void Paragraph 2 as it is currently written, and replace it with the following:

"Term: The term of this lease shall commence on March 1, 2007, both parties having executed same, and shall terminate on February 28, 2017. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years by giving written notice thereof to Lessor not less than ninety (90) days prior to the expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld."

RECOMMENDATION: That the City Council:

1. Approve the assigning of the lease agreement between the City of Porterville and Barbara Dillard to Mr. & Mrs. Cundiff; and

2. Approve the modification to the lease revising the term and allowing for future extension of the lease.

Attachments: Current Airport Map showing Lot 38 Assignment of Lease Lessor's Consent to Assignment of Lease Amendment No. 2 to Lease Agreement Letter of Request from the parties

Dir. ☑ Appropriated/Funded ☑ C/M ☐ ITEM NO. 12
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of March, 2007, by and between Barbara Dillard, 316 Jena Street, Henderson, NV 89015, owner of a hangar on Lot 38 at the Porterville Municipal Airport, as the Assignor, and Roy S. and Carol J. Cundiff, 361 Avenida Granada, Long Beach, CA, 90814, as the Assignees.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective March 1, 2007, Assignor hereby assigns, transfers and conveys to Assignees all of their right, title and interest as Lessee, in, to and under a certain Lease Agreement dated June 20, 2000 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Barbara Dillard, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

An airport hangar known as No. 38, and containing a total area of approximately 4,200 square feet, and establishing an original Lease terminating June 30, 2010.

2. Effective March 1, 2007, Assignees hereby accept and assume all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agree to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignees understand and agree that Landlord makes no warranty or representation that either Assignor or Assignees would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignees, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignees' Noticed Address and Assignees' Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:

BY: Barbara Dillard

ASSIGNEES:

BY: Roy S. Cundiff
BY: Carol J. Cundiff
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 6th day of March, 2007.

CITY OF PORTERVILLE

BY: ____________________________
Cameron Hamilton
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST: ____________________________
John Longley, CITY CLERK

APPROVED AS TO FORM:

BY: ____________________________
Julia Lew, City Attorney
AMENDMENT NO. 2 TO LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a Charter Law City and Municipal Corporation (the "City" or "Lessor"), having entered into a Lease Agreement dated June 20, 2000, with respect to Lot 38 at the Porterville Municipal Airport, and Roy S. Cundiff and Carol J. Cundiff ("Lessee") do hereby agree to amend paragraph 2 of said Lease Agreement, contingent only on the mutual execution of same, as follows:

Paragraph 2 of the Lease Agreement is amended to read as follows:

Term: The term of this lease shall commence on March 1, 2007, both parties having executed same, and shall terminate on February 28, 2017. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years by giving written notice thereof to Lessor not less than ninety (90) days prior to the expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.

DATED: March 6, 2007

CITY OF PORTERVILLE

______________________________
Cameron Hamilton, Mayor

LESSEE

By: __________________________
Roy S. Cundiff

By: __________________________
Carol J. Cundiff

ATTEST:

______________________________
John Longley, City Clerk

Approved as to Form:

______________________________
Julia M. Lew, City Attorney
To: City of Porterville

I am in the process of selling my hangar
and wish to assign my lease to
Roy and Carol Cundiff
361 Avenida Granada
Long Beach, CA 9084

Barbara Dillard 2-21-07
Request to Assume Lease

Roy S. Cundiff
Carol J. Cundiff
361 Avenida Granada
Long Beach, Ca. 90814

Porterville Airport Manager
P.O. Box 432
Porterville, CA. 93258

February 7, 2007

I am purchasing the hangar from Barbara Dillard located on lot #38 of Porterville Municipal Airport. I request to assume her lease and also request another 10 year extension of that lease.

Roy S. Cundiff
Date 2-12-07

Carol J. Cundiff
Date 2-17-07
CITY COUNCIL AGENDA: MARCH 6, 2007

TITLE: URGENCY ORDINANCE EXTENDING INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

SOURCE: CITY ATTORNEY

COMMENT: As discussed at the February 20, 2007, City Council meeting, this office is working on the development of alternative regulations for the regulation and/or prohibition of medical marijuana dispensaries within the City. The City Council adopted an interim urgency ordinance (moratorium) on these land uses to allow time for study and legal research. At the last meeting, the City Council directed that public hearing be held to allow community input, and that alternative regulations be drafted for consideration and further direction. As directed, this particular public hearing is also scheduled for tonight's meeting. However, the initial moratorium is set to expire on March 26, 2007. Given the upcoming deadline, I recommend that the Council extend this interim urgency ordinance for ten months and fifteen days, or until permanent regulations concerning medical marijuana dispensaries can be adopted and go into effect (if sooner). Prior to extending the initial moratorium, the City Council must hold a public hearing concerning the extension. The City Council must also approve a written report concerning the status of the development of regulations at least ten days prior to expiration of the initial ordinance. The City Council already approved the written report at the last City Council meeting (February 20, 2007).

At this time, I recommend that the City Council hold the public hearing concerning the extension, and consider and adopt the Ordinance extending the interim ordinance. Approval of this extension requires a 4/5 vote. This will allow adequate time to determine whether it is appropriate to permit the location of medical marijuana dispensaries within the City, and if so, to determine whether to restrict their establishment from areas around schools and/or parks and in residential areas or near other businesses.

RECOMMENDATION: That the City Council hold the public hearing concerning the extension, consider and adopt the proposed Ordinance Extending the Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes, read by title only, and waive further reading.

ATTACHMENTS: Ordinance No 1717, An Ordinance of the City Council of the City of Porterville Extending the Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes

Item No. 13
ORDINANCE NO. 1717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
EXTENDING THE INTERIM ORDINANCE PROHIBITING THE USE OF
LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF
MARIJUANA FOR MEDICAL PURPOSES

The City Council of the City of Porterville do ordain as follows:

SECTION 1: The City Council of the City of Porterville has previously enacted Ordinance No. 1713 as an urgency ordinance and said Ordinance shall expire unless extended.

SECTION 2: The City Council of the City of Porterville herewith finds that there is a current and immediate threat to the public health, safety, or welfare, arising from the lack of procedures for determining the appropriateness of locations for medical marijuana dispensaries, from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon medical marijuana dispensaries within the City, as well as apparent conflicts between State and Federal law concerning this particular land use.

SECTION 3: The City Planning staff and City Attorney are presently studying the issues concerning location and regulation of medical marijuana dispensaries.

SECTION 4: This City of Porterville does further herewith find and determine that allowing the use of land for the purpose of operating a medical marijuana dispensary prior to the adoption of any regulations concerning the location of medical marijuana dispensaries would result in that threat to public health, safety or welfare being exacerbated.

SECTION 5: That the City of Porterville does further herewith find and determine that there are significant public health, safety or welfare concerns relating to issues concerning:

(a) Appropriate locations for medical marijuana dispensaries, if any;

(b) Appropriate procedures to provide for staff and public input and comment on the siting of medical marijuana dispensaries; and

(c) Appropriate mechanisms being in place to impose appropriate and necessary conditions upon medical marijuana dispensaries.

All of which gives rise to a need to complete the study, within a reasonable time, of the potential and appropriate City zoning procedures and policies with regard to this particular land use, and in order to protect the public safety, health or welfare it is necessary to prohibit the use of land for the purpose of operating a medical marijuana dispensary until such time as said study is completed and the City Council has determined, what new and additional, if any, procedures and policies are necessary and appropriate to put in place.
SECTION 6: The City Council of the City of Porterville herewith finds that the adoption of the subject interim ordinance is Categorically Exempt pursuant to the California Environmental Quality Act.

SECTION 7: The City Council of the City of Porterville herewith finds that a report on medical marijuana dispensaries was issued on February 20, 2007, at least ten days in advance of the expiration of the initial interim ordinance.

SECTION 8: This Ordinance shall remain in full force and effect for a period of ten months and fifteen days from and after the expiration of the initial interim ordinance adopted February 9, 2007, or until permanent City regulations go into effect, whichever date is sooner.

SECTION 9: For the reasons set forth hereinabove, the City Council of the City of Porterville does herewith declare and determine that it is necessary to protect the public safety, health or welfare by adopting this Ordinance (by the required 4/5's majority vote) as an urgency measure to take effect immediately upon passage and adoption.

PASSED, ADOPTED AND APPROVED this ___ day of ____, 2007.

________________________
Cameron Hamilton, Mayor of the City of Porterville

ATTEST:

________________________
Georgia Hawley, Chief Deputy City Clerk and Clerk of the Council of the City of Porterville
PUBLIC HEARING

TITLE: REGULATIONS REGULATING AND/OR PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

SOURCE: CITY ATTORNEY

COMMENT: As directed at the February 20, 2007, City Council meeting, a public hearing has been scheduled to obtain public input and consider the regulation or prohibition of medical marijuana dispensaries with the City. I have attached my prior staff report concerning the background and history related to the Compassionate Use Act, the issues concerning the conflict between State and Federal law.

Also attached to this report are two alternative paths. The first alternative (Alternative A) involves the regulation of the dispensing and use of medical marijuana. Under Alternative A, there are four ordinances presented. The first declares the purpose underlying the regulations and makes certain findings. The second regulates the location of medical marijuana dispensaries. The third regulates the operation of such businesses, and the fourth regulates consumption/use of medical marijuana. Note that per the Council’s direction, a regulation that would permit a maximum number (cap) of medical marijuana business permits to be issues, for a maximum number of businesses, has been included. However, City staff is still reviewing the appropriate number limit for the City population. Staff is also still reviewing the location restrictions as well.

The second alternative path (Alternative B) is an ordinance that would prohibit land uses that are inconsistent with local, state or federal law. This regulation would have the effect of prohibiting medical marijuana dispensaries within the City.

At this time, I recommend that the City Council hold the public hearing concerning these alternative regulations, consider and decide which Alternative to pursue, and provide further direction concerning the development of regulations. Once an alternative is chosen, an ordinance (or set of ordinances) shall be brought back for public hearing and consideration for first reading at a subsequent meeting.

RECOMMENDATION: That the City Council:
1) Hold the public hearing concerning the proposed Alternatives,
2) Consider and decide whether to pursue Alternative A or B (or different Alternative), and
3) Provide further direction concerning the Alternative chosen.

Item No. 14
ATTACHMENTS:

1. February 20, 2007 Staff Report

2. Alternative A documents:
   1) Ordinance making certain findings
   2) Ordinance regulating location
   3) Ordinance regulating operation
   4) Ordinance regulating use/consumption

3. Alternative B document: Ordinance prohibiting land uses inconsistent with local, state and federal law
REGULATIONS CONCERNING THE USE OF LAND FOR THE PURPOSE OF OPERATING DISPENSARIES OF MARIJUANA FOR MEDICAL PURPOSES

CITY ATTORNEY

COMMENT: California voters approved Proposition 215, which codified into the California Health and Safety Code the “Compassionate Use Act of 1996.” The stated intent of the Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Consequently, there have been commercial (as well as noncommercial) endeavors to distribute medical marijuana to those who qualify under the Act. The proposition is unclear, however, about the details of doctor recommendations and how the substance is distributed. Adding further confusion is the fact that pursuant to Federal law the use, possession, transpiration and distribution of marijuana is specifically illegal.

In 2005, the U.S. Supreme Court issued its decision in Gonzales v. Raich (2005) 545 U.S. 1. The Respondents in the case, two women who cultivated, obtained, and/or processed cannabis for their own personal medical use, claimed that their individual activities (which would have been in compliance with State law and the Compassionate Use Act) were purely local activities beyond the reach of federal power. The Supreme Court overruled the 9th Circuit and found that Congress’ Commerce Clause authority includes the power to prohibit the local cultivation and use of marijuana, even if said activities are in compliance with California law. While the Court did clearly provide that under the Supremacy clause of the U.S. Constitution the federal law would prevail over state law with regard to these activities, the Court was also careful to note that in this case, the parties did not assert that a particular statute or body of state law fell outside the federal commerce power. Rather, this case involved individual activities. Therefore, there was no express holding that they Compassionate Use Act was unlawful or unconstitutional.

Immediately after the Supreme Court ruling, The California Attorney General’s office issued a bulletin to all law enforcement agencies in the State stating that it was the Attorney General’s position that the Compassionate Use Act is not preempted by federal law, and that law enforcement should continue to refrain from arresting and prosecuting individuals who use medicinal marijuana under the Act. The Attorney General also issued a statement providing, in part
“Today’s ruling does not overturn California law permitting the use of medical marijuana, but it does uphold a federal regulatory scheme that contradicts the will of California voters and limits the right of states to provide appropriate medical care for its citizens.” Hence, while state authorities will not prosecute those operating under the State law, those who use or distribute medical marijuana run the risk of federal prosecution.

THE COMPASSIONATE USE ACT

The Compassionate Use Act adopted in 1996, and SB 420 enacted in 2004 are codified as Division 10, Chapter 6, Article 2.5 of the California Health and Safety Code, Sections 11362.7 et seq., portions of which are attached to this report. The laws establish a State system for permitting possession and cultivation of marijuana for limited medical treatment purposes, subject to the procedural requirements under the Act. Medical cannabis or marijuana dispensaries appear to be an instance where advocates of the medical use of marijuana are using the statutory language of the Act to establish businesses (nonprofit – as state law prohibit the provision of medical marijuana “for profit” under the law) to distribute to those entitled to possess or use under the law. While dispensaries are not specifically addressed under the Act, a person providing the marijuana may be the “primary care giver” to persons located in the same city or county the primary care giver is located.

The Act does not directly require that cities and counties, in exercising their police power and land use regulatory authority, permit businesses that would distribute medical marijuana. Cities may permit the uses under State law. However, and especially given the status of the most recent interpretation of the Federal Controlled Substances Act (CSA) as discussed above, cities may also arguably prohibit land uses that are inconsistent with any other law, including federal law. Such a regulation would, from a practical standpoint, prohibit the location of medical marijuana dispensaries within City limits until and unless marijuana is reclassified under the CSA.

REGULATORY ALTERNATIVES

Attached, as sample regulations, are two types of ordinances. The first is an ordinance that simply prohibits land uses inconsistent with local, state, or federal law. This ordinance would have the effect of prohibiting medical marijuana dispensaries within the City unless the federal laws change.

The second ordinance, as adopted by the City of Tulare, regulates medical marijuana dispensaries by establishing a “medical marijuana business permit,” prohibiting the public smoking or consumption of medical marijuana, and adding certain location requirements. Under these provisions, an applicant for such a business permit must provide, for example, additional information concerning security arrangements for safety purposes. The permit must be renewed annually. The business must also adhere to certain operational requirements, including but not limited to the maintenance of a current register of all qualified patients and primary care givers,
signage, requirements concerning the volume of marijuana per patient, and prohibitions on consumption on the premises, security, prohibition of the sale of alcohol, food, or other sales of goods or services. The ordinance prohibits medical marijuana businesses/uses as an accessory use to any other use. Only one dispensary may operate out of a single building, and the dispensaries are prohibited within 1000 feet of schools, and may only be located in the City’s C-2 zone or within the downtown precinct area as defined by the City’s general plan.

Given the ambiguity that still exists in the law, either scheme could still be subject to legal challenge. However, it should be noted that the City of Tulare did consult with certain nonprofit medical marijuana advocates in the development of its ordinance. Also, the general consensus in California is that, unless and until there is a higher court holding that the Compassionate Use Act is invalid pursuant to federal law, cities and counties are unlikely to face legal challenge from federal authorities (although this is theoretically possible) for the adoption of regulatory ordinances consistent with the state law. Thus far, federal authorities have focused on the users/providers of medical marijuana, and not the local authorities that permit or regulate them. If the City Council were to proceed with a regulatory structure, I would recommend that additional staff input be received concerning appropriate locations given the current zoning in Porterville, and additional samples of regulations can be reviewed.

There is, of course, a third option, which would be to do nothing. If the Council does not adopt local laws prohibiting or regulating the location and operations of these dispensaries, the City cannot refuse to issue a business license or otherwise impose restrictions that would not otherwise be enforceable against any other business. These businesses would then simply be subject to State law in that circumstance.

If the Council directs the development of an ordinance, a public hearing will be required.

RECOMMENDATION: That the City Council consider the staff report and attachments, accept this report as the report required pursuant to the interim ordinance adopted February 9, 2007, and provide direction concerning the regulation of medical marijuana dispensaries.

ATTACHMENTS:

1. Excerpts from California Health and Safety Code Sections 11362.7 et seq. ("Compassionate Use Act" as amended.)

2. Sample ordinance prohibiting any land uses inconsistent with federal law.

3. City of Tulare’s Ordinances related to medical marijuana dispensaries.
SAMPLE PROVISION – RELATING TO STATE AND FEDERAL LEGALITY OF THE USE OF LAND WITHIN CITY LIMITS

Section ______. Legal Use of Land. No use of land, under this Title, shall be permitted within the City Limits if such use shall be in violation of any local, state, or federal laws.
ALTERNATIVE "A"
ORDINANCE NO. ___


THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Ordinance is:

A. To amend the Porterville Municipal Code pertaining to Business Regulations by adding Chapter ____ creating regulations regarding the operation of Medical Marijuana Dispensaries within the City of Porterville;

B. To amend the Porterville Municipal Code pertaining to Health and Safety by adding Chapter ____ and creating regulations regarding the public use and consumption of medical marijuana; and

C. To amend the Porterville Municipal Code pertaining to Zoning by adding Chapter ____ and restricting the location of Medical Marijuana Businesses.

SECTION 1. FINDINGS

A. The voters of the State of California approved proposition 215 (codified as Health and Safety Code section 11362.5 et seq. and entitled the “Compassionate Use Act of 1996.”

B. The intent of Proposition 215 was to enable seriously ill Californians to obtain and use marijuana for medical purposes, where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances.

C. In 2004, the State Legislature enacted SB 402 to clarify the scope of the Compassionate Use Act of 1996 to allow cities and other government bodies to adopt and enforce rules and regulations consistent with SB 402.

D. In June 2005, the United States Supreme Court issued a decision entitled Gonzales v. Raich (2005) 545 U.S. 1, wherein it determined the cultivation and use of marijuana in compliance with California law is a violation of federal law, and may be prosecuted under federal law.
E. The City of Porterville has identified a number of health, safety, and welfare concerns associated with dispensaries, the cultivation, processing, and public use/consumption of medicinal marijuana. These adverse impacts require careful consideration and regulation of the location and manner in which the uses are to operate so as to prevent impacts on nearby residents, businesses, schools, and the community at large.

F. The City of Porterville neither condones nor condemns the use of marijuana, but finds it important to ensure that the adverse impacts from the medical use of marijuana are minimized in the City.

G. The City of Porterville has received inquiries from prospective operators for the establishment of various related businesses, such as a medical marijuana dispensary. Currently, the City has no rules or regulations governing medical marijuana or dispensaries of medical marijuana.

H. To protect the public health, safety and welfare, it is the desire of the City Council to modify the municipal code consistent with and complimentary to The Compassionate Use Act of 1996 and SB 420.

I. The City Council acknowledges the federal government and its law enforcement and prosecuting agents have jurisdiction to enforce the Controlled Substances Act, 21 U.S.C. Section 841, within the city limits of the City of Porterville. It is the City Council’s intention that nothing in this ordinance shall be deemed to prevent federal prosecution of violations of the Controlled Substances Act within the City of Porterville.

J. It is the City Council’s intention that nothing in this ordinance shall be construed to 1) allow persons to engage in conduct that endangers others or causes a public nuisance, 2) allow the use of marijuana for nonmedical purposes, or 3) allow any activity relating to cultivation, distribution, or consumption of marijuana that is otherwise illegal.

K. The City Council desires to adopt reasonable time, place, and manner regulations that address the adverse secondary effects of medical marijuana dispensaries, the cultivation and processing thereof and the public use/consumption of marijuana for medical purposes. This Ordinance both complies with applicable state law, as well as imposes reasonable restrictive rules and regulations protecting the public health, safety and welfare of the residents and businesses within the City.

