CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
JUNE 5, 2007, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   7- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   8- Government Code Section 54956.9(b+c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by the Council Member Eddie Hernandez
Invocation

PRESENTATION
Employee of the Month - Glen Hall
ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. Approval of City Council Minutes of January 16, 2007; January 19, 2007; and May 15, 2007

2. Claim - Strawn
Re: Rejecting claim for property damage allegedly caused by police personnel during execution of a search warrant at 66 South Cobb on March 6, 2007.

3. Budget Adjustments for the 2006-07 Fiscal year
Re: Approving budget adjustment to account for the Police Department’s receipt of an allocation of $54,084.96 of DMV Auto Theft Prevention Funds.

4. Annual Adjustment of Fees by Application of the ENR Cost Index
Re: Informational report on the annual adjustment, as of July 1, 2007, of Hillside Development Trunk Line Sewer Fees; Hillside Development Water Trunk Fees; Transportation Impact Fees; and Park Impact Fees.

5. Airport Lease Renewal – Lot 49A
Approving five-year extension of the Lease Agreement between the City of Porterville and Mr. and Mrs. Michael Wall for Lot 49A at the Porterville Municipal Airport.

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

PUBLIC HEARINGS

6. Irachete Estates Tentative Subdivision Map (Vicente Irachete)
Re: Considering approval of Map to divide a 2.75± acre parcel into 12 single family residential lots located generally on the west side of Lime Street, just north of Sandra Court.

7. Conditional Use Permit 4-2007 - Proposed “Brickhouse Bar and Grill” to be located at 152 North Hockett Street (Formerly the Schortman’s Cyclery Building)
Re: Considering CUP to allow for a bar and grill with the serving of beer, wine and distilled spirits in conjunction with live entertainment, separate bar, billiards room, as well as tenant spaces.

8. Conditional Use Permit 5-2007 - Expansion of an Existing Restaurant with Separate Bar to be Utilized as a Nightclub and a Banquet Hall into an Area Previously Utilized for Bowling (1091 W. Olive)
Re: Considering CUP to allow the expansion of The Seafood Café, in two phases.
9. **Conditional Use Permit 6-2007 - Proposed Expanded Use of Restaurant to Include a New Separate Bar Area and Outdoor Service and Sale of Distilled Spirits, Beer and Wine Under an On-Sale License at the Three Amigos Restaurant (Formerly Don Ranchos Located at 377 S. Howard Street)**
Re: Considering approval of CUP to allow the expanded use of a restaurant.

10. **Zoning Ordinance Amendment 1-2007**
Re: Considering Code amendments to implement the goals and policies identified in the 2003-2008 Housing Element adopted by the City Council in March 2004.

11. **Water Conservation Plan**
Re: Report on remaining in Phase II of Conservation Plan; and continuing public hearing to the first meeting in July for possible move into Phase III, if severe water shortage is projected, for the months of July through September.

12. **Vacate a Portion of Public Water, Sewer and Storm Drain Facilities Easement Related to the Development of the Skilled Nursing Facility (Sierra View District Hospital)**
Re: Consideration of continuing the public hearing to June 19, 2007.

**SCHEDULED MATTERS**

13. **“D” Overlay Site Review 3-2007 (Family Health Care Network)**
Re: Considering approval of office building, storage building and future office building, to be constructed in two phases, on the site located generally at the southwest corner of State Route 65 and Highway 190.

14. **Solid Waste Program Update**
Re: Informational report on the City’s solid waste program.

15. **Request for Council Study Session for General Plan Circulation Concepts**
Re: Scheduling a study session to provide direction to staff and the General Plan Consultant on the preparation of the Circulation Element of the draft General Plan.

16. **Request for Council Study Session for Johnson Controls Infrastructure and Operational Enhancements Project Evaluation**
Re: Scheduling a study session to consider the Johnson Controls Project.

17. **Report Regarding Moratorium for Use of Credit Cards**
Re: Informational report on the status of the Request for Proposals process for banking services.

18. **Disposition of Council Meeting of July 3, 2007**
Re: Considering scheduling an alternate date for the first regular meeting in July, due to the July 4th Holiday.

19. **Request by Council Member – No Parking on Lawns**
Re: Considering request to prohibit the parking of a vehicle on a lawn.

Adjourn to a Meeting of the Porterville Redevelopment Agency.
PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

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

SCHEDULED MATTER

PRA-1. Redevelopment Agency 2007-2008 Budget


Adjourn the Redevelopment Agency Meeting to a meeting of the City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of June 8, 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.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Late: Council Member Pedro Martinez (arrived 6:05 p.m.)

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.

The City Manager read the items by title. He stated for the record that he would dismiss himself from Item A-4.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation: A Moment of Silence

PRESENTATIONS
• Employee of the Month - Carol Bodine

The City Council expressed their appreciation for all the work that Mrs. Bodine did on their behalf.

• City Managers Featured Projects
   1. Recruitment of Charles McMillan, Police Chief
   2. Recruitment of Donnie Moore, Leisure Services Superintendent
3. Library RFID; and
4. New Library Floor Covering

ORAL COMMUNICATIONS

- Adam Castillo, 841 Westwood Avenue, Porterville Amateur Youth Softball Association, an all-girl league of ages five to 18, spoke on the deterioration of Hayes Field and its effect on them. He stated that the Parks and Leisure Services Department had not helped them, and he asked the Council to look into repairing the fences and bases. He stated that it was a matter of safety for the girls, who had suffered cuts to broken legs.

The Mayor asked him to leave his contact information and they would get back to him.

- Richard E. Calderone, 138 South A Street, spoke about the problem in getting a building permit for mother-in-law dwelling, and the number of plans he had to do. He asked that the Public Works Director be directed to look into this.

The City Manager stated that Mr. Rodriguez would look into this and respond to Mr. Calderone and the Council.

- Terry Manning, 41576 Yokohl Drive, Springville, Member of the Board of Directors of the Barn Theater, thanked the Council for the work they did on the east side of the Barn Theater this last year. He asked that the west side be done also if possible, and asked that they be notified if that work was to be done so they could adjust their schedule. He then invited the Council and people present to the final showings of You’re a Good Man Charley Brown. He also stated that the parking lot needed resurfacing.

- Joan Givens, Murry Street, President of the Board of Directors of the Barn Theater, stated that she hoped the Council would make the back side of the Barn as beautiful as the front side. She stated that it was a park and part of the community.

- Brad Hannigan, 29198 Highway 190, stated that he had an apartment building on Indiana, where the road went through, and the problem was that all the curbs and the whole street were marked no parking. He stated that the tenants had sufficient parking, but any visitors or deliveries had no place to park. He stated that visitors had to park around the corner on Putnam. He stated that there were two other apartment buildings in that area, and off-street parking was a situation for both of them also. Mr. Hannigan stated that parking would only get worse when the vacant field was developed.

The Mayor asked him to leave his contact information and they would get back to him.

- Dick Eckhoff, 197 North Main Street, spoke on two items. 1) As Chairman for the City of Hope Auxiliary, he reminded everyone that auditions were coming up January 30 for the show on February 24. The City of Hope Show will be in honor of the memory Buck Shaffer; 2) On Item #22 he seconded the nomination of Buck Shaffer to the Wall of Fame. 3) On Item #23, the skatepark statistics, he stated that the citations didn’t add up for juveniles and adults.
• Jean Rafaela, retired teacher, came forward and spoke regarding the nomination of Carmen Martinez-Eoff to the Wall of Fame, and her many contributions to our community. She stated that she hoped the Council accepted both names.

• Antonia Candelaria, President of the Association of Mexican American Educators, stated that they sponsored Carmen Eoff for the Wall of Fame. She briefly reviewed Ms. Eoff’s accomplishments. She stated that she also had other letters from former students and teachers.

• Rosendo Rivero came forward on behalf Carmen Eoff and the Spanish-speaking population. He then spoke in Spanish regarding Ms. Eoff.

Council Member Martinez asked that Mrs. Candelaria submit the letters for Mrs. Eoff to the City Manager. He stated that copies would be made, and the originals could be picked up during the week.

CONSENT CALENDAR

1. CLAIM - ANGELICA RODRIGUEZ

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.

Documentation: M.O. 01-011607
Disposition: Approved.

3. ACCEPTANCE OF REMINGTON - ELSAG MPH-900 MOBILE LPR SYSTEM

Recommendation: That City Council authorize the Police Department to accept the Remington - Elsag MPH-900 Mobile LPR System.

Documentation: M.O. 02-011607
Disposition: Approved.

4. ACCEPTANCE OF THE SKATEBOARD PROJECT
   (California Landscape and Design dba California Skateparks)

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.

Documentation: M.O. 03-011607
Disposition: Approved.
5. APPROVAL OF AN ENCROACHMENT AGREEMENT AT 12 SOUTH MAIN STREET (SANSOME PACIFIC PROPERTIES, INC.)

Recommendation: That the City Council approve the encroachment agreement for the roof overhang at 12 S. Main Street and authorize the City Engineer to sign the document upon payment of the fee.

Documentation: M.O. 04-011607
Disposition: Approved.

6. ACCEPTANCE OF FINAL SUBDIVISION MAP - SUMMIT ESTATES, PHASE ONE (GARY SMEE)

Recommendation: That City Council:
1. Approve the final map of Summit Estates, Phase One 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.

Documentation: M.O. 05-011607
Disposition: Approved.

7. PARTNERSHIP WITH SMITH ENTERPRISES TO REPLACE A DETERIORATED SEWER MAIN (NEIL SMITH)

Recommendation: That City Council:
1. Enter into a Payback Agreement with Smith Enterprises for the replacement of a portion of the sewer main serving the commercial center housing the new Longs Drug Store in the amount of $45,066; and
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Require that the Payback Agreement stipulate that Smith Enterprises receive full compensation for the sewer replacement project associated with the construction of the new Longs Drug Store within 60 working days of accepting the work by the City Engineer.

Documentation: M.O. 06-011607
Disposition: Approved.

8. FUNDING FOR WEST STREET INDUSTRIAL PARK DEVELOPMENT

Recommendation: That City Council approve the use of revenues from the leases and sales of the West Street property for costs associated with site development.

Documentation: M.O. 07-011607
Disposition: Approved.

10. INITIATE PREPARATION OF FINDINGS FOR A ZONE CHANGE ON RECENTLY ANNEXED PROPERTY
Recommendation: That the City Council direct staff to prepare the approved findings and initiate the process to rezone the property

Documentation: M.O. 08-011607
Disposition: Approved.

11. APPROVAL FOR TRAVEL - SEATTLE, WASHINGTON

Recommendation: That City Council approve travel to Seattle, Washington for the presentation of the City’s Economic Development Administration grant proposal and approve a budget appropriation of $4,000 from unallocated reserves to finance the travel.

Documentation: M.O. 09-011607
Disposition: Approved.

13. SUBMISSION OF QUARTERLY FINANCIAL/BUDGET REPORTS

Recommendation: That City Council approve the recommended change in submittal of the Quarterly Portfolio Summary, Interim Financial Status Report, and Quarterly Budget Review from the second meeting in January, April, July and October of each year to submittal to the Council by the thirtieth day of the month following the end of each quarter, with the report being on the following agenda.

Documentation: M.O. 10-011607
Disposition: Approved.

14. ADOPTION OF RESOLUTION SEEKING A SURFACE WATER MITIGATION RESOLUTION IN THE SAN JOAQUIN RIVER SETTLEMENT TO ADDRESS SURFACE WATER LOSS IN THE CENTRAL VALLEY

Recommendation: That Council adopt the proposed resolution and provide certified copies to the Tulare County Board of Supervisors as requested.

Documentation: Resolution 1-2007
Disposition: Approved.

15. MAYOR HAMILTON AND MAYOR PRO TEM MARTINEZ TRIP TO WASHINGTON D.C. FOR SAN JOAQUIN RIVER SETTLEMENT MEETINGS

Recommendation: Authorize the travel of the Mayor and Mayor Pro Tem to Washington, D.C. with the Friant service area delegation, and authorize the expenditure of City monies to support the trip.

Documentation: M.O. 11-011607
Disposition: Approved.
16. AMENDMENT NO. 1 TO MODIFIED EMPLOYMENT AGREEMENT - CITY MANAGER

Recommendation: The City Attorney and staff make the following recommendations that the Council review and approve Amendment No. 1 to the Modified Employment Agreement.

Documentation: M.O. 12-011607
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that Council approve Items 1, 3 through 8, 10, 11 and 13 through 16. The motion carried unanimously.

2. BUDGET ADJUSTMENTS FOR THE 2006/2007 FISCAL YEAR

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

John Lollis, Acting Deputy City Manager/Administrative Services Manager, presented a brief summary listing for the proposed budget amendments for information purposes. Mr. Lollis also presented an additional budget adjustment for Fund 001-5050-063-020, Y.E.S. Program Expenditures, in the amount of $30,000.00.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve the proposed budget adjustments, as amended, and authorize staff to modify revenue and expenditure estimates M.O. 13-011607 as described on the schedule presented. The motion carried unanimously.

Disposition: Approved.

9. RESOLUTION OF AMBIGUITY - DEVELOPER’S REQUEST FOR COUNCIL TO CLARIFY AND RECONSIDER STAFF’S INTERPRETATION OF OPEN SPACE REQUIREMENTS FOR PROPOSED APARTMENT COMPLEX CONSISTING OF 30 UNITS AT THE SOUTHWEST CORNER OF WILLOW AVENUE AND E STREET

Recommendation: That the City Council approve the Draft Resolution of Ambiguity

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member McCracken that the Council approve the Draft Resolution of Ambiguity as presented.

Resolution 2-2007
AYES: McCracken, F. Martinez, P. Martinez, Hamilton
NOES: None
ABSTAIN: Hernandez
ABSENT: None

Disposition: Approved.

12. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council appoint Vikki A. Cervantes to the Porterville Library Board of Trustees to a term expiring in October 2009.

The City Manager presented the item and Jim Perrine, Parks and Leisure Services Director, presented the staff report. Mr. Perrine stated that subsequently to the agenda preparation, another request for appointment was received from Margaret Stinson. He stated that Council had received both applications for the one Library Board opening.

Council Member P. Martinez stated that both applicants were very qualified, but he made a motion to appoint Ms. Cervantes. Councilman Martinez also questioned the Library Board attendance, which Mr. Perrine stated was very good.

Council concurred that Mrs. Stinson’s application be kept on file for the next vacancy, if she was not selected at this time.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the Council appoint Vikki A. Cervantes to the Porterville Library Board of Trustees to a term expiring in October, 2009. the motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

17. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION NO. 471

Recommendation: That the City Council adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

Mayor Hamilton clarified that this item was being carried over to the next meeting.

18. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the February 6, 2007 meeting.

Mayor Hamilton confirmed, and Council concurred, that this item would be carried forward to February 6, 2007.

19. REQUEST TO CONTINUE PUBLIC HEARING - “C” STREET VACATION (SANSOME PACIFIC PROPERTIES, INC. - DAVID McDOWELL)
Recommendation: That City Council upholds the developer's request by postponing the Public Hearing to a date after the proposed development project is reviewed by the Project Review Committee.

Mayor Hamilton confirmed, and Council concurred, that this item would be carried forward to such time as the matter had been reviewed by the Project Review Committee.

SECOND READING

20. ORDINANCE NO. 1710, EXTENDING THE CABLE TV FRANCHISE

Recommendation: That Council give Second Reading to Ordinance No. 1710, waive further reading, and adopt said ordinance.

The City Manager presented the item and read the ordinance by title only.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance No. 1710, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE EXTENDING Ordinance 1710 ORDINANCE NO. 1544, AS TRANSFERRED BY ORDINANCE NO. 1582, BEING A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CITY OF PORTERVILLE. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

21. NEIGHBORHOOD WATCH PROGRAMS

Recommendation: Informational only.

The City Manager presented the item and stated that Police Chief McMillan would give the presentation.

Chief McMillan introduced Valerie Simonich, a citizen volunteer, who gave a presentation on the Neighborhood Watch Program, a crime prevention program used to deter crime. She gave a brief overview of the program, including information from the National Crime Prevention Council and the Bureau of Justice Assistance.

Council inquired whether there were active Neighborhood Watch programs operating in the City, and the Police Chief spoke on the current watches and the status of the past volunteer groups. The Chief also addressed the question of grants and funding for this program and community needs. He stated that the Department was looking at sixty to ninety days to get a community service, or crime prevention, officer on board to aid in starting this program.

Disposition: Informational only.
22. HERITAGE CENTER “WALL OF FAME” NOMINATIONS

Recommendation: That the City Council consider the nominations of Mr. Shaffer and Mrs. Martinez-Eoff for placement on the Heritage Center “Wall of Fame.”

The City Manager presented the item and Jim Perrine, Parks and Leisure Services Director, gave the staff report.

The Council spoke regarding the merits of the two individuals nominated and stated that they hoped many others would follow in their footsteps.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem F. Martinez that Council nominated Mr. Shaffer and Mrs. Martinez-Eoff for placement on the Heritage Center “Wall of Fame.” The motion carried unanimously.

Disposition: Approved.

23. EVALUATION OF SKATEBOARD PARK RULES

Recommendation: That the City Council evaluate the Skatepark Rules.

The City Manager presented the item and Parks and Leisure Services Director Jim Perrine gave the staff report.

Council reviewed the rules and recommended the following changes: require wearing shirt and shoes while in the facility; facility to be a “Tobacco Fee Zone”; and no glass containers in the facility.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem F. Martinez that Council make the three modifications to the Skatepark Rules as recommended by Council. The motion carried unanimously.

Disposition: Approved.

24. CONSIDER MASTER PLAN AND DESIGN SERVICES FOR BASEBALL FIELDS PROJECT AT HERITAGE CENTER SITE

Recommendation: That the City Council consider the Master Plan and design services for the baseball field’s project at the Heritage Center site, and;
1. Approve the Master Plan as recommended by the Parks and Leisure Services Commission, and;
2. Approve Addendum No. 1 to the Community Works Design Group Services Agreement, and;
3. Authorize preparation of final construction plans for full site improvements, with provisions for an initial construction phase to partially develop the southerly field.
Jim Perrine, Parks and Leisure Services Director, stated that a report had been prepared but there had been some consideration and discussion about a possible reconsideration by the Parks and Leisure Services Commission. He stated that he liaison for the Parks and Leisure Services Commission on this matter was John Hardin, and he would like to address the Council before they proceeded further. Mr. Perrine stated that Chairman Ruiz was also present.

John Hardin stated that the Heritage ball fields were an important project and would provide badly needed athletic fields. Mr. Hardin presented a brief history and stated that recently some additional issues had arisen, and they felt it was very important that this be done right. He stated that they needed some additional time to work out those issues. He stated that they were asking for a little delay so that they could take this back to the Commission for discussion.

Mayor Hamilton pointed out that the grant on this project was time sensitive, and Mr. Perrine stated that a one or two-month delay would not necessarily be problematic. He stated that the item would be back to the Council in February.

Mr. Hardin stated that this would be expedited as quickly as possible.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member Hernandez that Council send this back to the Parks and Leisure Services M.O. 17-011607 Commission for reconsideration. The motion carried unanimously.

Council Member P. Martinez inquired whether the question of a professional baseball team coming to Porterville had ever been discussed. He asked that they possibly look into the future of baseball within Porterville as they look at this facility and the possibility of expansion.

Disposition: Referred back to the Parks and Leisure Services Commission.

25. PUBLIC IMPROVEMENT AGREEMENT –RIVERWALK DEVELOPMENT

Recommendation: That the City Council:
1. Review and approve the "Agreement" and authorize the Mayor to execute the "Agreement";
2. Recognize that the construction costs identified in Exhibit ‘D’ are "Estimates of Probable Cost" and that the City's share and the Developer's share of cost shall be determined by the actual construction costs; and
3. Direct the Public Works Director to bring this matter back before Council with actual construction costs for Council review and consideration.

The Acting Deputy City Manager presented the item and Baldo Rodriguez, Public Works Director, gave the staff report. Mr. Rodriguez noted that on the Site Plan, Exhibit C, the Lowe’s site shown will be changed to Major A. Also change Lowes on Schedule I, Traffic Study, to Major A.

Mayor Hamilton clarified that the City would have some authority on change orders. Mr. Rodriguez stated that they would be looking into that as well.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve the proposed budget adjustments, as amended, and authorize staff to modify revenue and expenditure estimates as described on the schedule presented. The motion carried unanimously.

Disposition: Approved.

26. APPROVAL FOR FUNDING ASSISTANCE FOR VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM

Recommendation: That City Council approve assisting the VITA program with the acquisition of computers and approve a budget appropriation of $2,500 from unallocated reserves to be donated to the Commision Honorifica Mexicana Americana for this purpose.

The City Manager presented the item and staff report. He stated that this would facilitate the implementation of the program, and it would be a one year grant.

At the City Manager’s request, Mr. Dunlap reported that five volunteers from City staff would be participating in the implementation of the program, half of which were bilingual.

Council Member P. Martinez spoke about the importance of being proactive, and asked that a report be brought to the Council regarding how many people were served and how effective the program had been. The City Manager stated that this could be a condition on the funding.

Council Member P. Martinez clarified with the City Attorney that he had a financial conflict as he contracted with the Commision Honorifica Mexicana Americana.

Council Member McCracken stated that wanted to say, for the record, that they had made a finding that this was a benefit to the community and not a gift of public funds. The City Attorney clarified that when asked if she saw any problem with this request, she reviewed the item and stated that there was a direct community benefit as well indirect public benefit, so there was clearly a public purpose and was not a gift of public funds. She stated that it should be clear that this had been reviewed by the Council who made the determination that there was a direct community benefit, as well indirect public benefit, so there was clearly a public purpose and was not a gift of public funds.

Mayor Hamilton clarified that the Comision had not came to the Council for this, it was the Council’s choice to use them as the vessel for this program. It was also clarified that it was felt the individuals using the program would not ordinarily be going to accountants or other tax filers.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve assisting the VITA program with the acquisition of computers and approve a budget appropriation of $2,500 from unallocated reserves to be donated to the Commision Honorifica Mexicana Americana for this purpose, with the condition of receiving information back in reference to the numbers.
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved.

27. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

28. UPDATE ON CURBSIDE RECYCLE PROGRAM AND SETTING OF DATE FOR “ONE DAY” REFUSE/GREEN WASTE AND RECYCLED WASTE COLLECTION STUDY SESSION

Recommendation: That the City Council set a date & time for a study session to discuss the merits of providing single day refuse/green waste & curbside recycling “pick-up” service to the City’s residents.

The City Manager presented the item and Baldo Rodriguez, Public Works Director, gave the staff report.

Mayor Hamilton asked if providing single day refuse/green waste & curbside recycling “pick-up” service was feasible.

Mr. Rodriguez stated that staff didn’t think it was a good idea.

Mayor Hamilton stated that no further consideration was needed.

Disposition: No further consideration

ORAL COMMUNICATIONS

• Dick Eckhoff, spoke about need for downtown parking.

• Greg Shelton, 888 N. Williford, assured that Parks and Leisure Services Commission would process Item #24 as rapidly as possible.

• Richard Calderon, 138 South A Street, spoke on two items. 1) On “A” Street and Olive the railroad tracks were removed and a big dip was left. He stated that with the new Santa Fe Elementary School, there were a lot of kids and the dip and hill needed to be eliminated and made straight before someone was killed. 2) He has a Army tanker that was placed at the Veterans Memorial Building by the American Legion as a memorial in his name, and he asked to see if the weight of the tank (60A3) was too much weight for the storm drain and two dips on Main Street. He was denied and told the tank was too heavy to drive in the parade down Main Street because of the dips and the storm drain that runs under the City. He stated that everything else runs down one side or the other, but that is down the middle. He asked the Council to look into these items.

OTHER MATTERS
• Council McCracken stated that he would like to discuss moving the first City Council meeting in November to Tuscany. The other Council disagreed.

• Council Member Martinez thanked Fred and Elva Beltran for the work they did that last weekend with the freeze and the homeless, and those in need that had to go to the armory. He also thanked Denise Marchant and the rest of the City staff, the City of Porterville, the Chamber of Commerce and all the other businesses, Subway Sandwiches, and the other people that donated. He stated that it was a remarkable amount of work accomplished in those few days.

• Fred Beltran spoke on the VITA Program and the donation by the City, and stated that they would be a meeting tomorrow related to the freeze, and how it will affect the residents, at the Comision Building to start to organize. He stated that they would provide the numbers on people using the VITA Program.

• Mayor Pro Tem Martinez spoke on people pulling together, and the teamwork needed to pull through this.

• Council Member Martinez spoke on the Council trip to Sacramento to meet with the Legislators about Porterville’s needs and what we would like to see come through.

• Council Member Hernandez spoke on his first experience in Sacramento.

• Mayor Pro Tem Martinez spoke on downtown parking and stated that the parking lots would get done. He stated that once the City was officially 50,000 businesses would come in and money would be found for parking—he guaranteed.

• Mayor Hamilton stated that he wanted an item on the next agenda to look at the archaic, counterproductive City nepotism law—hopefully to rescind it.

ADJOURNMENT
The Council adjourned at 8:48 p.m. to the meeting of January 19, 2007 at 3:30 p.m.

Georgia Hawley, Chief Deputy city Clerk

SEAL

Cameron Hamilton, Mayor
Call to Order at 3:55 p.m.
Roll Call: Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez, Council Member Hernandez, and Mayor Hamilton

ORAL COMMUNICATIONS

• Dick Eckhoff, 197 North Main, asked whether the audience would be allowed to speak now, and not during the item, and he stated that he had sent in his notes and questioned whether they had been received. Mr. Eckhoff was told that he would need to make his comments at this point, and that his notes had been given to Council as a handout. He stated that they were close to getting this squared away, and he was pleased to see it coming to a finale. He was also pleased to see the bit about the A frame signs for the downtown area. He agreed that different development areas of town required different ordinances. He stated that he was for the ordinance.

• Renee Sprague, 275 North “E” Street, stated that she appreciated the City taking time to do this, as it had been a tough job. She stated that she wanted clarification on what type of sign the new Cingular, sail type signs were that she was starting to see a lot of on curbs. Staff stated they were more of a flag banner, and were covered under the ordinance. Ms. Sprague stated that those signs stick out too much.

• Avtar Singh, 134 North Main Street, expressed his concern about pole signs along Highway 65. He stated that there were a lot of trees, and you could not read the signs, such as at Olive Avenue and Highway 65. He stated that he was concerned with the height.

SCHEDULED MATTER

1. ZONING ORDINANCE AMENDMENT 2006-7 (FORMERLY 3-2004) - AN ORDINANCE AMENDING VARIOUS SIGNAGE REGULATIONS

Recommendation: That the City Council provide direction to staff and direct staff to set the time and place for a public hearing.

Mayor Hamilton welcomed Julie Boyle back.

Brad Dunlap, Community Development Director, stated that the handout he had given Council contained Mr. Eckhoff’s comments and a brief staff response. He stated that in addressing the comments about the Clearwire and Cingular banners, those would be considered banners—they were just mounted vertically on a two-pole frame. He then presented the staff report. Mr. Dunlap stated that the Code amendment before them today was not a comprehensive Code amendment. It basically represented an amendment to the Code which addressed some low-lying fruit, and had to do with three general characteristics—sign quality and maintenance, temporary signage, and roof signage. Mr. Dunlap stated that what Mr. Singh was talking about was evaluating appropriate
height, and the only place that was done was where it pertained to temporary signage, or signs on roofs. He stated that none of this effort was directed toward typical height or numbers of signs for permanent signs. Mr. Dunlap stated that would be another Code amendment, or when they finished with the General Plan Update, there would be a need for a comprehensive update to the entire Zoning Ordinance, and possibly other Codes. He stated that the Code had not been amended for decades, and this would be considered a band-aid until that was done. Mr. Dunlap then presented the staff report which amended and clarified Chapter 3 and Article Three of the Zoning Ordinance. Mr. Dunlap and Mrs. Boyle then reviewed the proposed amendments and the following items were noted:

- 3-27 (c) should switch with 3-28 (e)
- Section 2010 (B) (5) would like a shorter term than 15 seconds to change messages
- Section 2011 (B)(1) change to twelve foot height
- Section 2013(A)(4) change to A Frame not Sandwich-board
- For future consideration, Mr. Dunlap should look at requirements for the banner across Main Street and determine where it would fall in the Code
- Council asked staff to address signage height along freeway/highway frontages at a later time, such as a freeway overlay zone

The City Attorney stated that she had a couple of issues on non-commercial speech, which she would talk to Mr. Dunlap about.

Mayor Hamilton asked when they would bring this back for codification, and Mr. Dunlap stated that they would make the changes and bring this back to Council for a public hearing and consideration of adoption.

Council Member P. Martinez stated that this would also take care of signs on wheels.

ORAL COMMUNICATIONS

- Dick Eckhoff spoke on bulletin boards on the street and the height of awnings downtown with advertising, and Section 2019 (H)(2).

OTHER MATTERS

- Mayor Pro Tem F. Martinez spoke about parking at Proteus and asked how many parking spaces they have. It was stated that there was only on-street parking spaces, and none were assigned to a specific business.
- Council Member P. Martinez stated that Kiwanis spoke about posting banners or flags around Porterville with the names of individuals serving in the military. Kiwanis was looking into funding for this, and once the person served, the banner would come down and go to the family.
- Council Member P. Martinez thanked Mr. Singh for his assistance during the freeze.
- Larry Stoneburner spoke on the program being done by KSEE 24 for the freeze.
- Council Member P. Martinez stated that there was a presentation from the Gleanors, as they lost funding from United Way. It will also affect other organizations.

ADJOURNMENT
The Council adjourned at 5:32 p.m. to the Council Meeting of January 26, 2007, at 12:30 p.m.

Georgia Hawley, Chief Deputy City Clerk

SEAL

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

ORAL COMMUNICATIONS
• Ben Harvey, South Ohio, voiced concern with loud music emanating from vehicles, and urged the Council to adopt a noise ordinance, and then enforce it.

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   4- Closed Session Pursuant to Government Code § 54957 - Public Employee Performance Evaluation (Follow-Up) - Title: City Manager

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

(Council Member Pedro Martinez was excused from the Council Meeting to make a presentation to AVID. He returned to the Meeting and took his place on the dais at 7:46 p.m.)

Pledge of Allegiance Led by the Council Member McCracken
Invocation - a Moment of Silence was observed.

PROCLAMATION
“Freedom Days” - June 14 - July 4, 2007

PRESENTATION
Employee Service Awards
City Manager’s Featured Projects for May 2007
• Completion of Wall of Fame
   A presentation was made to the families of Ms. Carmen Martinez-Eoff and Mr. Frank “Buck” Shaffer, the first two honorees on the Wall of Fame.
• Adoption of Subdivision Ordinance
ORAL COMMUNICATIONS

- Linda Morton, 617 So. Plano Street, requested that the City address graffiti and litter at the Plano Street Bridge, and suggested that the litter might be hazardous waste.
- Skip Marquez, 377 So. Howard, spoke of his planned restaurant “The Three Amigos,” noting that the C.U.P. would be before the Council on June 5th. He requested that he and his partners be allowed to phase in the conditions pertaining to the parking requirements as set forth in the C.U.P. He then spoke of the looming deadline with the ABC regarding their liquor license, and requested some assistance with expediting the “zoning affidavit.”

CONSENT CALENDAR

Item No. 8 was removed for further discussion.

1. CITY COUNCIL MINUTES OF JANUARY 5, 2007; APRIL 3, 2007; APRIL 27, 2007; AND MAY 1, 2007

Recommendation: That the City Council approve the City Council Minutes of January 5, 2007; April 3, 2007; April 27, 2007; and May 1, 2007.

Documentation: M.O. 01-051507
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR 2006/2007 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustment, and authorize staff to modify revenue and expenditure estimates as described in the schedule attached to staff’s report.

Documentation: M.O. 02-051507
Disposition: Approved.

3. ACCEPTANCE OF IMPROVEMENTS - WILLIAMS RANCH, PHASE FOUR
   (BRIAN ENNIS - ENNIS HOMES)

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

Documentation: M.O. 03-051507
Disposition: Approved.

4. ACCEPTANCE OF FINAL SUBDIVISION MAP - NEW EXPRESSIONS, PHASE FIVE SUBDIVISION (ENNIS LAND DEVELOPMENT, INC.)
Recommendation: That the City Council:
1. Approve the final map of New Expressions, Phase Five 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.

Documentation: M.O. 04-051507
Disposition: Approved.

5. APPROVAL FOR COMMUNITY CIVIC EVENT – LANDMARK CHRISTIAN CENTER – SUMMERFEST, JUNE 23, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Tree of Life Church, subject to the stated requirements contained in Exhibit A.

Documentation: M.O. 05-051507
Disposition: Approved.

6. AIRPORT LEASE RENEWAL – LOT 45

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. & Mrs. Michael Archer of Springville for Lot 45 at the Porterville Municipal Airport.

Documentation: M.O. 06-051507
Disposition: Approved.

7. AIRPORT LEASE RENEWAL – LOT 46A

Recommendation: That the City Council approve the Lease Agreement between the City of Porterville and Mr. & Mrs. Robert Baranek of Porterville for Lot 46A at the Porterville Municipal Airport.

Documentation: M.O. 07-051507
Disposition: Approved.

9. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and City Clerk to execute the Lease, which will go into effect July 1, 2007.

Documentation: M.O. 08-051507
Disposition: Approved.
10. TULE RIVER ABATEMENT PROJECT

Recommendation: None

Disposition: Informational Report Only.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 1 through 7, 9, and 10.

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

8. CITY COUNCIL POLICY FOR THE USE OF THE AIRPORT PAVILION

Recommendation: That the City Council ratify the policy for the use of the Airport PAPA Pavilion, with the modification that the fee should be $33.00.

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

In response to concerns raised by Council Member Hernandez, Mr. Longley elaborated on the proposed fee and the past use of the pavilion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council ratify the policy for the use of the Airport PAPA M.O. 09-051507 Pavilion, with the modification that the fee should be $33.00.

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

Disposition: Approved.

PUBLIC HEARINGS

11. FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS NO. 38 THROUGH 40, AND ESTABLISHING ASSESSMENTS

Recommendation: That the City Council conduct a public hearing on the formation and levy of assessments; and adopt the resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, approving Engineer’s Reports, and the method and levy of assessments.
City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

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

Staff confirmed that the area in which District 40 was located had been annexed into the City.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, approving Engineer’s Reports, and the method and levy of assessments.

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

Disposition: Approved.

12. MURRY PARK MASTER PLAN

Recommendation: That the Council:
1. Conduct a public hearing on the environmental document and the Murry Park Master Plan;
2. Adopt a resolution approving the Mitigated Negative Declaration and Finding of No Significant Impact prepared for General Plan Amendment 2-2007; and
3. Adopt a resolution to approve General Plan Amendment 2-2007 pertaining to the Murry Park Master Plan.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report. During staff’s presentation, at 7:46 p.m., Council Member Pedro Martinez returned to the Council Chambers at took his place on the dais.

The public hearing opened at 7:52 p.m. and closed at 7:53 p.m. when nobody came forward.

In response to questions posed by the Council, staff elaborated on the various proposed features in the Master Plan, including walking paths, new restroom facilities, and playgrounds. A discussion ensued regarding the priorities set forth by the Parks & Leisure Services Commission. It was noted that depending on funding opportunities, there was flexibility with regard to moving certain items forward. Mr. Perrine elaborated on the need for new restroom facilities, and clarified that the recommendation was to concentrate on the playground and restroom projects with available funds, and search for other funding sources to begin a broader implementation of the complete improvement plan.

A brief discussion then ensued as to the work accomplished on the Murry Park Master Plan of 1965. Mr. Longley elaborated on the various Parks projects completed, including pool renovations at Murry Park; the construction of Veterans’ Park; Zalud Park; and the Sports Complex.
Council Member Hernandez voiced displeasure with the fact that time had been spent on preparing a Master Plan for Murry Park in 1965, yet virtually nothing had been accomplished toward that vision. He voiced concern with the same thing happening with the Master Plan before the Council. Mr. Longley spoke of staff’s plan to seek funding opportunities to implement the projects set forth, and indicated that the Master Plan had a great likelihood of being successful. Council Member Hernandez commented that he would like to see the projects set forth in the Master Plan come to fruition.

In response to questions posed by Mayor Pro Tem Felipe Martinez, Mr. Perrine spoke of trailway grants. He indicated that while a trailway grant might apply to improvements on park land, other funding opportunities were likely available for the projects set forth.

A brief discussion then ensued as to the use of C.O.P.s in the funding of the Sports Complex.

Mayor Hamilton reminded the Council of the subject before them that evening, which he stated was the consideration of the Mitigated Negative Declaration and General Plan Amendment. He then briefly noted he was in favor of an 18-hole golf course.

Council Member Pedro Martinez spoke in favor of seeking funding for a disabled-friendly/ADA compliant playground.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving the Mitigated Negative Declaration and Finding of No Significant Impact prepared for General Plan Amendment 2-2007; and adopt the draft resolution to approve General Plan Amendment 2-2007 pertaining to the Murry Park Master Plan. The motion carried unanimously.

Disposition: Approved.

13. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT, INC.)

Recommendation: That the City Council continue the item to the June 5, 2007 meeting.

City Manager John Longley presented the item, and Development Associate Denise Marchant presented the staff report.

Mayor Hamilton noted that he had talked with Mr. Brian Ennis who had indicated that progress was being made in the negotiations.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council indefinitely postpone the item.

M.O. 10-051507

AYES: McCracken, F. Martinez, Hernandez
NOES: P. Martinez, Hamilton
ABSTAIN: None
ABSENT: None
City Manager clarified with the Council that the item would not be returned to the Council’s Agenda until such time as a staff report and proposal were prepared and presented to the Council.

City Attorney Julia Lew advised that the public hearing would need to be re-noticed.

Disposition: Continued.

14. VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council continue the public hearing until June 5, 2007.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council continue the public hearing to the M.O. 11-051507 Council Meeting of June 5, 2007. The motion carried unanimously.

Disposition: Approved.

15. VACATE TEMPORARY EASEMENTS FOR VEHICULAR ACCESS AND STORM WATER FLOW AND RETENTION RELATED TO THE DEVELOPMENT OF SIERRA MEADOWS, PHASE TWO SUBDIVISION (SMEE BUILDERS)

Recommendation: That the City Council:
1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of temporary easements shown on the Sierra Meadows, Phase Two Subdivision Map by signing the appropriate statement on the Final Map.

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

Mr. Longley noted for the record that he resided near the subject subdivision, yet not within 500 feet.

The public hearing opened at 8:15 p.m. and closed at 8:16 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the City Clerk to execute the vacation of temporary easements shown on the Sierra Meadows, Phase Two Subdivision Map by signing the appropriate statement on the Final Map. The motion carried unanimously.

Disposition: Approved.
The Council recessed for ten minutes.

**SCHEDULED MATTERS**

16. ACCEPTANCE OF FINAL SUBDIVISION MAP - SIERRA MEADOWS, PHASE TWO

Recommendation: That the City Council:

1. Approve the final map of Sierra Meadows, Phase Two Subdivision;
2. Accept all offers of dedication and vacations shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

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

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the final map of Sierra Meadows, Phase Two Subdivision; accept all offers of dedication and vacations shown on the final map; and authorize the City Clerk to file said map with the County Recorder. The motion carried unanimously.

Disposition: Approved.

17. RECEIVING THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2007-2008 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

Recommendation: That the City Council receive the draft 2007/2008 Budget for consideration; and set dates for a Draft Budget Study Session, a Capital Program Study Session; and a Budgetary Public Hearing.

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

After some discussion of various dates, the Council agreed to set dates for two study sessions and a public hearing as follows:

- **Draft Budget Study Session:** May 30, 2007 at 6:00 p.m.
- **Capital Program Study Session:** June 8, 2007 at 9:30 a.m.
- **Budgetary Public Hearing:** June 19, 2007

Disposition: Direction given to staff.

18. APPROVAL OF MEASURE ‘R’ COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the Cooperative Agreement as written;
2. Authorize the Mayor to execute the Cooperative Agreement;
3. Authorize the City Clerk to transmit the executed Cooperative Agreement to the Tulare County Association of Governments (“TCAG”), acting as the Local Transportation Authority; and
4. Authorize and direct the Public Works Director to complete or have completed the necessary Bike and Transit Plans by September 28, 2007.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez supplemented the staff’s recommendation to also have the Council direct the Public Works Director to prepare and transmit the “Maintenance of Effort” base-line to TCAG by the June 29, 2007 deadline.

In response to questions posed by the Council, Mr. Rodriguez elaborated on the benefits of signing the cooperative agreement.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Cooperative Agreement as written; authorize the Mayor to execute the Cooperative Agreement; authorize the City Clerk to transmit the executed Cooperative Agreement to the Tulare County Association of Governments (“TCAG”), acting as the Local Transportation Authority; authorize and direct the Public Works Director to complete or have completed the necessary Bike and Transit Plans by September 28, 2007; and direct the Public Works director to prepare and transmit the “Maintenance of Effort” base-line to TCAG by the June 29, 2007 deadline. The motion carried unanimously.

Disposition: Approved.

19. CONSIDERATION OF A REQUEST FOR ASSISTANCE TO ADDRESS THE COUNTY CLINIC CLOSURE BY A COMMUNITY BASED ORGANIZATION

Recommendation: If governmental assistance is approved, the amount should be specified and it should be specifically budgeted from the City’s Emergency Reserve.

City Manager John Longley presented the item and staff report. Mr. Longley indicated that the Council might wish to establish a sub-committee, and in that event, an appropriation should be attached to that committee.

Mayor Pro Tem Felipe Martinez volunteered to serve on the sub-committee.

Council Member Pedro Martinez moved that the Council form an ad hoc committee to include Mayor Pro Tem Felipe Martinez. Council Member McCracken seconded the motion.

Mayor Hamilton moved that the Council also appoint Council Member Pedro Martinez to the ad hoc committee. Mayor Pro Tem Felipe Martinez seconded the motion.

A discussion ensued as to the potentially uncomfortable situation that might be created for Council Member Pedro Martinez in the event he served on the ad hoc committee, in light of the fact that he was currently employed by Tulare County. City Attorney Julia Lew clarified that the Council
Member need not serve if he felt uncomfortable in that capacity, or if he believed his service might negatively impact his job.

Mr. Longley indicated that the Council should also determine whether the committee would serve in an advisory capacity, or if by unanimous decision, could expend funds and report that action to the Council.

Mayor Hamilton noted that he could understand that Council Member Pedro Martinez might have a conflict with serving on the committee, and thus, moved that Council Member McCracken serve in his place, along with Mayor Pro Tem Felipe Martinez; and that the Council also authorize a $10,000 appropriation from Emergency Reserves.

Council Member Pedro Martinez seconded the motion.

Council Member McCracken voiced his willingness to serve on the ad hoc committee, as long as long as the Council was aware of his time constraints.

Mayor Hamilton restated his motion to be that the Council authorize a $10,000 appropriation from Emergency Reserves; appoint Mayor Pro Tem Felipe Martinez and Council Member McCracken to an ad hoc committee with the authority to expend said funds with a unanimous decision; and that such action would be reported to the Council.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize a $10,000 appropriation from Emergency Reserves; appoint Mayor Pro Tem Felipe Martinez and Council Member McCracken to an ad hoc committee with the authority to expend said funds on unanimous action and report such action to the Council. The motion carried unanimously.

Disposition: Approved.

20. REQUEST BY COUNCIL MEMBER – REQUEST FOR APPROVAL OF LEAGUE OF CALIFORNIA CITIES’ LATINO CAUCUS SUPPORT LETTER FOR SB 59 AND THE GOVERNOR’S WATER INFRASTRUCTURE UPGRADES PROGRAM

Recommendation: To be determined by Council.

City Manager John Longley presented the item and staff report.

A discussion ensued during which several Council Members voiced agreement in supporting SB59 and the Governor’s Water Infrastructure Upgrades Program.

Council Member Pedro Martinez moved that the Council approve sending a letter supporting the League of California Cities’ Latino Caucus Support Letter for SB59 and the Governor’s Water Infrastructure Upgrades Program.
Council Member Hernandez seconded the motion.

Council Member McCracken indicated that he agreed with SB 59 and the proposed Temperance Flat Dam, however he did not feel comfortable with sending the draft letter provided by the Latino Caucus. He stated that the proposed letter was directed at only a specific segment of the population, rather than the people of the State of California. A discussion ensued as to the reasoning behind using the draft letter provided by the Latino Caucus. In light of Council Member McCracken’s reservations, it was the concurrence of the Council to direct staff to draft an alternate letter of support to the Latino Caucus, and that the Mayor would have the authority to approve the draft and sign the letter.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council direct staff to draft a letter supporting M.O. 16-051507 the League of California Cities’ Latino Caucus Support Letter for SB59 and the Governor’s Water Infrastructure Upgrades Program. The motion carried unanimously.

Disposition: Approved.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
- Mayor Pro Tem Felipe Martinez:
  1. Spoke of concerns raised by parents of T-Ball participants, and requested that staff look into ingress/egress issues at the Sports Complex. Mr. Longley indicated that staff would look into the matter and provide a memorandum to the Council; and
  2. Thanked Public Works Director Baldo Rodriguez and his staff for their prompt removal of graffiti at Willow Avenue and F or G Street.
- Council Member Eddie Hernandez:
  1. Spoke of the activities at the Porterville Fair and encouraged everyone to support the event; and
  2. Inquired as to the status of the City Flag.
- Council Member McCracken stated that, on a personal note, Le Bistro was now closed on Mondays; open Tuesday through Thursday for breakfast and lunch; open Friday and Saturday for breakfast, lunch and dinner; and served Brunch on Sundays.
- Council Member Pedro Martinez:
  1. Advised everyone that the City of Porterville had raised $400 at the Cream of the Crop Softball Challenge, and thanked event participants;
  2. Requested a memorandum on the status of the improvements at the Putnam Community Center as previously authorized by the Council;
  3. Spoke of the need for two parking stalls near the concessions booth at the Sports Complex;
  4. Requested that the Council send a Letter to the Editor of the Porterville Recorder congratulating all of the high school graduates;
5. Spoke of the recently published crime report, and thanked the Police Department for its efforts. He then voiced support for a Neighborhood Watch Program and volunteered his assistance; and

6. Noted that approximately one year had passed since Mr. Hamilton’s appointment as Mayor, and congratulated him on his successful tenure.

   • Mayor Hamilton spoke of an aggressive individual at Hayes Field and voiced his interest in addressing the situation. City Attorney Julia Lew indicated that she would speak with the Mayor regarding ways in which the matter could be handled.

CLOSED SESSION
The Council recessed for five minutes at 9:09 p.m., then reconvened Closed Session.

ADJOURNMENT
The Council reconvened the public meeting, reported that no action had been taken, and adjourned at 9:50 p.m. to the meeting of May 30, 2007 at 6:00 p.m.

__________________________
Patrice Hildreth, Deputy City Clerk

SEAL

__________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM - PATRICIA STRAWN

SOURCE: Administration

COMMENT: Patricia Strawn has filed a claim against the City for property damage. Ms. Strawn is claiming that her residential property at 66 South Cobb was damaged by Porterville Police Department personnel, Inter-Agency Narcotic Enforcement Unit members, Sheriff Tactical Enforcement Personnel and members of the Tulare County Sheriff's Department on March 6, 2007. She states that the Law Enforcement personnel entered her property and searched it without a valid warrant, and did extensive damage.

The amount being claimed as the date of this claim is $3,482.78, based on repair and replacement estimates.

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

Item No. 2
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

CITY OF PORTERVILLE

RECEIVED
APR 18 2007
CITY OF PORTERVILLE
CITY CLERK OFFICE

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Patricia Strawn SS#: [Redacted]
Claimant's Telephone No: (559) 793-9370 (Cell) 305-9857 DOB: [Redacted]
Claimant's address: 2300 W. Morton Ave. #113 Porterville, Calif. 93257
Address where notices about claim are to be sent, if different from above:

As Above

Date of incident/accident: 3-6-07
Date injuries, damages, or losses were discovered: 3-6-07
Location of incident/accident: 666 S. Cobb St. Porterville, Calif 93257

(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 Attached

(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)? See Attached

What specific injuries, damages, or losses did claimant receive? See Attached

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

* See 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)] 3,482.78

How was this amount calculated (please itemize)? Windows $416.68 Doors & Screens $145.00
Front fence and gates $1,105.22
Extensive Miscellaneous $1,215.02

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

Date Signed: 4-17-07 Signature: Patricia Strawn

If signed by representative:

Representative's Name __________________________
Address _______________________________________
Telephone __________________________
Relationship to Claimant __________________________
Tuesday, April 17, 2007

To: Porterville Police Department's Special Investigations Unit
    Narcotic Unit Clandestine Laboratory Enforcement Unit
    Inter-Agency Narcotic Enforcement Unit
    Sheriff's Tactical Enforcement Personnel
    Tulare County Sheriff's Department

From: Patricia Strawn
2300 W. Morton Ave. #173
Porterville, California 93257

Re: Wanton and Excessive Destruction of Property without a full and complete copy of Probable Cause and Warrant.