L. The locational requirements established by this ordinance do not unreasonably restrict the establishment or operation of a medical marijuana dispensary in the City of Porterville, and the application of this ordinance results in a reasonable number of appropriate locations for such dispensaries.
M. The City Council of the City of Porterville also finds that locational criteria alone do not adequately protect the health, safety and general welfare of the citizens of the City of Porterville. Thus, certain requirements with respect to the ownership and operation of medical marijuana dispensaries, cultivation and processing of medical marijuana, and the public use/consumption of marijuana for medical purposes are in the public interest.

SECTION 3. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

________________________________________
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER ___, ADDING ARTICLE ___ OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO MEDICAL MARIJUANA BUSINESSES

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter ___, ________________________, of the Porterville City Code is hereby amended by the addition thereto of ___________, which shall read as follows:

Section ____ Medical Marijuana Businesses

A. Definition of “Medical Marijuana”, Medical Marijuana Business”, and “Medical Marijuana Dispensary” are defined in (1st Ord.).
B. A Medical Marijuana Business is not and may not be approved as an accessory use to any other use permitted by this Code.
C. No more than one Medical Marijuana Business may operate out of a single building.
D. A Medical Marijuana Dispensary shall not operate within 1000 feet of a public or private school serving the educational needs of elementary or high school students.
E. All Medical Marijuana Dispensaries may only be located in a PO/C-2 zone or within the downtown precinct as defined by the Porterville General Plan.
F. All Medical Marijuana Dispensaries under this Ordinance are considered commercial businesses with a Standard Industrial Classification (SIC) of “Personal Services (group 70)” or “Miscellaneous Services (group 89).”

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

Cameron Hamilton, Mayor

ATTEST:

Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 15, LICENSES AND BUSINESS REGULATIONS, ADDING ARTICLE VI OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO MEDICAL MARIJUANA DISPENSARIES

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 15, Licenses and Business Regulations, of the Porterville City Code is hereby amended by the addition thereto of Article VI, Medical Marijuana Dispensaries, which shall read as follows:

ARTICLE VI
Medical Marijuana Dispensaries

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Section 15-70 Purpose and Intent

It is the purpose and intent of this ordinance to promote the health, safety, and general welfare of the residents and businesses within the city by regulating medical marijuana dispensaries. It is not the intent nor effect of this ordinance to restrict or deny
qualified patients access to marijuana for medical purpose as intended by the passage of the Compassionate Use Act of 1996 and SB 420 in 2004. Neither is it the intent nor effect of this ordinance to condone or legitimize the use of marijuana.

Section 15-71 Definitions

All definitions set forth in Health & Safety Code sections 11362.5 and 11362.7 et seq., as may be amended, including but not limited to the terms “attending physician”, “person
with an identification card”, “serious medical conditions”, shall apply under this
Ordinance in addition to the definitions set for as follows:

“Applicant” means a person who is required to file an application for a permit under
this chapter, including an individual owner, managing partner, officer of a corporation, or
any other operator, manager, employee or agent of a Medical Marijuana Business.

“Zoning Administrator” means the Community Development Director holding office in
the City of Porterville or his or her designee.

“Medical Marijuana” is defined in strict accordance with California Health and Safety
Code sections 11362.5, and 11362.7 et seq.

“Medical Marijuana Dispensary” means any facility or location, whether fixed or
mobile, where medical marijuana is made available to, distributed by, or distributed to
one or more of the following: (1) a qualified patient, (2) a person with an identification
card, or (3) a primary caregiver. All three of these terms are defined in strict accordance
with California Health and Safety Code sections 11362.5, and 11362.7 et seq. Unless
otherwise regulated by this Code or applicable law, a “medical marijuana dispensary”
shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2
of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of
Division 2 of the Health and Safety Code, a residential care facility for persons with
chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the
Health and Safety Code, a residential care facility for the elderly licensed pursuant to
Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home
health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code,
as long as any such use complies strictly with applicable law including, but not limited to,
Health and Safety Code sections 11362.5, and 11362.7 et seq.

“Medical Marijuana Businesses” means any Medical Marijuana Dispensary; any
cultivation and/or processing of medical marijuana operations by primary caregivers for
three or more qualified patients or persons with identification cards; or collective or
cooperative cultivation operations.

“Cultivation of Medical Marijuana” means the growing of medical marijuana for
medical purposes as defined in strict accordance with California Health and Safety Code
sections 11362.5, and 11362.7 et seq.

“Collective or Cooperative Cultivation” means the association with California of qualified patients, per sons with valid identification cards, and designated primary caregivers to cultivate marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 et seq.

“Processing of Medical Marijuana” means the harvesting of marijuana or the use of any process or equipment, including but not limited to dehydrators or humidifiers, that may be necessary to convert raw marijuana plants or plant parts into a consumable product.

“Permittee” means the person to whom a Medical Marijuana Business permit is issued.

“Written Recommendation” shall have the same definition as California Health and Safety Code section 11362.7 et seq., and as may be amended.

Section 15-72 Enforcement of Chapter
The Zoning Administrator of the City of Porterville shall have the responsibility and duty of enforcement of this Chapter.

Section 15-73 Medical Marijuana Business Permit Required
A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Porterville the operation of a Medical Marijuana Business unless the person first obtains and continues to maintain in full force and effect a Medical Marijuana Business permit from the City of Porterville as herein required.

B. A Medical Marijuana Business shall also be required to apply for and maintain a general City of Porterville business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

C. Only _____ Medical Marijuana Business permits, in total, may be issued and active within the City at the same time, for a total of _____ separate business locations.

Section 15-74 Applications
A. The applicant for a Medical Marijuana Business permit shall submit to the Zoning Administrator or designee an application for a permit. The application shall be made under penalty of perjury and shall include the following information:
   1. The full name, present address, and telephone number of the applicant;
   2. The address to which notice of action on the application is to be mailed;
   3. Previous addresses for the past five (5) years immediately prior to the
present address of the applicant;
4. Written proof that the applicant is over the age of eighteen (18) years of age.
5. Applicant's height, weight, color of eyes and hair;
6. An identification photograph of the applicant;
7. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;
8. The business license history of the applicant, including whether such person, in previously operating in this or another city, county or state under a license has had such license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation;
9. The name or names of the person or persons having the management or supervision of applicant's business;
10. Whether the person or persons having the management or supervision of applicant's business have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;
11. The name of all employees, independent contractors, and other persons who will work at the proposed Medical Marijuana Business;
12. The proposed security arrangements for ensuring the safety of persons, safe and secure storage of the marijuana, and to protect the premises from theft which shall be kept confidential and not disclosed to the public as the public interest is served in preserving the confidentiality of such security arrangements;
13. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the proposed Medical Marijuana Business. The sketch or diagram need not be professionally prepared, but must be drawn with marked dimensions of the interior of the premises;
14. A current and accurate straight-line drawing depicting the building and/or the portion thereof to be occupied by the proposed Medical Marijuana Business;
15. Authorization for the City of Porterville, its agents and employees to seek verification of the information contained within the application;
16. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct; and

B. If the applicant has completed the application improperly, or if the application is incomplete, the Zoning Administrator or designee shall within ten (10) days of receipt of the original application, notify the applicant of such fact.

C. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a Medical Marijuana
Business permit.

Section 15-75 Term, Renewals and Fees

A. Unless otherwise suspended or revoked, a Medical Marijuana Business permit shall expire one (1) year following its issuance. An operator of a Medical Marijuana Business may re-apply for a permit for subsequent year(s).

B. Every application for a permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing or background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies.

Section 15-76 Notifications

Within ten (10) calendar days of filing an application for a Medical Marijuana Business permit, the applicant shall provide the Zoning Administrator or designee with proof that all residents and property owners within 300 feet of the proposed premises have been notified in writing by U.S. mail of the applicant’s intent to open such a business and filing of such application.

Section 15-77 Investigation and Action on Application

After the background checks and investigation are complete, and in no case later than forty-five (45) days after receipt of a completed application, the Zoning Administrator or designee shall determine whether to issue the Medical Marijuana Business permit. The Zoning Administrator or designee may grant the permit subject to conditions he or she deems reasonable under the circumstances to protect the public health, safety and welfare of the community. The Zoning Administrator or designee shall cause a written notice of his or her decision to issue or deny a permit to be delivered in person or mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested.

Section 15-78 Grounds for Denial of Permit

The grounds for denial of a permit shall be one or more of the following:

A. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule or regulation.

B. The applicant has violated any local or state law, statute, rule or regulation relating to medical marijuana business.
C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

D. The applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

F. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocations of a permit.

G. An applicant is under eighteen (18) years of age.

H. The Medical Marijuana Business does not comply with the ordinance standards of the City of Porterville Municipal Code or the development standards set forth in this Chapter.

I. The required application or renewal fees have not been paid.

Section 15-79 Appeal from Denial

A. An applicant aggrieved by the decision of the Zoning Administrator or designee to deny a permit may appeal such decision to the City Council by filing a written notice with the City Clerk within ten (10) calendar days of service of the written notice of decision. If an appeal is not taken within such time, the Zoning Administrator’s decision shall be final.

B. Upon filing of a timely appeal, the permit application shall be scheduled by the City Clerk for a public hearing within forty-five (45) calendar days.

C. Notice of the hearing shall be given by the posting of notice on the premises where the activity is to be conducted for a period of not less than five (5) working days prior to the date of the hearing. In addition, a copy of the notice of hearing shall be mailed to the applicant at least five (5) working days in advance of the hearing. The City Council may give such additional notice of hearing as it deems appropriate in a particular case.

D. Following public hearing, the City Council may grant the permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community or it may deny the issuance of the permit for any of the grounds specified in this Chapter. The decision of the City Council shall be final.
Section 15-80    Suspension or Revocation of Permit

A. The Zoning Administrator or designee may suspend or revoke a permit when the permittee or the permittees agent or employee has committed any one or more of the following acts:

1. Any act which would be considered a ground for denial of the permit in the first instance.
2. Violates any other provision of this Chapter or any local or State law, statute, rule or regulation relating to his or her permitted activity.
3. Engages in or permits misconduct substantially related to the qualification, functions or duties of the permittee.
4. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.
5. Fails to take reasonable measures to control the establishment’s patrons’ conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business
6. Violates or fails to comply with the terms and conditions or the permit.

B. Prior to suspension or revocation, the Zoning Administrator or designee shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) working days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery to the permittee or by certified U.S. Mail, postage prepaid, addressed to the permittee at his or her address as it appears in his application for the permit.

C. If any permittee or person acting under the authority of a permittee is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the Zoning Administrator or designee may immediately revoke the permit without any further action, other than giving notice of revocation to the permittee. In this circumstance, during the pendency of any appeal to the City Council, the permit shall not remain in effect.

D. Any permittee aggrieved by the decision of the Zoning Administrator or designee in suspending or revoking a permit may, within ten (10) calendar days, appeal to the City Council by filing a written notice with the City Clerk. Unless otherwise stated in this Chapter, during the pendency of the appeal to the Council, the permit shall remain in effect. If such appeal is not taken within ten (10) days, the decision of the Zoning Administrator or designee shall be final. If an appeal is timely filed, the appeal shall be held in accordance with the procedures for considering an appeal of the denial of a permit. The City Council may suspend or revoke the permit for any of the grounds specified in this Chapter. The City Council’s decision shall be final.
Section 15-81    Judicial Review

Judicial review of a final decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provision of the California Code of Civil Procedure section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure section 1094.6, which shall be applicable for such actions.

Section 15-82    Effect of Denial or Revocation

When the Zoning Administrator or designee has denied or revoked a permit and the time for appeal to the City Council has elapsed, or if after appeal to the City Council, the decision of the Zoning Administrator or designee has been affirmed by the City Council, no new application for a permit shall be accepted from the applicant and no permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the permit.

Section 15-83    Operating Requirements

A Medical Marijuana Business, once permitted by the Zoning Administrator or Designee, shall meet the following operating standards for the duration of the use:

A. A Medical Marijuana Business shall be open for business only between the hours of 8:00 a.m. and 8:00 p.m. on any particular day.

B. A Medical Marijuana Business shall maintain a current register of the names of all employees employed by the Business.

C. A Medical Marijuana Business shall maintain a current register of all qualified patients, persons with identification cards and primary caregivers to whom it provides or distributes medical marijuana. Once documented the qualified patients, persons with identification cards and primary caregivers shall be “registered” patrons of the Business. The Business’s register shall be subject to periodic inspection to ensure compliance with the state law. The Business shall further maintain records of all patients and primary caregivers using the identification card number only when issued by the county, or its agent, pursuant to California Health and Safety Code section 11362.7 et seq., so as to protect the confidentiality of the cardholders, or a copy of the written recommendation from a physician stating the need for medical marijuana.

D. A Medical Marijuana Business shall post a sign, either at the building entrance or inside at the entrance, with a notice indicating that persons under the age of eighteen (18) years are precluded from entering the premises unless they are a qualified patient and they are in the presence of their parent or guardian.
E. A Medical Marijuana Dispensary may not possess more than eight (8) ounces of dried marijuana per registered qualified patient or primary caregiver on the premises. However, if a qualified patient or primary caregiver has a doctor’s recommendation that this quantity does not meet the qualified patient’s medical needs, the dispensary may increase the amount of dried marijuana per the doctor’s recommendation, the dispensary may not possess an amount of marijuana in excess of the registered patient’s needs.

F. No marijuana shall be smoked, ingested or otherwise consumed on the premises of the Business. The term “premises” includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. The building entrance to a Medical Marijuana Business shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Business is prohibited.

G. Any cultivation of medical marijuana or processing of medical marijuana conducted by the Business shall at all times occur in a secure, locked, and fully enclosed structure. No Medical Marijuana Business may cultivate or process more than 99 marijuana plants, whether mature or immature.

H. No Medical Marijuana Business shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Business.

I. No Medical Marijuana Business shall conduct or engage in the commercial sale of any product, good or service. The term “commercial sale” does not include the provision of medical marijuana on terms and conditions consistent with this Chapter and the Compassionate Use Act of 1996, and any amendments thereto.

J. A Medical Marijuana Business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

K. A Medical Marijuana Business shall provide litter removal services once during each day of operation on and in front of the premises and, if necessary, on public sidewalks within one hundred (100) feet of the premises.

L. A Medical Marijuana Business shall not cultivate, distribute or sell medical marijuana for a profit. A Business may receive compensation for its actual expenses, including reasonable compensation for service provided, or for payment of out-of-pocket expenses incurred in providing those services. However, any such Business must pay applicable sales tax on such sales or services and maintain the applicable seller’s permit or similar permit from the State Franchise Tax Board or other applicable agency.
M. A Medical Marijuana Business shall meet all the operating criteria for the dispensing of medical marijuana as required pursuant to California Health and Safety Code sections 11362.5 and 11362.7 et seq.

N. Each Medical Marijuana Business shall allow the Zoning Administrator or designee to have access to the Business’s books, records, accounts, and any and all data relevant to its activities for the purposes of conducting an audit or examination. Books, records, accounts, and any and all relevant data shall be produced no later than 24 hours after receipt of the Zoning Administrator’s written request(s).

O. The Medical Marijuana Business shall meet any specific additional operating procedures and measures as may be imposed as conditions of approval by the Zoning Administrator or designee to ensure that operations of the Business is consistent with protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

P. The building in which the Medical Marijuana Business is located shall comply with all applicable local, state and federal rules, regulations and laws including, but not limited to, building codes and the Americans with Disability Act, as certified by the Building Official of the City.

Q. Any marijuana provided by a Medical Marijuana Business for the purpose of consumption by the recipient shall be contained in a package that includes, in a conspicuous location, the following warning: “Smoking may be hazardous to the health of the consumer, and smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Further, ingestion of marijuana in any form may be hazardous to the health of the consumer and may impair the judgment of the consumer.”

R. A Medical Marijuana Business that provides marijuana in the form of food or other comestibles shall obtain and maintain the appropriate licenses from the County Health Department for the provisions of food or other comestibles.

S. A Medical Marijuana Business shall provide to the Zoning Administrator or designee, upon request, written evidence to the Zoning Administrator or designee’s reasonable satisfaction, that the Business is not engaged in interstate commerce.

T. A Medical Marijuana Business, once permitted by the Zoning Administrator or Designee, shall meet the following operating standards for the duration of the use:

   A. A Medical Marijuana Business shall be open for business only between the hours of 8:00 a.m. and 8:00 p.m. on any particular day.

   B. A Medical Marijuana Business shall maintain a current register of the names of all employees employed by the Business.
C. A Medical Marijuana Business shall maintain a current register of all qualified patients, persons with identification cards and primary caregivers to whom it provides or distributes medical marijuana. Once documented the qualified patients, persons with identification cards and primary caregivers shall be “registered” patrons of the Business. The Business’s register shall be subject to periodic inspection to ensure compliance with the state law. The Business shall further maintain records of all patients and primary caregivers using the identification card number only when issued by the county, or its agent, pursuant to California Health and Safety Code section 11362.7 et seq., so as to a protect the confidentiality of the cardholders, or a copy of the written recommendation from a physician stating the need for medical marijuana.

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J. A Medical Marijuana Business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

K. A Medical Marijuana Business shall provide litter removal services once during each day of operation on and in front of the premises and, if necessary, on public sidewalks within one hundred (100) feet of the premises.

L. A Medical Marijuana Business shall not cultivate, distribute or sell medical marijuana for a profit. A Business may receive compensation for its actual expenses, including reasonable compensation for service provided, or for payment of out-of-pocket expenses incurred in providing those services. However, any such Business must pay applicable sales tax on such sales or services and maintain the applicable seller’s permit or similar permit from the State Franchise Tax Board or other applicable agency.

M. A Medical Marijuana Business shall meet all the operating criteria for the dispensing of medical marijuana as required pursuant to California Health and Safety Code sections 11362.5 and 11362.7 et seq.

N. Each Medical Marijuana Business shall allow the Zoning Administrator or designee to have access to the Business’s books, records, accounts, and any and all data relevant to its activities for the purposes of conducting an audit or examination. Books, records, accounts, and any and all relevant data shall be produced no later than 24 hours after receipt of the Zoning Administrator’s written request(s).

O. The Medical Marijuana Business shall meet any specific additional operating procedures and measures as may be imposed as conditions of approval by the Zoning Administrator or designee to ensure that operations of the Business is consistent with protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

P. The building in which the Medical Marijuana Business is located shall comply with all applicable local, state and federal rules, regulations and laws including, but not limited to, building codes and the Americans with Disability Act, as certified by the Building Official of the City.

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health of the consumer, and smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Further, ingestion of marijuana in any form may be hazardous to the health of the consumer and may impair the judgment of the consumer.”

R. A Medical Marijuana Business that provides marijuana in the form of food or other comestibles shall obtain and maintain the appropriate licenses from the County Health Department for the provisions of food or other comestibles.

S. A Medical Marijuana Business shall provide to the Zoning Administrator or designee, upon request, written evidence to the Zoning Administrator or designee’s reasonable satisfaction, that the Business is not engaged in interstate commerce.

T. No Medical Marijuana Business shall sell or display any drug paraphernalia as defined in California Health and Safety Code section 11364, et seq., or any implement that may be used to administer, use, consume, smoke or ingest medical marijuana.

Failure to comply with any of the above operating requirements shall result in the revocation of any permit issued.

Section 15-84 Zoning and Development Standards

Failure to comply with any of the above operating requirements shall result in the revocation of any permit issued.

Section 15-85 Minors

A. It shall be unlawful for any permittee, operator, or other person in charge of any Medical Marijuana Business to employ any person who is not at least eighteen (18) years of age.

B. Persons under the age of eighteen (18) years shall not be allowed on the premises of a Medical Marijuana Business unless they are a qualified patient and they are in the presence of their parent or guardian.

Section 15-86 Display of Permit

Every Medical Marijuana Business shall display at all times during business hours the permit issued pursuant to the provisions of this Chapter in a conspicuous place so that the same may be readily seen by all persons entering the Medical Marijuana Business.

Section 15-87 Transfer of Permits
A. A permittee shall not operate a Medical Marijuana Business under the authority of a Medical Marijuana Business permit at any place other than the address of the Medical Marijuana Business stated in the application for the permit.

B. A permittee shall not transfer ownership or control of a Medical Marijuana Business permit to another person unless and until the transferee obtains an amendment to the permit from the Zoning Administrator or designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Zoning Administrator or designee in accordance with this Chapter and accompanies the application with the transfer fee in an amount set by the resolution of the City Council, and the City Manager determines that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the Zoning Administrator or designee has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

Section 15-88 Violations of Chapter: Enforcement

A. Any person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

B. Any use of condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Porterville Municipal Code.

C. Any person who violates, causes, or permits another person to violate any provision of this Chapter commits a misdemeanor.

D. The violation of any provisions of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

E. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Chapter may be subject to administrative remedies as set forth by City ordinance.

Section 15-89 Severability

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not
affect the other provisions of this Chapter.

Section 15-90 Existing Medical Marijuana Dispensaries; Time Limit for Filing Application for Permit

The continued operation of a Medical Marijuana Business in existence before the effective date of this Chapter without having applied for a permit obtained pursuant to the provisions of this Chapter for more than ninety (90) days after the effective date of this Chapter shall constitute a violation of this Chapter.

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

______________________________
Cameron Hamilton, Mayor

ATTEST:

______________________________
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 18, ADDING ARTICLE V OF THE PORTERVILLE MUNICIPAL
CODE PERTAINING TO PUBLIC USE/CONSUMPTION OF MEDICAL MARIJUANA

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. Chapter 18, Offenses Miscellaneous, of the Porterville City Code is hereby
amended by the addition thereto of Article V, which shall read as follows:

ARTICLE V
PUBLIC USE/CONSUMPTION OF MEDICAL MARIJUANA

Section 18-80 Purpose and Intent
Section 18-81 Definitions
Section 18-82 Regulations Applicable to Public Use/Consumption of Medical
   Marijuana
Section 18-83 Regulations Applicable to Individual Cultivation
Section 18-84 Penalties

Section 18-80 Purpose and Intent
   It is the purpose of this ordinance to promote the health, safety, morals, general
   welfare and enjoyment of private property of the residents within the City of Porterville
   by restricting the public use and consumption of marijuana for medical purposes and by
   regulating the individual cultivation of medical marijuana.

Section 18-81 Definitions
   All definitions set forth in Health & Safety Code sections 11362.5 and 11362.7 et
   seq, as may be amended, including but not limited to the terms "person with an
   identification card", "primary caregiver", "qualified patient", and "identification card"
   shall apply under this Ordinance in addition to the definitions set forth as follows:
   "Medical Marijuana" is defined in strict accordance with California Health and Safety
   Code section 11362.5 and 11362.7 et seq. "Cultivation of medical marijuana" means the
   growing of medical marijuana for medical purposes as defined in strict accordance with
   California Health and Safety Code sections 11362.5 and 11362.7 et seq.

Section 18-802 Regulations Applicable to Public Use/Consumption of Medical
   Marijuana
   No person shall smoke, ingest, or otherwise consume medical marijuana in the
   City of Porterville unless such smoking, ingesting or consumption occurs entirely within
   a private residence.

Section 18-83 Regulations Applicable to Individual Cultivation
In addition to any other applicable regulation under the Municipal Code, all cultivation of medical marijuana in the City of Porterville shall occur at all times in a secure, locked and fully enclosed structure. (Ord. 05-1999)

Section 18-84 Penalties

Any person who violates any provisions of this Chapter which are declared to be unlawful, shall be guilty of a misdemeanor, subject to a penalty of imprisonment in the County Jail for a period of time not to exceed six (6) months, or by a fine not to exceed Five Hundred Dollars ($500) or both, for each such violation. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the Prosecuting Attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this Chapter shall be punished by: (1) a fine not exceeding Fifty Dollars ($50) for a first violation; (2) a fine not exceeding One Hundred Dollars ($100) for the second violation of this Chapter within one (1) year; and (3) a fine not exceeding Two Hundred Fifty Dollars ($250) for each additional violation of this Chapter within one (1) year. (Ord. 05-1999)

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

__________________________________________________________
Cameron Hamilton, Mayor

ATTEST:

__________________________________________________________
Georgia Hawley, Chief Deputy City Clerk
ALTERNATIVE "B"
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING SECTION ________ TO ARTICLE 21 OF APPENDIX A (ZONING ORDINANCE)
OF THE PORTERVILLE MUNICIPAL CODE RELATING TO STATE AND FEDERAL
LEGALITY OF THE USE OF LAND WITHIN CITY LIMITS

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. Section ________ is herewith added to Article 21 of Appendix A (Zoning
Ordinance) of the Porterville Municipal Code to read as follows:

Section ________. Legal Use of Land. No use of land, under this Zoning Ordinance, shall be
permitted within the City Limits is such use shall be in violation of any local, state, or federal
laws.

Section 2. All other provisions of Article 21 of Appendix A shall remain in full force and
effect.

Section 3. This ordinance shall be in full force and effect thirty (30) days from and
after its publication and passage.

__________________________
Cameron Hamilton, Mayor

ATTEST:

__________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - INDIANA STREET PROJECT, PUTNAM AVENUE TO OLIVE AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Indiana Street Project, Putnam Avenue to Olive Avenue. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $15,000 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of the project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council's reference.

Dir Appropriated/Funded OM Item No. 15
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and

3. Authorize staff to record a general notice of Reimbursement Fee" with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution
Locator Map
Reimbursement Spreadsheet
RESOLUTION NO. ______-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IMPLEMENTING DEVELOPMENT CHARGES FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALK AND DRIVE APPROACH IMPROVEMENTS IN CONNECTION WITH THE INDIANA STREET PROJECT, PUTNAM AVENUE TO OLIVE AVENUE

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties with the Indiana Street Project, shown on the locator map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit "B", which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit "B"; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City's obligations with regard to the Local Transportation Fund used to fund the Indiana Street Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of development with regard to the properties listed. “Development” shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder’s Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

ADOPTED this ____ day of ________________, 2007.

______________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

__________________________
By Georgia Hawley, Chief Deputy City Clerk
Exhibit "A"

INDIANA STREET PROJECT
REIMBURSEMENT MAP
FOR CITY INSTALLED
CONCRETE IMPROVEMENTS

OLIVE AVE.

INDIANA ST.

251-202-029

252-291-018

259-112-024
## Indiana Street Project - Putnam Avenue to Olive Avenue
### Reimbursement for City Installed Improvements

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<th>OWNER</th>
<th>Owner Address</th>
<th>Curb/Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
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<td>S E E Of Olive Lp</td>
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</tr>
</tbody>
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**Totals** $19,403.19
PUBLIC HEARING

SUBJECT: SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO ARTICLE 21

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has prepared a draft amendment to the Subdivision Ordinance, which consists of various changes to the ordinance. Staff has addressed the comments of the City Council and the public from the Study Session held on January 5, 2007. The changes proposed in the ordinance amendment can be characterized into three (3) categories. First are procedural changes, second are quality of life issues, and third are legal issues.

The procedural changes modify the code to eliminate the Subdivision Review Committee in response to the City Council’s direction to reduce the sheer number of committees the Community Development Department is involved with. This will streamline the process for seeking approval of subdivision maps while maintaining efficiency in review of proposals. While elimination of the Subdivision Review Committee is noteworthy, there are other minor modifications to procedures that clear up inconsistencies in the Code and bring the Code into consistency with the State Subdivision Map Act.

Staff has proposed consolidating the required findings for granting variations from the Ordinance. There are currently two sets of findings for considering exceptions generally and for parcel maps specifically. These two sections have been consolidated to present one set of required findings regardless of the scope of tentative map. In addition, flexibility has been built into the Draft Ordinance to allow for a greater number of exceptions or unique exceptions beyond those currently allowed for under Section 21 – 1.4 Authority To Vary Regulations. Any deviations beyond those currently allowed would require the approval of a conditional use permit rather than potentially a series of variances. This allows the City Council discretion in reviewing uniqueness of proposed maps.

An item discussed most extensively at the January study session focuses on the provision of pocket parks in new subdivisions and the desire to have the LMD’s provide for maintenance of the pocket park, as the intent of a pocket park is to specifically serve as a benefit to residents of the subdivision. Over the past few years the Council has focused more closely on quality of life and aesthetic issues in proposed subdivisions. This focus has resulted in the Council requesting pocket parks in new subdivisions. Although the Council has been successful in achieving the provision of pocket parks in the majority of new subdivisions, it has not been a Code requirement and could not be exacted. This draft ordinance incorporates language to ensure the provision of pocket parks in new subdivisions and addresses the revisions requested by the Council at their study session. Council had requested that a provision be added to require an in-lieu payment for specific park improvements for...
subdivisions not otherwise required to provide a pocket park due to size of the proposed development, or the proximity of the site to an existing park. Language requiring this has been added to Section 21-9 of the draft ordinance.

Council has also expressed an interest in seeing that Lighting and Landscape Maintenance Districts (LMD) are used extensively to address the provision and maintenance of common area amenities such as parkway and entry landscaping and pocket parks as well as lighting and walls. Language codifying the current practice has been added to the Draft Ordinance and language has been added to tighten up the relationship of pocket parks maintenance to LMDs.

Finally, since the City’s Code has been in existence for many years without update, there are a number of sections of the Code that require updating to bring the Code into compliance with the State Subdivision Map Act. Attached to this report are two (2) documents. The first is an exhibit that clearly depicts the proposed changes by underlining new language, striking through language to be removed and also highlighting the areas revised as a result of the study session in January. Also attached to the report is a draft ordinance without underline and cross out enhancements.

RECOMMENDATION:

1. Adopt the draft ordinance approving an amendment to Article 21 of the Porterville Municipal Code and give first reading to the draft ordinance.

2. Waive further reading of the draft ordinance, approving an amendment to Article 21 of the Porterville Municipal Code, and order to print.

ATTACHMENTS:

1. Ordinance Exhibit
2. Draft Ordinance
SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the "Subdivision Map Act." (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-1.1. Purpose and scope.
The Subdivision Ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the Subdivision Ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the General Plan of the City of Porterville, and elements thereof, as adopted by the City Council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The Subdivision Ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article hereinafter in this article contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps

Attachment 1
hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

(b) Community Development Director/City Planner. The Community Development Director/City Planner or designee shall be responsible for design analysis for conformity with the General Plan and the Zoning Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City Engineer. The Public Works Director/City Engineer shall be responsible for reporting to the planning commission and the City Council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The City Engineer shall also have the authority to act on behalf of the City Council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel Map Committee. The City Parcel Map Committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City Council. The City Council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication that may be proposed as part of a subdivision. The City Engineer is authorized to accept all dedications that are not offered on a subdivision map approved by City Council (e.g., dedications for parcel maps, individual parcels, etc.). (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(1), 8-19-86; Ord. No. 1590, §§ A, 2-20-01; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1.3. Appeals.
(a) **Parcel Map Committee actions.** The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof with the City Clerk or Community Development Director or designee, as specified in Section 21-3337 hereof.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(2); 8-19-86; Ord. No. 1614, § 4, 9-17-02)

**Sec. 21-1.4. Authority to vary regulations.**
The Parcel Map Committee/City Council, or parcel map committee with respect to tentative parcel maps and tentative subdivision maps, respectively as provided in Section 21-1.7 of this chapter, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the subdivision proposed land division. If in the opinion of the City Planner and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

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

(c) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the General Plan.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(3), 8-19-86; Ord. No. 1369, § A(1), 12-2-86)
Sec. 21-1.4.1. Exception to Conditional Use Permit requirement
As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Section 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(a) Action on exceptions: In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.

(b) Appeals: When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Section 21-37 of this chapter. City Council decisions are final upon adoption of the resolution. (Ord. No. 1369, § B(1), 12-2-86; Ord. No. 1386, § A(1), (2), 8-18-87)

Cross references: Parcel Map Committee generally, § 21-29; parcel maps, § 21-30 et seq. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(3), 8-19-86; Ord. No. 1369, § A(1), 12-2-86)

Sec. 21-1.5. Validity.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.
A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.
(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. No. 1327, 4-2-85)

See. 21-1.7.---Parcel maps excepted.

(a) Exceptions authorized: Exceptions and conditional exceptions to any of the requirements prescribed by Sections 21-6(a) and (b) or 21-7(a)(1), (2), (3), (b) and (d) of this chapter may be granted pursuant to this article.

(b) Application fees: The Parcel Map Committee shall prescribe the form of application for exceptions. The application shall state fully the grounds for the exception, the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception as set forth in this article. The application shall be filed at the same time that the tentative parcel map is filed.

When the application for an exception is filed in connection with a tentative parcel map, lot line adjustment, merger, unmerger, certificate of compliance or other action resulting in the creation of one (1) or more legal lots of record, the applicant shall pay a fee as set forth in the comprehensive fee schedule. The fee prescribed above shall cover all of the exceptions for any one (1) map or other action regardless of the number of exceptions requested.

(e) Requirements for granting exceptions: The Parcel Map Committee shall only grant an exception if it finds that all of the following circumstances exist:

(1) That there are special circumstances or conditions affecting the property.

(2) That the exception is appropriate for the proper design and/or function of the subdivision.
(3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

(4) That the granting of the exception is in accordance with the purposes prescribed in Section 21.1.1 of this chapter and the Subdivision Map Act.

(5) That the granting of the exception is consistent with the General Plan.

Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this chapter.

(d) Action on exceptions: The parcel map committee shall approve, conditionally approve or disapprove the application for an exception pertaining to a parcel map or other action specified in section 21.1.7(a) of this chapter. The parcel map committee shall consider the exception during the public hearing at which it considers the tentative parcel map or at an independent public hearing prior to any other action resulting in the creation of a legal lot(s) of record as specified in section 21.1.7(a) of this chapter.

(e) Appeals: When the parcel map committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the city council pursuant to the procedures and within the time limits set forth in section 21.33 of this chapter. (Ord. No. 1369, § B(1), 12-2-86; Ord. No. 1386, § A(1); (2), 8-18-87)

Cross-references Parcel map committee generally, § 21-29; parcel maps, § 21-30 et seq.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the Zoning Ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Alley shall mean a street providing only secondary access to abutting property.

Applicant shall mean the subdivider or agent thereof.

Arterial shall mean a street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.
Block shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

City Engineer shall mean the Porterville City Engineer.
City Planner shall mean the Porterville City Planner.

Collector street shall mean a street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

Community apartment project shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

Community Development Director shall mean the Porterville Community Development Director.

Condominium shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

Cul-de-sac shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

Frontage road shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

General Plan shall mean all elements of the General Plan of the City of Porterville, as adopted and duly amended from time to time by the City Council.

Industrial Street shall mean a street that serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.
Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street that provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the conditions exceptions set forth in subdivisions (a)-(e) of Section 66426 of the Map Act.

Parcel Map Committee shall mean a staff committee composed of the Community Development Director, City Planner, City Engineer and Fire Chief, or their designees.

Preliminary map shall mean a map to be submitted to the City Planner or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.

Project Review Committee shall mean a staff committee composed of the City Planner, City Engineer, Chief Building Official, Parks and Leisure Services Director, and Fire Chief, or their designees.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director shall mean director of Porterville's public works operation.

Standard plans and specifications shall mean all the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in Section 66423 of the Map Act. (Ord. No. 1537, § 8.6-96; Ord. No. 1614, § 4, 9-17-02)

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots.
the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting Tentative Map shall mean a tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 21-21.1(e), and is thereafter processed in accordance with the provisions hereof.


ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.
(a) The street and highway design shall conform both in width and alignment with any General Plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.

<table>
<thead>
<tr>
<th>Right-of-Way</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divided arterial streets</td>
<td>110</td>
</tr>
<tr>
<td>Undivided arterial streets</td>
<td>84</td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
</tr>
<tr>
<td>Local streets</td>
<td>60</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>
(c) **Relationship to existing streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) **Center lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(f) **Corner rounding.** At street intersections the block corners in a residential district shall be rounded at the property line by a radius of not less than twenty-(20) feet; and in a commercial district or on lots adjacent to a collector or major street or highway by a radius of not less than twenty-(20) feet or more, when such is deemed necessary, to provide at least one hundred (100) feet sight distance diagonally between intersecting street center lines. **Corner cut-offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) **Cul-de-sac or dead-end streets.** No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of fifty-(50) forty-seven (47) feet, measured to the property line, and minimum of forty-four (44) forty (40) feet to curb face shall be required.

(h) **Curve radius.** The center line curve radius on arterial all streets shall be designed in accordance with acceptable safe engineering practices; and in no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) **Frontage streets.** When any lots front or side on any major street arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) **Private roads and alleys.** Private roads and alleys shall not be permitted unless a conditional use permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) **Grades of streets.** Streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or
other exceptional conditions the City Engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(i) **Fire hydrants.** The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) **Access on arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(5), 8-19-86)

(n) **Access on collectors.** The Parcel Map Committee or City Council may prohibit the use of a collector as primary direct access to individual single-family residential lots. Where such access is permitted, the Parcel Map Committee or City Council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the Parcel Map Committee or City Council may prohibit the right of ingress/egress.

Sec. 21-4. Alleys.

(a) Alleys shall be optional in residential subdivisions. The City Council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

1. Unusual size, shape or topographical character of the property to be subdivided.
2. The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way.
3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.
(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the City design standards.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited. (Ord. No. 1153, §1, 7-18-78; Ord. No. 1362, §A(6), 8-19-86)

Sec. 21-5. Street names.

(a) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation "Street," and the names of through streets in an east-west alignment shall be followed by the designation "Avenue."

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "Place," "Way" or "Drive," and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "Lane," "Circle" or "Court." (Ord. No. 1153, §1, 7-18-78; Ord. No. 1362, §A(7), 8-19-86)

Sec. 21-6. Blocks.

(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement. (Ord. No. 1153, §1, 7-18-78)

Sec. 21-7. Lots.

(a) Lot width.

(1) Each residential lot or parcel shall have frontage width of not less than that required by the Zoning Ordinance except as approved by the City Council as provided for in Section 21-14.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the
front to the rear of such lot or parcel, shall have a width not less than that required by the Zoning Ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) Lot depth. The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the Zoning Ordinance.

(c) Lot area. The area of all lots shall comply with the requirements of the Zoning Ordinance relative to each particular zoning district.

(d) Lot frontage. Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

(e) Side lines. The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) Lot numbering and dimensions. Lot numbers shall begin with the numeral "1", and shall continue consecutively through each all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) Division of lots. No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) Suitability of lots. All lots shall be suitable for the purpose for which they are intended to be sold used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(i) Land remnants. All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(j) [Dimensions to be shown on map.] The dimensions of all lots shall be shown on the final subdivision map to the nearest one hundredth (1/100) of a foot. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(8), 8-19-86)

Sec. 21-8. Reserve strips Access Limitation Strips.
(a) A one (1) foot reserve access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Reserve Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-9. Landscaping and Lighting Maintenance Districts

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems, drainage reservoirs, and open space areas, and the maintenance of such facilities.

(b) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

(1) A petition on a form provided by the City requesting to have the subdivision placed in a Landscaping and Lighting Maintenance District at the time the final map is approved by the City.

(2) Completed and approved landscaping and lighting improvement plans, legal description, etc.

(c) The Landscaping and Lighting Maintenance District shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-10. Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The open space shall be developed and maintained as a part of the Landscape and Lighting Maintenance District created for the subdivision. The recreational open space shall be designed to accommodate a mixture of active and
passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:

<table>
<thead>
<tr>
<th>Dwelling Units</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 4</td>
<td>No requirement</td>
</tr>
<tr>
<td>5 to 49</td>
<td>No land dedication required*</td>
</tr>
<tr>
<td>50 or more</td>
<td>2% of site area**</td>
</tr>
</tbody>
</table>

*For subdivisions ranging from 5 to 49 dwelling units, the subdivider shall pay an offset in lieu of dedication of a pocket park. The fee shall be proportionate to density of development as defined below, and monies obtained by the fees shall be used to fund improvement projects for existing City parks in the vicinity of the project area.