To All It May Concern:

On the morning of March 6, 2007 about 9:30 AM, I turned onto Cobb Street, located in the city of Porterville. The street was blocked by numerous unmarked automobiles so I was forced to park down the block. When I arrived back at my property, it was obvious these officer’s had broken the front windows, torn off the security screen door, battered down the front door and frame and damaged the front fence by climbing over it, instead of using the gate.

These masked and unmasked cowards had my tenants, who are my son and daughter-in-law handcuffed in the front yard. They both have a history of drug addiction, but have been working a recovery program under a doctor’s care for the last year. Neither of them have even been arrested or involved in gangs or any violent activity.

As I watched in horror, these hulking, armed officers continued to destroy my personal and real property. Tearing off interior sheetrock, vents, stucco corner beading etc.

Our two tiny elderly Chihuahuas were at home and hyperventilating, scared, cowering, and darting about. My daughter-in-law was begging them to please be careful because of the animals. As I yelled for permission to access my property and retrieve the dogs and for the destruction to stop I was told by Detective G. Bonilla “to shut up or I’ll handcuff you and put you face down on the ground”. And then I heard the comment “We’ve called a squad car and you are going to be put in the back seat and taken down to the station.”

I was refused entry to my property and handed a Search Warrant Affidavit which did not contain vital information specified as attachments A and B, showing “Statement of Probable cause” made by a Michael Hallum, who later appeared on the scene wearing a mask. The mask didn’t do him much good since we all knew who he was. This vague warrant did state that pursuant to Penal Code Sec. 1524 this property (which has been in the family for over 60 years) was “Lawfully Seizable”.

Lt. Ron Castenada then appeared on the scene. He made it quite obvious to me, that he could care less about the damage and did not care to discuss what was happening. His only comments were personally aimed at me. Such as “You’re this guy’s mother and its not our problem that your son is a drug addict, you’re the one that raised him so this is all your problem”. After his departure the majority of the other officers apologized for his lack of compassion and stated he needed to retire ASAP.
Many slurs and derogatory remarks were directed my way, until Officer Dennis Mcelhaney told them “Shhh” He didn’t want to upset me further. I must say Officer Mcelhaney was very helpful and took the time to try to explain exactly what was going on.

Do to my disability status (coronary heart disease and chronic lung disease) I had to continuously return to my vehicle to self medicate. Using Nitroglycerine and inhalers as 4 to 5 hours passed that hot day.

By midday officers were coming and going, delivering sodas for this “Swat Team” and telephoning each other asking if anything was found. Finally they began packing up and were preparing to leave when Detective G. Bonilla asked me for my I.D., and had the nerve to suggest I might be there to purchase drugs! They left behind many types of drug testing vials and equipment, which I have kept. They found nothing to warrant this waste of taxpayer money and destruction and heartbreaking damage. All of the above was a true abuse of power by our public servants!

As the officers were leaving, both officers G. Bonilla and D. Mcelhaney suggested that I file for damages with Tulare County Risk Management and the City of Porterville. I am submitting invoices for the damages incurred (See attached 19 pages).

And am demanding Attachments A and B of the search warrant as they are part of the warrant and I feel I am entitled to them.

I will expect a timely response. I do want to thank the two officers that apologized for the disgraceful conduct of their comrades.

I received a follow up call on March 29, 2007, at 1:00 pm from Detective G. Bonilla regarding my claim. He wanted to know if the damages had been taken care of and if Risk Management was working with me on this. It is my understanding that all claims are automatically denied. If this is the truth, then I would like a copy of your policies and procedures pertaining to the processing of claims for damages.

Estimated Damages:

1. Windows, Porterville Glass $416.68
2. Front door and Security Screen, Tyler’s Home Pros $745.83
3. Front fence and Gate, Anderson Fence Company $1105.27
4. Extensive Miscellaneous, Tyler’s Home Pros $1215.00

Total Damages $3,482.78

Thank you

Patricia Strawn

Fax
SEARCH WARRANT AND AFFIDAVIT
STATE OF CALIFORNIA - COUNTY OF TULARE

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY SHERIFF, POLICEMAN, OR PEACE OFFICER IN THE COUNTY OF TULARE; proof by affidavit having been made before me by Michael Hallum swears under oath that the facts expressed by him in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizible pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant request that this Search Warrant be issued. Proof by affidavit having been made before me by Michael Hallum, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizible pursuant to Penal Code Section 1524 as indicated below by "x" (s) and in that it:

_____ was stolen or embezzled

X was used as the means of committing a felony;

_____ is possessed by a person with the intent to use it as a means of committing a public offense; or is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;

X is evidence which tends to show a felony has been committed or a particular person has committed a felony;

_____ is evidence which tends to show sexual exploitation of a child, in violation of Penal Code 311.3, has occurred or is occurring.

YOU ARE THEREFORE COMMANDED TO SEARCH: 854 W. Lybarger Ave Porterville Ca, 66 S. Cobb Porterville Ca 1168 S. Main St Space 11 Porterville Ca, White Oldsmobile Lic#3GSX281, Maroon Lincoln Lic#2NM011

FURTHER DESCRIBED IN ATTACHMENT A.

FOR THE FOLLOWING EVIDENCE:  Heroin and Items Associated with Heroin Sales, Methamphetamine

FURTHER DESCRIBED IN ATTACHMENT "B"

AND TO SEIZE IT IF FOUND and bring it forthwith before this court.

David De La Cruz, being sworn, says that on the basis of the information contained within this Search Warrant and Affidavit and the attached and incorporated Statement of Probable Cause, has probable cause to believe and does believe that the property described is lawfully seizible pursuant to Penal Code Section 1524, as indicated, and is now located at the location set forth. Wherefore, affiant requests that this Search Warrant be issued.

__________________________                NIGHT SEARCH REQUESTED: YES [X] NO [ ]
(Signature of Affiant)

This Search Warrant and incorporated Affidavit was sworn to and subscribed before me this day of March 2007, at ___ A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

__________________________                NIGHT SEARCH APPROVED: YES [X] NO [ ]
(Signature of Magistrate)

Judge of the Superior Court, Division.

( SW#07-70029 )
PORTERVILLE GLASS  
174 W. OLIVE AVE. 
PORTERVILLE, CA 93257

NAME / ADDRESS  
CASH  
PATRICIA STRAWN  
66 S. COBB

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPAIR 2 DUAL W/ GRIDS WINDOWS</td>
<td>416.68</td>
<td>416.68</td>
<td></td>
</tr>
<tr>
<td>SECURITY DOOR AND INSTALL</td>
<td>516.35</td>
<td>516.35</td>
<td></td>
</tr>
<tr>
<td>Sales Tax</td>
<td>7.75%</td>
<td></td>
<td>0.00</td>
</tr>
</tbody>
</table>

TOTAL: $933.03
Account # / CPP
Name PAT STRAWN
Address 66 S. COBB ST
City/State/Zip PORTERVILLE, CA 93257
Main Phone/2nd (559) 783-9370
Map/Directions DOWN THE STREET FROM RAULS HOUSE

Inv # 16224 Tck # 21121

GLASS DOCTOR
64 South D Street
Porterville, CA 93257
(559) 784-7100 Fax (559) 784-7110

Received 3/10/2007 11:04:23 AM
Dispatcher 3/12/2007 11:08:29 AM - 12:08:29 PM
Date/Time Technician _Unassigned, _Unassigned
3rd party PO# 3rd party Auth#
Our PO# Dispatch Code HOMEMOBILE

Task # Qty DESCRIPTION OF TASKS AMOUNT CHARGED
B579 1 C-DS-CLEAR-WOOD/ALUM/GLZ BEAD/ FLUSH GLZ/ VINYL WRAP
AI-DS-CLEAR 3 1/4 x 45 3/16 CA 11/16 W/ GRIDS MILL SPACER 255.46
B6 1 SIZE C MUNTIN BARS MUNTIN BARS - PER SQ FT 63.72
B579 1 C-DS-CLEAR-WOOD/ALUM/GLZ BEAD/ FLUSH GLZ/ VINYL WRAP
AI-DS-CLEAR 179.53
B6 1 SIZE C MUNTIN BARS MUNTIN BARS - PER SQ FT 63.72

GIVE ESTIMATE ON REPLACING 2 IU ON FRONT OF HOUSE @ 66 S. COBB ST. CUSTOMER WILL NOT BE HOME, JUST PULL BACK THE PLYWOOD

CONTRACTOR LICENSE #873607

Amount To Collect 0.00

Credit Card Payment Authorization
Print Name below as it appears on Credit Card

Payment Type CREDIT CARD # EXP

WORK ORDER

Replacement of the glass has been made to my satisfaction and my insurance company is hereby directed to release policy and coverage information and is hereby authorized to make payments directly to Glass Doctor. I agree to pay for any deductible myself.
# Estimate

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1) CLEAR/LOW-E DUAL PANE UNIT : 27 1/2 x 45 1/2</td>
<td>$568.35</td>
</tr>
<tr>
<td>1) CLEAR/LOW-E DUAL PANE UNIT : 33 1/2 x 45 1/2</td>
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</tr>
<tr>
<td>1) SECURITY SCREEN DOOR : 32 1/2 x 81</td>
<td>$460.00</td>
</tr>
<tr>
<td>LABOR FOR INSTALLING Sales Tax</td>
<td></td>
</tr>
</tbody>
</table>

**Total** $1,018.35

---

**Signature**
# Tyler's Home Pros

**CUSTOMER'S ORDER NO.** | **DEPARTMENT** | **DATE**
--- | --- | ---

**NAME** | Patricia Strawn  
**ADDRESS** | 66 S Cobb  
**CITY, STATE, ZIP** | Porterville, CA, 93257

<table>
<thead>
<tr>
<th>QUAN.</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Replace Damaged Front Door &amp; Security Screen</td>
<td>250.00</td>
<td>250.00</td>
</tr>
<tr>
<td>2</td>
<td>Repair Damaged Front Gate</td>
<td>75.00</td>
<td>75.00</td>
</tr>
<tr>
<td>3</td>
<td>Materials</td>
<td>120.83</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>195.83</strong></td>
<td><strong>195.83</strong></td>
</tr>
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Paid By:  
Check No.: 136

Received By: [Signature]

---

**Keep this slip for reference**
**Account # / CPP**
Name: PAT STRAWN
Address: 66 S. COBB ST
City/State/Zip: PORTERVILLE, CA 93257
Main Phone/2nd
Map/Directions: DOWN THE STREET FROM RAULS HOUSE

**Inv #**

**Tck # 21254**

**GLASS DOCTOR**
64 South D Street
Porterville, CA 93257
(559) 784-7100 Fax (559) 784-7110

**Received** 3/16/2007 9:06:56 AM
**Dispatcher**
**Date/Time** 3/16/2007 -
**Technician**

<table>
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<tr>
<th>Task #</th>
<th>Qty</th>
<th>DESCRIPTION OF TASKS</th>
<th>Material</th>
<th>Labor</th>
<th>AMOUNT CHARGED</th>
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<tr>
<td>991109</td>
<td>1</td>
<td>W32 X H32 SECURITY DOOR</td>
<td>175.00</td>
<td>0.00</td>
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<tr>
<td>991108</td>
<td>1</td>
<td>W32 X H32 WHITE DOOR W/ HARDWARE</td>
<td>410.00</td>
<td>900.00</td>
<td>910.00</td>
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</table>

WOOD DOOR WITH GLASS
COST $350.00 - $530.00

**CONTRACTOR LICENSE #873607**

**Amount To Collect** 0.00

Credit Card Payment Authorization

Print Name below as it appears on Credit Card

Payment Type CREDIT CARD # EXP

Date

**QUOTE**

Printed 3/16/2007 9:14:23 AM by derek
Proposal

Proposal Submitted To: Pat Strauman
Job Name

Address: 2520 S Cobb
Phone #: 303-504-756
Fax #: 303-756-3167

Job Location
Date: 3/21/07
Date of Plans

We hereby submit specifications and estimates for:

Will tear out damaged jams & doors and replace with new, 32" Fiberglass Entrace Door and install new Security Door & new locks and Dead Bolts

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

$101,000.00
(One Hundred Thousand and No/100) Dollars

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance
Signature
**Anderson Fence Co.**

All Types of Fencing - Installations & Materials
770 So. Main St., Porterville, Ca. 93257

**Date:** 03/21/07

**Name:** Pat Shown

**Address:** 66 S Cobb

**City:** Porterville

**Phone:** 783-9570  303-9857

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<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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<tbody>
<tr>
<td>Posts 2 7/8 x 6'</td>
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</tr>
<tr>
<td>Posts 3/8 x 6'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Posts 1 7/8 x 6'</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Posts 1 5/8 x 6'</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Top Rail 1 3/8 x 1 5/8</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Chain Link 3' 3 1/2' 4' 5' 6'</td>
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</tr>
<tr>
<td>Tension Wire Barbed Wire 5/8</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Walk Gate 2 4 x 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duo Drive 1 3/8 x 1 5/8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roll Gate 1 3/4 x 1 3/8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drop Rod Assembly 36&quot;  48&quot;</td>
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<td></td>
<td></td>
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<tr>
<td>Gate Hinges 1 5/8</td>
<td></td>
<td></td>
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<tr>
<td>Hanger Bolts Post Hinges</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fork Latches 2 7/8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ball Caps 2 7/8 3/8 1 7/8</td>
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<td></td>
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<tr>
<td>Eye Tops 1 7/8 1 5/8 Barbs 3/8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rail Ends 1 5/8 1 3/8 Sleeves</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brace Bands 2 7/8 2 3/8 1 7/8 1 5/8</td>
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<td></td>
<td></td>
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<tr>
<td>Tension Bands 2 7/8 3/8 1 7/8 1 5/8</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Tension Bars 3' 3 1/2 4' 6' 5' 6'</td>
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<td></td>
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<tr>
<td>Nuts &amp; Bolts 2.4 Truss Rods Tighteners</td>
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</tr>
<tr>
<td>Ties 1/4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hog rings 2 5/8 9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subtotal:** 275.77

**Tax:** 24.37

**Total:** 300.14

**Labor:** 1,105.27

**Price Subject to Change Without Notice**
# INSTALLED SALES ESTIMATE

**Customer Name:** Patricia Strawn  
**Date:** 3/21/07

**Billing Address:** C.S. Cobb  
**City:** Porterville  
**State:** CA  
**Zip:**

**Job Address:**  
**City:**  
**State:**  
**Zip:**

**Nearest Cross Street:** Olive  
**Phone:** 233-9370

**Salesman:**  
**Checked By:**  
**Phone:** 703-9857

**Wood:**  
**Chain Link:**  
**Iron:**  
**Other:**

---

**How Did You Hear About Rebel?**  
- Yellow Pages  
- TV  
- Radio  
- Flyer  
- Friend  
- Other

---

**Visalia (559) 734-7444 - Contractor's License #547053 - Fax: (559) 734-3569**  
**MUST HAVE DEPOSIT BEFORE JOB CAN BE SCHEDULED**

---

**Installed Sales Due & Payable Upon Completion.**

**Estimates Do Not Include Permits, Painting, Grading, Site Prep, Backhoe, Landfill & Excavation.**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>71-1/4' Chain Link Fence</td>
<td>$1927</td>
</tr>
<tr>
<td>2</td>
<td>12 1/2' R/G Jts</td>
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</tr>
<tr>
<td>1</td>
<td>4 x 3 W/G T</td>
<td></td>
</tr>
<tr>
<td>11/2</td>
<td>4' Fabric</td>
<td></td>
</tr>
<tr>
<td>3/4</td>
<td>1/2 Top Rail</td>
<td></td>
</tr>
<tr>
<td>23/4</td>
<td>7/8 Post 4x 4' x 12' x 5'-0'</td>
<td></td>
</tr>
<tr>
<td>W/Dash</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**ALL CHANGES MUST BE CLEARED WITH OUR OFFICE**  
**CUSTOMER APPROVAL OF ESTIMATE**
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>replace damaged drywall. approx. 60 sq. ft.</td>
<td>350.00</td>
</tr>
<tr>
<td>tape, texture, and paint to match</td>
<td>415.00</td>
</tr>
<tr>
<td>replace damaged air ducts and vents</td>
<td>200.00</td>
</tr>
<tr>
<td>demolition and debris removal</td>
<td>250.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,215.00</strong></td>
</tr>
</tbody>
</table>
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 two (2) adjustments proposed for tonight's Council meeting.

No. 1: Department of Motor Vehicles Auto Theft Prevention Funds
The Police Department has received an allocation of DMV Auto Theft Prevention Funds in the amount of $54,084.96 for the current fiscal year, to be utilized in the purchase of equipment and technology to prevent auto theft. This budget adjustment codifies in the budget the revenue received.

No. 2: Department of Motor Vehicles Auto Theft Prevention Funds
The Police Department has received an allocation of DMV Auto Theft Prevention Funds in the amount of $54,084.96 for the current fiscal year, to be utilized in the purchase of equipment and technology to prevent auto theft. This budget adjustment codifies in the budget the expenditure of the funds.

RECOMMENDATION: That the Council approve the attached budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
CITY OF PORTERVILLE
Budget Adjustments

Date: June 5, 2007

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
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<tbody>
<tr>
<td>025-4516</td>
<td>1</td>
<td>Department of Motor Vehicles Auto Theft Prevention Funds</td>
<td>State of California</td>
<td>$54,084.96</td>
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<tr>
<td>025-5020-009-660</td>
<td>2</td>
<td>Department of Motor Vehicles Auto Theft Prevention Funds</td>
<td>State of California</td>
<td>$54,084.96</td>
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</tbody>
</table>

Modification No: 9-06/07
COUNCIL AGENDA: JUNE 5, 2007

SUBJECT: ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: The Home Builders Association of Tulare/Kings Counties, Inc. has requested that they be notified of the annual adjustment of the attached fees, which are adjusted annually by application of the ENR Cost Index. Most of the fees in Exhibit “H” Connection Fees were in effect before January 1, 1989 (the effective date of the Mitigation Fee Act) and have only been increased by the Engineering News Record 20 City Construction Cost Index. The fees subject to the Act, that were adopted or increased after its effective date, were adopted or increased in accordance with those regulations. Again this year, City staff is giving notice to the Home Builders Association for the fees covered by the Mitigation Fee Act. The applicable fees are: 1) Hillside Development Trunk Line Sewer Fees; 2) Hillside Development Water Trunk Fees; 3) Transportation Impact Fees; and 4) Parks Impact Fees.

In accordance with prior City Council authorization, staff calculates and adjusts all of the attached fees annually. The policy as of 2003 is to give the Council notice of all of the attached adjustments annually (whether they are subject to the Mitigation Fee Act or not) before the new fees become effective.

The fee adjustments are shown in the attached Exhibit “A” Park Impact Fees and Exhibit “H” Connection Fees and will go into effect on July 1, 2007.

RECOMMENDATION: Consistent with agreements and previous instructions, this report is provided for information purposes. It is recommended that the City Council use this information to inform any citizens that may inquire about fee adjustments.

ATTACHMENT: Exhibit “A” Park Impact Fees
Exhibit “H” Connection Fees

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX - 2007-06-05 DOC

Dir [Signature] Appropriated/Funded [Signature] CM [Signature]

Item No. 4
### EXHIBIT 'A'

**PARK IMPACT FEES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date 07/01/06</th>
<th>Effective Date 07/01/07*</th>
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</thead>
<tbody>
<tr>
<td>1. Single Family (R-1) Δ</td>
<td>$575</td>
<td>$594</td>
</tr>
<tr>
<td>2. Multiple Family Per Unit Δ</td>
<td>$446</td>
<td>$461</td>
</tr>
<tr>
<td>3. Mobile Homes Δ</td>
<td>$322</td>
<td>$333</td>
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</table>

To be increased annually by the Engineering News Record Construction Cost Index.

ΔResolution #2-99 (Establishing ENR Annual Adjustment)

* Based on ENR Index = 7942 dated 5/07/07

◊ Fees Covered by the Mitigation Fee Act
EXHIBIT 'H'
CONNECTION FEES

TRUNK LINE SEWER FEES
1. Hillside Development - per acre (Δ 142-02)◊
2. Single Family (R-1) - per acre (Δ 94-90)
3. Duplex (R-2) - per acre (Δ 94-90)
4. Multiple Family (R-3 & R-4) - per acre (Δ 94-90)
5. Institutional - per acre**(Δ 94-90)
6. Commercial & Professional Office - per acre**(Δ 94-90)
7. Industrial - per acre**(Δ 94-90)

EFFECTIVE DATE
7/1/06  7/1/07*
$875   $904
$1,603  $1,656
$3,727  $3,849
$8,694  $8,979
$604   $624
$2,266  $2,340
$9,672  $9,989

TREATMENT PLANT FEES
1. Single Family and Multiple Family - per unit (Δ 67-03)
2. Commercial and Industrial - per sewer connection
   (Δ 67-03)

EFFECTIVE DATE
7/1/06  7/1/07*
$2,630  $2,716
$9.40   $9.71
(per gpd) (per gpd)
($2,630.00) ($2,716.00)

SEWER CONNECTION CHARGES
1. Six Inch or Smaller - per foot
2. Eight Inch - per foot

EFFECTIVE DATE
7/1/06  7/1/07*
$8.66   $8.94
$11.37  $11.74

WATER TRUNK FEES
1. Hillside Development - per acre  (Δ 142-02) ◊
2. Single Family (R-1) - per acre (Δ 93-90)
3. Duplex (R-2) - per acre (Δ 93-90)
4. Multiple Family (R-3 & R-4) - per acre (Δ 93-90)
5. Institutional**(Δ 93-90)
6. Commercial and Professional Office - per acre**(Δ 93-90)
7. Industrial - per acre**(Δ 93-90)

EFFECTIVE DATE
7/1/06  7/1/07*
$1,259  $1,300
$2,626  $2,712
$6,573  $6,788
$15,345 $15,848
$1,714  $1,770
$1,973  $2,038
$15,155 $15,652

WATER CONNECTION FEE
1. Connection Charges - per foot

EFFECTIVE DATE
7/1/06  7/1/07*
$7.41   $7.65

STREET LIGHT FEES
1. Multiple Family - per foot
2. Commercial/Industrial - per foot

EFFECTIVE DATE
7/1/06  7/1/07*
$2.25   $2.32
$2.84   $2.93
STORM DRAINAGE FEES

1. Single Family (R-1) - per acre (inc. Hillside Dev.) (Δ 95-90)
   7/1/06    7/1/07*
   $4,325    $4,467
2. Duplex (R-2) - per acre (Δ 95-90)
   $5,769    $5,958
3. Multiple Family (R-3 & R-4) - per acre (Δ 95-90)
   $8,654    $8,938
4. Commercial, Industrial & Institutional - per acre (Δ 95-90)
   $11,536   $11,914

FIRE HYDRANT FEES

1. Multiple Family - per foot
   7/1/06    7/1/07*
   $2.94     $3.04
2. Commercial/Industrial - per foot
   $4.36     $4.50

TRANSPORTATION IMPACT FEES◊

1. Single Family (R-1) per unit (Δ 50-98)
   7/1/06    7/1/07*
   $925      $955
2. Multiple Family (per unit) (Δ 50-98)
   $626      $647
3. General Office/ Institutional (per 1,000 sq ft of gross floor) (Δ 50-98)
   $2,381    $2,459
4. Commercial (per 1,000 square feet of gross floor area) (Δ 50-98)
   $4,530    $4,678
5. Light Industrial (per 1,000 square feet of gross floor area) (Δ 50-98)
   $675      $697

FRONTAGE IMPROVEMENT VALUATION

1. Frontage Improvements are required when the building permit valuation is over ◆
   (Beginning 2/19/04 - over a two-year period)
   7/1/06    7/1/07*
   $16,445   $16,984

◊ Resolution Establishing ENR Annual Adjustment
◆ Ordinance No. 1644 dated 2-19-04 (includes Annual Adjustment by ENR)
*Based on ENR Index = 7942 dated 5/07/07

** Institutional, Commercial and Industrial water and sewer trunk line fees will be
   collected based upon the amount stated above, but shall be adjusted after monitoring
   of actual usage to the following fees:

Water - $157.20 per 100 GPD of actual average demand (adjusted annually by the
   ENR Construction Cost Index).

Sewer - $133.62 per 100 GPD of actual daily flow (adjusted annually by the ENR
   Construction Cost Index).