- The fee shall be equivalent to $1000/acre for projects with densities commensurate with General Plan densities ranging from 0 to 2 dwelling units per acre.
- The fee shall be equivalent to $3000/acre for projects with densities commensurate with General Plan densities ranging from 2.1 to 7 dwelling units per acre.
- The fee shall be equivalent to $4500/acre for projects with densities commensurate with General Plan densities ranging from 7.1 to 15 dwelling units per acre.
- The fee shall be equivalent to $6000/acre for projects with densities commensurate with General Plan densities ranging from 15.1 to 40 dwelling units per acre.

**Site area refers to the gross land area within the specific development. The percentage requirement may be reduced with provision of other amenities, subject to approval of the Parks and Leisure Services Director.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a ¼ mile radius of an improved City park other than a pocket park provided by similar preceding residential development.

(c) A subdivider may make dual use of an on-site drainage basin if the Public Works Director/City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.

(d) A fence or landscape barrier is required to be constructed along all common property lines with residential lots bordering the recreational open space. The
Sec. 21-911. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 70 33 of Uniform California Building Code of the most recently adopted edition, 1979 Edition, or editions subsequently adopted. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83). Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Public Works Director/City Engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-12. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-1013. Watercourses.

(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall offer to dedicate rights-of-way or easements for access and maintenance storm-drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks, or shall provide by dedication further and sufficient rights-of-way or easements as shall be required for structures or channel changes, or both, to dispose of such surface and storm waters.

(b) The City Council may deny a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, §A(9), 8-19-86)

Sec. 21-1114. Ponding lots—Drainage Reservoirs.

(a) Ponding lotsTemporary drainage reservoirs will only be allowed in areas where it has been determined by the Public Works Director/City Engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan other methods of drainage are not practical. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.
(b) Permanent ponding lots shall be a minimum of five (5) acres and dedicated to the city for maintenance. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

(b) Temporary drainage reservoirs ponding lots may be approved until such time as Storm Drain Master drainage facilities are available for connection and shall be dedicated to the City as an easement in fee title. (Ord. No. 1274, 1-4-83)

(c) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’s Storm Drain Master Plan and City’s Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

ARTICLE IV. PRELIMINARY MAP

Sec. 21-12. Subdivision Review Committee.
A Subdivision Review Committee is hereby established consisting of the City Engineer, the Community Development Director or designee, two (2) staff members appointed by the City Manager, and at least one (1) member of the City Council appointed by the mayor. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1562, § A(10), §-19-86; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1315. Preliminary review.
Prior to the filing of a tentative map, the subdivider shall submit to the Community Development Director—City Planner or designee ten (10) nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.
(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The City Planner Community Development Director or designee will then, within twenty (20) sixteen (16) days, schedule a conference meeting of the Project Review Committee Subdivision Review Committee with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee Subdivision Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

ARTICLE V. TENTATIVE MAP

Sec. 21-1416. Map filing procedure and requirements.

(a) Filing tentative map. The subdivider shall file with the Community Development Director City Planner or designee twenty-three (23) copies, one (1) legible sepia and eight (8) copies of the owner’s statement ten (10) copies, one (1) photo-ready master (11” X 17” maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The Community Development Director City Planner or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, tracings masters, and accompanying data are deposited in the office of the director. (Ord. No. 1614, § 4, 9-17-02)

(b) Not later than thirty (30) calendar days after the Community Development Director or designee has received receipt of an application for a tentative map approval, the Community Development Director City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community Development Director City Planner or designee’s determination shall specify identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. After the Community Development Director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not
requested as part of the application. The Community Development Director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. (Ord. No. 1614, § 4, 9-17-02)

(c) Distribution of tentative map. Within ten (10) days of acceptance of a tentative map of a subdivision, the Community Development Director or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after the map has been filed, forward the Community Development Director or designee a written report of its findings and recommendations thereon. The Community Development Director or designee shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. (Ord. No. 1614, § 4, 9-17-02)

The Public Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-1517. Form of map and content.
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a person authorized by state law to prepare such a map, and the boundaries of the tentative map shall be certified as to accuracy by a registered civil engineer or licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18" X 26") in size, and drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or as approved by the Community Development Director or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the
tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(e)(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III, Design and Construction Standards).

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(q) Public areas proposed.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

If developed in increments, maps shall indicate approximate sequence of development.

For residential subdivisions, the school district and schools serving the subdivision.

Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

The location and sizes of existing and proposed utility lines and structures.

The elevation of sewers at the proposed connection. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1618. Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, § 1, 7-18-78)

(g) Environmental Information Form.

Sec. 21-19. Transmittal of maps to public agencies and utilities
(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into a report and make recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-1720. City Council action.
Within the timeframes established in the Permit Streamlining Act, fifty (50) days after the acceptance of a tentative map of a subdivision, unless such time is extended by agreement with the subdivider, the City Council shall act thereon the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council shall find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the City Council, the Community Development Director City Planner or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § 11, 8-19-86; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1720.1. Notice of hearing.
Notice of the time and place of any public hearing on this-a particular matter shall be given by the City Council or the City Clerk by mailing in the United States mail a written
notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary. (Ord. No. 1274, 1-4-83; Ord. No. 1362, §12; §19-86)

Sec. 21-1821. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. An approved or conditionally approved tentative map shall expire twenty-four (24) months after the date of its approval unless an additional period of time not to exceed an additional twelve (12) months is specifically requested in writing by the subdivider at the time the tentative map is filed with the city. The City Council or Parcel Map Committee shall consider such requests at the same time the tentative map is considered.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the City Council or by the Parcel Map Committee, for periods not exceeding a total of thirty-six (36) months. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community Development Director or designee prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee. If the Parcel Map Committee denies a subdivider’s application for an extension, the subdivider may appeal, in writing, to the City Council within fifteen (15) ten (10) days after the Parcel Map Committee has denied the extension. (Ord. No. 1614, §4, 9-17-02)

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.
(c) **Time limit on extensions.** An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of thirty-six (36) months may be approved pursuant to Sections 66463.5 and 66452.6 of the Map Act.

The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the City Council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel Map Committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1315, 7-17-84; Ord. No. 1327, 4-2-85; Ord. No. 1362, § A(13), 8-19-86; Ord. No. 1404, § A, 7-5-88)

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by Section 21-20(c), hereinabove.

**Sec. 21-1821.1. Vesting tentative maps.**

(a) **Citation and authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) **Purpose and intent.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) **Definitions:**

1. A "vesting tentative map" shall mean a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in
accordance with Section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.

(2) All other definitions set forth in the subdivision ordinance are applicable.

(e)(d) Application.

(1) This section shall apply only to residential developments. Whenever a provision of the Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(f)(e) Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map”.

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Sections 21-18.17 and 21-34.35:
   (A) Height, size, and location of buildings.
   (B) Geological studies.
   (C) Architectural plans.
   (D) Any other studies that are normally deferred to the building permit stage.

(g)(f) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(h)(g) Vesting on approval of vesting tentative map.

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in
substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding Subsection (g)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
(A) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
(B) The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 21-1821.1(g). If the final map is approved, these rights shall last for the following periods of time:

(A) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
(B) The initial time period set forth in Subsection (g)(3)(A) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
(C) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection (hg)(3)(A) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen (15) days.
(D) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (hg)(3)(A), (B), and (C), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(4)(h) **Development inconsistent with zoning; conditional approval.**
(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant, or his
or her designee, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 21-1821.1(hg)(1), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in Section 21-1821.1(hg)(3).

(i) Applications inconsistent with current policies. Notwithstanding any provision of this section, an applicant, property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 21-1821.1(h)(1) and Section 21-1821.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 1345, Exhibit A (Res. No. 1655), 1-7-86; Ord. No. 1362, § A(14), 8-19-86)

ARTICLE VI. FINAL MAPS

Sec. 21-1922. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the Comprehensive Fee Schedule. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Public Works Director/City Engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director/City Engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.
(d) Report and guarantee of title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Public Works Director/City Engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville Building Department.

(f) Utility statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

(g) Improvement agreements. With final review, all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

Sec. 21-2023. Form and content.

(a) The final map shall be clearly and legibly drawn upon tracing cloth of good quality or polyester base film. All lines, letters, figures, certifications, acknowledgments and signatures shall be made in black waterproof opaque ink; except that affidavits, certificates and acknowledgments may be legibly stamped or printed upon
the map with black opaque ink. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one (1) inch. The scale of the map shall be no less than one inch equals one hundred feet (1” = 100’).

(e) The boundary of the subdivision shall be designated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The final map shall consist of a title sheet containing all required certificates and acknowledgments and other sheets as necessary to show required lot dimensioning and survey data, as mentioned herein.

(d) When the final map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the sheet number and number of sheets comprising the map.

(e) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown including bearings and distances of straight lines and radii and tangent distance and central angle and arc length for all curves, lot dimensions, such information as may be necessary to determine the location of the centers of curves, tangent points and ties to existing monuments used to establish the subdivision boundaries.

(f) The final map shall show clearly any stakes, monuments, or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot numbers, subdivision name with proper ties and recording information shown. Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(g) The map shall show the location and description of all monuments found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

(h) Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated on the final map. The final map shall also show areas within the subdivision that are subject to inundation or flood hazard.

(i) The lots on the final map shall be numbered consecutively commencing with the number one (1), with no omissions or duplications. Additional information:
The date, north point and scale.

The location and names, without abbreviations, of all existing and proposed streets and alleys and adjoining streets.

Dimensions in feet and hundredths of a foot.

Subdivision name: Below the subdivision name shall be a legal description of the property being subdivided along with the recording information pertaining thereto.

Existing and proposed rights of way or easements, and the dimensions and locations of same.

City boundary lines.

Acreage: The total acreage of the subdivision to the nearest one hundredth (1/100) of an acre shall be shown on the face of the final map.

Basis of bearings.

No lot in a subdivision shall be divided by the boundary line of a city, county or special district. (Ord. No. 1153, § 1, 7-18-78)

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision
name/number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-2124. Survey and Monument Requirements.

(a) The survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one (1) foot in ten thousand (10,000) feet of perimeter.

(b) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(b) The monuments shall be approved by the City Engineer and shall be per
City Standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274-1-4-83)

(c) Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Sec. 21-2225. Certificates and acknowledgment. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such certificates statements may be combined where appropriate:

(a) Certificate Statement by parties holding title. A certificate statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication certificate Statement. A certificate statement in accordance with Section 66439 of the Map Act.

(c) Engineer’s or Surveyor’s certificate Statement. A certificate statement in accordance with Section 66441 of the Map Act.

(d) Soil Engineer’s Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(e) Certificate Statement to be executed. Certificates A statement for execution by each of the following:
- City Engineer;
- surveyor;
- soil engineer;
- Community Development Director City Planner or designee;
- City Council;
- City Clerk;
- County Board of Supervisors;
- County Recorder;
- owner.

(f)(e) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-82; Ord. No. 1392, § A(1), 11-17-87; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-2326. Dedications and reservations.

(a) **Dedications.** All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act. (Ord. No. 1590, § B, 2-20-01)

1. **Partial Half-streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer;**

2. **Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property; and**

3. **Where a partial half street-configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion half of the street is constructed by development, the subdivider shall be required to overlay the existing partial half street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial half-street.**

4. **When there are lots fronting on the partial half-street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.**

(b) **Waiver of direct access right.** The City Council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.
(e) **Reservations.** At the discretion of the City Council, areas of real property within the subdivision may be reserved for future need for fire stations, libraries, recreational facilities, or other public uses pursuant to the applicable provisions of the Map Act. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-27 **Reservations**

(a) As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
2. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.
3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(c) The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

(d) The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the City does not enter into the agreement required, the reservation of such area shall automatically terminate.
Sec. 21-2428. Public improvement agreement.
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the Public Works Director/City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-2529. Improvement security.

(a) Security. The subdivider shall file with the agreement required by the provisions of Section 21-2428, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

(b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the Public Works Director/City Engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

(1) Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

(2) Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.
(3) Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

Sec. 21-2630. Approval by City Engineer.
Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Council for approval. (Ord. No. 1153, § 4, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-2731. City Council approval.

(a) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The City Engineer, upon the approval of the final map by the City
Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-2832. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in Subsections 66426 a, b, c, and d of the Map Act. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-2933. Parcel Map Committee responsibilities.
A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said Parcel Map Committee shall include the Community Development Director or designee, the City Engineer or his designee and the Fire Chief or his designee. The Community Development Director or designee shall serve as committee chairman. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-3034. Tentative parcel maps; filing.

(a) Ten (10) Twenty-three (23) copies of the tentative parcel map and one (1) photo-ready master (11"X17" maximum) legible sepia shall be filed with the Community Development Director or designee. (Ord. No. 1614, § 4, 9-17-02)

(b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.

(c) The Community Development Director or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-3135. Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer’s scale of not less than one inch equals one hundred feet (1” = 100’), unless the Community Development Director or City Planner or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:
(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) The dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map.

(c) The dimensions, computed area, and boundaries of each parcel to be created.

(d) All existing surface and underground structures and improvements located on the original parcel, together with the exterior dimensions of said structures and improvements, the distance between structures and improvements, and the distance from the structures and improvements to the boundary line of the lots which are to be created by the proposed division of land.

(e) The names, locations and widths of all existing and proposed streets abutting the original parcel.

(f) The location, purpose and width of all existing and proposed easements, and the names of the owners and proposed owners of the easements. Easement boundaries shall be shown by means of a dotted line.

(g) Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown.

(h) Approximate location of all areas subject to flooding or ponding of surface water, the location, width and direction of flow of all watercourses, and the location of adapted floodplain lines.

(i) Existing use or uses of property.

(j) Proposed use of the property; and, if the property is proposed to be used for more than one (1) purpose, the areas proposed for each type of use.

(k) Statement of the improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(l) Proposed provisions for storm drainage and runoff disposal.

(m) North point, scale and date of preparation.

(n) Provisions for sewage disposal.

(o) The proposed water supply.
(p) The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer authorized to practice surveying or licensed land surveyor, if any, who prepared the map.

(q) A statement signed by the owner of the property certifying the division request and accuracy of the information shown. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III, Design and Construction Standards)

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.
(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) City limit lines.

(q) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(r) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(s) For residential subdivisions, the school district and schools serving the subdivision.

(t) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(u) The location and sizes of existing and proposed utility lines and structures.

(v) The elevation of sewers at the proposed connection.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-35.1 Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.
(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, § 1-7-18-78)

(g) Environmental Information Form.

Sec. 21-35.2 Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into the report and recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-3236. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the Community Development Director City Planner or designee has received an application for a tentative map approval, the
Community Development Director City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community Development Director City Planner or designee’s determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. After the Community Development Director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The Community Development Director City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The Parcel Map Committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the Community Development Director City Planner or designee. Noticing shall be as provided in Section 21-1720.1 of this chapter.

(b) If the Parcel Map Committee determines that the tentative parcel map complies with all of the provisions of this article, General Plan, zoning ordinance, and the Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the Parcel Map Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the Parcel Map Committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the Parcel Map Committee, written notice of the action by the Parcel Map Committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the Parcel Map Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Community Development Director City Planner or designee and the City Engineer. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-3337. Appeals.

(a) Parcel Map Committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof, in writing, with the Community Development Director or designee City Clerk setting forth in detail the action and the grounds upon
which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Parcel Map Committee.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the Community Development Director or designee City Clerk shall set the matter for hearing before the City Council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The City Council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the Parcel Map Committee, or refer the matter back to the Parcel Map Committee for further action. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(15), 8-19-86; Ord. No. 1614, § 4, 9-17-02)

**Sec. 21-3438. Time limits and extensions of time on tentative parcel maps.**
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by Section 21-1821 of this chapter. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85)

**Sec. 21-3539. Improvements.**
Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of Article VIII of this chapter. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-3640. Right-of-way dedications.**
Pursuant to the Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the Parcel Map Committee. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-3741. Final parcel maps.**
Within the time limit designated in Section 21-3438 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate certificates statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-3842. Survey requirement.**
If the division of land creates four (4) or less parcels, the final parcel map may be compiled from recorded or filed data when survey information exists on recorded or filed maps to sufficiently locate and retrace the exterior boundary lines of the final parcel map
and when the location of at least one (1) of these boundary lines can be established from an existing monumented line. In all other cases, the final parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor’s Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-3943. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

1. The tentative parcel map number and date of preparation.
2. The net dimensions of each lot. No ditto marks shall be used.
3. The names, locations and right-of-way widths of all abutting public streets.
4. The proposed location, purpose and width of all proposed public roads and private access easements.
5. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
6. Location and widths of easements for public utilities, if required.
(7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.

(8) Building setback lines, if applicable.

(9) A north point and graphic scale.

(10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

(11) Names and addresses of the owners of the property being divided.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-4044. Required certifications statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a certificate statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.

(c) A certificate statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A certificate statement for execution by the City Engineer which complies with Section 66450 of the Map Act.

(e) A certificate statement for execution by the Community-Development Director City Planner or designee on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, § 13, 11-17-87; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-4145. Waiver of requirements for parcel maps.

(a) The requirement for a final parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

(b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance
pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been
given to an application for a waiver of the requirement of a parcel map, the Community
Development Director and City Engineer shall issue a resolution approving the waived
parcel map certificate of compliance, and shall cause said resolution certificate of
compliance to be filed with the county recorder.

Sec. 21-4246. Lot line adjustment.
Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or
fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an
adjoining parcel, and where a greater number of parcels than originally existed is not
thereby created, may be approved by the City Engineer and Community Development
Director or authorized representatives without the approval and filing of a parcel map.
Such lot line adjustments shall be accomplished in accordance with the following
procedures:

(a) Applications for lot line adjustments shall be filed with the Community
Development Director and shall be in the form and contain the information required of a
tentative parcel map together with legal descriptions of each parcel.

(b) The property owner(s) or agent shall file an application for a lot line
adjustment with the City, submit evidence of title to all parcels to be affected, submit a
proposed lot line adjustment map and legal description, and pay the processing fee
established by resolution of the City Council.

(c) The City Planner or designee and City Engineer, or an authorized
designee, shall consider and approve the application if it is found that the parcels created
by the lot line adjustment will conform to the requirements of this code and applicable
state law.

(d) The lot line adjustment shall be evidenced by recording a deed describing
each affected parcel and a City resolution signed by the Community Development
Director and City Engineer. The deed and resolution shall be recorded concurrently with
any easement deed deed of easement regarding the relocation or elimination of applicable
easements.

The City Engineer may require the applicant to dedicate additional street right-of-way
when necessary for the completion of the ultimate street right-of-way.

A lot line adjustment between two (2) or more adjacent parcels, where the land taken
from one (1) parcel is added to an adjacent parcel and where a greater number of parcels
than originally existed is not thereby created, may be approved by the City Engineer and
Community Development Director or designee or authorized representatives without the
approval and filing of a parcel map. Applications for lot line adjustments shall be filed
with the Community Development Director or designee and shall be in the form and
contain the information required of a tentative parcel map together with legal descriptions
of each parcel. A lot line adjustment shall not be approved unless the proposed parcels
comply with the requirements of the zone in which the parcels are located. The lot line adjustment shall not be complete until the resolution of approval and legal descriptions are recorded in the office of the county recorder. The City Engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-43-47. Merger.
Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the Community Development Director, or designee shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to
determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) Request for hearing. At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community Development Director City Planner or designee a request for a hearing on determination of status.

(e) Procedure for hearing. Upon receiving a request for a hearing on determination of status, the Community Development Director City Planner or designee shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the Community Development Director City Planner or designee and the property owner.

(f) Procedure for determination following hearing. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Subsections 21-4347(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) Determination when no hearing is requested. If, within the thirty (30) day period specified in Subsection (d), the owner does not file a request for a hearing, the Community Development Director City Planner or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by Subsection (e).

(h) Notice of intention for nonmerger. If, in accordance with Subsection 21-4347(f) or (g), the Community Development Director City Planner or designee or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the then current owner of record.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85; Ord. No. 1362, § A(16), 8-19-86; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-47.1 Property owner initiated merger of continuous contiguous parcel merger
Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(a) The property owner shall file an application for merger with the City Planner, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

(b) The City Planner or designee and City Engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

(c) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-44-48. Certificate of compliance.

(a) Any person owning real property may request, and the Community Development Director City Planner or designee shall determine, whether such real property complies with the provisions of the Map Act and of this article. Upon making such a determination, the Community Development Director City Planner or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this article. The Community Development Director City Planner or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the Community Development Director City Planner or designee determines that such real property does not comply with the provisions of the Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this article. Upon making such a determination and establishing such conditions, the Community Development Director City Planner or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of
approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. No. 1153, § 1.7 18-78; Ord. No. 1274, 1 4 83; Ord. No. 1614, § 4. 9-17-02)

Sec. 21-44.149. Reversion to acreage.

(a) Subdivided real property may be reverted to acreage pursuant to the provisions of the Map Act.

(b) Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(c) The petition shall be in a form prescribed by the Community Development Director-City Planner or designee and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.
2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.
3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
4. Such other pertinent information as may be required by the Community Development Director-City Planner or designee and City Engineer.

(d) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 21-47.120 of this chapter.

(e) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.

2. Either:
   A. All owners of an interest in the real property within the subdivision have consented to reversion; or
(B) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(C) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) As conditions of reversion, the City Council shall require:

(1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(2) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(g) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable City Ordinance, including the stipulations of this article. (Ord. No. 1327, 4-2-85; Ord. No. 1614, § 4, 9-17-02)

ARTICLE VIII. IMPROVEMENTS

Sec. 21-4550. General requirements.
The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the Public Works Director/City Engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-4651. Standard specifications.
All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Public Works Director/City Engineer. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1386, § C(1), 8-18-87)

Sec. 21-4752. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the Public Works Director/City Engineer. After construction is completed, the subdivider’s engineer shall show all changes he has made on the original set of plans and provide them to the city marked “as built plans”. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1386, § C(2), 8-18-87)

Sec. 21-4853. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the Public Works Director/City Engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-4954. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1404, § B(1), 7-5-88)

Sec. 21-5055. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Public Works Director/City Engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.
All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the Public Works Director/City Engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Public Works Director/City Engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Public Works Director/City Engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Public Works Director/City Engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the Public Works Director/City Engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

(1) Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

(2) The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants
shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for "Access Roadways for Fire Apparatus". Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

(3) In a residential development, one (1) fire hydrant shall be installed for each five hundred (500) feet of residential frontage, provided that the hydrant(s) shall be so located that no point in the development is more than 250 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

(4) In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage; provided that the hydrant(s) shall be so located that no point in the development is more than 150 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

(A) 4500 GPM; required duration is 4 hours.
(B) 4000 GPM and greater; required duration is four (4) hours.
(C) 3000 GPM – 3750 GPM; required duration is three (3) hours.
(D) 1500 GPM – 2750 GPM; required duration is two (2) hours.
(E) 2500 GPM and less; required duration is two (2) hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City
Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) **Street signs.** Street signs shall be installed by the city at the subdivider’s expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) **Street lights.** Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(l) **Railroad crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) **Lot corners.** The subdivider’s engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer’s marker thereon.

(n) **Bench marks.** The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) **Ponding—Temporary Drainage Reservoir lots.** Ponding Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Public Works Director/City Engineer and the Director of Parks and Leisure Services.

(p) **Others.** Other improvements where deemed necessary by the City Council for the public health, safety or welfare. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-5156. Agreement for installation of improvements.**
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself/subdivider and the City, specifying a period, agreeable to the Public Works Director/City Engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Public Works Director/City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Public Works Director/City Engineer or his
authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Public Works Director/City Engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Public Works Director/City Engineer. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-51.157. Construction of improvements absent subdivision agreement. If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 21-51.56 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between himself the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which he shall complete all improvements shall be completed, and providing that if he the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the City twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days. (Ord. No. 1404, § C, 7-5-88)

Sec. 21-5258. Supplemental improvements.

(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the
public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) **Supplemental improvements; reimbursement agreement.** The City shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) **Supplemental improvements; reimbursement procedures.** To pay the cost of such reimbursement, the City Council may at its discretion:

1. Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
2. Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversize improvements. (Ord. No. 1153, §1, 7-18-78)

Sec. 21-5359. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council. (Ord. No. 1153, §1, 7-18-78, Ord. No. 1274, 1-4-83)

ARTICLE IX. MISCELLANEOUS

Sec. 21-5460. Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. No. 1153, §1, 7-18-78)

Sec. 21-5561. Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars
($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. (Ord. No. 1153, § 1, 7-18-78)
SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the "Subdivision Map Act."

Sec. 21-1.1. Purpose and scope.
The Subdivision Ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the Subdivision Ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the General Plan of the City of Porterville, and elements thereof, as adopted by the City Council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The Subdivision Ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and
shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.

Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

(b) Community Development Director/City Planner. The Community Development Director/City Planner shall be responsible for design analysis for conformity with the General Plan and the Zoning Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City Engineer. The Public Works Director/City Engineer shall be responsible for reporting to the City Council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The City Engineer shall also have the authority to act on behalf of the City Council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel Map Committee. The Parcel Map Committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City Council. The City Council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication as part of a subdivision. The City Engineer is authorized to accept all dedications that are not offered on a subdivision map approved by City Council (e.g., dedications for parcel maps, individual parcels, etc.).

Sec. 21-1.3. Appeals.

(a) Parcel Map Committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof with the City Clerk, as specified in Section 21-37 hereof.
(b) **Hearing of appeals.** Upon the filing of such an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal.

**Sec. 21-1.4. Authority to vary regulations.**
The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the City Planner and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

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

(c) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the General Plan.

**Sec. 21-1.4.1. Exception to Conditional Use Permit requirement**
As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Section 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(a) **Action on exceptions:** In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the
application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.

(b) **Appeals:** When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Section 21-32 of this chapter. City Council decisions are final upon adoption of the resolution.

**Sec. 21-1.5. Validity.**
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.

**Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.**
A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

- (a) That the proposed map is not consistent with applicable general and specific plans.

- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

- (c) That the site is not physically suitable for the type of development.

- (d) That the site is not physically suitable for the proposed density of development.

- (e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided,
and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the Zoning Ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

**Alley** shall mean a street providing only secondary access to abutting property.

**Applicant** shall mean the subdivider or agent thereof.

**Arterial** shall mean a street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

**Block** shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

**City Engineer** shall mean the Porterville City Engineer.

**City Planner** shall mean the Porterville City Planner.

**Collector street** shall mean a street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

**Community apartment project** shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

**Community Development Director** shall mean the Porterville Community Development Director.

**Condominium** shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

**Cul-de-sac** shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.
Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

Frontage road shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

General Plan shall mean all elements of the General Plan of the City of Porterville, as adopted and duly amended from time to time by the City Council.

Industrial street shall mean a street that serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street that provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Map Act.

Parcel Map Committee shall mean a staff committee composed of the City Planner, City Engineer and Fire Chief, or their designees.

Preliminary map shall mean a map to be submitted to the City Planner or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.
Project Review Committee shall mean a staff committee composed of the City Planner, City Engineer, Chief Building Official, Parks and Leisure Services Director, and Fire Chief, or their designees.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director shall mean director of Porterville’s public works operation.

Standard plans and specifications shall mean all the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in Section 66423 of the Map Act.

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting Tentative Map shall mean a tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 21-18.1(e), and is thereafter processed in accordance with the provisions hereof.

ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any General Plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.
(b) Streets and highways not otherwise designated on the circulation element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.

### Right-of-Way

<table>
<thead>
<tr>
<th>Street Class</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divided arterial streets</td>
<td>110</td>
</tr>
<tr>
<td>Undivided arterial streets</td>
<td>84</td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
</tr>
<tr>
<td>Local streets</td>
<td>60</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>

(c) *Relationship to existing streets.* The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) *Center lines.* The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) *Intersections.* Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(f) *Corner cut-offs.* At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) *Cul-de-sac or dead-end streets.* No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of forty-seven (47) feet, measured to the property line, and minimum of forty (40) feet to curb face shall be required.

(h) *Curve radius.* The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.
(i) **Frontage streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) **Private roads and alleys.** Private roads and alleys shall not be permitted unless a conditional use permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) **Grades of streets.** Streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the City Engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(l) **Fire hydrants.** The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) **Access on arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

(n) **Access on collectors.** The Parcel Map Committee or City Council may prohibit the use of a collector as primary direct access to individual single-family residential lots. Where such access is permitted, the Parcel Map Committee or City Council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the Parcel Map Committee or City Council may prohibit the right of ingress/egress.

**Sec. 21-4. Alleys.**

(a) The City Council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

1. Unusual size, shape or topographical character of the property to be subdivided.
2. The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way.
3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.
(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the City design standards.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited.

Sec. 21-5.  Street names.

(a) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation "Street," and the names of through streets in an east-west alignment shall be followed by the designation "Avenue."

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "Place," "Way" or "Drive," and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "Lane," "Circle" or "Court."

Sec. 21-6.  Blocks.

(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement.

Sec. 21-7.  Lots.

(a) Lot width.
(1) Each residential lot or parcel shall have frontage width of not less than that required by the Zoning Ordinance except as approved by the City Council as provided for in Section 21-1.4.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the Zoning Ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) **Lot depth.** The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the Zoning Ordinance.

(c) **Lot area.** The area of all lots shall comply with the requirements of the Zoning Ordinance relative to each particular zoning district.

(d) **Lot frontage.** Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

(e) **Side lines.** The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) **Lot numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) **Division of lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) **Suitability of lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(i) **Land remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Sec. 21-8. **Access Limitation Strips.**
(a) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

Sec. 21-9. Landscaping and Lighting Maintenance Districts

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems, drainage reservoirs, and open space areas, and the maintenance of such facilities.

(b) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

(1) A petition on a form provided by the city requesting to have the subdivision placed in a Landscaping and Lighting Maintenance District at the time the final map is approved by the City.

(2) Completed and approved landscaping and lighting improvement plans, legal description, etc.

(c) The Landscaping and Lighting Maintenance District shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-10. Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The open space shall be developed and maintained as a part of the Landscaping and Lighting Maintenance District created for the subdivision. The recreational open space shall be designed to accommodate a mixture of active and
passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:

<table>
<thead>
<tr>
<th>Dwelling Units</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 4</td>
<td>No requirement</td>
</tr>
<tr>
<td>5 to 49</td>
<td>No land dedication required*</td>
</tr>
<tr>
<td>50 or more</td>
<td>2% of site area**</td>
</tr>
</tbody>
</table>

* For subdivisions ranging from 5 to 49 dwelling units, the subdivider shall pay an offset in lieu of dedication of a pocket park. The fee shall be proportionate to density of development as defined below, and monies obtained by the fees shall be used to fund improvement projects for existing City parks in the vicinity of the project area.

- The fee shall be equivalent to $1000/acre for projects with densities commensurate with General Plan densities ranging from 0 to 2 dwelling units per acre.
- The fee shall be equivalent to $3000/acre for projects with densities commensurate with General Plan densities ranging from 2.1 to 7 dwelling units per acre.
- The fee shall be equivalent to $4500/acre for projects with densities commensurate with General Plan densities ranging from 7.1 to 15 dwelling units per acre.
- The fee shall be equivalent to $6000/acre for projects with densities commensurate with General Plan densities ranging from 15.1 to 40 dwelling units per acre.

** Site area refers to the gross land area within the specific development. The percentage requirement may be reduced with provision of other amenities, subject to approval of the Parks and Leisure Services Director.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a ¼ mile radius of an improved City park other than a pocket park provided by similar preceding residential development.

(c) A subdivider may make dual use of an on-site drainage basin if the Public Works Director/City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.

(d) A fence or landscape barrier is required to be constructed along all common property lines with residential lots bordering the recreational open space. The fence or barrier material is subject to City Engineer and Parks and Leisure Services
Director approval, and is intended to separate private spaces (i.e. rear yards or residences) from public spaces, as appropriate.

Sec. 21-11. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 33 of California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Public Works Director/City Engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-12. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-13. Watercourses.

(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall offer to dedicate rights-of-way or easements for access and maintenance purposes conforming substantially with the lines of such watercourses, channels, streams or creeks.

(b) The City Council may deny a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

Sec. 21-14. Drainage Reservoirs.

(a) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Public Works Director/City Engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the City as an easement.

(c) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’s Storm Drain Master Plan and City’s Property and Right-of-Way Acquisitions
Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

ARTICLE IV. PRELIMINARY MAP

Sec. 21-15. Preliminary review.
Prior to the filing of a tentative map, the subdivider shall submit to the City Planner or designee nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The City Planner or designee will then, within sixteen (16) days, schedule a meeting of the Project Review Committee with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested.

ARTICLE V. TENTATIVE MAP
Sec. 21-16. Map filing procedure and requirements.

(a) **Filing tentative map.** The subdivider shall file with the City Planner or designee ten (10) copies, one (1) photo-ready master (11" X 17" maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The City Planner or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the director.

(b) Not later than thirty (30) calendar days after receipt of an application for a tentative map approval, the City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the City Planner or designee’s determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(c) **Distribution of tentative map.** Within ten (10) days of acceptance of a tentative map of a subdivision, the City Planner or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the City Planner or designee a written report of their findings and recommendations thereon. The City Planner or designee shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville.

The Public Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Map Act.

Sec. 21-17. Form of map and content.
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or a licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18” X 26”) in size, and drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) or as approved by the City Planner or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards).

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).
(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) Public areas proposed.

(q) City limit lines.

(r) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(s) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(t) If developed in increments, maps shall indicate approximate sequence of development.

(u) For residential subdivisions, the school district and schools serving the subdivision.

(v) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(w) The location and sizes of existing and proposed utility lines and structures.

(x) The elevation of sewers at the proposed connection.

Sec. 21-18. Owner's statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.
(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(g) Environmental Information Form.

Sec. 21-19. Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:
   (1) Public Works Director/City Engineer
   (2) Chief Building Official
   (3) Police Department
   (4) Fire Department
   (5) Field Services Manager
   (6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
   (7) Tulare County Resource Management Agency
   (8) Southern California Edison or other affected electric company
   (9) The Gas Company or other affected gas company
   (10) Telephone company or other affected phone company
   (11) Cable TV companies affected
   (12) School Districts as required by Section 66455.7 of the Map Act
   (13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into a report and make recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-20. City Council action.

Within the timeframes established in the Permit Streamlining Act, the City Council shall act on the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council shall find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council finds that the proposed map does not meet the requirements of this
chapter and the Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the City Council, the City Planner or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map.

Sec. 21-20.1. Notice of hearing.
Notice of the time and place of any public hearing on a particular matter shall be given by the City Council or the City Clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary.

Sec. 21-21. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the City Council or by the Parcel Map Committee. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the City Planner or designee prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee. If the Parcel Map Committee denies a subdivider’s application for an extension, the subdivider may appeal, in writing, to the City Council within fifteen (15) days after the Parcel Map Committee has denied the extension.

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.
(c) **Time limit on extensions.** An extension or extensions of tentative map approval or conditional approval may be approved pursuant to Sections 66463.5 and 66452.6 of the Map Act.

The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the City Council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel Map Committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by Section 21-20(c), hereinabove.

**Sec. 21-21.1. Vesting tentative maps.**

(a) **Citation and authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) **Purpose and intent.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) **Application.**

1. Whenever a provision of the Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(e) Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map”.

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Sections 21-17 and 21-35:

(A) Height, size, and location of buildings.
(B) Geological studies.
(C) Architectural plans.
(D) Any other studies that are normally deferred to the building permit stage.

(f) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(g) Vesting on approval of vesting tentative map.

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding Subsection (g)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

(A) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
(B) The condition or denial is required, in order to comply with state or federal law.
(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 21-21.1(g). If the final map is approved, these rights shall last for the following periods of time:

(A) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(B) The initial time period set forth in Subsection (g)(3)(A) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

(C) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection (g)(3)(A) expires.

(D) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (g)(3)(A), (B), and (C), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(h) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 21-21.1(g)(1), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in Section 21-21.1(g)(3).

(i) Applications inconsistent with current policies. Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 21-
21.1(h)(1) and Section 21-21.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

ARTICLE VI. FINAL MAPS

Sec. 21-22. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the Comprehensive Fee Schedule. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Public Works Director/City Engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director/City Engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or
easeement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(c) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Public Works Director/City Engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville Building Department.

(f) Utility statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

(g) Improvement agreements. With final review; all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

Sec. 21-23. Form and content.
The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-24. Survey Monument Requirements.

(a) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer
or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(b) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Sec. 21-25. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:

(a) Statement by parties holding title. A statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication Statement. A statement in accordance with Section 66439 of the Map Act.

(c) Engineer’s or Surveyor’s Statement. A statement in accordance with Section 66441 of the Map Act.

(d) Soil Engineer’s Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(e) Statement to be executed. A statement for execution by each of the following:
  • City Engineer;
  • surveyor;
  • soil engineer;
• City Planner or designee;
• City Council;
• City Clerk;
• County Board of Supervisors;
• County Recorder;
• owner.

(f) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

Sec. 21-26. Dedications.

(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.

(1) Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property; and

(3) Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.

(4) When there are lots fronting on the partial street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.
(b) **Waiver of direct access right.** The City Council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

**Sec. 21-27 Reservations**

(a) As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

2. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.

3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(c) The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

(d) The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the City does not enter into the agreement required, the reservation of such area shall automatically terminate.

**Sec. 21-28. Public improvement agreement.**
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the Public Works Director/City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

Sec. 21-29. Improvement security.

(a) Security. The subdivider shall file with the agreement required by the provisions of Section 21-28, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

(b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the Public Works Director/City Engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

1. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

2. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

3. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance
bond in the amount of five (5) percent of the estimated cost of improvements.

(c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

Sec. 21-30. Approval by City Engineer.
Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Council for approval.

Sec. 21-31. City Council approval.

(a) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.
ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-32. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in Subsections 66426 a, b, c, and d of the Map Act.

Sec. 21-33. Parcel Map Committee responsibilities.
A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said Parcel Map Committee shall include the City Planner, City Engineer and Fire Chief or their designees. The City Planner or designee shall serve as committee chairman.

Sec. 21-34. Tentative parcel maps; filing.

(a) Ten (10) copies of the tentative parcel map and one (1) photo-ready master (11”X17” maximum) shall be filed with the City Planner or designee.

(b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.

(c) The City Planner or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article.

Sec. 21-35. Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer’s scale of not less than one inch equals one hundred feet (1” = 100’), unless the City Planner or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.
(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) City limit lines.

(q) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
(r) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(s) For residential subdivisions, the school district and schools serving the subdivision.

(t) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(u) The location and sizes of existing and proposed utility lines and structures.

(v) The elevation of sewers at the proposed connection.

Sec. 21-35.1 Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practically be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.
(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(g) Environmental Information Form.

Sec. 21-35.2 Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into the report and recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-36. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the City Planner or designee has received an application for a tentative map approval, the City Planner or designee shall determine in
writing whether such application is complete, and shall immediately transmit such
determination to the applicant for the tentative map. In the event that the application is
determined not to be complete, the City Planner or designee’s determination shall specify
those parts of the application which are complete and shall specify those parts of the
application which are incomplete and shall indicate the manner in which they can be
made complete. The City Planner or designee may, in the course of processing the
application, request the applicant to clarify, amplify, correct, or otherwise supplement the
information required for the application.