BSR:MKR:vs

P:\PUBWORKS\ENGINEERING\CONNECTION FEES\2007 FEE ADJUSTMENT\EXHIBIT H 2007 ALL FEES DOC
SUBJECT: AIRPORT LEASE RENEWAL – LOT 49A

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: Mr. & Mrs. Michael Wall are the current leaseholders of Lot 49A at the Porterville Municipal Airport. The lease expired on May 31, 2007; however, the lease terms allow for options to extend the lease in five-year periods, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We have received a request from Mr. Wall dated May 21, 2007, asking to continue his lease on Lot 49A. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to May 31, 2012.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. & Mrs. Michael Wall of Porterville, CA, for Lot 49A at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Wall requesting renewal
Paragraph 2 of original Lease Agreement
To Whom it may concern:

I, Michael Wall request the City of Porterville to continue my lease on property located at the Porterville Airport located at hanger 49A.

Regards,

[Signature]

5/21/07

[Signature]
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of June, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and HERBERT H. AND DOROTHY ANN DENLINGER hereinafter referred to as "Lessees".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, It is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service:

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:
   (a) Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence when both parties have executed the same and shall terminate on May 31, 2002. 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 additional periods of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five year extension. Lessor is not obligated to grant any extension but such shall not be unreasonably withheld.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.1662 per square foot per year. Inasmuch as the lease site contains approximately 2,600 square feet of land area, said rental rate will be $ 432.12 per year payable in advance on June 1st of each year of this lease. See Exhibit "A" attached.

At the end of each year of this lease, the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date of rate adjustment.

4.a Purpose: This Lease is made for the purpose of constructing and operating an aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above.

Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the
PUBLIC HEARING

SUBJECT: IRACHETE ESTATES TENTATIVE SUBDIVISION MAP (VICENTE IRACHETE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of the Irachete Estates Tentative Subdivision Map, which would divide a 2.75± acre parcel zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase. The subject site is generally located on the west side of Lime Street, 120± feet north of Sandra Court.

This tentative subdivision map is part of a previously approved map (Quail Park, December of 1989) that has since expired. The previously approved subdivision was to be completed in three phases but only the first of the three phases was constructed.

The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development-less than five (5) acres. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

RECOMMENDATION: That the City Council:

1. Adopt a draft resolution approving Irachete Estates Tentative Subdivision Map pursuant to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING- STAFF REPORT

TITLE: IRACHETE ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Vicente Irachete
7758 Bollenbacher Dr.
Pico Rivera, CA 90660

AGENT: Marge Balsley, AICP, Associate Planner
R.L. Schafer & Associates
Visalia, CA 93291

PROJECT LOCATION: The project site is generally located on the west side of Lime Street, 120± feet north of Sandra Court.

SPECIFIC REQUEST: The applicant is requesting approval for the Irachete Estates Tentative Subdivision Map.

PROJECT DETAILS: The applicant is requesting approval of the Irachete Estates Tentative Subdivision Map, which would divide a 2.75± acre parcel zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase. The proposed subdivision will be developed to a density of 4.3 d.u./acre. Though the site is located in a geographic area with an average slope of greater than 6% the site is physically suitable for the type and density of the proposed development. There is no hillside ordinance in effect.

This tentative subdivision map is part of a previously approved map (Quail Park, December of 1989) that has since expired. The previously approved subdivision was to be completed in three phases but only the first of the three phases was constructed.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: City - Vacant land. R-1 Single family residential
South: City – Developed Single family residential (Quail Park Phase 1)
East: City - Single family residential uses.
West: County - Developed single family rural residential.

SUBDIVISION REVIEW: Although the proposed project is categorically exempt from CEQA, the public hearing notice and proposed tentative map have been transmitted to
public/private agencies for a 10-day review period from May 23, 2007 to June 2, 2007. As of this date, no agencies have responded. The following agencies were sent a notice of public hearing:

San Joaquin Unified Air Pollution District  No response
Resources Management Agency- Long Range Planning   No response
Resources Management Agency- Engineering/Flood/Traffic Division  No response
Tulare County Health and Human Services Agency  No response
California Regional Water Quality Control Board  No response
Tulare County Association of Government  No response
Tulare County Farm Bureau  No response
Charter Communications  No response
Southern CA Edison  No response
Postmaster  No response
Pacific Bell  No response
Southern CA Gas  No response
Porterville Unified School District  No response
Burton Elementary School District  No response

The Subdivision Review Committee, on May 23, 2006, discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to divide the 2.75± acre site zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots is consistent with the General Plan’s Low Density Residential land use designation. Additionally, development of this site will in-fill an area that has been vacant for some time.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development-less than 5 acres.
DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: April 2, 2007

DATE ACCEPTED AS COMPLETE: April 2, 2007

RECOMMENDATION: That the City Council adopt draft resolution approving the Irachete Estates Tentative Subdivision Map.

ATTACHMENTS:

1. Irachete Estates Tentative Subdivision Map
2. Notice of Exemption
3. Draft Resolution of Approval
NOTICE OF EXEMPTION

TO: Office of Planning and Research  Tulare County Clerk
    1400 Tenth Street, Room 121  County Civic Center
    Sacramento, CA 95814  Visalia, CA 93291

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

Irachete Estates Tentative Subdivision Map
Project Title

The project site is located generally on the west side of Lime Street 120+ feet north of Sandra Court.
Project Location (Specific)

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

The applicant is requesting approval for the Irachete Estates Tentative Subdivision Map to divide a 2.75+ acre parcel
zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Bradley Dunlap, Community Development Director
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

_____ Ministerial (Section 15073)
_____ Declared Emergency (Section 15071 (a))
_____ Emergency Project (Section 15071 (b) and (c))
_____ Categorical Exemption. State type and section number: Section 15332
X “In-fill” Exemption - 14 Ca. Admin. Code 15332, Class 32

In-fill development within the City limits less than five acres substantially surrounded by urban uses.

Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:

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

Signature:  

ACTING CD DIRECTOR  Community Development Director
Title

p|comdev\jose\planning\NoticeExemption\recyclingprogram

ATTACHMENT
ITEM NO. 2
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR IRACHETE ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 2.75± ACRE SITE LOCATED GENERALLY ON THE WEST SIDE OF LIME STREET, 120± FEET NORTH OF SANDRA COURT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 5, 2007, conducted a public hearing to consider approval of Irachete Estates Tentative Subdivision Map, being a division of a 2.75± acre parcel into a twelve (12) lot single family residential subdivision in one (1) phase for that site located generally on the west side of Lime Street, 120± feet north of Sandra Court; and

WHEREAS: The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development-less than 5 acres; and

WHEREAS: Although the proposed project is categorically exempt from CEQA, the public hearing notice and proposed tentative map were transmitted to public/private agencies for a 10 day review period from May 23, 2007 to June 2, 2007; and

WHEREAS: The Subdivision Review Committee on May 23, 2007, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of that meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.3 d.u./acre.

No recent traffic counts have been conducted in the area of the subject site. The Circulation Element of the Porterville General Plan indicates that two lane collector streets (60 feet wide) have the capacity of 12,500 ADT. Lime Street is a collector street. Based on 9.55 average daily trips per dwelling, 114.6 trips per day will be generated at full build-out. It is not
anticipated that the additional traffic generated by the proposed development should reduce the performance of the streets/avenues in this area since they have been designed to handle the proposed intensity of development.

2. That the site is physically suitable for the type and density of the proposed development. Though the site is located in a geographic area with an average slope of greater than 6%. The proposed subdivision mirrors the adjacent subdivision to the south. Therefore, the proposed density is suitable for the area.

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

The General Plan designates the site for Low Density Residential uses. The site is surrounded by vacant land zoned R-1 (One Family Residential) to the north and developed single family residential subdivisions to the south and west of the subject site. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site. The code provides for design standards for the creation of new residential parcels. Included in these standards is a maximum depth of 180 feet.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Irachete Estates Tentative Subdivision Map subject to the following conditions:

1. The street aligns with and will be named Gerry Court.

2. Re-locate hydrant located on Gerry Ct from in front of Lot 1 to between Lots 2 & 3 to meet the requirements set forth in Table III-B CFC.

3. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans,

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

5. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). An additional right of way shall be limited to Gerry Court. The ultimate westerly right of way width exists along Lime Street.

6. The developer/applicant shall submit a Tentative Subdivision Map in conformance with Section 21-15 of the Subdivision Ordinance.

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

8. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

9. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. Access rights shall be relinquished along the Lime Street frontage of Lot 1 and Lot 12.

10. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any, and (3) Public walls/fences, if any.
11. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

- Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
- Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

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

13. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

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

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

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

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

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

20. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full Lime Street frontage except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

21. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
   a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
   b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
c. Street base rock for accessibility by the public safety officials and building inspectors;
d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
e. Lot corners are marked;
f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

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

23. The developer/applicant shall extend storm drain pipe across the full Lime Street frontage. An existing pipeline was extended during the development of Quail Park, Phase 1.

24. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that
are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

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

26. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.

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

28. The developer/applicant shall be aware that an existing sewer main, Master Plan facility, exists within Lime Street from Mulberry Avenue to Reid Avenue.

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

30. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street lights shall be 5800 lumen and installed at 160-foot staggered intervals along Gerry Court. Street lights shall be 9500 lumen and installed at 320-foot intervals along the west side of Lime Street.

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

32. The developer/applicant shall construct a new water main along the Gerry Court alignment and abandon the existing main by total removal. Exiting water main connections shall be performed by the hot tapping method.

33. The developer/applicant shall have a Civil Engineer design a water system
that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

34. The developer/applicant shall extend an 8” water main from Gerry Court, where it exists, to the northern limits of the proposed development.

35. The developer/applicant shall dedicate a 15’ wide water main easement along the lot line between Lot 6 and Lot 7.

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

37. When fees are paid, a more thorough study will be made. At that time additional conditions may be found to be necessary or some of the above conditions may be found to be unnecessary.

38. The developer/applicant shall install a refuse container enclosure according to City Standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct stab pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

39. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. Root barriers are required for all trees planted within ten feet of public sidewalks.

40. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Lime Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the side yards of lots abutting Lime Street.

41. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. Submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public landscaping, if any; (4) Public walls/fences, if any; (5)
Drainage reservoirs, if any, and (6) any other public improvement. The
developer/applicant shall prepare an Engineer’s Report for the establishment
of assessments in order to provide for ongoing maintenance of subdivision
improvements to be included within the Lighting and Landscape Maintenance
District. The Lighting and Landscape Maintenance District shall be
established, or the annexation into an existing District shall be concluded, and
landscape and lighting improvements shall be completed and accepted
concurrently with the other improvements in the project. Exclusive of
assessments for a Lighting and Landscape Maintenance District, the
developer/applicant shall pay all service fees and maintain all new lighting
and landscape improvements in a safe and healthy manner for the greater of a
minimum ninety-day plant establishment period following acceptance of the
subdivision improvements, or until assessment begins for the Lighting and
Landscape Maintenance District.

42. Depending on the location of the existing fire hydrant(s), additional fire
hydrants may be required. All hydrants must be in place and accepted by the
Fire Department prior to any combustibles being brought onto the site.

43. The City will test and maintain all fire hydrants in the City whether on private
property or not. An "easement" is required from the owner.

44. Fire hydrant spacing shall be as follows:
In Residential development, one hydrant shall be installed at 500-foot
intervals.

45. Project must meet minimum fire flow requirements per the table in Appendix

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
TITLE: CONDITIONAL USE PERMIT 4-2007 – PROPOSED “BRICKHOUSE BAR AND GRILL” TO BE LOCATED AT 152 NORTH HOCKETT STREET (FORMERLY THE SCHORTMAN’S CYCLERY BUILDING)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants are requesting approval of a conditional use permit to allow for a bar and grill with the serving of beer, wine and distilled spirits in conjunction with live entertainment, a separate bar and a billiards room to occupy 5,500 ± square foot of floor area located at 152 North Hockett Street. The proposed name of the business will be “The Brickhouse Bar & Grill”. In conjunction with the proposed conditional use permit, the applicants are proposing to develop the south/east corner, which provides parking for the adjacent warehouse; the new space will be occupied by a portion of the bar and tenant spaces. The subject site is located in the C-2 (Central Commercial) Zone.

The bar and grill will occupy a 5,500± square feet building. The dining area, bar, dance floor, stage and mezzanine will be located in the existing brick building with the kitchen, restrooms and billiards room in the expanded warehouse, as shown on the floor plan in (EXHIBIT “A”). In addition to the bar and grill the expansion of the warehouse will provide 4,400± square feet of commercial tenant space.

The existing brick building currently has no onsite parking. The existing metal warehouse currently has an indoor loading zone and five (5) on-site parking spaces, one (1) being a substandard-sized ADA space. Based on the current warehouse being expanded and the parking spaces being eliminated, in order to take advantage of the In-Lieu exception of the parking district, ten (10) parking spaces must be accounted for by fee. The developer has offered to help fund some improvements to the public parking lot to the north; reconstruction of the parking lot would be appropriate considering the condition. As such, the RDA is exploring funding sources for the parking lot rehabilitation and will be including a project in the RDA budget for the 2007-08 fiscal year.

The project being located in parking district (B), the following scenarios for providing parking for the proposed uses are applicable:

<table>
<thead>
<tr>
<th>Potential Parking Demand</th>
<th>77 Spaces</th>
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<tr>
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[Signature] CM

ITEM NO. 7
In 2001, Omni-Means Consulting prepared a Downtown Parking Management and Implementation Study found that this location had a Peak Hour Occupancy of 94% for the parking lot and 100% for on street parking. With this area having the highest parking demand reported in the survey results, it can be concluded that this area is highly impacted. The survey was specific to day time hours and further studies would be required to measure the true parking demand and impact as related to this project. In addition, the development of the parking lot to the south and the expansion of Long’s have altered the scenario, giving further reason to study the area. It is however anticipated that the greatest intensity of the proposed use will occur after normal business hours.

Currently, five (5) off-street parking spaces, a fifty-nine (59) space public parking lot to the north, four (4) on-street spaces to be added to the south with grant funds, and two (2) additional public parking lots south and the south-west, exist in the area.

The elimination of five (5) off-street parking spaces on the site and the requirement for five (5) additional spaces for the expansion will be addressed with the in-lieu fee provision. In Section 2300, parking district zone (B), the Zoning Ordinance allows the expansion of the warehouse; however, in-lieu of providing parking, the applicant must pay a $2,500 fee per parking space. The ratio of parking for this area is one (1) required space for each 600-square feet of floor area. All fees collected pursuant to Section 2300 shall be deposited in a special fund with said fund to be used only for the purpose of acquisition of properties and construction of parking spaces within Vehicle Parking District Number one (1).

As allowed in Section 2100 of the Zoning Ordinance, the serving of alcohol conjoined with the serving of meals does not necessitate a conditional use permit; however, a permit is required for the live entertainment, separate bar and billiards.

Section 801.5 A-8 of the Porterville Zoning Ordinance states:
“Bar and nightclub. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance”

The applicants have indicated that the establishment will optionally be serving food in conjunction meals in the same area of the separate bar. Department of Alcoholic Beverage Control (ABC) records indicate that type 48, 58 and 30 licenses are active at the Mint at 940 W Morton Avenue which will be transferred to this location. The establishment is located in Census Tract 38.02 and currently there are eleven (11) on-sale licenses approved and one (1) pending for the area. Any number over four (4) licenses is considered an over concentration and the applicant is required to submit for a Letter of Public Convenience or Necessity to ABC, to transfer the license to the Hockett location. It does not require the City’s approval of a finding of Public Convenience or Necessity.
The ABC Type 48, 58 and 30 permits, allow beer, wine and distilled spirits on-site and off-site sales, with or without the serving of meals. The Type 48 is a General, On-Sale license allowing all types of alcohol sales on and off-site. The Type 58 is an alcohol-catering permit. Both licenses allow off-site sales; the applicants have indicated off-site sales and catering will not be conducted from this location; however persons under the age twenty-one (21) will be permitted in the establishment.

The subject site is located within 600 feet of an existing church. Section 2100 B-2 (f) of the Porterville Zoning Ordinance states: “Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church), the outdoor advertising of alcoholic beverages shall be prohibited.”

The hours of operation will be Monday through Sunday from 10:00 a.m. to 2:00 a.m. Any substantial change in these hours would require approval by either the Zoning Administrator or City Council.

The main entrance to the establishment will be fronted on Hockett Street to the west with an additional entrance and exit on the north and in the alley to the east (Division Street). The facade of the existing warehouse will be refinished to be architecturally compatible to the brick building. New metal siding panels and canopies will be installed, copper in color and outlined brick-veneer, red in color. Depicted on the plans are complementary styled gooseneck exterior lights and signs. Also proposed on the west elevation of the building are a mural, portrayal unknown, and a stained glass window, advertising the “Brickhouse”.

Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the California Environmental Quality Act.

RECOMMENDATION: It is recommended that the City Council consider the draft resolution approving Conditional Use Permit 4-2007 subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: JUNE 5, 2007

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 4-2007

APPLICANT: David Gonzales
561 N. Cloverleaf St.
Porterville, CA 93257

SPECIFIC REQUEST: The applicants are requesting approval of a conditional use permit to allow for a bar and grill with the serving of beer, wine and distilled spirits in conjunction with live entertainment, a separate bar and a billiards room to occupy 5,500 ± square foot of floor area located at 152 North Hockett Street. The proposed name of the business will be “The Brickhouse Bar & Grill”. In conjunction with the proposed conditional use permit, the applicants are proposing to develop the south/east corner, which provides parking for the adjacent warehouse; the new space will be occupied by a portion of the bar and tenant spaces. The subject site is located in the C-2 (Central Commercial) Zone.

PROJECT DETAILS: The bar and grill will occupy a 5,500± square feet building. The dining area, bar, dance floor, stage and mezzanine will be located in the existing brick building with the kitchen, restrooms and billiards room in the expanded warehouse, as shown on the floor plan in (EXHIBIT “A”). In addition to the bar and grill the expansion of the warehouse will provide 4,400± square feet of commercial tenant space.

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Pursuant to Section 15301 Class I (Existing Facilities), the proposed project is categorically exempt from the California Environmental Quality Act.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for General Commercial uses and is zoned C-2 (Central Commercial) Zone.

SURROUNDING AREA ZONING AND LAND USE:

NORTH: City C-2 – Public parking lot and Mill Street
SOUTH: City C-2 – Oak Street and public parking lot
EAST: City C-2 – Alley and commercial business and residential
WEST: City C-2 – Hockett Street and commercial businesses

ENVIRONMENTAL: Pursuant to Section 15301 Class I (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

STAFF ANALYSIS: On March 7, and April 4, 2007, the Project Review Committee reviewed the applicants’ request for compliance with the C-2 (Central Commercial) Zone. Porterville Zoning Ordinance Section 801.5, allows a “bar and nightclubs”, “billiards & pool halls” and “restaurants or cafes which includes dancing and/or entertainment”, subject to approval of a conditional use permit as defined in Section 2100B of the Zoning Ordinance.

Section 2100B of the Zoning Ordinance allows conditions of approval to be applied to the uses proposed at this location which will contribute to mitigating the environmental and safety issues.

Section 2300 of the Porterville Zoning Ordinance allows fees to be paid in-lieu of providing parking. The Downtown Parking Management and Implementation Study identified the subject site as being the most highly use parking location in the downtown area; in light of the comments from the study and the potential parking congestion, consideration should be given to the type of uses allowed, the hours of operation and the cost of reconstructing the parking lot.
The City parking lot north of the subject site is in an extremely deteriorated condition and a potential safety concern. Mitigation measures have been written into the conditions of approval, which may prevent injuries to pedestrians.

The reconstruction, as proposed, would help revitalize the Porterville downtown area, provide public entertainment and assist with funding the reconstruction of the parking lot.

The subject site is in the vicinity of sensitive uses such as residential units, a church and a recovery program. According to the Department of Alcoholic Beverage Control this area is allowed four (4) on sale licenses without being over concentrated, if permitted, this could be the thirteenth (13) license for this census tract.

**ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:**

1. **No project.** Denial of the proposed use permit would prohibit the applicant from providing live entertainment, alcohol consumption separate from meals and billiards at this location.

2. **Approve the project.** Approval of the request would allow the applicant to establish live entertainment, alcohol consumption separate from meals and billiards at this location.

**DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING:** March 7, 2007

**DATE ACCEPTED AS COMPLETE:** May 23, 2007

**RECOMMENDATION:** It is recommended that the City Council consider the draft resolution approving Conditional Use Permit 4-2007 subject to conditions of approval.

**ATTACHMENTS:**

1. Locator, Zoning, Land Use and General Plan Map
2. Conditional Use Permit Application
3. Notice of Exemption
4. Draft resolution approving Conditional Use Permit 4-2007 to include Exhibit “A”- Floor Plan, Elevation Plan and Colored Elevation
CONDITIONAL USE PERMIT #4-2007

LAND USE MAP

CB = COMMERCIAL BUSINESS
PL = PARKING LOT
■ = MULTIPAL FAMILY RESIDENTIAL

GENERAL PLAN MAP

= GENERAL COMMERCIAL
= PUBLIC AND QUASI-PUBLIC

CURRENT ZONING MAP

C-2 = GENERAL COMMERCIAL
NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: The Brickhouse Bar And Grill

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
Jim & Sherry’s Mint, 561 North Cloverleaf Street, Porterville Ca. 93257
559-783-9176, 559-719-8507, 559-310-6163

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Chris Sanders, 492 West Kanai, Porterville Ca. 93257

PROJECT ADDRESS AND NEAREST CROSS STREETS:
152 North Hockett Street, Porterville Ca. 93257
Nearest cross streets are Oak Street and Division Street.

The applicant requests a Conditional Use Permit to use the above described property for the following purposes: For the operation of a Bar and Grill with entertainment.

Date of most recent sale of property: 12/28/2006

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

List below the original deed restrictions pertaining to the type of improvements permitted.
None

Date said restrictions expire: N/A

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

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

   The type of venue will be beneficial to the public by providing entertainment downtown.

   The area is properly zoned for the intended use.

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

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

      100

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

      4

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

      0

   (d) Maximum height of buildings or structures.

      16

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

      N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>APN</th>
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OWNER’S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE )

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

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

Porterville CA. 93257 this 8 day of May, 2007.

Telephone (559) 219-8507 Signed **Del My**

Mailing Address 521 N. Clovenhead St

Porterville CA.

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

Received ___________________________ Receipt No. ___________

Date

By ____________________________________________

3
NOTICE OF EXEMPTION

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93258

David Gonzales
561 N. Cloverleaf Street
Porterville, CA 93257

Conditional Use Permit 4-2007
Project Title
Generally located on the north/east corner of Hockett Street and Oak Avenue, (152 N. Hockett Street)
Project Location (Specific)
City of Porterville
Tulare County
Project Location (City)
Project Location (County)

Conditional Use Permit 4-2007 proposes allow for a bar and grill in conjunction with the serving of beer, wine and distilled spirits with live entertainment and a separate bar in 5,300 square feet of an existing building and a portion of a building to be expanded in the C-2 (Commercial) zone for use by the general public.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

David Gonzales, 561 N. Cloverleaf Street, Porterville, CA 93257
Person or Agency Carrying Out Project

Exempt Status: (Check One)

- Ministerial (Section 15073)
- Declared Emergency (Section 15071 (a))
- Emergency Project (Section 15071 (b) and (c))
- Categorical Exemption - 15332, Class 32
- Categorical Exemption - 15301, Class 1

Existing Facility and In-fill development - Less than 5 acres.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

IfFiled by Applicant:

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

Date Received for filing:_______
Signature
Community Development Director
Title

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 4-2007 TO ALLOW FOR A 5,300± SQUARE FEET BAR AND GRILL WITH LIVE ENTERTAINMENT TO BE LOCATED AT 152 NORTH HOCKETT STREET (FORMERLY THE SHORTMAN’S CYCLERY BUILDING)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of Jun 5, 2007, conducted a public hearing to consider Conditional Use Permit 4-2007, being a request to allow for live entertainment in conjunction with the serving of beer, wine and distilled spirits with a separate bar to occupy 5,300± square feet of an existing building and a building to be expanded located at 152 North Hockett Street in the C-2 (Central Commercial) Zone; and

WHEREAS: Section 801.5 A of the Porterville Zoning Ordinance states: “Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of 2100B of this Ordinance”; and

WHEREAS: Section 801.5 A-4 of the Porterville Zoning Ordinance states: “Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance”; and

WHEREAS: Section 801.5 A-16 of the Porterville Zoning Ordinance states: “Restaurant or cafe which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance”; and

WHEREAS: In conjunction with proposed conditional use permit for bar & night club, billiard & pool hall, with dancing & live entertainment, the applicants are proposing to serve beer, wine and distilled spirits with and without the serving of meals; and

WHEREAS: Pursuant to Section 2100 B.2 of the Porterville Zoning Ordinance, the on-sale of beer, wine and distilled spirits does require approval of a conditional use permit for a separate bar area, consuming alcohol without meals, billiards hall, and live entertainment; and

WHEREAS: The subject site is located within 600 feet of an existing church. Section 2100 B-2 (f) of the Porterville Zoning Ordinance states:

“Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church), the outdoor advertising of alcoholic beverages shall be prohibited;” and

ATTACHMENT

ITEM NO. 4
WHEREAS: The subject site is located in Census Tract 38.02. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed “over concentrated”. At present, eleven (11) on-sale licenses and one (1) pending license currently exist. As a result of this, a letter from the applicant requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required to be submitted to the ABC. It does not require the City’s approval of a finding of Public Convenience or Necessity.