(a) The Parcel Map Committee shall review and approve, conditionally
approve or disapprove the tentative parcel map within thirty (30) days after the date of
acceptance of a complete application by the City Planner or designee. Noticing shall be
as provided in Section 21-20.1 of this chapter.

(b) If the Parcel Map Committee determines that the tentative parcel map
complies with all of the provisions of this article, General Plan, zoning ordinance, and the
Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth
in this article, the Parcel Map Committee may approve the map subject to such conditions
as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the
Parcel Map Committee shall specify the dedications and improvements to be made by the
owner.

(e) Within seven (7) days after the action by the Parcel Map Committee,
written notice of the action by the Parcel Map Committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the Parcel Map Committee,
the tentative parcel map shall be so marked and all conditions of approval and required
dedications and improvements clearly specified on or with the map. Copies of the
approved tentative parcel map shall be filed with the City Planner or designee and the
City Engineer.

Sec. 21-37. Appeals.

(a) Parcel Map Committee actions. The subdivider or any interested person
adversely affected may appeal any decision, determination or requirement of the Parcel
Map Committee by filing a notice thereof, in writing, with the City Clerk setting forth in
detail the action and the grounds upon which the appeal is based, within ten (10) days
after the action which is the subject of the appeal. An appeal shall state specifically where
it is claimed there was an error or abuse of discretion by the Parcel Map Committee.

(b) Hearing of appeals. Upon the filing of such an appeal, the City Clerk shall
set the matter for hearing before the City Council. Such hearings shall be held within
thirty (30) days after the date of filing the appeal. The City Council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the Parcel Map Committee, or refer the matter back to the Parcel Map Committee for further action.

Sec. 21-38. Time limits and extensions of time on tentative parcel maps.
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by Section 21-21 of this chapter.

Sec. 21-39. Improvements.
Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of Article VIII of this chapter.

Sec. 21-40. Right-of-way dedications.
Pursuant to the Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the Parcel Map Committee.

Sec. 21-41. Final parcel maps.
Within the time limit designated in Section 21-38 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.

Sec. 21-42. Survey requirement.
In all cases where a parcel map is required, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor’s Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

Sec. 21-43. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border
shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

(1) The tentative parcel map number and date of preparation.
(2) The net dimensions of each lot. No ditto marks shall be used.
(3) The names, locations and right-of-way widths of all abutting public streets.
(4) The proposed location, purpose and width of all proposed public roads and private access easements.
(5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
(6) Location and widths of easements for public utilities, if required.
(7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
(8) Building setback lines, if applicable.
(9) A north point and graphic scale.
(10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.
(11) Names and addresses of the owners of the property being divided.

Sec. 21-44. Required statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.

(c) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A statement for execution by the City Engineer which complies with Section 66450 of the Map Act.

(e) A statement for execution by the City Planner or designee on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.
(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act.

Sec. 21-45. Waiver of requirements for parcel maps.

(a) The requirement for a final parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section.

(b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Community Development Director and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.

Sec. 21-46. Lot line adjustment.

Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Community Development Director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

(a) Applications for lot line adjustments shall be filed with the Community Development Director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.

(b) The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.

(c) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

(d) The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the Community Development Director and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.
The City Engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way.

Sec. 21-47. Merger.
Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the City Planner or designee shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.
(d) **Request for hearing.** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the City Planner or designee a request for a hearing on determination of status.

(e) **Procedure for hearing.** Upon receiving a request for a hearing on determination of status, the City Planner or designee shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the City Planner or designee and the property owner.

(f) **Procedure for determination following hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Subsections 21-47(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) **Determination when no hearing is requested.** If, within the thirty (30) day period specified in Subsection (d), the owner does not file a request for a hearing, the City Planner or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by Subsection (e).

(h) **Notice of intention for nonmerger.** If, in accordance with Subsection 21-47(f) or (g), the City Planner or designee or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the current owner of record.

Sec. 21-47.1 **Property owner initiated merger of contiguous parcel merger**

Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(a) The property owner shall file an application for merger with the City Planner, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.
(b) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

(c) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-48. Certificate of compliance.

(a) Any person owning real property may request, and the City Planner or designee shall determine, whether such real property complies with the provisions of the Map Act and of this article. Upon making such a determination, the City Planner or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this article. The City Planner or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the City Planner or designee determines that such real property does not comply with the provisions of the Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this article. Upon making such a determination and establishing such conditions, the City Planner or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

Sec. 21-49. Reversion to acreage.

(a) Subdivided real property may be reverted to acreage pursuant to the provisions of the Map Act.

(b) Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.
(c) The petition shall be in a form prescribed by the City Planner or designee and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.
2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.
3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
4. Such other pertinent information as may be required by the City Planner or designee and City Engineer.

(d) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 21-20 of this chapter.

(e) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.

2. Either:
   - (A) All owners of an interest in the real property within the subdivision have consented to reversion; or
   - (B) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
   - (C) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) As conditions of reversion, the City Council shall require:

1. Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.
(2) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(g) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable City Ordinance, including the stipulations of this article.

ARTICLE VIII. IMPROVEMENTS

Sec. 21-50. General requirements.
The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the Public Works Director/City Engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes.

Sec. 21-51. Standard specifications.
All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Public Works Director/City Engineer.

Sec. 21-52. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the Public Works Director/City Engineer. After construction is completed, the subdivider’s engineer shall show all changes made on the original set of plans and provide them to the city marked “as built plans”.

Sec. 21-53. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the Public Works Director/City Engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.
Sec. 21-54. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.

Sec. 21-55. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Public Works Director/City Engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the Public Works Director/City Engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Public Works Director/City Engineer.
(d) **Grading and drainage.** Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) **Sidewalks, curbs, gutters and driveway approaches.** Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Public Works Director/City Engineer.

(f) **Sanitary sewers.** Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Public Works Director/City Engineer. No septic tanks or cesspools shall be permitted.

(g) **Storm drains.** Storm water sewers shall be installed as required by the Public Works Director/City Engineer.

(h) **Water supply, fire flow, and fire hydrants.** As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

1. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

2. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

3. In a residential development, one (1) fire hydrant shall be installed for each five hundred (500) feet of residential frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

4. In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets
and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

(A) 4000 GPM and greater; required duration is four (4) hours.
(B) 3000 GPM – 3750 GPM; required duration is three (3) hours.
(C) 1500 GPM – 2750 GPM; required duration is two (2) hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) Street signs. Street signs shall be installed by the city at the subdivider’s expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) Street lights. Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(l) Railroad crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) Lot corners. The subdivider’s engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer’s marker thereon.
(n) *Bench marks.* The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) *Temporary Drainage Reservoir lots.* Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Public Works Director/City Engineer and the Director of Parks and Leisure Services.

(p) *Others.* Other improvements where deemed necessary by the City Council for the public health, safety or welfare.

**Sec. 21-56. Agreement for installation of improvements.**
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the City, specifying a period, agreeable to the Public Works Director/City Engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Public Works Director/City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Public Works Director/City Engineer or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Public Works Director/City Engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Public Works Director/City Engineer.

**Sec. 21-57. Construction of improvements absent subdivision agreement.**
If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 21-56 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify
a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the City twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days.

Sec. 21-58. Supplemental improvements.

(a) **Required.** The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) **Supplemental improvements; reimbursement agreement.** The City shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) **Supplemental improvements; reimbursement procedures.** To pay the cost of such reimbursement, the City Council may at its discretion:

(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or

(2) Collect a reasonable use charge for the account of the subdivider from persons not within the subdivision using the oversize improvements.

Sec. 21-59. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges,
i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

ARTICLE IX. MISCELLANEOUS

Sec. 21-60.  Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

Sec. 21-61.  Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment.
CITY COUNCIL AGENDA: MARCH 6, 2007

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. The applicant requested that the matter be continued to a later date to allow time for further discussion between the interested parties. The applicant has requested a number of continuances in an effort to work out design issues with adjacent property owners. While progress has been made, the applicant is requesting that the item be continued until March 20, 2007.

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 March 20, 2007 meeting.

DD [Signature] Appro/Funded [Signature] CM

Item No. 17
COUNCIL AGENDA - MARCH 6, 2007

SUBJECT: SECOND READING - ORDINANCE NO. 1714, ZONE CHANGE 3-2007

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1714, approving a change of present zoning from M-1 (Light Manufacturing) to C-2 “D” (General Commercial with a Design Review Overlay), was given First Reading on February 20, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1714, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1714

Item No. 18

Dir

Approp./Funded

CM
ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 3-2007 (FORMERLY 1-2006) FROM M-1 (LIGHT
MANUFACTURING) TO C-2 “D” (GENERAL COMMERCIAL DESIGN REVIEW
OVERLAY) FOR THAT 10.7± ACRE VACANT SITE LOCATED ON THE
NORTHEAST CORNER OF SOUTH JAYE STREET AND STATE ROUTE 190

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
February 20, 2007, conducted a public hearing to consider General Plan Amendment 1-2007 and Zone
Change 3-2007 for that 10.7± acre vacant site located on the northeast corner of South Jaye Street and
State Route 190; and

WHEREAS: General Plan Amendment 1-2007, proposes to change the Land Use
Element of the General Plan from Industrial to General Commercial; and

WHEREAS: In conjunction with General Plan Amendment 1-2007, Zone Change 3-2007
proposes to change the present zoning for the same site from M-1 (Light Manufacturing) to C-2 “D”
(General Commercial with a Design Review Overlay); and

WHEREAS: Development of a 75,000± square foot commercial center was evaluated in the
Environmental Impact Report and will subsequently be brought to the City Council for approval
pending the outcome of the Council action on the General Plan Amendment and Zone Change; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken,
and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of
Porterville, and the laws of the State of California, has determined that the public interest would best
be served by approval of Zone Change 3-2007; and

WHEREAS: The City Council made the following findings in support of the approval of Zone
Change 3-2007:

1. The Land Use Element of the General Plan (General Plan Amendment 1-2007),
   through the proposed change, designates the subject site for General Commercial uses.

2. That the proposed zoning to C-2 “D” (General Commercial with Design Review
   Overlay) for the subject site is consistent with the proposed General Plan designation.

3. That all uses listed in Article 8 of the Porterville Zoning Ordinance will be allowed in
   the C-2 “D” (General Commercial with a Design Review Overlay) Zone subject to all
   other laws, rules and regulations.
4. That an Environmental Impact Report was certified for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.

5. That this zoning classification will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

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

Section 1: Zone Change 3-2007 is contingent upon approval of General Plan Amendment 1-2007; and

Section 2: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 3-2007, is hereby re-zoned from M-1 (Light Manufacturing) to C-2 "D" (General Commercial with a Design Review Overlay) for that 10.7± acre vacant site located on the northeast corner of South Jaye Street and State Route 190, more particularly shown on the attached map, incorporated herein by this reference as Exhibit "A" subject to prior approval of General Plan Amendment 1-2007; and

Section 3: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is re-zoned from M-1 (Light Manufacturing) to C-2 "D" (General Commercial with a Design Review Overlay) for that 10.7± acre vacant site located on the northeast corner of South Jaye Street and State Route 190; and

Section 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SECOND READING - ORDINANCE NO. 1715, ZONE CHANGE 1-2007

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1715, approving a change of present zoning from R-1 (One-Family Residential) to C-1 (D) (Neighborhood Commercial- Design Review Overlay) for those two (2) parcels located at 1907 West Morton Avenue, was given First Reading on February 20, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1715, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1715

Item No. 19
ORDINANCE NO. 1715

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING FINDINGS SUPPORING FACTS THAT SUBSTANTIAL CHANGES
HAVE OCCURRED AND APPROVING ZONE CHANGE 1-2007 ON PROPERTY
LOCATED ON THE SOUTH SIDE OF WEST MORTON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 16, 2007, gave consent for staff to prepare a zone change to be presented at a public hearing in compliance with Government Code Section 56375 (e); and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 20, 2007, conducted a public hearing to approve findings and consider Zone Change 1-2007, being a change of zone from R-1 (One-Family Residential) to C-1 (D) (Neighborhood Commercial-Design Review Overlay) for those two (3) Lots located at 1907 West Morton Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed Zone Change 1-2007; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 1-2007:

1. That the current zoning is not consistent with the intended prezoning as theorized and considered by the City of Porterville Staff and Porterville City Council.

2. That the current zoning classification resulting from the city initiated annexation of the area has resulted in the uses on the property, inappropriately becoming non-conforming which could cause possible adverse environmental effects and considerable costs to the property owners who may wish to expand, rebuild, sell or refinance their properties.

3. That the Porterville City Council desires that the current land use on the subject properties be continued.

4. That the current land uses and General Plan Designation give cause and support for the rezone.

5. That California Government Code Section 56375(e) allows for the Porterville City Council, if it makes Finds that a substantial change has occurred in the circumstance involved in the prezoning and annexation of the property, to consider and reclassify the property zoning within the normal two-year prohibition after the completion of the annexation.

6. That the subject rezoning will not create adverse environmental impacts.

7. The Land Use Element of the General Plan designates the subject parcels as Low Density Residential.
8. That the proposed C-1 (D) – Neighborhood Commercial- Design Review Overlay zoning will conform with the land use designation (Neighborhood Commercial) of the General Plan.

9. That current uses on the property are in conformance with the uses allowed in the C-1 (Neighborhood Commercial), Article 7 of the Porterville Zoning Ordinance.

10. That in accordance with "General Rule" Exemption of California Administrative Code 15061 (b-3), the proposed rezoning classification to C-1 (Neighborhood Commercial) is categorically except from CEQA.

11. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

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

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 1-2007, is hereby rezoned from R-1 (One-Family Residential) to C-1 (D) (Neighborhood Commercial- Design Review Overlay) for those two (3) Lots described as lot 5, 6, and the north eight-feet of Lot 8 on Recorded Tract Map 339 of the official records, located at 1907 West Morton Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from R-1 (One-Family Residential) to C-1 (D) (Neighborhood Commercial-Design Review Overlay) for those two (3) lots described as Lots 5, 6, and the north eight-feet of Lot 8 on Recorded Tract Map 339 of the official records, located at 1907 West Morton Avenue, more particularly shown on the attached map; and

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE #1-2007

SCHOOL AVE.

MORTON AVE.

WALCH ST.

BELMONT ST.

HARRISON AVE.

PROPOSED ZONING CHANGE

R-1 TO C-1(D)

CITY COUNCIL
ORDINACE NO. #1715

EXHIBIT "A"
COUNCIL AGENDA - MARCH 6, 2007

SUBJECT: SECOND READING - ORDINANCE NO. 1716, ZONE CHANGE 2-2007

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1716, approving Zone Change 2-2007 a rezoning from C-1 (D) (Neighborhood Commercial- Design Review Overlay) to R-1 (One-Family Residential) for those two (2) lots described as Lot 3 and 4 on Recorded Tract Map 14 of the official records, located on the southwest corner of West Morton Avenue and North Salisbury Street, was given First Reading on February 20, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1716, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1716

Item No. 20
ORDINANCE NO. 1716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL CHANGES
HAVE OCCURRED AND APPROVING ZONE CHANGE 2-2007 ON PROPERTY
LOCATED ON THE SOUTHWEST CORNER OF WEST MORTON AVENUE
AND NORTH SALISBURY STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
January 16, 2007, gave consent for staff to prepare a zone change to be presented at a public hearing
in compliance with Government Code Section 56375 (e); and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
February 20, 2007, conducted a public hearing to approve findings and consider Zone Change 2-2007,
being a change of zone from C-1 (D) (Neighborhood Commercial- Design Review Overlay) to R-1
(One-Family Residential) for those two (2) lots located on the southwest corner of west Morton
Avenue and north Salisbury Street; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken,
and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of
Porterville, and the laws of the State of California, has determined that the public interest would best
be served by approval of the proposed Zone Change 2-2007; and

WHEREAS: The City Council made the following findings in support of the approval of Zone
Change 2-2007:

1. That the current zoning is not consistent with the intended prezoning as theorized and
   considered by the City of Porterville Staff and Porterville City Council.

2. That the current zoning classification resulting from the city initiated annexation of the area
   has resulted in the uses on the property, inappropriately becoming non-conforming which
   could cause possible adverse environmental effects and considerable costs to the property
   owners who may wish to expand, rebuild, sell or refinance their properties.

3. That the Porterville City Council desires that the current land use on the subject properties
   be continued.

4. That the current land uses and General Plan Designation give cause and support for the
   rezone.

5. That California Government Code Section 56375(e) allows for the Porterville City Council,
   if it makes finds that a substantial change has occurred in the circumstance involved in the
   prezoning and annexation of the property, to consider and reclassify the property zoning
   within the normal two-year prohibition after the completion of the annexation.

6. That the subject rezoning will not create adverse environmental impacts.
7. The Land Use Element of the General Plan designates the subject parcels as Low Density Residential.

8. That the proposed R-1 (One-Family Residential) zoning will conform to the land use designation (Low Density Residential) of the General Plan.

9. That current uses on the property are in conformance with the uses allowed in the R-1 (One-Family Residential), Article 2 of the Porterville Zoning Ordinance.

10. That in accordance with "General Rule" Exemption of California Administrative Code 15061 (b-3), the proposed rezoning classification to R-1 (One-Family Residential) is categorically excepted from CEQA.

11. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

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

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2-2007, is hereby rezoned from C-1 (D) (Neighborhood Commercial- Design Review Overlay) to R-1 (One-Family Residential) for those two (2) lots described as Lot 3 and 4 on Recorded Tract Map 14 of the official records, located on the southwest corner of West Morton Avenue and North Salisbury Street, more particularly shown on the attached map, incorporated herein by this reference as Exhibit "A"; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from C-1 (D) (Neighborhood Commercial- Design Review Overlay) to R-1 (One-Family Residential) for those two (2) lots described as Lot 3 and 4 on Recorded Tract Map 14 of the official records, located on the southwest corner of West Morton Avenue and north Salisbury Street, more particularly shown on the attached map; and

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE #2-2007

SCHOOL AVE.

BELMONT ST.

MORTON AVE.

VACANT

SALISBURY ST.

PROPOSED ZONING CHANGE
C-1(D) TO R-1

CITY COUNCIL
ORDINANCE NO. #1716

EXHIBIT "A"
 SUBJECT: MOU WITH KINGS/TULARE AREA AGENCY ON AGING, AUTHORIZATION TO EXPEND FUNDS IN SUPPORT OF SENIOR CITIZEN ACTIVITIES, AND BUDGET ADJUSTMENT FOR 06/07 FISCAL YEAR

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Kings/Tulare Area Agency on Aging (K/T AAA) operates and provides a Senior Nutrition Program within various communities, including Porterville. K/TAAA will be expanding the Senior Nutrition Program within Porterville to a five-day per week occurrence and relocating effective April 1, 2007. The City has within recent years provided K/T AAA with a $2,000 annual contribution, and has also provided a monthly contribution of $800 to the facility operator in which the program has been conducted. K/T AAA has asked that all City contributions to support the program be provided directly to them, and that the amount be adjusted to reflect an increase in program delivery from four to five days per week.

An MOU has been prepared to provide for the City contribution in exchange for a commitment from K/T AAA to provide the program. The City has already provided the annual $2,000 contribution for the current fiscal year. It is proposed that the contributions be made on a quarterly basis effective April 1, 2007, and that the annual amount equal $14,000.

The Porterville Senior Council has provided a facility for the Senior Nutrition Program and has been the recipient of the previous funding contribution from the City to support the facility in which the program has operated. It is proposed that a contribution to the Porterville Senior Council be made in the amount of $500 per month for the balance of the current fiscal year to support the ongoing operations of the facility and its utilization for many other senior citizen organizations.

These expenditures have not been programmed into the current budget. It is recommended that $4,500 be programmed from general fund reserves with $3,000 allocated to 5010-010-660 for payment to K/T AAA, and $1,500 allocated to 5050-092-660 for payment to Porterville Senior Council.

RECOMMENDATION: That the City Council approve the MOU with K/T AAA; authorize expenditure of funds in support of senior citizen activities; and authorize the necessary budget adjustments.

ATTACHMENTS: MOU with K/T AAA
MEMORANDUM OF UNDERSTANDING

BETWEEN CITY OF PORTERVILLE AND
KINGS/TULARE AREA AGENCY ON AGING
TO FACILITATE A SENIOR NUTRITION PROGRAM

This Memorandum of Understanding (MOU) is entered into between the City of Porterville (CITY) and the Kings/Tulare Area Agency on Aging (K/T AAA) to facilitate a Senior Nutrition Program (PROGRAM) within CITY boundaries.

A. RESPONSIBILITIES

CITY shall contribute financial support to K/T AAA in advance on a quarterly basis and within the term of this MOU to facilitate a senior citizens PROGRAM. Contribution for the quarter commencing April 1, 2007 shall be in the amount of $3,000, and for each quarter thereafter shall be in the amount of $3,500. Contributions shall be made by the fifteenth day of the first month of each calendar quarter.

K/T AAA shall provide, within the boundaries of CITY, a five-day per week PROGRAM to provide senior citizens with congregate meals and other services commensurate with such PROGRAM as K/T AAA operates within other communities. K/T AAA shall utilize the funds contributed by CITY for any legal purpose as determined by K/T AAA; make all necessary arrangements for the PROGRAM; and shall indemnify, defend, and hold harmless CITY from any and all claims, actions, and losses arising from the activities of K/T AAA to the fullest extent permitted by law. For any calendar quarter in which the PROGRAM is discontinued, the contribution provided by CITY shall be prorated, with refund made to CITY within thirty days for the term in which the PROGRAM was not provided.

B. TERM

The term of this MOU shall be for a period of thirteen calendar quarters commencing April 1, 2007 and ending June 30, 2010. Any party may withdraw from this MOU by giving written notice of intent to withdraw at least one calendar quarter in advance of the effective withdrawal date.

C. MODIFICATION AND ASSIGNMENT

This MOU may be modified at any time by written agreement of the parties. Assignment of responsibilities under this MOU by any of the parties shall be effective only upon prior written consent of the other party, which shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties have executed this MOU at Porterville, California on this 6th day of March 2007.

CITY OF PORTERVILLE

By: __________________________  KINGS/TULARE AREA AGENCY ON AGING

By: __________________________

Cameron J. Hamilton, Mayor
COUNCIL AGENDA: MARCH 6, 2007

SUBJECT: LICENSE AGREEMENT WITH COMISION HONORIFICA MEXICANA AMERICANA, INC. FOR THE COMMUNITY CENTER LOCATED ON EAST PUTNAM AVENUE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City advertised for organizations interested in partnership arrangements with the City for the occupancy, use and care of the former community center facility located at 466 East Putnam Avenue. Comision Honorifica Mexicana Americana, Inc. (CHMA) was the only organization to provide a statement of interest. A License Agreement has been negotiated with this organization.

CHMA will assume responsibility for the building maintenance and services; and make provisions for control and the scheduling of facility use by various community benefit organizations and activities.

RECOMMENDATION: Approve the License Agreement

ATTACHMENTS: License Agreement
PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA INC.
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES

Parties

1. This License agreement is entered into by and between the City of Porterville
("City"), and Comision Honorifica Mexicana Americana, Inc. ("CHMA") of said property.

Description of Property

2. Licensor is rightful possessor of certain real property situated at 466 East Putnam
Avenue in the city of Porterville, and more particularly described as the Porterville Community
Center ("Center").

Grant of License

3. In consideration for and in accordance with the terms and conditions of this
agreement, the City grants to CHMA a License ("the License") for exclusive use of the Center at
all times, unless otherwise permitted by CHMA or set forth via this Agreement. CHMA intends
to operate the Center Monday through Friday during normal business hours and on weekend
days. The parties agree that CHMA will utilize the Center for multi-cultural, community benefit,
and educational events, exhibits, workshops and classes. The parties further agree that CHMA
will utilize the Center for business and operational activities of CHMA as well as other social
service and community non-profit organizations.

Rights and Obligations

4. The following rights and obligations accompany the License and the use of the
property:

a. Except as otherwise provided herein, CHMA shall have full and exclusive
management authority over the Center, and shall assume full responsibility for and
provide all facility management oversight, all building and grounds maintenance and repairs as necessary to make the building fully operational.

b. CHMA shall assume full responsibility for all utilities service for the Center.

c. CHMA shall assume full responsibility for the Center and facilities, including the structural integrity of the Center building. In doing so, CHMA acknowledges and accepts the present condition (except as otherwise provided in item h below) of the facility, including deficiencies in the kitchen floor structure, as well as code limitations and restrictions on use of the kitchen for cooking purposes.

d. CHMA shall provide insurance certificates to the City naming the City as an additional insured.

i. Comprehensive general liability insurance, including contractual liability, and personal injury liability and property damage with at least two million dollars ($2,000,000) liability limit per occurrence, and having a deductible of not more than $5,000. CHMA shall require any renters or other users for which regular programs and exclusive-use space is provided within the Center, to provide evidence satisfactory to CHMA of general liability insurance, in amounts and terms not less restrictive than above, and naming City and CHMA as additional insured.

ii. Commercial property insurance providing basic coverage for fire, lightning, explosion, smoke, windstorm, vandalism, etc., in the name of City, and in a sum equal to the full replacement cost of the building.

e. CHMA shall have control and assume all responsibility for the scheduling of the building. City programs and uses, when requested, will be accommodated on a scheduled basis, and not in conflict with prior scheduled programs and uses.

f. CHMA shall provide a one-time payment of $100.00 to the City to be used in consideration for this License. Payments shall be due and payable within thirty-days after execution of this License.

g. CHMA shall be allowed to modify the Center building and facilities, with written consent from the City, which shall not be unreasonably withheld.

h. City shall, within ninety-days after execution of this License, provide a replacement HVAC unit for the ‘chapel’ portion of the building, refinsh the floor surface in the
‘auditorium’ room, and replace carpeting within the west wing hallway and north ‘classroom’.

i. CHMA shall engage Kings/Tulare Area Agency on Aging (“K/T AAA”) in good faith negotiations and enter into an agreement between CHMA and K/T AAA, with an effective date of no later than April 2, 2007, for the accommodation and use of the Center for a Senior Nutrition Program to be operated up to five-days per week.

In exercising these rights and obligations, CHMA must use reasonable care and may not unreasonably increase the burden on the Property.

**License Non-assignable**

5. This License is personal to CHMA and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

**Term of License**

6. This License shall be for a term of 10 years, commencing on March 7, 2007, and terminating on March 31, 2017. The parties may agree to extend this Agreement for an additional 15 years, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

**Termination of Occupancy**

7. On or before the termination date for this License specified in paragraph 6 of this agreement, CHMA shall remove all of its personal property from the Property and shall surrender possession of the Property to the City in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

**Default**

8. In the event CHMA fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by the City, upon CHMA’s receipt of written notice of the violation to the parties and
its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.

**Indemnification**

9. To the fullest extent permitted by law, CHMA will hold harmless, defend and indemnify City from and against any liability, claims, actions, costs, damages or losses and expenses (including, without limitation, reasonable attorneys' fees and expenses) for injury, including death, to any person or damage to any property resulting from CHMA’s acts or omissions with respect to the Premises. CHMA’s obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination. The City will hold harmless, defend and indemnify CHMA from and against any liability, claims, actions, costs, damages, losses and expenses (including, without limitation, reasonable attorney's fees and expenses) for injury, including death, to any person, damage to any property, resulting from the City’s acts or omissions with respect to its use of the Premises as permitted by this Agreement. City's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination.

**Attorneys’ Fees**

10. In any action or proceeding involving a dispute between the City and CHMA, arising out of the execution of this Agreement, or to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

**Entire Agreement**

11. This Agreement constitutes the entire agreement between the City and CHMA relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.

Executed on March 6, 2007 at Porterville, California.
CITY OF PORTERVILLE, LICENSOR

________________________________________
Cameron Hamilton, Mayor

COMISION HONORIFICA MEXICANA AMERICANA, INC., LICENSEE

________________________________________
Roberto de la Rosa, President
SUBJECT: OPTIONS FOR USE OF CDBG ENTITLEMENT FUNDS NOT UTILIZED FOR POOL WATER SLIDE PROJECT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council requested staff to provide information on the possible use of the CDBG Entitlement Funds previously considered for the construction of the pool water slide project. The amount of CDBG Entitlement Funds currently earmarked for Murry Park Improvement Project that is not obligated by contracts is approximately $248,000.

The water slide project was a component of the Murry Park Improvement Project. Up to the full amount of these funds could have been utilized at the discretion of the City Council for the water slide project. Staff has attempted to preserve some of this funding for final consulting services related to the Murry Park Master Plan, and other initial phase improvement design services. Funds remaining after the completion of the Master Plan can be utilized for construction of improvements within Murry Park that have been identified in previous CDBG Action Plans as improvements that will take place following the municipal pool work. These improvements include, but are not limited to, upgrading existing picnic shelters, bringing restroom facilities up to ADA standards, replacing the existing sewer lateral line, replacing an unsafe wooden bridge, installing a drainage pipe for erosion control, removing dead trees and pruning other trees, constructing a parking lot near the pool area, and installing an aerator and shoring-up edges of the duck pond.

The only other project for which these funds could be readily utilized is the Heritage Center Project. The funds could be utilized for incremental additional work related to the ball fields. However, the limited amount of funding available could only provide a small percentage of the funds needed for the full development of the ball fields.

To consider using these funds for any other project would require amendments to the Five Year Consolidated Plan and annual Action Plan, determination that the project meets CDBG eligibility criteria, and full environmental evaluation (including NEPA) of the project. This process is expected to take about one year to complete, and would require the expenditure of funds from another source to conduct the effort.
Staff is supportive of retaining the CDBG Entitlement Fund allocation within the Murry Park Improvement Project. Any change within the scope of the current Consolidated Plan could be incorporated into the annual Action Plan efforts that are already in process for completion in May 2007.

RECOMMENDATION: That the City Council retain the CDBG funds allocated for the Water Slide Project in the Murry Park Improvement Project fund for use on other projects that have been identified to enhance the park.
TITLE: CARD TABLES - GAMBLING WAGERING LIMITS

SOURCE: CITY ATTORNEY

COMMENT: The State Attorney General has reviewed the City’s card room regulations and determined that the City’s ordinance does not satisfy all statutory requirements pertaining to wagering limits.

Specifically, the Business and Professions Code provides that a City’s gambling license be denied with respect to any gambling establishment located within a City that does not have an ordinance governing, among other things, wagering limits. The State Department of Justice interprets this to mean that the City must either prescribe a maximum wagering limit or specify that there is no wagering limit.

The current ordinance permits each individual licensee, at its discretion, to fix wagering limits and post them as required by law. Therefore, the City must modify its ordinance to either 1) establish a wagering limit or 2) specify that it has opted not to set a wagering limit.

An ordinance opting not to set a wagering limit would allow individual licensees to continue to set and post their own limits and, at the same time, bring the City’s ordinance into compliance with state law.

RECOMMENDATION: That the City Council consider the proposed regulations and give first reading to the Ordinance of the City Council of the City of Porterville Replacing Article I, Section 15-20 of Chapter 15 Concerning the Regulation of Card Tables.

ATTACHMENTS: Ordinance No 1718, An Ordinance of the City Council of the City of Porterville Replacing Article I, Section 15-20 of Chapter 15 Concerning the Regulation of Card Tables.
ORDINANCE NO. 1718

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REPLACING ARTICLE I, SECTION 15-20, OF THE PORTERVILLE MUNICIPAL
CODE, CONCERNING GAMBLING REGULATIONS

WHEREAS, the City Council of the City of Porterville desires to modify its card table
regulations to conform to state law by including an option not to set a gambling wagering limit,
which will allow gambling licensees to continue to set and post their own limits;

THE COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION 1. That Porterville Municipal Code Chapter 15, Licenses and Business
Regulations, Article I, General Provisions, Section 15-20, Regulations, is hereby replaced as
follows:

Sec. 15-20. Regulations.
(a) Card tables.

(1) Conformance with state law. It is the stated purpose of this Section to regulate card rooms,
licenses and permits in the City of Porterville concurrently with the state of California, and to
impose local controls and conditions upon establishments operating card rooms and card tables
as permitted in the "Gambling Control Act" as codified in Division 8, Chapter 5 of the California
Business and Professions Code.

(2) Licenses. Each card table shall be assigned a separate license with such license designating
the number of the table and the location of the table, and the exact place of business where such
card table is to be maintained. The operator shall attach to each licensed table a metal
identification number, which shall be plainly visible at all times; and no license or identification
number shall be transferable; provided however that it may be moved to a new location with the
approval of the City Council.

(3) Hours of Operation. Playing at all card tables shall absolutely cease and terminate at 2:00
a.m. of each day; and it is hereby declared to be unlawful for any person to deal, participate in,
play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control
any card table in the City between the hours of 2:00 a.m. and 7:00 a.m. of each day.

(4) Patron Security and Safety. All licensees shall have in effect a security plan to address the
safety and security of patrons in and around the cardroom. The plan, and any amendments
thereto, must be filed with and approved by the Chief of Police. The licensee shall be liable for
the security and safety of its patrons to the extent required by law. Any information about
security measures that is provided to the City by an establishment operating a card table shall
be confidential and not open to public inspection.
The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the Chief of Police for the security and safety of citizens, patrons, and police officers. During all hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

(5) *Wagering Limits*. Unless otherwise authorized by the Chief of Police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the Chief of Police a declaration stating the following: a) the minimum buy-in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this section. However, all wagering limits fixed by the licensee, shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the City.

(6) *Number of Gambling Tables*. Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the City of Porterville, and not more than three (3) establishments operating such tables shall be located in the City of Porterville.

(7) *Location*. No license shall be issued except for a location deemed suitable by the City Council.

(8) *Permit required for dealers and employees*. All card room dealers and employees shall be required to obtain a permit from the Chief of Police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the Department of Justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The Chief of Police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code Section 19850A(a):

A) failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, Division 8, Chapter 5;

B) failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the Director of the Division of Gambling Control, Department of Justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;
C) conviction of the applicant for any crime punishable as a felony;

D) conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, 1203.45 of the Penal Code;

E) association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

F) willful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code; or

G) the applicant is less than 21 years of age.

The Department of Justice’s Division of Gambling Control may object to the issuance of a work permit by the City for any cause deemed reasonable by the Division.

(9) Revocation and appeal.

A) By the Chief of Police: the Chief of Police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the Chief of Police, may appeal the action of the Chief of Police to the City Council in accordance with the procedure set forth in section 15-13(b) of this chapter.

B) By the Division of Gambling Control: if the Division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the Division may apply to the California Gambling Commission for an evidentiary hearing in accordance with regulations. In addition, the California Gambling Control Commission may notify the Chief of Police to revoke a work permit, if the Commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A. (Ord. No. 1584, 10-19-99)

(b) Coin-operated machine.

(1) Contents of applications. At the time a license is applied for, the applicant shall give the serial number, and kind or character of such machine.

(2) Display of license or stamp. No person shall maintain any vending, weighing, entertainment or amusement machine within the city without having posted thereon in a conspicuous place a stamp or label, which shall be issued and supplied by the collector, which stamp or label shall
indicate the number of the license, together with the date of expiration thereof; and in the event any duly qualified officer of the city finds any such machine being maintained in the city without such stamp or label being maintained thereon in a conspicuous place, or without such stamp or label indicating that there is a valid and unexpired license issued covering such machine, it shall be his duty to seize and hold such machine for the payment of the license tax, which machine shall be disposed of upon the nonpayment of such tax as provided by the laws relative thereto.

(3) **Transfer of license**. In the event any person discontinues maintaining any vending, weighing, entertainment or amusement machine duly licensed pursuant to this chapter during a period when such license remains unexpired, the licensee may substitute another similar machine in place of the machine, the use of which is so discontinued, and may maintain such substituted machine without the payment of an additional license tax for the unexpired period of the license carried on such discontinued machine; provided, however, that such person surrender the unexpired license of such discontinued machine to the collector and obtain from the collector a new license for such unexpired period for the replacing machine.

(4) **Location of machines**. No license as provided in this chapter shall be issued for the maintaining of any vending, weighing, entertainment or amusement machine upon any public street, sidewalk, alleyway or court within the city.

(c) **Junk dealers and/or collectors**.

(1) **Permit required**. Before any person shall engage in the city in the business of buying or selling old rope, brass, copper, tin, lead, rags, slush, empty bottles, paper, bagging, or other junk whether at a fixed place of business or as an itinerant peddler, he shall make application to the city council for a permit to engage in such business. Such application shall be referred to the chief of police, who shall make an investigation concerning the character of the applicant, and within seven (7) days shall report thereon to the city council. Upon receiving such report, the city council shall grant or deny the applicant a permit to engage in such business, and such permit shall be granted unless it shall appear from such report of the chief of police that the applicant is not a person of good moral character, or has not a good character in respect to honesty and integrity; provided, however, that no such permit shall be granted unless the city council find that such applicant, or if the applicant be a corporation, the manager thereof, has been a resident of the city for not less than ninety (90) days prior to such application.

(2) **Registration of purchases**. Every person maintaining or operating a junk shop or junkyard shall keep at his place of business a substantial well-bound book, and shall promptly enter therein an exact description of all personal property purchased by him or it, the date of purchase, name and residence or place of business of the person from whom purchased, and all particular or prominent marks of identification that may be found on such property. Such book shall be kept neat and clean, and all entries made therein shall be neatly and legibly written in ink. Such book shall at all times during the ordinary hours of business be open to the inspection of the chief of police, or any other city officer.

(3) **Required holding period**. All junk purchased by owners or keepers of junk shops or junkyards shall be held for a period of at least nine (9) days before the same shall be sold.
(4) **Pawning and pledging prohibited**. No owner or keeper of a junk shop or junkyard shall receive any personal property by way of pledge or pawn, nor shall any owner or keeper of a junk shop or junkyard engage in the business of pawn-broking on the same premises wherein a junk shop or junkyard is located.

(5) **Hours of business**. No junk peddler shall purchase or collect any junk in the city between the hours of 6:00 p.m. and 6:00 a.m.

(6) **Revocation of permit**. The city council may revoke the junk dealer permit granted to any person upon failure of such person to conduct and carry on such business in accordance with the provisions of this section; and such permit may likewise be revoked, if in the conduct of such business, any law of the state, county or city be violated.

(7) **Places of business**. It shall be unlawful for any owner, tenant or lessee of any premises in the city, or the owner, tenant or lessee of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle to keep, place or maintain thereon, or to permit the keeping, placing or maintaining thereon, of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle which is used or which is to be used for a dental or chemical laboratory or for the display or selling of merchandise therein, or to use or permit the use of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle on any premises in the city for business, religious, educational, retail, commissary, shop, storage, office purposes or for other type of commercial retail purpose.

(d) **Bingo games**.

(1) **Bingo games allowed only by eligible organizations with proper city permit**. Bingo games within the city are illegal except those organizations exempted from the payment of the Bank Incorporation Tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701l of the Revenue and Taxation Code and by mobile home park associations and senior citizens' organizations; provided that the proceeds of such games are used only for charitable purposes and provided that these eligible organizations have applied for and received the proper city bingo license and conformed to section 326.5 of the California Penal Code and the provisions of this chapter.

(2) **Application and fee for license**. Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application, in writing, to the office of the finance director on a form provided by the city. The issuing authority shall be the finance director, after approval of the chief of police. The license shall be for a term of one (1) year from the date of issuance. The license fee, whether for the initial license or renewal, will be fifty dollars ($50.00) annually. If an application for a license is denied, one-half of the license fee paid shall be refunded to the organization.