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

WHEREAS: The City Council made the following findings:

1. Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines.

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

   The Land Use Element of the General Plan designates the subject site as General Commercial, which allows for the proposed intensity of development.

3. That the design and operation of the proposed project are consistent with the General Plan.

   The property is in the C-2 Zone which allows for the proposed use. The project is designed in compliance with all applicable codes and regulations.

4. That the proposed use is not likely to cause substantial environmental damage.

   The site and surroundings are currently developed and the property was previously used as a bicycle shop.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2005 subject to the following conditions:

1. Any future change in operation, which substantially alters the condition or nature of the subject business, will require approval by the City Council if such modification involves area expansion, the sale of alcoholic beverages, games of chance or live entertainment.

2. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department will result in revocation of the conditional use permit.

3. No outdoor advertising of alcohol will be allowed.

4. All alcohol beverages subject to the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a “take-out” basis shall be expressly prohibited.
5. The maximum seating capacity of one hundred (100) persons shall not be exceeded.

6. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. seven (7) days a week.

7. Live entertainment shall be limited to the interior of the building identified as “Dance Floor” and “Platform” as shown in Exhibit “A”.

8. The separate bar area shall be limited to the designated area as shown in Exhibit “A”.

9. The conditional use permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

10. The applicant needs to be aware that the operation of the business must comply with all codes and ordinances giving special consideration to noise, smoke and lighting affects on the residential use the east.

11. Operation of the establishment shall comply with Section 802-D of the Zoning Ordinance in regards to creating an obnoxious or offensive environment.

12. Grease vats shall be located on-site, screened from public view and adequately maintained to prevent odors and nuisances.

13. The applicant/agent shall be responsible for litter removal in the adjacent area, which is caused by the operation of the establishment.

14. The applicant/agent shall provide private security personnel in and around the establishment during operating hours when entertainment is provided (8:00 p.m. to 2:00 a.m.). Number of security is subject to the Porterville Police Chief.

15. Persons under the age of twenty-one (21) shall be strictly prohibited during the hours when entertainment is provided (8:00 p.m. to 2:00 a.m.).

16. The applicant/agent shall be responsible for controlling outside congregation and assemblage of people as a result of the operation of the establishment.

17. The conditional use permit, approving on-site alcohol sales, will become null and void if the on-sale license is suspended by the State of California.

18. A lot-line-adjustment or other approved mechanism shall be completed by an eligible registered Civil Engineer or Licensed Surveyor in order to merge the lots into one.

19. The mural being proposed on the building shall comply with all codes and may not depict the use inside the building. Compliance with the Sign Ordinance is required.
20. For areas not luminated by the city parking lot lights, the use is required to provide and maintain a minimum Foot-Candle lighting level of 0.9 on the pavement to the north of the building, during operating hours.

21. All mechanical devices, to include gas and electrical meters, heating and cooling units shall be screened from public view in a manner that is architecturally compatible with the building.

22. In-Lieu of providing ten (10) parking spaces, the applicant/owner shall pay a $2,500 fee per parking space prior to issuance of building permits for the expansion will be issued.


24. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

25. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect, if requested by the City Engineer for the purposes of modifying existing parking lot infrastructure. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

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

27. Public improvements proposed for construction within the alley shall be design by a Civil Engineer and approved by the City Engineering Division prior to construction, if feasible. The developer/applicant shall maintain an alley (Division Street) width, alignment and two-way traffic that is consistent with the alley north of Mill Street and south of Oak Avenue before the City will consider allowing the construction of sidewalk and trash enclosures with the alley right of way.

28. The developer/applicant is exempt from the Oak Avenue frontage public improvements repairs, including curb returns, due to a federally funded project that is currently under design and fully financed.

29. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).
30. The developer/applicant shall provide streetlights following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. Install one ‘Nostalgic’ streetlights on the east side of Hockett Street about 50 feet north of the Oak Avenue right of way line/property line.

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

32. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

33. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

34. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

1. Wastewater Discharge Permit Application, Part “A”; and If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

35. The developer/applicant shall install a refuse container enclosure according to City standards on private property or utilize the same trash enclosure previously designated for the old Schortman’s building. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on private property. Developer is encouraged to install an enclosure that would accommodate a solid waste, recyclable container and grease for collection.

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

37. A back-flow device is required on the water meter.

38. A grease trap or grease interceptor is required.

39. The owner/applicant shall install tree wells within the sidewalk area and provide and maintain city-approved street trees along the Hockett Street frontage of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens, and root barriers must be utilized. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.
40. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

41. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

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

43. Compliance with all applicable codes is required.

44. Plan check fees are required at the time of building permit submittal.

45. Soils compaction test may be required.

46. School Development fees and all other City fees are due at the time of building permit issuance.

47. Approval from the Tulare County Health Department prior to issuance of the building permit.

48. Restrooms and main entrance must comply with ADA access laws.

49. Signs require separate permit.

50. A one-hour firewall is required between the proposed bar and retail shop.

51. The project must comply with latest applicable codes.

52. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

53. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
   b. One hundred or more in all other occupancies.

54. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

55. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
56. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

57. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

58. Fire hydrant spacing shall be as follows:
    In Commercial development, one hydrant shall be installed at 300-foot intervals.

59. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code. Fire flow for the project as proposed would be 2,500 GPM with a minimum of three hydrants.

60. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

61. A Knox box may be required. An application may be obtained from the Fire Department.

62. Additional requirements for compliance with the Uniform Fire code may be added at the time of building permit review when more information regarding the building type and use are provided.

63. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”. Any change in color scheme or architecture to the proposed buildings shown on EXHIBIT “A” will require the approval of the Community Development Director.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: JUNE 5, 2007

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 5-2007 – TO ALLOW FOR THE EXPANSION OF AN EXISTING RESTAURANT WITH SEPARATE BAR TO BE UTILIZED AS A NIGHTCLUB AND A BANQUET HALL INTO AN AREA PREVIOUSLY UTILIZED FOR BOWLING. THE PROJECT IS LOCATED AT 1091 W. OLIVE AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to allow the expansion of an existing restaurant, The Seafood Café, with a separate bar to be utilized as a nightclub after the restaurant hours (phase one). The second phase of the project proposes a banquet facility/dancehall in the area previously utilized for bowling. As part of the second phase the building will undergo an exterior remodel (attachment 4). The restaurant currently operates and serves beer, wine and distilled spirits under an on-sale license in conjunction with the serving of meals. The proposed project is located at 1091 W. Olive Avenue (formerly the Olive Bowl) in the C-3 Zone.

Hours of Operation:

Monday through Thursday - 10:00 a.m. to 2:00 a.m.
Friday and Saturday - 10:00 a.m. to 2:00 a.m.
Sunday - 10:00 a.m. to 8:00 p.m.

Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for any use involving the sale of alcoholic beverages under an on-sale license with a separate bar area. The proposed restaurant and serving of alcohol in conjunction with the serving of meals does not require a CUP in itself as it is an allowed use in a C-3 Zone, but because the restaurant/proposed nightclub and dancehall have separate bar areas, a conditional use permit is required.

The subject site is located in Census Tract 36.02. The California Department of Alcoholic Beverage Control has indicated that Census Tract 36.02 can accommodate up to five (5) on-sale licenses without being deemed “over concentrated”. At present, eight (8) on-sale licenses exist (one of which belongs to the restaurant). Though there is an over-concentrated number of licenses in the area, a letter requesting approval of a finding of Public Convenience or Necessity is not necessary because the project is not proposing a new license, but ABC does require an approved conditional use permit and resolution for the expansion of the new use.
RECOMMENDATION: It is recommended that the City Council adopt the draft resolution approving Conditional Use Permit 5-2007.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: JUNE 5, 2007

PUBLIC HEARING - STAFF REPORT

TITLE:   CONDITIONAL USE PERMIT 5-2007

APPLICANTS:  Luis Farias
              1091 W. Olive Ave
              Porterville, CA 93257

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow the expansion of an existing restaurant, The Seafood Café, with a separate bar to be utilized as a nightclub after the restaurant hours (phase one). The second phase of the project proposes a banquet facility/dancehall in the area previously utilized for bowling (phase two). As part of the second phase the building will undergo an exterior remodel (attachment 4). The restaurant currently operates and serves beer, wine and distilled spirits under an on-sale license in conjunction with the serving of meals. The proposed project is located at 1091 W. Olive Avenue (formerly the Olive Bowl) in the C-3 Zone.

PROJECT DETAILS: The proposed hours of operation will be as follows:

   Monday through Thursday - 10:00 a.m. to 2:00 a.m.
   Friday and Saturday - 10:00 a.m. to 2:00 a.m.
   Sunday - 10:00 a.m. to 8:00 p.m.

For Phase One of the project, the applicant is allowed a max capacity of 295± patrons, and plans on employing 10± people for the restaurant and nightclub with an additional 7-10 for security. This portion of the project only requires minor interior modifications. Building plans for tenant improvements have already been submitted. The required conditional use permit is to allow the live entertainment and the expanded new use (banquet facility/dancehall) as required by Section 2100 B-2 of the Zoning Ordinance. If the City does not approve the conditional use permit for the live entertainment, the restaurant with a separate bar area would still be allowed to continue its operation as it currently exists. When Phase Two of the project is completed, it is anticipated that there will be 20 employees directly related to providing restaurant/banquet service and 15-20 security employees for special functions. The second phase of the project will require redesign and partial reconstruction to meet Building and Fire Division requirements. As part of the second phase the building will undergo an exterior remodel (attachment 4). The financing of phase two is uncertain, but the applicant wishes to have Council consider the project as an entire project understanding that until the Building and Fire requirements are met, the second phase of the project will not be an allowed used or cleared for occupancy.

The project will require site improvements including new irrigated landscaping that covers a minimum of 5% of the parking area and one tree per 8 parking spaces. For the first phase of the project, a minimum of 74 parking spaces are required based on the required one space per four seats (295 patrons). As per the site plan for the initial phase, 150 spaces will be provided, which exceeds the phase one (75 spaces) requirement. A second site plan for the rear of the property shows 67
additional parking spaces that will be provided if necessary. Along the property line, there will also be a six foot high block-wall separating the residential uses from non-residential. There will be concrete wheel stops or some type of temporary barrier that separates the rear undeveloped portion of the property from the developed portion so that access is prohibited.

Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for any use involving the sale of alcoholic beverages under an on-sale license with a separate bar area. The proposed restaurant and serving of alcohol in conjunction with the serving of meals does not require a CUP in itself as it is an allowed use in a C-3 Zone, but because the restaurant/proposed nightclub with live entertainment and dancehall have separate bar areas, a conditional use permit is required.

The subject site is located in Census Tract 36.02. The California Department of Alcoholic Beverage Control has indicated that Census Tract 36.02 can accommodate up to five (5) on-sale licenses without being deemed “over concentrated”. At present, eight (8) on-sale licenses exist (the restaurant has one). Though there is an over-concentrated number of licenses in the area, a letter requesting approval of a finding of Public Convenience or Necessity is not necessary because the project is not proposing a new license, but ABC does require an approved conditional use permit and resolution for the expansion of the new use.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for General Commercial uses and is zoned C-3 (Heavy Commercial).

SURROUNDING AREA ZONING AND LAND USE:

NORTH: City C-3 - Existing business
SOUTH: County – Low Density Residential
EAST: City C-3 – Along Olive Avenue frontage there is an existing businesses behind and also adjacent there is County residential along the rear of the property
WEST: City C-3 – Along Olive Avenue frontage there is an existing businesses behind and also adjacent there is County residential along the rear of the property

STAFF ANALYSIS: On March 14, 2007, the Project Review Committee reviewed the re-submitted application request. Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license with live entertainment and separate bar areas.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicants to operate a proposed restaurant absent the live entertainment and banquet hall.

2. Approve the project. Approval of the request would result in the applicants being conditionally allowed to expand the restaurant use to include live entertainment and the future phase two banquet/dancehall.
ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15301(a), Class 1 of the CEQA Guidelines - (Existing Facilities).


RECOMMENDATION: It is recommended that the City Council approve Conditional Use Permit 5-2007 subject to conditions of approval.

ATTACHMENTS:

1. Application
2. Notice of Exemption
3. Draft Resolution
4. Locator Map, Site Plan and Interior Layout
APPLICATION FOR CONDITIONAL USE PERMIT

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

PROJECT NAME: Seafood Cafe & Steakhouse Restaurant

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
Luis Farias, 1091 West Olive Avenue Porterville Ca. 93257, 818-625-6067

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Luis Farias, 1091 West Olive Avenue Porterville Ca. 93257, 818-625-6067

PROJECT ADDRESS AND NEAREST CROSS STREETS:
1091 West Olive Avenue Porterville Ca. 93257
Nearest cross street South Maston

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
Patron Dancing and Live Entertainment Nite Club

Date of most recent sale of property: November 11th, 2005
If applicant is the lessee, give date property was leased: \_N/A\_
List below the original deed restrictions pertaining to the type of improvements permitted.
None

Date said restrictions expire:

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

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed. The facility has been in business for about 40 years with no problems.

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

(a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).
   
   295

(b) Total number of employees that will work on the property.
   Around 10 for Phase 1 and 25 for Phase 2.

(c) Total number of off-street parking spaces provided or planned.
   100 for Phase 1 and 200 for Phase 2.

(d) Maximum height of buildings or structures. Existing height of 18’

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested. N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**OWNER'S DECLARATION**

**STATE OF CALIFORNIA**

**COUNTY OF TULARE**

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

I declare under penalty of perjury that the foregoing is true and correct, executed at Porterville, California, this 21 day of May, 20___.

Signed: ____________________________

Telephone (_818_) 625-6067

Mailing Address_1091 west Olive Avenue
Porterville ca. 93257

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

Received ____________________________ Date

Receipt No. __________

By ____________________________________

3
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners’ List
4. Plot Plan, Drawings or Photographs
5. Filing fee $1,164

1. The Conditional Use Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved, not just the center point. In addition, the map must label the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner’s name on the Property Owners’ List (as explained below).

3. The Property Owners List should be typewritten or printed on Avery 5160 or equivalent mailing labels, and must include the owner’s name and mailing address. Each owner’s name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor’s Office or Title Company.

4. The Plot Plan, if applicable, must be drawn to a readable and accurate scale and size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel line clearly shown (9 copies initially with additional copies to be submitted prior to public hearing). It is suggested to include photos and drawings of the proposed buildings on a scale large enough to illustrate the subjects under discussion. Photographs or drawings of structures are also helpful, and elevation drawings, including color scheme, may be required.

Submit this information and the application to the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
NOTICE OF EXEMPTION

TO: _______ Office of Planning and Research _______ Tulare County Clerk
1400 Tenth Street, Room 121 County Civic Center
Sacramento, CA 95814 Visalia, CA 93291

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

Conditional Use Permit 5-2007
Project Title

APN: 259-010-101 Located at 1091 W. Olive Ave (Seafood Café)
Project Location

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

Conditional Use Permit to allow existing restaurant with live entertainment and separate bar areas and a
banquet/dancehall in a previously utilized bowling area.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Mr. Luis Farias
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

_____ Ministerial (Section 15073)
_____ Declared Emergency (Section 15071 (a) )
_____ Emergency Project (Section 15071 (b) and (c) )
_____ Categorical Exemption. State type and section number: Section 15332

X____ Categorical Exemption" - 14 Ca. Admin. Code 15301, Class 1 (e)

See project description above; Section 15301, Class 1 (e)

Reasons why project is exempt – Interior/Exterior alterations to existing structure/facility.

Bradley D. Dunlap, Community Development Director
Contact Person

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

Signature: ___________________________
Community Development Director
Title

ATTACHMENT
ITEM NO. 2
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 5-2007 TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT WITH LIVE ENTERTAINMENT AND BANQUET FACILITY/DANCEHALL WITH SEPARATE BAR AREAS INTO A PREVIOUSLY UTILIZED BOWLING AREA (FORMERLY OLIVE BOWL) TO BE LOCATED AT 1091 W. OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 5, 2007, conducted a public hearing to consider Conditional Use Permit 5-2007. The applicants are requesting approval of a Conditional Use Permit to allow the expansion of an existing restaurant with a separate bar to be utilized as a restaurant/nightclub with live entertainment (phase one). Phase two consists of a banquet facility/dancehall with separate bar areas to occupy the area previously utilized for bowling (phase two). The project is located at 1091 W. Olive Avenue (formerly the Olive Bowl) in a C-3 Zone.

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

WHEREAS: The City Council made the following findings:

1. That pursuant to Section 15323, Class 23, - (Normal Operations of Facilities for Public Gatherings) of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer, wine and distilled spirits under an on-sale license in conjunction with an existing restaurant is Categorically Exempt.

2. That Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

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

The General Plan designates the site as General Commercial as supported by the C-3 (Heavy Commercial) Zoning and allows for the proposed use.

4. That the design and operation of the proposed project are consistent with the General Plan.

The proposed use is allowed in the C-3 Zone subject to the approval of a Conditional Use Permit.
5. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

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

7. That the proposed sale of alcoholic beverages (beer, wine and distilled spirits) under an on-sale license in conjunction with a restaurant with a separate bar area is allowed in the C-3 Zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2007 subject to the following conditions:

1. Parking lot lighting shall be provided to the satisfaction of Police Chief/Zoning administrator.

2. Parking ¼ seats and 1/50 sq. ft. of dance floor. 165 spaces required.

3. Provide vehicle barrier between developed and undeveloped portions of site to the satisfaction of the City Engineer and Zoning Administrator.

4. A masonry block wall is required around the entire site separating non-residential from the residential zoned property.

5. Hours of Operation:
   Monday through Thursday - 10:00 a.m. to 2:00 a.m.
   Friday and Saturday - 10:00 a.m. to 2:00 a.m.
   Sunday - 10:00 a.m. to 8:00 p.m.


7. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees,
dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

8. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. The grading plan shall include the rehabilitation of the existing parking lot and the parking lot expansion necessary to meet parking requirements.

9. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

   a. Three copies of a Map and Legal Descriptions.

   b. Adequate title information (deed, etc.) to verify current ownership and the method of creation of the affected parcels.

   c. The Lot Line Adjustment shall be approved prior to the issuance of a building permit.

10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). Sidewalk along Olive Avenue shall be 9.5 feet in width.

11. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

12. Easements shall be in place that allow for mutual ingress, egress and maintenance of the parking lot.

13. Easement shall be in place that allow for mutual use of sewer and water, if applicable.

14. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

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

16. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a
17. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first. Complying with the City’s “backflow” prevention ordinance (Resolution No. 9615) is an acceptable alternative to the abandonment requirement.

18. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

19. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

20. Wastewater Discharge Permit Application, Part “A”;

21. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

22. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

23. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

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

25. The developer/applicant shall install a refuse container enclosure according to City standards. **Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct stab pick up.** The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

26. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.
27. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

28. The owner/applicant shall install 2 tree wells within the sidewalk area between the driveways along Olive Avenue, and provide and maintain city-approved street trees. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.

29. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted including those in sidewalk tree wells shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

30. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing tufted-landscaping.

31. The project must comply with latest applicable codes.

32. The proposed restaurant/night club is considered an A-2.1 occupancy. Upon submittal of a permit the following will be required:

33. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

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

35. School Development fees and all other City fees are due at the time of building permit issuance.

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

37. Building is required to be fully protected by a fire sprinkler system as per Building and Fire codes.
38. Food handling businesses require review and approval from the Tulare County Health Department prior to issue of said building permit. Your proposal also requires a grease interceptor for restaurants.

39. Plan check fees are required at the time of building permit submittal.

40. Seismic review and upgrades as per Building codes will be required.

41. Signs require a separate permit.

42. Based on the occupancy classification, a fire alarm and an automatic sprinkler system may be required.

43. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   
   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.

   b. One hundred or more in all other occupancies.

44. Submit two (2) complete sets of sprinkler and fire alarm plans to the Fire Department for review prior to installation.

45. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

46. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.

47. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

48. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

49. Fire hydrant spacing shall be as follows:
   
   a. In Commercial development, one hydrant shall be installed at 300-foot intervals.

50. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
51. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

52. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

53. A Knox box will be required. An application may be obtained from the Fire Department.

54. Additional requirements for compliance with the Uniform Fire code may be added at the time of building permit review when more information regarding the building type and use are provided.

55. Comply with plans and colors and mats

56. Provide security as identified:
   
   a. Phase One of the project, the applicant is allowed a max capacity of 295± patrons, and plans on employing 10± people for the restaurant and nightclub with an additional 7-10 for security

   b. Phase Two of the project, it is anticipated that there will be 20 employees directly related to providing restaurant/banquet service and 15-20 security employees for special functions.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: JUNE 5, 2007

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 6-2007 - PROPOSED EXPANDED USE OF RESTAURANT TO INCLUDE A NEW SEPARATE BAR AREA AND OUTDOOR SERVICE AND SALE OF DISTILLED SPIRITS, BEER AND WINE UNDER AN ON-SALE LICENSE AT THE THREE AMIGOS RESTAURANT (FORMERLY DON PANCHOS) LOCATED AT 377 S. HOWARD STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a conditional use permit to allow the expanded use of a restaurant to include a new separate bar area and full outdoor service area with sale of distilled spirits, beer and wine under an on-sale license in conjunction with the Three Amigos Restaurant (formerly Don Panchos) located at 377 S. Howard Street in a C-3 (Heavy Commercial) Zone. The restaurant is presently closed but proposes hours of operation to be from 10:00 a.m. until 9:00 p.m., seven (7) days a week.

The proposed hours of operation will be as follows:

Sunday through Saturday – 10:00am-9:00pm

Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for bona fide eating establishments proposing a separate bar area to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

The applicant has submitted an application to the Alcoholic Beverage Control Board (ABC) for a Type 47 (distilled spirits and beer and wine) liquor license. Census Tract 37 allows for eight (8) on-sale beer and wine licenses. At present, four (4) exist. As a result of this, a Letter of Public Convenience or Necessity is not required by the Department of Alcoholic Beverage Control.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 6-2007 subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report

DD(Appropriated/Funded) CM

Acting

ITEM NO. 9
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 6-2007

APPLICANT: Patricia Espejo  
450 W. Campbell  
Campbell, CA 95008

Adolfo Marquez  
5937 W. Robinwood Ave  
Visalia, CA 93291

SPECIFIC REQUEST: The applicant is requesting approval of a conditional use permit (CUP) to allow the expanded use of a restaurant to include a new separate bar area and a full outdoor service area with sale of distilled spirits and sale of beer and wine under an on-sale license in conjunction with the Three Amigos Restaurant (formerly Don Panchos) located at 377 S. Howard Street in a C-3 (Heavy Commercial) Zone.

PROJECT DETAILS: The restaurant is presently closed but proposes hours of operation to be from 10:00 a.m. until 9:00 p.m., seven (7) days a week. The applicant is proposing to sell distilled spirits, beer and wine in conjunction with the serving of meals.

The project is being proposed in two phases due to the current number of on-site parking spaces. The first phase of the project includes approval of the CUP to allow the separate bar area with the restaurant. Section 2100B-2(a) of the Porterville Zoning Ordinance requires City Council approval of a CUP for a separate bar area provided for patrons. With 12 parking spaces currently being provided, the establishment is limited to 48 patrons at anytime.

Phase two of the project includes expansion of full service to the outdoor area providing 70+ more seats once additional parking is made available. The project proponents are in escrow to acquire the adjacent parcel to the north to provide an additional twenty-six (26) parking spaces (as shown on phase two of the site plan) that will allow the increased number of patrons serviced both inside and outside the restaurant. Once the vacant lot to the north is developed, as per City Standards, the Three Amigos restaurant will be able to accommodate up to 152 patrons based on the total 38 parking spaces. Parcel to the north will be combined with the existing restaurant parcel thru a lot line adjustment.

The applicant has submitted an application to the Alcoholic Beverage Control Board (ABC) for a Type 47 (beer and wine) liquor license. Census Tract 37 allows for eight (8) on-sale beer and wine licenses. At present, four (4) exist. As a result of this, a Letter of Public Convenience or Necessity will not be required by the Department of Alcoholic Beverage Control.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for Heavy Commercial uses and is zoned C-3 (Heavy Commercial).
SURROUNDING AREA ZONING AND LAND USE:

NORTH: C-3 - Parking lot, commercial business, and Orange Avenue.
SOUTH: C-3 – Single family residence
EAST: M-1 - Howard Street, Orange Avenue, and undeveloped lot
WEST: R-2 – Alley and residential neighborhood.

STAFF ANALYSIS: On March 7, 2007, the Project Review Committee reviewed the application request. Section 2100B-2(a) of the Porterville Zoning Ordinance requires City Council approval of CUP for a separate bar area provided for patrons. Noise from outdoor service to patrons will cease at 9:00pm and no live entertainment or music will be allowed as per the restriction conditions set by the Department of Alcoholic Beverage Control (ABC). Noise from the parking of vehicles will cease at approximately 10:00pm, as the evening hours of operation have been restricted after 10:00 pm by ABC. Standard noise ordinance requirements apply restricting noise levels not to exceed 65dB. If noise levels from the outdoor service and vehicles parking exceed the allowed levels, the CUP may become null and void or a modification to the CUP may be required.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicants to operate the restaurant (Three Amigos) absent the separate bar area.

2. Approve the project. Approval of the request would result in the applicants being conditionally allowed the separate bar area and sell of distilled spirits, beer and wine under an on-sale license in conjunction with serving of meals at the existing restaurant.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15301 a, Class 1 of the CEQA Guidelines – Existing Facilities.


RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 6-2007.

ATTACHMENTS:

1. Locator Map
2. Application
3. Notice of Exemption
4. Draft Resolution
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

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

PROJECT NAME: Three Amigos Mexican Grill

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

<table>
<thead>
<tr>
<th>Patricia Espejo</th>
<th>450 W. Campbell</th>
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<tbody>
<tr>
<td>408-866-7125</td>
<td>Campbell, Ca. 93219</td>
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NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT/CONTACT PERSON:

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<tr>
<th>Adolfo &quot;Skip&quot; Martinez</th>
<th>5957 W. Robins,</th>
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<tbody>
<tr>
<td>559-836-3454</td>
<td>Visalia, Ca. 93291</td>
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PROJECT ADDRESS AND NEAREST CROSS STREETS:

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<th>377 S. Howard</th>
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<td>Porterville, Ca.</td>
<td>93219</td>
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The applicant requests a Conditional Use Permit to use the above described property for the following purposes:

To expand restaurant service area to outdoor property

Date of most recent sale of property: 1976

If applicant is the lessee, give date property was leased: 5-1-07

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

N/A

Date said restrictions expire: N/A

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

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed.
   
   proposed use will add to 30 yr. existing restaurant by providing new & updated amenities; these new amenities will provide a more secure & relaxed environment for future clientele.

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

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

   48 mot. in/existing C.U.P.

   118 mot. in/new proposed C.U.P.

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

   10

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

   12

   (d) Maximum height of buildings or structures.

   15'

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>APN</th>
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OWNER'S DECLARATION

STATE OF CALIFORNIA    ) ss
COUNTY OF TULARE      )

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

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

this 18th day of May, 2007

Telephone (408) 866-7125  Signed Patricia Espejo
Mailing Address 450 W. Campbell Campbell, Ca. 93208

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

Received_________________________  Receipt No._____________
Date

By __________________________________________

3
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. **Conditional Use Permit Application Form**
2. **300-Foot Radius Map**
3. **Property Owners’ List**
4. **Plot Plan, Drawings or Photographs**
5. **Filing fee $1,164**

1. The Conditional Use Application form must be filled out completely. The application must be signed by the owner or an authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved, not just the center point. In addition, the map must label the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner’s name on the Property Owners’ List (as explained below).

3. The Property Owners List should be typewritten or printed on Avery 5160 or equivalent mailing labels, and must include the owner’s name and mailing address. Each owner’s name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor’s Office or Title Company.

4. The Plot Plan, if applicable, must be drawn to a readable and accurate scale and size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel line clearly shown (9 copies initially with additional copies to be submitted prior to public hearing). It is suggested to include photos and drawings of the proposed buildings on a scale large enough to illustrate the subjects under discussion. Photographs or drawings of structures are also helpful, and elevation drawings, including color scheme, may be required.

Submit this information and the application to the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
CITY OF PORTERVILLE
ENVIRONMENTAL INFORMATION FORM

Note: Failure to answer all questions could delay the processing of your application or require resubmittal.

PROJECT NAME AND APPLICATION NUMBER:

Three Amigos Mexican Grill

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

Patricia Espejo 450 W. Campbell
408-866-7125 Campbell, Ca. 95008

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT/CONTACT PERSON:

Adolfo "Skip" Marquez 5937 W. Robinson
559-836-3454 Visalia, Ca. 93291

PROJECT ADDRESS AND NEAREST CROSS STREETS:

377 S. Howard Road St.
Porterville, Ca. 93257

EXISTING ZONING: C3

EXISTING LAND USE: Restaurant

For Office Use Only-
(Date stamp upon receipt)

Receipt No.: __________

Received By: __________  Paid By: __________

Project No.: __________  Amount: __________
Provide in as much detail as possible the following information:

1. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.
2. Provide a detailed project description. Include project area, square footage of buildings (existing and proposed), number of floors of construction, and amount of off-street parking provided. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. If industrial, indicate type, estimated employment per shift, and loading facilities. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
3. Provide scaled and fully dimensioned site plans, if applicable.
4. Outline proposed scheduling.
5. If known, provide information regarding related or cumulatively resulting projects, or any relationship to a larger project or series of projects.
6. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

---

**Environmental Setting**

In as much detail as possible, describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity.
Are the following items applicable to the project? Explain all applicable items; attach additional sheets as necessary.

**Will the project:**

- [ ] Change existing features of any hills, substantial alteration of ground contours, lakes, or beaches.
- [ ] Change scenic views or vistas from existing residential areas or public lands or roads.
- [ ] Change pattern, scale or character of general area of project
- [ ] Create significant amounts of solid waste or litter.
- [x] Create dust, ash, smoke, fumes or odors in vicinity.
- [ ] Change surface or ground water quality or result in alteration of existing drainage patterns.
- [ ] Substantially change existing noise or vibration levels in the vicinity.
- [ ] Build structures on filled land or on a slope of 10 percent or more.
- [ ] Result in or require use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- [ ] Result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.).
- [ ] Result in substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.).

**Concerning item above, we will be producing eat great aromas of prepared mexican food**
All applicants must check one of the following boxes:

☐ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft and Final Environmental Impact Reports. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

---

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature

Date

TRECE AMIGOS MEXICAN GRILL

Applicant

Adolfo Marquez
NOTICE OF EXEMPTION

TO: ______ Office of Planning and Research ________ Tulare County Clerk
1400 Tenth Street, Room 121 County Civic Center
Sacramento, CA 95814 Visalia, CA 93291

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

Conditional Use Permit 6-2007
Project Title

APN: 261-167-002 Located at 377 S. Howard Street (Three Amigos Restaurant)
Project Location

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

Conditional Use Permit to allow existing restaurant with separate bar area and full outdoor service.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Mrs. Patricia Espejo and Mr. Adolfo Marquez
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

____ Ministerial (Section 15073)
____ Declared Emergency (Section 15071 (a) )
____ Emergency Project (Section 15071 (b) and (c) )
____ Categorical Exemption. State type and section number: Section 15332
____ Categorical Exemption” - 14 Ca. Admin. Code 15301, Class 1 (e)

See project description above; Section 15301, Class 1 (e)

Reasons why project is exempt – Interior/Exterior alterations to existing structure/facility.

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:

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

Signature: ________________________________

ACTING CD DIRECTOR Community Development Director
Title

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 6-2007 TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT TO INCLUDE A SEPARATE BAR AREA AND FULL SERVICE TO THE OUTDOOR AREA WITH SALE OF DISTILLED SPIRITS, BEER AND WINE UNDER AN ON-SALE LICENSE IN CONJUNCTION WITH SERVING OF MEALS FOR THE THREE AMIGOS RESTAURANT LOCATED AT 377 SOUTH HOWARD STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 5, 2007, conducted a public hearing to consider Conditional Use Permit 6-2007; and

WHEREAS: In order to facilitate the proposed expansion of the restaurant, the applicant is acquiring the adjacent parcel to the north for parking which must be developed prior utilization of the outdoor seating area; and

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

WHEREAS: The City Council made the following findings:

1. That pursuant to Class 1, Section 15301 of the California Environmental Quality Act Guidelines, the conditional use permit to allow the expanded use and sale of distilled spirits, beer and wine under an on-sale license in conjunction with an existing restaurant is Categorically Exempt.

2. That Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a conditional use permit for establishments proposing a separate bar area to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

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

4. That the design and operation of the proposed project are consistent with the General Plan.

5. That the proposed use is not likely to cause substantial environmental damage.

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

8. That the proposed separate bar area with sale of alcoholic beverages (distilled spirits, beer and wine) under an on-sale license (type 47) in conjunction with a restaurant is allowed in the C-3 Zone subject to the approval of a Conditional Use Permit.

9. Census Tract 37 allows for eight (8) on-sale beer and wine licenses. At present, four (4) exist. As a result of this, a Letter of Public Convenience or Necessity will not be required by the Department of Alcoholic Beverage Control.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 6-2007 subject to the following conditions:

1. Based on the number of existing parking spaces (12), seating capacity is limited to 48 seats until additional parking is provided. Parking spaces are calculated at a ratio of one (1) per four (4) seats. Based on the additional 70 seats proposed for the outdoor service area, an additional 17 parking spaces are required. The site plan for phase two proposes 26 additional parking spaces. Total parking upon completion of phases one and two will be 38 parking spaces to accommodate a maximum of 152 patrons.

2. Parking must meet City Standards of 9'x20' and at least one ADA van accessible parking space is required.

3. The Department of Alcoholic Beverage Control (ABC) has restricted the serving of alcohol outside to no later than 9 p.m. and inside no later than 10 p.m.

4. There will be no outdoor entertainment.

5. A five (5) foot maintained landscape strip is required along the front property line separating the paved parking from the required 10-foot sidewalk.

6. Any future change in operation that substantially alters the condition or nature of the business will require approval by the City Council.

7. Loading Zone may be allowed via alley but may require improvements to the alley.

9. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

10. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. This condition is applicable to the construction of and/or expansion of on-site parking.

11. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk (between curb and property line), etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). Complete alley construction is applicable along the full rear property line if the alley becomes a functionality of the business, such as loading and/or access to a parking lot. Extension of the alley may be necessary for Public Health and Safety reasons. If so, these improvements are subject to a reimbursement agreement between the developer and City.

12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots.

14. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

- Three copies of a Map and Legal Descriptions
- Processing fee in the amount of $616.
- Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.

15. The Lot Line Adjustment shall be approved prior to the issuance of a building permit.

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

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

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

19. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

20. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

21. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

22. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

Wastewater Discharge Permit Application, Part “A”; and

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

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

24. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
25. A grease trap or grease interceptor is required.

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

27. The developer/applicant shall install a refuse container enclosure according to City Standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Developer is encouraged to install an enclosure that would accommodate a solid waste, recyclable container and grease for collection.

28. The two planting strips between the parking lot and the Howard Street sidewalk shall be retained and incorporate low shrubs and at least one tree within each planting strip. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating any future parking area from a public street.

29. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells, if utilized are recommended to be a minimum of twenty (20) square-feet in size.

30. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

31. In the event that the Howard Street sidewalk exceeds seven feet in width, the owner/applicant shall install tree wells within the sidewalk area and provide and maintain city-approved street trees along the Howard Street frontage of the site. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.

32. Should the existing site be expanded to incorporate areas increasing the public roadway frontage of the site, the owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks.
The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

33. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance. Hard-surfaced mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

34. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

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

36. The conditional use permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein.

37. Compliance with all applicable codes is required.

38. Plan check fees are required at the time of building permit submittal.

39. Soils compaction tests may be required.

40. School Development fees and all other City fees are due at the time of building permit issuance.

41. Restrooms and main entrances must comply with ADA access laws.

42. Signs require separate permit.

43. Panic hardware required on existing gates.

44. Occupant load to be posted.

45. Exit illumination to be provided.

49. The project must comply with latest applicable codes.

50. Exiting appears to be of issue for this project as shown. Project must comply with Chapter 10 California Building Code for means of egress.
51. Upon approval of the conditional use permit, any future violations of regulations and codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

52. Any future change in operation, which substantially alters compliance with approved plans and operational conditions or nature of the business, will require approval by the City Council if such modification involves the sale of alcoholic beverages.

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgina Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT 1-2007

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: In March 2004, the City of Porterville City Council adopted the 2003-2008 Housing Element as a component of the Porterville General Plan. The Housing Element outlined many goals and policies that, if implemented, would help meet the City’s housing needs. Goal F of the Housing Plan is “to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate-income households.” Presented with Goal F were five specific proposed actions that would implement the policies of the Element; the Zoning Ordinance Amendments presented in this report will address three of those five.

The first action would revise the Zoning Ordinance definition of a Family Household. During the course of updating the Housing Element, the problem with the City’s definition of family was identified. It is unconstitutional for a city to define what a “Family” comprises. Per the recommendation of the Housing Element, Goal F.1.a, Staff suggests that the definition of Family, which is currently defined in the Zoning Ordinance as “An individual, or two (2) or more persons who are related by blood or marriage, or a group of persons not necessarily related by blood or marriage.” be modified to be read “Family-household: Family; A single-family or multiple family dwelling unit of permanent character, consistent with the California Health and Safety Code, used by a person(s) for living purposes”. The current definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters.

The second action is defined in Goal F.1.b of the Housing Element, and states the (R-A) Suburban Residential Zone of the Porterville Zoning Ordinance needs clarification to reflect that this zone is not intended for large scale farming operations. If this were an agricultural zone, California State law would require that farm-worker housing be an allowed use. The proposed draft ordinance includes language reflecting the intended use of the R-A zone as a suburban residential zone rather than an agricultural zone.

The third action would bring Porterville’s Municipal Code into compliance with California Government Code Section 65915, which requires that the City adopt codes that provide incentives for low-income housing developments and child care facilities in the form of density bonuses and concessions. Goal F.1.c of the Housing Element recommends that the Porterville Zoning Ordinance be amended to specify that Density Bonus incentives and other concessions, which are mandated under California State law, be available to developers as an option. The proposed draft ordinance would adopt California Government Code Sections
65915 through 65918, “Density Bonuses and Other Incentives” as the City of Porterville zoning ordinance regulation to meet this requirement.

SUMMARY: Staff recommends that a Zoning Ordinance Amendment be made to Section 3302 to change the definition of Family to Family Household, and Section 200 Uses (R-A Zone) to clarify those uses that may be allowed in the R-A zone and adopt California Government Code Sections 65915-65918 as the standards for density and other concessions for all housing projects as Section 2627 of the Zoning Ordinance.

The proposed code amendment is Categorically Exempt under CEQA pursuant to a General Rule Exemption.

RECOMMENDATION: That the City Council:

1. Approve proposed Zoning Ordinance Amendment 1-2007 and give first reading to the draft ordinance.
2. Waive further reading of the draft ordinance, and order said ordinance to print.

ATTACHMENT:

1. Draft Ordinance amending sections of the Zoning Ordinance pertaining to the definition of family, R-A uses in the suburban residential zone, and density bonuses.
2. Proposed Zoning Ordinance Amendment Exhibit
3. California Government Code Section 65915 through 65918
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE
PERTAINING TO THE DEFINITION OF FAMILY, R-A USES IN THE SUBURBAN
RESIDENTIAL ZONE, BONUS DENSITY INCENTIVES AND CONCESSIONS

WHEREAS, on March 16, 2004, the City Council approved City Council Resolution No. 25-2004 adopting the 2003-2008 Housing Element, which included goals to revise the Zoning Ordinance to modify the definition of family to family-household, to clarify the intended uses allowed in the R-A Suburban Residential Zone, and to adopt Section 65915-65918 of the California Government Code as the City of Porterville Density Bonus Ordinance; and

WHEREAS, Goal F.1.a of the Housing Element suggests the current definition of “family” is a potential constraint upon low-income individuals whose financial circumstances may force them to live in shared living quarters, and creates a misconception about the authority of this code to enforce family status; and

WHEREAS, it has been deemed unconstitutional to regulate the composition of a “family”; and

WHEREAS, Staff reviewed Zoning Ordinance Section 200 Uses (R-A Zone), in its entirety, and believes that it would benefit the City to re-evaluate all of the current allowable uses in the R-A zone. This amendment would allow some flexibility in considering currently allowed uses as well as new uses. Those uses that have the potential of having a greater impact on the suburban residential district environment would be subject to review by the City Council under the Conditional Use Permit process. All other existing uses would remain the same; and

WHEREAS, the 2003-2008 Housing Element states the City will adopt a local ordinance that provides for density bonuses and other incentives for the development of affordable housing; and

WHEREAS, the City Council has found it to be the most effective approach to adopt the State standards for density bonuses and incentives; and

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of June 5, 2007, conducted a public hearing to consider Zoning Ordinance Amendment 1-2007 to revise the definition of family to a more inclusive definition; to consider those uses that would continue to be allowed in the R-A Zone and those uses that would be allowed in the R-A Zone with a Conditional Use Permit; and to consider adding Density Bonuses, Childcare Facilities, Incentives and Concessions as mandated in California Government Code Sections 65915 through 65918.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Porterville does hereby amend Appendix A of the Municipal Code, also known as the Zoning Ordinance, as follows:
SECTION 1: Article 33, Section 3302 (38) is hereby amended as follows:

Article 33, Section 3302

38) Family-household: Family:
   (1) A single-family or multiple family dwelling unit of permanent character consistent with
       the California Health and Safety Code, used by a person(s) for living purposes.
   (2) Full time domestic servants of any such persons may reside on the same premises and
       shall not be counted with respect to the foregoing definition.

SECTION 2: Article 2, Section 200 is hereby amended as follows:

Section 200. (R-A Zone) Suburban Residential Zone

The following regulations set forth in Section 201 through Section 209 shall apply in the R-A
Suburban Residential Zone, unless otherwise provided in this ordinance. It is the intent of this
zoning classification to allow single-family residences on large suburban parcels with the added
benefit of limited agricultural and farming as an incidental use.

SECTION 3: Article 2, Section 201 is hereby amended as follows:

Section 201. Uses

A. In an R-A Zone, the following uses only are permitted:
   1. One-family dwelling or one-family manufactured home of a permanent character,
      consisting of not more than one (1) such one-family dwelling or manufactured home
      installed on a foundation system pursuant to Section 18551 of the California Health and
      Safety Code which complies with Section 2621-C of this Ordinance per lot.
   2. Accessory building or structures, including but not confined to private garages and
      carports of four (4) car maximum aggregate capacity.
   3. Cultivation of flower and vegetable gardens, agricultural crops, orchards, vineyards and
      horticultural collections, excluding commercial greenhouses and commercial farming
      operations, when used as a hobby or a home occupation as allowed in item number 12 of
      this section and Article 20, Sign Ordinance.
   4. Animals and poultry as follows:
      a. Small domestic, household pets such as cats, dogs, and birds. The keeping of more
         than five (5) dogs shall be subject to provisions of Section 701(36).
      b. Educationally oriented agricultural projects, similar but not limited to, 4-H and FFA
         projects, recognized youth organizations and school projects, when conducted in
         compliance with the public health and animal laws of the City. Subject to the stipu-
        lations of Paragraph (c) of this Section.
      c. Grazing of not more than one (1) bovine animal, horse or other equine animals, sheep
         or goat where the lot area is 20,000 square feet or more and provided that the shelter
         for such animal shall not be closer than 50 feet to any residence, including that of the
         owner. The minimum lot area of 20,000 square feet shall be required for each
additional adult animal. Any building or shelter housing such animals shall not be
closer than ten feet to any property line. The keeping of all animals or poultry
mentioned herein shall conform to the other provisions of law governing same.

5. Green houses, nurseries for producing trees, vines and other horticulture stock but
excluding wholesale and retail nurseries for the sale of plants or other products not
produced on the premises. Sale of agricultural products produced upon the premises,
subject to the provisions of item (12) of this section and Article 20, Sign
Ordinance.

6. Accessory buildings and structures, including but not confined to stables, barns, pens and
sheds or other structures, for the housing of such animals, feed, equipment, and tools
customarily maintained in connection with uses permitted by this section.

7. Applications for second units in R-A, R-E, R-1-8, and R-1 shall be approved by the
Zoning Administrator as described in Article 30.

8. Storage of petroleum products, liquefied petroleum gases on parcels of five (5) acres or
more in area, for the use of the occupants or owners of the premises, but not resale or
distribution, subject to the approval of a Conditional Use Permit.

9. Renting rooms and boarding, as follows:
   a. Renting not more than two (2) rooms in a dwelling to not more than a total of four (4)
      persons.
   b. Providing table board to not more than four (4) boarders.

10. Family home care, day care centers (excluding nursery schools for children), provided
    that the number of children cared for, excluding members of the resident family, does not
    exceed a total of eight (8) for a small day care or up to 14 for a large daycare with a
    permit approved by the zoning administrator, pursuant to Section 1597 of the California
    Health and Safety Code.

11. Home Occupations which are carried on by an occupant of a dwelling unit for gainful
    employment, are clearly incidental and subordinate to the use of the structure for
    dwelling purposes and which do not change the residential character of the primary use
    provided that a Home Occupation Permit is first approved, subject to the provisions and
    stipulations of Article 30 of this Ordinance.

    The following uses only may be permitted as home occupations:
    a. Professional Offices
    b. Offices for personal services such as janitorial service, gardening service, office
       services, etc.
    c. Dressmaking, millinery, and other home sewing work.
    d. Handicrafts such as weaving, leatherwork, and other arts and crafts.
    e. Instructional classes, not exceeding two (2) students at one time.
    f. Mail order or direct sales provided no merchandise is sold on the premises.
    g. Hobby farms.

    The following uses are expressly prohibited as home occupations:
    a. The repair, reconditioning, servicing or manufacture of any internal combustion
       or diesel engine or of any motor vehicle, including automobiles, trucks,
       motorcycles, or boats.
    b. Repair, fix-it or plumbing shops.
c. Uses which entail the harboring, training, raising, or grooming of dogs, cats or other animals.

d. Uses which entail food handling, processing or packing, other than specialized minor cooking or baking.

e. Healing arts.

f. Spiritual advisory service (fortune-telling).

12. Vehicle parking, if used for personal transportation by occupants of the dwelling, and their guests, located on the same lot or building site, but in no case shall a commercial vehicle exceed a net weight of five thousand (5,000) pounds.

13. Public play area, subject to the approval of a Conditional Use Permit and other requirements of Article 21.

14. Model home use for temporary subdivisions sales offices.

15. Swimming pools used solely by persons resident on site and their guests, provided that the waters edge of any swimming pool shall not be located in a required front yard setback or within five (5) feet of the side and rear property lines.

16. Signing, subject to the stipulation of Article 20.

17. Churches, subject to a Conditional Use Permit and other requirements of Article 21.

B. For General Provision and Exceptions, see Article 26.

SECTION 4: Article 2, Section 202 is hereby amended as follows:

Section 202. Height

A. Building height shall not exceed thirty-five (35) feet.

B. For General Provision and Exceptions, see Article 26.

SECTION 5: Article 2, Section 203 is hereby amended as follows:

Section 203. Front Yard

A. Every lot shall have a front yard with a minimum depth of twenty (20) ft.

B. For General Provision and Exceptions, see Article 26.

SECTION 6: Article 2, Section 204 is hereby amended as follows:

Section 204. Side Yard

A. Every interior lot shall have side yards with a minimum width of ten (10) feet on each side of the main building, except that if a lot is less than one hundred (100) feet in width, each side yard shall be a minimum of ten percent (10%) of the lot, or five (5) feet, whichever is greater.
B. Corner lots shall be subject to the same yard requirements as interior lots.

C. Reverse corner lots shall have side yards as follows:

1. Street side yard width shall be a minimum of twelve (12) feet or the required front yard requirement of the lot in the rear (key lot), whichever is less.

2. The other (interior) side yard shall be subject to the same yard requirements as interior lots.

3. No accessory building on a reversed corner lot shall project beyond the extension of the required front yard line of the lot in the rear (key lot).

SECTION 7: Article 2, Section 205 is hereby amended as follows:

Section 205. Rear Yard

A. Every lot shall have a rear yard with a minimum depth of twenty (20) feet.

B. For General Provisions and Exceptions, see Article 26.

SECTION 8: Article 2, Section 206 is hereby amended as follows:

Section 206. Buildable Area

A. The buildable area, or percentage of a lot which may be occupied by any and all buildings, shall not exceed twenty percent (20%).

B. For General Provisions and Exceptions, see Article 26.

SECTION 9: Article 2, Section 207 is hereby amended as follows:

Section 207. Space Between Buildings

A. See Section 2606, Accessory Buildings

SECTION 10: Article 2, Section 208 is hereby amended as follows:

Section 208. Lot Area and Lot Width

A. The minimum area of a lot shall be twenty thousand (20,000) square feet, except as set out in Section 2603, Area.

B. The minimum width of a lot shall be one hundred and twenty (120) feet.
C. For General Provisions and Exceptions, see Article 26.

SECTION 11: Article 2, Section 209 is hereby amended as follows:

Section 209. Off-Street Parking

A. See Article 22, Off-Street Parking.

SECTION 12: Article 2, Section 209.1 is hereby amended as follows:

Section 209.1. Modified Development Standards

A. Modified Development Standards shall be available to owners of parcels developed within the R-A zone in the City of Porterville when it is necessary to preserve and enhance the rural residential characters of segments of the community which are recognized by the Land Use Element of the Porterville General Plan.

B. The sidewalk installation requirements of Section 20-40.1 of the Streets and Sidewalks Code and all public improvement installation requirements of Section 21-34 and 21-49 of the Subdivision Ordinance of the City of Porterville may be waived in cases of lots existing or created at the time this Ordinance became effective subject to the following limitations:

1. Lots under consideration are zoned R-A in conformance with the General Plan of the City of Porterville, and

2. Lots under consideration contain 22 gross acres or more, and have average lot widths of 200 feet or more, and

3. Lot frontages under consideration do not front upon existing or future right-of-ways designated as arterial or collector thorough fares by the adopted circulation element of the City of Porterville.

4. Domestic water and waste disposal (Septic tanks) house services shall be designed in such a manner to facilitate easy hook-up to future City facilities which will be installed in the street right-of-way.

5. Waiver of requirements for installation of City water or sewerage systems shall be accomplished only when the project under consideration can not be serviced by a sewer and/or water lines which is in the estimation of the City Engineer, capable of servicing the site.

C. Nothing in this Section shall be interpreted to relax street right-of-way dedication requirements set forth by the Subdivision Ordinance or Streets and Sidewalks Code of the City of Porterville.
SECTION 13: Article 2, Section 2627, is hereby amended as follows:

Section 2627. Density Bonus Incentives and Concessions

This regulation, by reference to Section 65915 of the California Government Code, and amendments thereof, pertaining to density bonuses and concessions, is intended to authorize residential housing developments for lower-income housing, very low-income housing, elderly housing and child-care facilities.

Processing of an application for a residential bonus density, incentives or concessions shall be by virtue of detailed written proposal and plans submitted, in accordance with California Government Code Section 65915, to the project review committee and shall require a Conditional Use Permit pursuant to the requirements of Article 21 of the Zoning Ordinance.

SECTION 14: 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
Article 33, Section 3302:
Family-household; Family;
(1) An individual, or two (2) or more persons who are related by blood or marriage,
or a group of persons not necessarily related by blood or marriage.
(2) A single-family or multiple family dwelling unit of permanent character
consistent with the California Health and Safety Code, used by a person(s) for
living purposes.
(2) Full time domestic servants of any such persons may reside on the same premises
and shall not be counted with respect to the foregoing definition.

Article 2, Sections 200-201:

SECTION 200: (R-A Zone) Suburban Residential Zone

The following regulations set forth in Section 201 through Section 209 shall apply in the
R-A Suburban Residential Zone, unless otherwise provided in this ordinance. It is the
intention of this zoning classification to allow single-family residences on large suburban
parcels with the added benefit of limited agricultural and farming as an incidental use.

SECTION 201: Uses

A. In an R-A Zone, the following uses only are permitted:
1. One-family dwelling or one-family manufactured home of a permanent character,
   consisting of not more than one (1) such one-family dwelling or manufactured
   home installed on a foundation system pursuant to Section 18551 of the California
   Health and Safety Code which complies with Section 2621-C of this Ordinance
   per lot.
2. Accessory building or structures, including but not confined to private garages
   and carports of four (4) car maximum aggregate capacity.
3. Cultivation of flower and vegetable gardens, agricultural crops, orchards,
   vineyards and horticultural collections, excluding commercial greenhouses and
   commercial farming operations, when used as a hobby or a home occupation as
   allowed in item number 12 of this section and Article 20, Sign Ordinance.
4. Animals and poultry as follows:
   a. Small domestic, household pets such as cats, dogs, and birds. The keeping of
      more than five (5) dogs shall be subject to provisions of Section 701(36).
   b. Educationally oriented agricultural projects, similar but not limited to, 4-H
      and FFA projects, recognized youth organizations and school projects, when
      conducted in compliance with the public health and animal laws of the City.
      Subject to the stipulations of Paragraph (c) of this Section.
   c. Grazing of not more than one (1) bovine animals, horses and or other equine
      animals, sheep and or goats where the lot area is 20,000 square feet or more
      and provided that the shelter for such animals shall not be closer than 50 feet
      to any residence, including that of the owner. The minimum lot area of
20,000 square feet shall be required for each additional adult animal. Any building or shelter housing such animals shall not be closer than ten feet to any property line. The keeping of all animals or poultry mentioned herein shall conform to the other provisions of law governing same. The restrictions of this subparagraph relating to animals and poultry shall not apply when the area of any one farm or ranch exceeds ten (10) gross acres.

5. Green houses, nurseries for producing trees, vines and other horticulture stock but excluding wholesale and retail nurseries for the sale of plants or other products not produced on the premises. Sale of agricultural products produced upon the premises, subject to the provisions of item number (12) of this section and Article 20, Sign Ordinance.

6. Accessory buildings and structures, including but not confined to stables, barns, pens and sheds or other structures, for the housing of such animals, feed, equipment, and tools customarily maintained in connection with uses permitted by this section.

7. Applications for second units in R-A, R-E, R-1-8, and R-1 shall be approved by the Zoning Administrator as described in Article 30.

8. Additional one-family dwelling for agricultural employees, when located on farms or ranches containing not less than ten (10) gross acres, provided:
   a. Each such dwelling shall be provided with a building site for the use of the residents thereof, with a minimum area of six thousand (6,000) square feet.

9. Storage of petroleum products, liquefied petroleum gases and individual alcohol distillery devices when incidental to agricultural operations, on parcels of five (5) acres or more in area, for the use of the occupants or owners of the premises, but not resale or distribution, subject to the approval of a Conditional Use Permit.

10. Renting rooms and boarding, as follows:
    a. Renting not more than two (2) rooms in a dwelling to not more than a total of four (4) persons.
    b. Providing table board to not more than four (4) boarders.

11. Family home care, day care centers (excluding nursery schools for children), provided that the number of children cared for, excluding members of the resident family, does not exceed a total of six (6) or eight (8) for a small day care or up to 14 for a large daycare with a permit approved by the zoning administrator, pursuant to Section 1597 of the California Health and Safety Code.

12. Home Occupations which are carried on by an occupant of a dwelling unit for gainful employment, are clearly incidental and subordinate to the use of the structure for dwelling purposes and which do not change the residential character of the primary use provided that a Home Occupation Permit is first approved, subject to the provisions and stipulations of Article 30 of this Ordinance. The following uses only may be permitted as home occupations:
    a. Professional Offices
    b. Offices for personal services such as janitorial service, gardening service, office services, etc.
    c. Dressmaking, millinery, and other home sewing work.
    d. Handicrafts such as weaving, leatherwork, and other arts and crafts.
    e. Instructional classes, not exceeding two (2) students at one time.
f. Mail order or direct sales provided no merchandise is sold on the premises.
g. Hobby farms.

The following uses are expressly prohibited as home occupations:
a. The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, or boats.
b. Repair, fix-it or plumbing shops.
c. Uses which entail the harboring, training, raising, or grooming of dogs, cats or other animals.
d. Uses which entail food handling, processing or packing, other than specialized minor cooking or baking.
e. Healing arts.
f. Spiritual advisory service (fortune-telling).

13. Vehicle parking, if used for personal transportation by occupants of the dwelling, and their guests and employees, located on the same lot or building site, but in no case shall a commercial vehicle exceed a net weight of five thousand (5,000) pounds.

14. Public play area, subject to the approval of a Conditional Use Permit and other requirements of Article 21.

15. Model home use for temporary subdivisions sales offices.

16. Swimming pools used solely by persons resident on site and their guests, provided that the waters edge of any swimming pool shall not be located in a required front yard setback or within five (5) feet of the side and rear property lines.

17. Signing, subject to the stipulation of Article 20.

18. Churches, subject to a Conditional Use Permit and other requirements of Article 21.

B. For General Provision and Exceptions, see Article 26.

SECTION 202: Height

A. Building height shall not exceed thirty-five (35) feet.

B. For General Provision and Exceptions, see Article 26.

SECTION 203: Front Yard

A. Every lot shall have a front yard with a minimum depth of twenty (20) ft.

B. For General Provision and Exceptions, see Article 26.

SECTION 204: Side Yard

A. Every interior lot shall have side yards with a minimum width of ten (10) feet on each side of the main building, except that if a lot is less than one hundred (100) feet in
width, each side yard shall be a minimum of ten percent (10%) of the lot, or five (5) feet, whichever is greater.

B. Corner lots shall be subject to the same yard requirements as interior lots.

C. Reverse corner lots shall have side yards as follows:

1. Street side yard width shall be a minimum of twelve (12) feet or the required front yard requirement of the lot in the rear (key lot), whichever is less.
2. The other (interior) side yard shall be subject to the same yard requirements as interior lots.
3. No accessory building on a reversed corner lot shall project beyond the extension of the required front yard line of the lot in the rear (key lot).

SECTION 205: Rear Yard

A. Every lot shall have a rear yard with a minimum depth of twenty (20) feet.

B. For General Provisions and Exceptions, see Article 26.

SECTION 206: Buildable Area

A. The buildable area, or percentage of a lot which may be occupied by any and all buildings, shall not exceed twenty percent (20%).

B. For General Provisions and Exceptions, see Article 26.

SECTION 207: Space Between Buildings

A. See Section 2606, Accessory Buildings

SECTION 208: Lot Area and Lot Width

A. The minimum area of a lot shall be twenty thousand (20,000) square feet, except as set out in Section 2603, Area.

B. The minimum width of a lot shall be one hundred and twenty (120) feet.

C. For General Provisions and Exceptions, see Article 26.

SECTION 209: Off-Street Parking

A. See Article 22, Off-Street Parking.

SECTION 209.1: Modified Development Standards
A. Modified Development Standards shall be available to owners of parcels developed within the R-A zone in the City of Porterville when it is necessary to preserve and enhance the rural residential characters of segments of the community which are recognized by the Land Use Element of the Porterville General Plan.

B. The sidewalk installation requirements of Section 20-40.1 of the Streets and Sidewalks Code and all public improvement installation requirements of Section 21-34 and 21-49 of the Subdivision Ordinance of the City of Porterville may be waived in cases of lots existing or created at the time this Ordinance became effective subject to the following limitations:

1. Lots under consideration are zoned R-A in conformance with the General Plan of the City of Porterville, and
2. Lots under consideration contain 22 gross acres or more, and have average lot widths of 200 feet or more, and
3. Lot frontages under consideration do not front upon existing or future right-of-ways designated as arterial or collector thorough fares by the adopted circulation element of the City of Porterville.
4. Domestic water and waste disposal (Septic tanks) house services shall be designed in such a manner to facilitate easy hook-up to future City facilities which will be installed in the street right-of-way.
5. Waiver of requirements for installation of City water or sewerage systems shall be accomplished only when the project under consideration can not be serviced by a sewer and/or water lines which is in the estimation of the City Engineer, capable of servicing the site.

C. Nothing in this Section shall be interpreted to relax street right-of-way dedication requirements set forth by the Subdivision Ordinance or Streets and Sidewalks Code of the City of Porterville.

Article 26, Section 2627:
SECTION 2627: Density Bonus Incentives and Concessions

This regulation, by reference to Section 65915 of the California Government Code, and amendments thereof, pertaining to density bonuses and concessions, is intended to authorize residential housing developments for lower-income housing, very low-income housing, elderly housing and child-care facilities.

Processing of an application for a residential bonus density, incentives or concessions shall be by virtue of detailed written proposal and plans submitted, in accordance with California Government Code Section 65915, to the project review committee and shall require a Conditional Use Permit pursuant to the requirements of Article 21 of the Zoning Ordinance.
65915
(a) When an applicant seeks a density bonus for a housing development within, or for the
donation of land for housing within, the jurisdiction of a city, county, or city and
county, that local government shall provide the applicant incentives or concessions
for the production of housing units and child-care facilities as prescribed in this
section. All cities, counties, or cities and counties shall adopt an ordinance that
specifies how compliance with this section will be implemented.
(b) (1) A city, county, or city and county shall grant one density bonus, the amount of
which shall be as specified in subdivision (g), and incentives or concessions, as
described in subdivision (d), when an applicant for a housing development seeks
and agrees to construct a housing development, excluding any units permitted by
the density bonus awarded pursuant to this section, that will contain at least any
one of the following:
(A) Ten percent of the total units of a housing development for lower income
households, as defined in Section 50079.5 of the Health and Safety Code.
(B) Five percent of the total units of a housing development for very low-
income households, as defined in Section 50105 of the Health and Safety
Code.
(C) A senior citizen housing development as defined in Sections 51.3 and 51.12
of the Civil Code, or mobilehome park that limits residency based on age
requirements for housing for older persons pursuant to Section 798.76 or
799.5 of the Civil Code.
(D) Ten percent of the total dwelling units in a common interest development as
defined in Section 1351 of the Civil Code for persons and families of
moderate income, as defined in Section 50093 of the Health and Safety
Code, provided that all units in the development are offered to the public for
purchase.
(2) For purposes of calculating the amount of the density bonus pursuant to
subdivision (f), the applicant who requests a density bonus pursuant to this
subdivision shall elect whether the bonus shall be awarded on the basis of
subparagraph (A), (B), (C), or (D) of paragraph (1).
(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure,
continued affordability of all low-and very low income units that qualified the
applicant for the award of the density bonus for 30 years or a longer period of
time if required by the construction or mortgage financing assistance program,
mortgage insurance program, or rental subsidy program. Rents for the lower
income density bonus units shall be set at an affordable rent as defined in Section
50053 of the Health and Safety Code. Owner-occupied units shall be available at
an affordable housing cost as defined in Section 50052.5 of the Health and Safety
Code.
(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

(e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
(g) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

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<thead>
<tr>
<th>Percentage Low-Income Units</th>
<th>Percentage Density Bonus Units</th>
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(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low Income Units</th>
<th>Percentage Density Bonus</th>
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(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:
<table>
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<tr>
<th>Percentage Moderate Income Units</th>
<th>Percentage Density Bonus</th>
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(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subdivision (b), "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this section or any local law granting a greater density bonus. The density bonus provided by this section shall apply to housing developments consisting of five or more dwelling units.
(h) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

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<tr>
<th>Percentage Very Low Income Units</th>
<th>Percentage Density Bonus</th>
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(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(D) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.

(E) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(F) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child-care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child-care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child-care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child-care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child-care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income
households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child-care facility if it finds, based upon substantial evidence, that the community has adequate child-care facilities.

(4) "Child-care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child-care centers.

(j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(k) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(l) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions. This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.
(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code.

(n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

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

(1) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedrooms: one onsite parking space.
(B) Two to three bedrooms: two onsite parking spaces.
(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

65915.5.

(a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either

(1) grant a density bonus; or

(2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including,
but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.
65917.5.

(a) As used in this section, the following terms shall have the following meanings:

(1) "Child-care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child-care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child-care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child-care licensing requirements shall be included in the floor area of the child-care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child-care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child-care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child-care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child-care facility is not located on the site of the project, the local agency shall determine whether the location of the child-care facility is appropriate and whether it conforms with the intent of this section. The child-care
facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child-care facility itself or may contract with a licensed child-care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child-care resource and referral network or local governmental child-care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child-care facility purposes, in accordance with subdivision (b), for any purposes other than for a child-care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child-care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. Any penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for childcare services or child care facilities.

(e) Once the child-care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child-care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998, by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.
PUBLIC HEARING

SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department - Field Services Division

COMMENT: Water conservation and awareness have always been areas of concern for the Porterville Community. Below average precipitation this winter could reduce the available water supply. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs.

Historically, June through August are the high water consumption months; therefore, a media campaign promoting water conservation began in May with newspaper and radio messages. Water conservation was also promoted during the Porterville Fair with conservation information and water saving kits distributed to the public.

The City is currently in Phase II of the City's Water Conservation Plan. Phase II applies during periods when there is a water supply shortage. Voluntary conservation is requested and increased public information is implemented. Another aspect of Phase II is encouraging consumers to reduce water usage between the hours of 5 and 10 am and 5 and 10 pm. Phase III applies during periods when there is a severe water supply shortage. A 20% rate increase on all residential and landscape accounts would go into effect.

Staff will closely monitor the water system and provide a report to Council at the first meeting in July.

RECOMMENDATION: That City Council:

1. Continue with Phase II water conservation efforts,

2. Continue the Public Hearing to first meeting in July, for moving into Phase III for the months of July thru September if severe water supply shortage is projected; and

3. If severe water supply shortage is not projected, City staff will only have a Water Conservation Report for public comment during the July meeting.

ATTACHMENT: Production Graph

[Signatures]
COUNCIL AGENDA: JUNE 5, 2007

PUBLIC HEARING

SUBJECT:  VACATION OF A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (Sierra View District Hospital)

SOURCE:  Public Works Department – Engineering Division

COMMENT:  This is the time and place set for the hearing on the proposed vacation of a portion of a 60-foot wide water, sewer and storm drain facilities easement, generally located in the former Cleveland Avenue right of way west of Pearson Drive.

However, due to Sierra View District Hospital not submitting the necessary easements for underground utility relocation, this item needs to be continued until the next City Council meeting.

RECOMMENDATION:  That the City Council continue the Public Hearing until June 19, 2007.

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\PUBLIC HEARING - VACATION OF TEMPORARY EASEMENTS FOR VEHICULAR ACCESS - SVDH - 2007-06-05.DOC

Dir  Appropriated/Funded  CM  Item No. 12
COMMENT: The applicant is requesting approval of one (1) office building, a storage building, and a future office building to be built-out in two (2) phases. The subject site is generally at the southwest corner of State Highway 65 and 190 within the PO (D) (Professional Office - Design Review Overlay) Zone.

The subject site is generally rectangular in shape fronting on Poplar Avenue to the north and extending south. An existing retention basin is located at the south end of the subject site and an existing residential structure (presently being utilized for storage) is located to the south of the existing parking and Poplar Avenue located to the north. The subject site consists of two (2) parcels with a total of 100,394± square feet. The front portion of the site has an existing improved parking area being utilized by the adjacent Family Health Care Network to the east, which is located in the county. The county portion consists of an existing 27,000± square foot, two (2) story building and associated parking and onsite parking.

The first phase of the project will consist of construction of a 7,445± square foot office building (Building “A”) to be located at the rear and south end of the subject site, a proposed storage building consisting of 3,200± square feet to be located at the southeast corner of the subject site, a landscaped area consisting of lawn between proposed building “A” and the existing residential dwelling to the north and proposed additional parking.

Building “A” will consist of offices, conference room, training room, lounge and lobby. A covered entry way will be located at the entrance to the lobby. A covered patio will have a door entering into the locker area leading to the main hallway in the building. Windows are proposed around all sides of the building. The building will have a plaster finish and painted with a light tan color (Sherman Williams #6112-Intricate Ivory). The roof material will consist of a minimum of 30-year dimensional composition shingles gray in color (Cypress wood). The plastered wood trim will consist of a light tan color (Sherman Williams #6448-Grand Canal). The wood fascia board will be green in color. The aluminum frames around the windows and doors will be brown in color. The storage building (Building “B”) will have the same colors and material as Building “A”. This building will not have any windows, however, a door and roll-up door will be located on the north end of the building.
In addition to the two (2) proposed buildings in Phase 1, a proposed parking lot will be constructed to provide for 71 additional parking spaces to be located to the west of Building “A”. Landscaping will be provided in the parking area, and around and between Buildings “A” and “B”. A landscaped area to consist of lawn between Building “A” and the existing residential dwelling will be required to be planted with the first phase. Additionally, a six (6) foot high masonry block wall will be required to be constructed along the full length of the west, south and easterly property lines of the subject site. The wall will terminate on the easterly side of the property once it intersects with the existing parking area located at the northeast corner of Building “B”.

Phase two will consist of removing the existing residential dwelling and providing additional parking in its place and construction of proposed office building (Building “C”) to consist of 4000 square feet to be located between the new parking area and Building “A”.

Staff is recommending that rather than bring this item back to City Council for an additional “D” Overlay Site Review for the future proposed Building “C”, the plans can be submitted to the Community Development Director for review and approval. As a condition of approval, the future proposed building cannot exceed 4,000 square feet and shall be constructed with the same type of material and colors as Buildings “A” and “B”.

Access to the proposed parking and existing parking for this site will be off of Poplar Avenue. One (1) ingress/egress approach will be located on the northeast corner of the subject site and the second ingress/egress approach will be located at the northwest corner of the subject site.

**PARKING ANALYSIS**

- Building “A” 7,445 sq. ft. @ 1/per 200 sq. ft. requires = 37 spaces
- Building “B” 3,200 sq. ft. @ 1/per 600 sq. ft. requires = 5 spaces
- Future Building “C” 4,000 @ 1/per 200 sq. ft. requires = 20 spaces

TOTAL REQUIRED = 62 spaces

- TOTAL TO BE PROVIDED ON FIRST PHASE = 71 spaces
- TOTAL TO BE PROVIDED ON SECOND PHASE = 20 spaces

TOTAL = 91 spaces

EXISTING PARKING ON SITE AND OFF-SITE = 113 spaces
The existing two (2)-story building located in the county consist of 27,000± square feet. If the site were in the City Limits of Porterville, the ratio of one (1) parking space for every 200 square feet of gross floor area, a total of 135 parking spaces would be required. At present 57 parking spaces exists on that county site, 34 parking spaces exists on the front of the subject site proposed for the “D” Overlay, and additional 22 spaces are provided as off-site parking located at the northeast corner of Poplar Avenue and Halsey Street for a total of 113 parking spaces.

At the ratio of parking required for the proposed “D” Overlay Site Review and parking required for the existing Family Health Care Network building site, a total of 197 parking spaces would be required. The addition of the 91 parking spaces and existing parking on both sites total 204 parking spaces.

ENVIRONMENTAL: The project as proposed is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-fill Development Projects). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 3-2007.

ATTACHMENTS:

1. Complete Staff Report
CITY COUNCIL AGENDA: June 5, 2007

STAFF REPORT

TITLE: DESIGN OVERLAY SITE REVIEW 3-2007

APPLICANT: Family Health Care Network

SPECIFIC REQUEST: The applicant is requesting approval of one (1) office building, storage building, and a future office building to be built-out in two (2) phases. The subject site is generally at the southwest corner of State Highway 65 and 190 within the PO (D) (Professional Office – Design Review Overlay) Zone.

PROJECT DETAILS: The subject site is generally rectangular in shape fronting on Poplar Avenue to the north and extending south. An existing retention basin is located at the south end of the subject site and an existing residential structure (presently being utilized for storage) is located to the south of the existing parking and Poplar Avenue located to the north. The subject site consists of two (2) parcels with a total of 100,394± square feet. The front portion of the site has an existing improved parking area being utilized by the adjacent Family Health Care Network to the east, which is located in the county. The county portion consists of an existing 27,000± square foot, two (2) story building and associated parking and offsite parking.

The first phase of the project will consist of construction of a 7,445± square foot office building (Building “A”) to be located at the rear and south end of the subject site, a proposed storage building consisting of 3,200± square feet to be located at the southeast corner of the subject site, a landscaped area consisting of lawn between proposed building “A” and the existing residential dwelling to the north and proposed additional parking.

Building “A” will consist of offices, conference room, training room, lounge and lobby. A covered entry way will be located at the entrance to the lobby. A covered patio will have a door entering into the locker area leading to the main hallway in the building. Windows are proposed around all sides of the building. The building will have a plaster finish and painted with a light tan color (Sherman Williams #6112-Intricate Ivory). The roof material will consist of a minimum of 30-year dimensional composition shingles gray in color (Cypress wood). The plastered wood trim will consist of a light tan color (Sherman Williams #6448-Grand Canal). The wood fascia board will be green in color. The aluminum frames around the windows and doors will be brown in color. The storage building (Building “B”) will have the same colors and material as Building “A”. This building will not have any windows, however, a door and roll-up door will be located on the north end of the building.

In addition to the two (2) proposed buildings in Phase 1, a proposed parking lot will be constructed to provide for 71 additional parking spaces to be located to the west of Building “A”. Landscaping will be provided in the parking area, and around and between Buildings “A” and “B”. A landscaped area to consist of lawn between Building “A” and the existing residential dwelling will be required to be planted with the first phase. Additionally, a six (6) foot high masonry block wall will be required to be constructed along the full length of the west, south and easterly property lines of the subject site. The
wall will terminate on the easterly side of the property once it intersects with the existing parking area located at the northeast corner of Building “B”.

Phase two will consist of removing the existing residential dwelling and providing additional parking in its place and construction of proposed office building (Building “C”) to consist of 4000 square feet to be located between the new parking area and Building “A”.

Staff is recommending that rather than bring this item back to City Council for an additional “D” Overlay Site Review for the future proposed Building “C”, the plans can be submitted to the Community Development Director for review and approval. As a condition of approval, the future proposed building cannot exceed 4,000 square feet and shall be constructed with the same type of material and colors as Buildings “A” and “B”.

Access to the proposed parking and existing parking for this site will be off of Poplar Avenue. One (1) ingress/egress approach will be located on the northeast corner of the subject site and the second ingress/egress approach will be located at the northwest corner of the subject site.

**PARKING ANALYSIS**

Building “A” 7,445 sq. ft. @ 1/200 sq. ft. requires = 37 spaces
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EXISTING PARKING ON SITE AND OFF-SITE = 113 spaces

The existing two (2)-story building located in the county consist of 27,000± square feet. If the site were in the City Limits of Porterville, the ratio of one (1) parking space for every 200 square feet of gross floor area, a total of 135 parking spaces would be required. At present 57 parking spaces exists on that site, 34 parking spaces exists on the front of the subject site proposed for the “D” Overlay, and additional 22 spaces are provided as off-site located at the northeast corner of Poplar Avenue and Halsey Street for a total of 113 parking spaces.

At the ratio of parking required for the proposed “D” Overlay Site Review and parking required for the existing Family Health Care Network building site, a total of 197 parking spaces would be required. The addition of the 91 parking spaces and existing parking on both sites total 204 parking spaces.
GENERAL PLAN AND ZONING: The General Plan designates the site as Professional and Office. The subject site is within the PO (D) (Professional Office - Design Review Overlay) Zone.

SURROUNDING ZONING AND LAND USE:

North: County - Poplar Avenue and State Highway 190
South: County – Single family residential dwellings
East: County – Halsey Street, off-site parking, single family residential dwellings and State Highway 65
West: City – R-1 Single family residential dwelling and South Prospect Street

STAFF ANALYSIS:

The area surrounding the subject site has not developed with a unified architectural theme. The building(s) as proposed appears to be an attractive addition to the streetscape.

It is Staff's recommending that rather than bring this item back to City Council for an additional “D” Overlay Site Review for the future proposed building “C”, the plans can be submitted to the Community Development Director for review and approval. As a condition of approval, the future proposed building cannot exceed 4,000 square feet and shall be constructed with the same type of material and colors as Buildings “A” and “B”.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would not allow the applicants to construct the buildings and parking as proposed.

2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the buildings and parking as proposed subject to approval of “D” Overlay Site Review 3-2007.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: February 28, 2007

DATE ACCEPTED AS COMPLETE: April 24, 2007
ATTACHMENTS:

1. Zoning, Land Use and General Plan designation map
2. Notice of Exemption
3. Draft Resolution containing findings and conditions in support of "D" Overlay Site Review 3-2007 (Site plan, elevations and floor plans - Exhibit "A")
NOTICE OF EXEMPTION

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

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Family Health Care Network
801 W. Center St.
Visalia, CA 93292

“D” Overlay Site Review 3-2007

Project Title

Generally the southwest corner of State Highway 65 and State Highway 190.

Project Location (Specific)

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

“D” Overlay to allow for the construction of a 7,445 square foot office building, a proposed 5,200 square foot storage building and a future 4,000 square foot office building.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

Family Health Care Network

Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

X  Categorical Exemption. State type and section number: 15332 Class 32

In-fill development- less than 5 acres

Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person
If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the Project? Yes:

Date Received for filing:__________________________

Signature:__________________________
Community Development Director
Title:__________________________

U/NoticeExempt"D"overlay3-2007
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF “D” OVERLAY SITE REVIEW 3-2007 TO ALLOW FOR THE CONSTRUCTION OF ONE (1) OFFICE BUILDING, STORAGE BUILDING AND FUTURE OFFICE BUILDING TO BE BUILT IN TWO (2) PHASES FOR THAT SITE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF STATE HIGHWAY 65 AND STATE HIGHWAY 190 IN THE PO (D) (PROFESSIONAL OFFICE - “D” OVERLAY SITE REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 5, 2007, reviewed and considered “D” Overlay Site Review 3-2007, to allow for the construction of one (1) office building, storage building, and a future office building to be built out in two (2) phases. The subject site is generally at the southwest corner of State Highway 65 and 190 within the PO (D) (Professional Office – Design Review Overlay) Zone; and

WHEREAS: Staff is recommending that rather than bring this item back to City Council for an additional “D” Overlay Site Review for the future proposed Building “C”, the plans can be submitted to the Community Development Director for review and approval. As a condition of approval, the future proposed building cannot exceed 4,000 square feet and shall be constructed with the same type of material and colors as Buildings “A” and “B”.

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

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

The General Plan designates the subject site for Professional and Office uses. The existing PO (D) zoning and proposed use is consistent with the General Plan.

3. That the design and operation of the proposed project are consistent with the existing Zoning.

Pursuant to Article Six of the Porterville Zoning Ordinance, only those identified uses are allowed in this zone. The proposed use is consistent with those identified uses allowed in this zone.

ATTACHMENT
ITEM NO. 3
4. That the proposed use is not likely to cause substantial environmental damage.

The subject site is flat. City staff conducted an on-site inspection. The subject site has a retention basin on the south of the property. The front of the property has existing improved parking and an existing single-family residential dwelling (currently being utilized for parking. The area immediately located to the south of the existing single-family dwelling is being utilized for parking although it is unimproved. The area on the west side of the site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 3-2007 subject to the following conditions:

1. Building “B” cannot be utilized for any other use other than storage.

2. The area for future Building “C” shall be planted with lawn as part of Phase 1.

3. A six-foot high masonry block wall will be required along the full length of the west side, south side and east side of the proposed 2.30-acre site located within the City Limit portion of the site. The wall will be required to be constructed on the first phase of the project. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director. The block wall to be located on the west side of the property shall not extend any closer that 15 feet from the property line fronting on West Poplar Avenue.

4. As a condition of approval, A lot line adjustment will be required prior to the submittal of plans for a building permit.

5. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

6. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
7. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. Retention of on-site drainage requires percolation testing and calculations prepared by a civil engineer.


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

10. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

11. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lot, if applicable.

12. Easement shall be in place that allow for mutual use of sewer and water, if applicable.

13. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

   • Three copies of a Map and Legal Descriptions
   • Processing fee in the amount of $616.
   • Adequate title information (deed, etc.) to verify current ownership and the method of creation of the affected parcels.

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

15. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

16. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
17. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

18. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

Wastewater Discharge Permit Application, Part “A”; and

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

19. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

20. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

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

22. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

23. A back-flow device is required on the water meter.

24. The developer/applicant shall install a refuse container enclosure according to City Standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
25. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

26. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area.

27. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

28. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

29. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and clean appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

30. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

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

32. Compliance with all applicable codes is required.

33. Plan check fees are required at the time of building permit submittal.

34. Soils compaction test shall be required.

35. School Development fees and all other City fees are due at the time of building permit issuance.

36. Restrooms and main entrance must comply with disabled access laws.

37. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
38. Signs require separate permit.

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

40. The project as proposed exceeds the allowable area for a type V-N building. Location of planned structures does not allow area increases. Construction type or an automatic sprinkler system would be required.

41. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.

42. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

43. Fire hydrant spacing shall be as follows:
   - In **Residential development**, one hydrant shall be installed at 500-foot intervals.
   - In **Commercial development**, one hydrant shall be installed at 300-foot intervals.

44. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

45. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

46. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code. Fire flow for this project as proposed will be 2,500 GPM and will require a minimum of three hydrants.

47. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

48. A Knox box will be required. An application may be obtained from the Fire Department.

49. Additional requirements for compliance with the Uniform Fire code may be added at the time of building permit review when more information regarding the building type and use are provided.
50. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1,000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.

51. All mechanical devices, to include gas and electrical meter, heating and cooling units shall be screened from public view in a manner that is architecturally compatible with the buildings.

52. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”. Any change in the color scheme or architecture to the proposed buildings shown on Exhibit “A” will require the approval of the Community Development Director.

53. Work with the City on the provision of a bus stop and turnaround area to the satisfaction of the Transit coordinator.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
KEY NOTES

<table>
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<tr>
<th>MARK</th>
<th>NOTES</th>
<th>MANUFACTURE / COLOR</th>
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<tbody>
<tr>
<td>1</td>
<td>ALUMINUM STOREFRONT FRAME - DARK BRONZE ANODIZED W GREY LIGHT DUAL GLAZING.</td>
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<td>2</td>
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<td>5</td>
<td>ASPHALT SHINGLES CERTAINEED: HOODSCAPE SERIES COLOR: CYPRESSWOOD</td>
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<tr>
<td>6</td>
<td>PLASTERED WOOD TRIM PAINTED: SHERWIN WILLIAMS 56488 COLOR: GRAND CANAL</td>
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</tr>
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<td>7</td>
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# Key Notes

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<th>NOTES</th>
<th>MANUFACTURE / COLOR</th>
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<td>STEEL DOOR &amp; FRAME W/ TRANSM. WINDOW</td>
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<td>ALUMINUM ROLL-UP DOOR</td>
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<td>ASPHALT SHINGLES</td>
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<td>PLASTERED FOAM TRIM</td>
<td>PAINTED: SHERWIN WILLIAMS 9606 COLOR - GRAND CANAL</td>
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**Building B - Exterior Elevations**

1/4" = 1'-0"
SUBJECT: SOLID WASTE PROGRAM UPDATE

SOURCE: Public Works Department - Field Services Division

COMMENT: In July 2006, the City of Porterville implemented a residential curbside recycling program. Each single family residence was issued a third container to accommodate recycling collection. Residential collection now consists of Recycling, Green Waste and Refuse. The three waste streams are processed at three separate facilities. The residential recycling is transported to Sunset Waste in Visalia, the green waste is taken to Tulare County Compost near Visalia, and the refuse is hauled to Tea Pot Dome landfill.

As of April 2007, the residential curbside recycling program has collected over 1,800 tons of recycled material generating over $34,000 in revenue. This nine-month revenue is above the total recycling annual budget estimate of $22,500. This is due to the quality of the recycled material and a lower contamination level than initially anticipated when preparing the budget estimate. Public education and the excellent cooperation by our residents in depositing only appropriate recyclable materials in their blue container has been a big factor in lower contamination levels and higher revenue.

The proposed 2007/2008 budget has an anticipated $50,000 increase in expenditures for curbside recycling. This is due in part to an increase in salaries, required retrofit of diesel particulate filters for the refuse fleet, and additional container purchases because of annexations. However, this increase in expenditures will not result in a need for a rate increase because of the additional revenues being generated by the curbside recycling program and the avoided landfill fee cost savings of approximately $78,000.

Other notable changes in the solid waste fund are the declining revenues in the roll-off operation because of a slow down in construction activity. An increase in the processing fees is the major increase in the green waste budget. Graffiti abatement has been increasing over the years and increased expenditures are anticipated for next fiscal year based on the current trend.

The overall solid waste fund is stable. Our rates are among the lowest in the county. Revenues are projected to exceed expenditures for fiscal year 06/07, and we also anticipate the same result for fiscal year 07/08.

RECOMMENDATION: None. Information only.

CITY OF PORTERVILLE
ANNUAL BUDGET
2007-2008

SOLID WASTE FUND

<table>
<thead>
<tr>
<th></th>
<th>2006-2007</th>
<th></th>
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<th>2007-2008</th>
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<tr>
<td></td>
<td>Actual</td>
<td>Estimate</td>
<td>Revised</td>
<td>Estimate</td>
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<td>Available balance, beginning of year</td>
<td>$(465,650)</td>
<td>$(113,604)</td>
<td>$(171,993)</td>
<td>$68,709</td>
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<td>Add:</td>
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<td>Revenues from:</td>
<td>107</td>
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<td>217</td>
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<td>Interest income</td>
<td>2,350,906</td>
<td>2,457,437</td>
<td>2,501,816</td>
<td>2,556,000</td>
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<td>Residential charges</td>
<td>1,887,802</td>
<td>1,902,732</td>
<td>1,868,360</td>
<td>1,941,876</td>
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<td>Commercial charges</td>
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<td>598,259</td>
<td>523,418</td>
<td>550,398</td>
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<td>Roll-off charges</td>
<td>21,765</td>
<td>22,500</td>
<td>45,601</td>
<td>48,408</td>
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<td>Recycling charges</td>
<td>59,203</td>
<td>55,236</td>
<td>75,562</td>
<td>59,736</td>
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<td>Other revenues</td>
<td></td>
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<tr>
<td>Total</td>
<td>4,928,338</td>
<td>5,036,164</td>
<td>5,014,974</td>
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<td>Less:</td>
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<td>Appropriations for:</td>
<td></td>
<td></td>
<td></td>
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<td>Refuse collection expenses</td>
<td>3,288,604</td>
<td>3,190,293</td>
<td>3,199,196</td>
<td>3,287,445</td>
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<td>Green waste program</td>
<td>623,168</td>
<td>693,268</td>
<td>665,353</td>
<td>753,856</td>
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<td>Street sweeping expenses</td>
<td>158,621</td>
<td>157,443</td>
<td>153,460</td>
<td>170,070</td>
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<td>Curbside recycling</td>
<td></td>
<td>150,359</td>
<td>158,001</td>
<td>201,263</td>
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<td>Waste recycling</td>
<td>461,983</td>
<td>438,288</td>
<td>475,106</td>
<td>449,062</td>
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<td>Graffiti removal</td>
<td>93,652</td>
<td>127,506</td>
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<td>Total</td>
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<td>4,757,157</td>
<td>4,774,272</td>
<td>5,010,353</td>
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<td>Available balance, end of year</td>
<td>$(171,993)</td>
<td>$165,403</td>
<td>$68,709</td>
<td>$214,774</td>
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### LOCAL RESIDENTIAL SOLID WASTE COLLECTION COMPARISON -- MAY 2007

<table>
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<tr>
<th>City</th>
<th>July 1, 2007</th>
<th>Anticipated Increase</th>
<th>Containers Provided</th>
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<tr>
<td>Dinuba</td>
<td>$26.03</td>
<td>07/01/2007</td>
<td>Split can refuse/recycling and greenwaste</td>
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<tr>
<td>Tulare County - Rural</td>
<td>$22.25</td>
<td>None Scheduled</td>
<td>Refuse only</td>
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<tr>
<td>Tulare County - Urban area</td>
<td>$21.75</td>
<td>None Scheduled</td>
<td>Refuse &amp; greenwaste</td>
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<td>Lindsay</td>
<td>$19.93</td>
<td>None Scheduled</td>
<td>Split can refuse/recycling and greenwaste</td>
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<tr>
<td>Tulare</td>
<td>$19.00</td>
<td>07/01/2007</td>
<td>Refuse &amp; greenwaste</td>
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<tr>
<td>Farmersville</td>
<td>$19.00</td>
<td>None Scheduled</td>
<td>Refuse, recycling &amp; greenwaste</td>
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<tr>
<td>Woodlake</td>
<td>$18.50</td>
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<td>Refuse, recycling &amp; greenwaste</td>
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<tr>
<td>Visalia</td>
<td>$18.05</td>
<td>32.5% increase over next 5 years</td>
<td>Split can refuse/recycling and greenwaste</td>
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<tr>
<td>Porterville</td>
<td>$17.85</td>
<td>None Scheduled</td>
<td>Refuse, recycling &amp; greenwaste</td>
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<tr>
<td>Exeter</td>
<td>$16.60</td>
<td>None Scheduled</td>
<td>Refuse, recycling &amp; greenwaste</td>
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SUBJECT: REQUEST FOR COUNCIL STUDY SESSION FOR GENERAL PLAN CIRCULATION CONCEPTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: Staff has been moving forward on critical elements of the General Plan including the draft policies. Staff is requesting City Council schedule a study session to discuss the draft policy regarding Circulation to clarify the course of this vital General Plan Element.

RECOMMENDATION: That the City Council schedule a study session to provide direction to Staff and the Consultant on the preparation of the draft General Plan Circulation policies.
SUBJECT: REQUEST FOR COUNCIL STUDY SESSION FOR JOHNSON CONTROLS INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS PROJECT EVALUATION

SOURCE: Administrative Services

COMMENT: As a component in the consideration of the City's budget for the upcoming 2007-2008 fiscal year, it is the request and recommendation of staff to schedule a special study session concerning the viability of performing the infrastructure and operational enhancements project proposed by Johnson Controls.

There are significant merits to proceeding with the project proposed by Johnson Controls, including improved energy efficiencies and resulting monetary savings, as well as improved employee and customer comfort. However, staff also possesses certain reservations relative to the debt financing of the project, as well as sustaining the expected energy savings in the long-term.

RECOMMENDATION: That Council schedule a study session no later than Friday, June 15, 2007, to consider the Johnson Controls project.
SUBJECT: REPORT REGARDING MORATORIUM FOR USE OF CREDIT CARDS

SOURCE: Administrative Services

COMMENT: At its meeting on March 20, 2007, the Council approved staff’s recommendation to impose a three (3) month moratorium on the use of MasterCard and Visa credit cards effective April 1 through June 30, 2007, establishing a maximum payment amount of $250.00 that could be charged to credit cards. The moratorium was recommended due to the significant processing fees that were being assessed to the City in their use, especially to the Public Works Department in the use of credit cards for the payment of building permits. With each transaction in the use of a credit card, the City was being assessed an approximate 2.37% transaction fee. In an analysis for the fiscal year 2006-2007 from July 1 to mid-March, the City had been assessed over $25,000.00 in credit card processing fees, projected to be in excess of $40,000 by the end of the fiscal year. As a result of the moratorium, projected processing fees are projected now not to exceed $27,000.

Concurrent with the moratorium period, staff worked with the Audit Committee in the preparation of a Request for Proposals for Banking Services, with the intended effective date of a potentially new banking services provider being July 1, 2007. A critical component of the Banking Services RFP was for the considering parties to provide solutions for the City not to be responsible for the transaction fees, as well as ensuring the City receives the lowest or most competitive processing rate. Staff is currently reviewing submittals to the RFP, and will be working with the Audit Committee toward a recommendation for Council at its meeting on June 19th. In reviewing the submittals regarding merchant services options, none of the submittals provided a perfect solution to eliminate transaction fees although providing more friendly processing fee rates. However, it is still hoped that options will be developed with the successful submittal to eliminate transaction fees.

RECOMMENDATION: None – information only.
SUBJECT: DISPOSITION OF COUNCIL MEETING OF JULY 3, 2007

SOURCE: Administration/City Clerk

COMMENT: The first regular July City Council meeting will fall on July 3, 2007, the day before the Fourth of July Holiday. In the past the Council has set a meeting for the next Tuesday, in this case July 10, if they chose to postpone the first meeting and there were items that required consideration in a more timely fashion. Or they waited until the second regular meeting in July, which would be July 17. Although Council may choose to set another specific date at this time, should circumstances warrant a change or rescheduling of the meeting, Council would have time to make the necessary change at the June 19, 2007 regular Council Meeting.

RECOMMENDATION: That the City Council set an alternative date for the July 3, 2007 Council meeting, if they choose to do so.

Item No. 18

[Signatures]
SUBJECT: REQUEST BY COUNCIL MEMBER – NO PARKING ON LAWNS

SOURCE: Administration

COMMENT: A request has been made by Mayor Hamilton, due to a citizen request, to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None

Attachment: Fresno Bee May 9, 2007 Article, Visalia sets its sights on housing director

Item No. 19

CM
Visalia sets its sights on housing director

A director to lead the new Housing and Economic Development Department at the city of Visalia will be hired any day now.

This week in closed session, the council gave City Manager Steve Salomon the green light to offer the job to a candidate.

The salary starts at $111,000 a year.

"It may be somewhat new for us" because the techniques for dealing with these problems are still being developed, Salomon said. "We're trying to respond to the council and the community," he said.

The new department head also will assist the city manager in attracting jobs and businesses to Visalia. Salomon has played a leading role in economic development since he arrived in 1996, but "there's a lot of work involved," he said.

A code enforcement officer could issue the citation as soon as a problem is seen, although a verbal warning and a letter would most likely be sent first, Burns said.

"Our goal is not to generate income from this," Burns said. "Our goal is to get people to comply."

Those who fail to take action after the $100 fine could face fines of $200 on the second offense and $500 on the third. Besides cars on lawns, owners of run-down, abandoned or graffiti-covered properties could get them, as could scavengers and aggressive panhandlers.

Seeking re-election:
Donna Martin, Larry Jones and Rob Stephenson, all incumbents on the Visalia Unified School District board of trustees, held a social last week to announce they are seeking re-election.

"The chemistry on the board is great," Stephenson said. "We disagree, but we disagree respectfully."

Each represents Area 5, the only area up for election in November. Trustees live in the area they represent, but are voted on districtwide.
REDEVELOPMENT AGENCY MEETING AGENDA: JUNE 5, 2007

SUBJECT: REDEVELOPMENT AGENCY 2007-2008 BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Section 33606 of the California Health and Safety Code requires the Redevelopment Agency to adopt an annual budget which contains the following information: proposed expenditures of the agency, proposed indebtedness to be incurred by the agency, the anticipated revenues of the agency, the work program and goals for the coming year, and an examination of the previous year’s achievements and a comparison of the achievements with the goals of the previous year’s work program.

The 2007-2008 work program includes the following items that may require Council direction:

- Public Parking – Staff is seeking options regarding traffic circulation and parking improvements in the South Main Street – South “C” Street; Olive Avenue – Vine Avenue area to expand development opportunities, reduce blight, and address safety conditions in the area. It is foreseeable that these options will be brought to the City Council for further direction during the 2007-2008 Fiscal Year.

- Master Plan Area – The area near Olive Avenue and Plano Street (Porterville Fairgrounds) has been identified as a potential site for a new County court facility. In anticipation of the improvements in and around the area, the Agency desires to pursue a Master Plan for the uniform development within Project Area No. 1 and the surrounding properties. During the 2007-2008 Fiscal Year, the Agency will seek funding from the City to provide for the development of the Master Plan.

- Project Area Amendment – To assist with the implementation of the Master Plan Area and further the benefits of redevelopment in the community, it may be beneficial to amend Project Area No. 1 or adopt Project Area No. 2 to include all properties identified within the Master Plan and other qualified areas. If necessary to fulfill the Redevelopment goals, the Agency may seek additional funding to amend Project Area No. 1 or adopt Project Area No. 2.

- Porterville Hotel – Coordinate with City staff and consultants to evaluate the redevelopment of the Porterville Hotel site and the

DD 34535 APPROPRIATED/FUNDED MB CM ITEM NO. PRA-1
potential for financial participation by the Agency. The Agency’s involvement with the project will be defined during the course of project’s due diligence.

- Hockett Street/Mill Avenue Parking Lot Renovation – During the 2007-2008 Fiscal Year, staff will develop design plans for the renovation of the parking lot on Hockett Street between Mill Avenue and Oak Avenue. Funding for the project is proposed to be a loan from the City to the Agency, with no cost to the Agency until the 2008-2009 Fiscal Year.

- Administration – To provide for more efficient administration of the Agency’s activities, Article II, Section 201 of the Agency’s By-Laws’ will be amended as follows: “The City Manager shall serve as appoint the Executive Director of the Agency.” Staff is working on the amendment and will be bringing this item back to the Agency at the June 19, 2007, Redevelopment Agency meeting.

The annual budget for 2007-2008 has been prepared in accordance with Section 33606 and is provided as an attachment for Agency review and adoption.

RECOMMENDATION: That the Agency Board adopt the attached 2007-2008 Redevelopment Agency budget.

ATTACHMENTS: 1. Draft Resolution adopting the 2007-2008 Redevelopment Budget
2. Proposed