(3) **Contents of application**. Said application for a bingo license shall obtain the following information:
a. The name, address, date, place of birth, physical description and driver's license number of every officer of the charitable organization.

b. The name, address, date, place of birth, physical description and driver's license number of not more than twenty (20) members who will be authorized to operate the licensed bingo games on behalf of the organization.

c. The particular property within the city including the street number owned or leased by the applicant, and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted together with the occupancy capacity of such place.

d. The proposed days of week and hours of day for conduct of bingo games.

e. That the applicant agrees to conduct the bingo games in strict accordance with section 326.5 of the Penal Code and this chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the chief of police when there is a violation of this chapter or other applicable laws.

f. The application shall be signed by said applicant under penalty of perjury.

g. The annual lease fee shall accompany the application.

h. The applicant shall also submit, with its application, a certificate or determination of exemption under section 23701d of the Revenue and Taxation Code, or a letter of good standing from the exemption division of the Franchise Tax Board in Sacramento, showing exemption under section 23701d.

(4) **Investigation of applicant**. Upon receipt of the completed application and the fee, the finance director shall refer the application to the appropriate departments of the city for investigation, as to whether or not all the statements in the application are true, and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property in which bingo games may lawfully be conducted, as to fire, occupancy and other applicable restrictions.

(5) **Contents of license**. Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games within the city, and the police department has investigated the application, the finance director shall issue a license to said applicant, which shall contain the following information:

a. The name and nature of the organization to whom the license is issued.

b. The address where bingo games are authorized to be conducted.

c. The occupancy capacity of the room in which bingo games are to be conducted.

d. The days of the week and times during which games may be conducted.

e. The date of the expiration of such license.
f. Such other information as may be necessary or desirable for the enforcement of this chapter.

(6) Consent. The application for or acceptance of a license constitutes:

a. Consent to the entry of any peace officer to investigate the location identified in the application before the issuance of a license, as well as during any game thereafter.

b. Consent to the chief of police or his agents to review or audit the charitable organization's records relating to the conduct of bingo games into the special account required by Penal Code section 326.5(j) for the purposes of verifying compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this chapter and with all other applicable laws and regulations.

(7) Violation a misdemeanor. Any person who conducts a bingo game without the proper license as required by this chapter, or who operates a bingo game in violation of any of the requirements of this chapter, or who operates any bingo game after the suspension or revocation of a bingo license is guilty of a misdemeanor.

(8) Summary suspension or revocation. The chief of police may suspend or revoke a license for any violation of the provisions of this chapter or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

(9) Notice of suspension or revocation. When it appears that there is probable cause for a suspension or revocation, the chief of police shall prepare a written statement showing the cause and the specific action to be taken. This written notice shall be served on an officer or member of the organization listed on the licensed application.

(10) Appeal process.

a. After receiving the written notice of suspension or revocation, the affected licensee may file a written request for an appeal hearing with the city manager. The decision of the city manager will be final. The written request for an appeal hearing must be filed with the city manager's office no later than seven (7) calendar days after receiving the written notice of suspension from the chief of police.

b. This appeal hearing must be held within thirty (30) days of the request being filed with the city manager. Upon the conclusion of the appeal hearing, the city manager shall issue his written decision within ten (10) days.

c. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one (1) year from the date of such revocation; provided, however, if the ground for revocation is the cancellation of the exemption granted under section 23701d of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.
(11) **Definition of "bingo."** As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols designated on a card which conform to numbers or symbols selected at random.

(12) **Maximum amount of prize.** The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars ($250.00) in cash or kind, or both, for separate game which is held.

(13) **Profits to be kept in separate fund or account.** All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such records available.

(14) **Financial interest in licensee only.** No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game.

(15) **Exclusive operation by licensee.** A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any phase of such game.

(16) **Bingo games open to public.** All bingo games shall be open to the public, not just to the members of the licensee organization.

(17) **Attendance limited to occupancy capacity.** Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

(18) **Bingo games conducted only on licensee's property.** A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision should be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.
(19) **Bingo cards**. Only preprinted cards that bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinances" are to be used in any bingo game.

(20) **Minors not to participate**. No person under the age of eighteen (18) years of age shall be allowed to participate in a bingo game.

(21) **Intoxicated persons not to participate**. No person who is obviously intoxicated shall be allowed to participate in a bingo game.

(22) **Hours of operation**. No licensee shall conduct any bingo game more than ten (10) hours out of any twenty-four (24) hour period. No bingo game shall be conducted before 10:00 a.m. nor after 12:00 midnight of any day. (Ord. No. 1625, 11-19-02)

(23) **Participant must be present**. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(24) **Receipt of profit by a person a misdemeanor under state law**. It is a misdemeanor under section 326.5(b) of the Penal Code of the State of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars ($10,000.00), which fine shall be deposited in the general fund of the city.

(25) **City may enjoin violation**. The city may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the Penal Code or of this chapter.

(26) **Severability**. If any portion of this sub-section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this subsection. The city council hereby declares that it would have adopted this subsection and each portion thereof, irrespective of the fact that any one (1) or more sections, subsections or portion be declared invalid or unconstitutional.

(e) **Community civic events**.

(1) The City Council finds and declares that it has historically closed City streets in portions of the downtown area, for the purpose of assisting certain community and regional events benefitting the City, the community at large, and non-profit organizations operating in the City. Control over the operation of these Community Civic Events has traditionally been turned over to the entity sponsoring the event. The City Council finds and declares that there is a need to provide written guidelines and regulations on how these Community Civic Events shall operate.

(2) Purpose.

The purpose of this Section is to establish a legal framework for the operation of Community Civic Events, to set forth minimal requirements for sponsors of these events, to meet the need
for order and control during these events, and to ensure that the theme or character of the event is maintained, and that use of public property is compatible with the event.

(3) Definition.

**Community Civic Event** (hereafter referred to as "CCE") shall mean the sponsoring and conducting by a nonprofit organization of a civic, artistic, cultural, charitable, educational, veteran or benevolent activity of community interest. The Council shall require reasonable proof of the nonprofit status of the sponsoring organization.

(4) Participation.

Participation in a CCE and use of public right-of-way shall be limited to those members of the sponsoring organization, in good standing with the organization, and those persons and vendors as may be approved by the sponsoring organization.

(5) Permit Required.

The CCE sponsor shall obtain a CCE permit from the City not less than thirty (30) nor more than one hundred and eighty (180) days before the commencement date of the proposed permit activities; provided that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of an application, the Business License Clerk shall circulate the application to the following departments for comments and approval: Police Department, Fire Department, Finance Department, Department of Community Development, Public Works Department, Parks and Recreation Department, and Risk Management Department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the City harmless, maintaining minimum limits of liability insurance in accordance with City standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of City services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for non-compliance with the conditions of the permit and the provisions of this Section. Revocation may be made by the Council, City Manager, Chief of Police, or their designees. If the grounds for revocation occur during the CCE, the Council, City Manager, Chief of Police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any City police officer or Fire Department personnel. (Ord. No. 1613 §§1, 09-17-02)

(6) Application.
The application for the CCE permit shall contain:

a) The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.

b) The location and outside perimeter of the CCE area, indicated upon a map of the area.

c) The date and times at which the CCE activities are to take place.

d) A description of the CCE activities which will be conducted.

A preliminary list of persons who will be engaging in the CCE, and a preliminary list of persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the City no later than one (1) week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per Section 15-20(e)(16).

The Council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not a size or nature that require the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for the City; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit applicant agrees to be responsible for cleanup necessitated by the proposed activities. The Council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The Council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the Council may deem necessary to impose for the proper protection of persons and property. (Ord. No. 1613 §§2, 09-17-02)

(7) Responsible Party.

The sponsoring organization shall be responsible for the CCE and for all necessary planning, physical facilities, equipment, fire lanes, and removal, cleanup, and staffing. The sponsoring organization shall be responsible for any necessary permits and code requirements for the conduct of such CCE as may be required by County and State agencies and coordination with appropriate City departments, such as Police and Fire. All necessary certificates and approvals by any health or other governmental organization shall be in possession of the person representing the sponsoring entity in such CCE.

(8) Management.

Subject to the minimum requirements imposed by this Section, the CCE sponsor shall:

a) Promulgate rules and regulations for the CCE, including rules and regulations to maintain the theme or character of the CCE. A copy of the rules and regulations shall be submitted to the Business License Clerk prior to the CCE.
b) Have control over the terms and conditions under which persons chosen to provide vending services will operate at a CCE including, but not limited to, products sold, hours of sale, fees, vendor locations and issuance of seller permits.

c) Take any other actions which are necessary for the efficient management and operation of the CCE.

(9) Minimum Requirements.

The CCE sponsor shall abide by the following minimum requirements. These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the City Council.

a) Maintain openings between vendor booths or sizes, and at locations and distances, required by the City. The required openings shall be identified on the CCE sponsor's street plan.

b) Not use any permanent or semi-permanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot.

c) Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin, or familial status, or violate any law with respect to the selection of any vendor.

d) Require that all vendors obtain and display all appropriate permits, licenses, and certificates, and comply with all applicable federal, state and local laws, ordinances, and regulations.

e) Require that all vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area.

f) Require that vendors take sufficient measures to keep the City storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots.

g) Provide on-site personnel who can be contacted by appropriate City officials for immediate corrective action either for noncompliance with this Section or the permit conditions, for emergencies, or for actions deemed necessary by the City official. Such personnel shall be equipped with appropriate means of communication to be made known to the City by the CCE sponsor prior to the CCE.

h) Distribute the rules and regulations to each person participating in the CCE.

(10) Cost of CCE.

The CCE sponsor will be responsible for the costs associated with the CCE, including, but not limited to the cost of City services related to the CCE, and the cost of repair of any damage caused to any public property and rights-of-way, including landscaping. The CCE sponsor may apply to the City Council for cooperation in presenting a CCE and request financial assistance for some or all of the costs of City services related to the CCE.
(11) Permit to Sell.

No person shall sell or offer to sell any item at the CCE except under the authority of a valid permit approved by the CCE sponsor. The CCE sponsor shall designate a person or persons responsible for issuing permits to sell. A seller’s permit shall not be required for existing businesses selling merchandise from their stores. Whenever the CCE sponsor in good faith believes that a vendor has violated the conditions of the seller’s permit, the CCE sponsor may immediately suspend the seller’s permit. Vendors shall have an opportunity to appeal the denial or suspension of a seller’s permit as set forth in Section 15-20(e)(20). Permits to sell shall give a seller (including vendors, peddlers and other sellers) the privilege of selling at the CCE only if the following conditions are met:

a) The seller properly files an application for a permit to sell at the CCE with the CCE sponsor.

b) The seller complies with all federal, state and local laws and regulations relating to the CCE, including the rules and regulations of the CCE sponsor.

c) The seller obtains all required permits, licenses and certificates.

d) The seller pays all required fees to the appropriate authorities, including any fees due the sponsor.

e) The seller grants permission to the CCE sponsor, or an authorized representative, to enter the seller's premises for the reasonable inspection of land, facilities, and records, in order to determine whether the seller is in compliance with the permit conditions, the rules and regulations of the CCE sponsor, and the terms of this Section.

(12) Peddlers and Itinerant Vendors.

All peddler and itinerant vendor permits and licenses issued by the City shall be deemed suspended for the duration of any CCE. All permit and license holders shall be notified of this provision. No person holding a peddler or itinerant vendor permit or license shall sell merchandise within the designated CCE area for the duration of any declared CCE unless the holder of the peddler or itinerant vendor permit or license has a written agreement with the CCE sponsor to participate in the CCE, or otherwise has a seller’s permit from the CCE sponsor. The CCE sponsor shall allow peddler and itinerant vendor permit and license holders with suspended City permits and licenses under this subsection the same opportunity to participate in a declared CCE as the CCE sponsor offers to other vendors.

(13) Sidewalks.

The City shall not approve vendor or sidewalk sales or other activities within the closure area for a CCE. The sponsoring entity may allow such sales or events, however selling activity during a parade must take place in conformity with Section 15-20(g).

(14) Parades.
Any person or organization desiring to have a parade as a CCE or in connection with a CCE, and all vendors, peddlers, solicitors, or merchants not located inside a commercial location, shall comply with Section 15-20(g) of the Municipal Code in addition to the provisions of this Section.

(15) Interference.

It shall be unlawful for any person to interfere with, disrupt or impede a permitted CCE. It shall also be unlawful for a person to put up any booth, table, chair, stool, structure, vehicle or piece of equipment in any public area located within a designated CCE area for which a CCE sponsor has been issued a permit without consent of the CCE sponsor. This section shall not apply to persons acting under the direction or control of the City.

(16) Business License Fees.

Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid City business license shall be subject to separate licensing pursuant to this subsection.

The nonprofit sponsor shall collect said fee and remit the fee to the City within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California Seller's Permit number. Said receipts shall be furnished by the City. One (1) copy of the receipt shall be furnished to the licensee, one (1) copy filed with the finance department of the City, and one (1) copy retained by the CCE sponsor for a period of three (3) years for audit purposes. (Ord. 1613 §§3, 09-17-02)

(17) Charges and Exhibit Fees.

The sponsoring entity may impose a reasonable charge or exhibit fee on each participating seller or exhibitor and shall be responsible for enforcing all requirements of this subsection and regulations imposed by the sponsoring entity. Any net profit received by the sponsoring organization shall be utilized for the civic, artistic, cultural, charitable, educational, veteran or benevolent activities of the organization within the City of Porterville.

(18) Insurance.

The Council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the Council a policy of public liability insurance in which the City has been named as insured or coinsured with the permittee. The policy of insurance shall insure the City, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to
the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.

(19) Violations.

Any person who violates the provisions of these subsections shall be deemed guilty of either a misdemeanor or an infraction, in accordance Sec.15-21 of this Code. In addition, civil penalties of $100.00 for a first violation and up to $1,000.00 for subsequent violations may be imposed. Every day that any such violation continues shall constitute a separate offense. In addition, the CCE sponsor is authorized to take civil action to enforce the requirements of these subsections, and the rules and regulations established by the CCE sponsor. The remedies provided herein shall not be exclusive, and the violation of any provision of these subsections shall be subject to other remedies as may be provided by law.

(20) Appeal of the Denial or Suspension of a Seller Permit.

After the denial or suspension of a Seller's Permit, the CCE sponsor shall allow the vendor an opportunity for an appeal hearing before the CCE sponsor's governing board, or if no governing board, the person with the highest decision making authority, to determine if the permit shall be issued, further suspended, reinstated, or revoked for repeated violations. The hearing shall be held within a reasonable time, depending on the date and duration of the CCE, no later than thirty-five (35) days. The CCE sponsor shall establish procedures for the conduct of the hearing.

(21) Other Rules and Regulations - Applicability.

The CCE sponsor shall comply with all other applicable City ordinances, resolutions, policies, rules and regulations.

(22) Compatibility with State and Federal Laws and Constitutions.

It is the intention of the City Council and the people of the City of Porterville that these subsections shall be interpreted in a manner compatible with the State of California Constitution and the United States Constitution and the laws of the State of California and the United States.

(23) Severability.

If any section, subsection, sentence, clause or phrase of these subsections are for any reason held to be unconstitutional or invalid, that holding shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed these subsections, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

(Ord. No. 1612, 08-20-02)

(f) Fortunetelling.

(1) Purposes and findings.
a. The practice of fortunetelling, as defined in this section, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

b. It is the purpose of this section to regulate the practice of fortunetelling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortunetellers to provide their services to clients with only minimal restrictions.

c. The provisions of this section requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortuneteller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortuneteller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortuneteller and will not, therefore, impose any undue burden on their practices.

d. Fortunetelling for entertainment purposes, as defined in this section, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

e. For these and other reasons; the provisions of this section are necessary to protect the health, safety and welfare of the community.

(2) Permit required. No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a permit therefor.

(3) Definitions. As used in this Code [subsection]:

a. "Fortunetelling" shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, divination, soothsaying, mantic, necromancy, mind-reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature.

b. "For pay" shall mean for a fee, reward, donation, loan or receipt of anything of value.

(4) Permit application. Every natural person who, for pay, conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application or a permit with the business license officer. The application shall contain:

a. The name, home and business address, and home and business telephone number of the applicant.

b. The record of conviction for violations of the law, excluding minor traffic violations.
c. The fingerprints of the applicant on a form provided by the police department

d. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

e. A nonrefundable application fee in an amount of one hundred dollars ($100.00) to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

(5) Investigation. Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the business license officer within twenty-one (21) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein.

(6) Hearing and decision by business license officer. The business license officer shall consider the application and the police department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the police department report described in subsection (5). Notice of the time and place of the hearing and a copy of the police department report shall be given to the applicant personally or by certified mail by the business license officer at least five (5) days prior to the hearing. Any interested parties shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the business license officer to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the business license officer shall make his or her decision approving, denying, or conditionally approving the permit within twenty-four (24) hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail.

(7) Approval of permit. The business license officer shall approve or conditionally approve the permit if he or she makes all of the following findings:

a. All the information contained in the application and supporting data is true;

b. The applicant has not, within one (1) year from the date of the application, been convicted of any violation of this Section or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or crimes involving moral turpitude;

c. The applicant has paid the required business license fee; and

d. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws.
(8) Term of permit. The term of the permit and the term of the business license shall be for one (1) year from the date of issuance. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application.

(9) Posting of fees.

a. Each person required to obtain a permit pursuant to this section shall post on his or her business premises a sign containing the following information:

1. The true name of the fortunetelling practitioner;

2. Each service provided by the fortune-telling practitioner;

3. The fees charged for each service provided by the fortunetelling practitioner;

4. The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates."

b. The sign required by this subsection shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune-teller. The sign lettering shall be of uniform size with each letter at least one-half (½) inch in height.

c. If the fortunetelling service is provided at a location other than the fortuneteller's permanent place of business, the fortuneteller shall provide the information required by this subsection on eight-and-a-half (8 1/2) by eleven (11) inch paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortunetelling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune-telling services.

d. No person shall charge any fee, payment, remuneration, or item of value for fortunetelling services in excess of the fees set forth on the sign or paper required by this sub-section.

(10) Receipts. Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, which is in addition to the fee, the fortuneteller shall issue a written receipt to the client, clearly showing:

a. Date;

b. Name of client;

c. Amount of money received or specific description of item of value received; and

d. Purpose for which the money or item of value was received.
(11) **Client's record of consultation.** No person engaging in fortunetelling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortuneteller.

(12) **Exception –Entertainment.** The provisions of this subsection shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortunetelling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

(13) **Same –Religious practice.** The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as minister) from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortunetelling; provided that:

a. Except as provided in subsection (13)c hereof, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.

b. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the business license officer a certified copy of the minister's certificate of ordination and the minister's name, age, street, address, and telephone number in this city where the activity set forth in this subsection is to be conducted.

c. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association. (Ord. No. 1324, 12-18-84; Ord. No. 1326, 5-7-85; Ord. No. 1346, 3-18-86; Ord. No. 1384, §§ 2, 8-4-87)

(g) **Parade.**

(1) **Application and approval.** Parades will only be allowed in conjunction with a Community Civic Event referenced in Section 15-20, (e).

(2) **Selling activity during a parade.** In order to maintain public safety and promote the good order of a parade, no vendor, peddler, solicitor, or merchant shall be permitted in the parade route once the parade begins. No vendor, peddler, solicitor, or merchant shall be permitted to conduct business on sidewalks or walkways or other areas that may impede pedestrian traffic. Any vendor, peddler, solicitor, or merchant not located inside a commercial location shall be limited to side-streets once the parade begins. No vendor, peddler, solicitor, or merchant shall impede the view of any spectator during the event. All vendors, peddlers, solicitors, and merchants shall be prohibited from selling products at or near the event that are deemed to be
a nuisance or contrary to the good order of the parade. These items include, but are not limited to:

a. Silly String
b. Snap caps
c. Party poppers
d. Any projectile and/or launcher

(3) Movement of Public Safety Equipment. The conduct of such parade shall not interfere with the movement of fire fighting or police equipment.

SECTION 2. This ordinance shall be in full force and effect thirty days after its passage.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2007.

__________________________________________
President of the Council and
Mayor of the City of Porterville

ATTEST:

__________________________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville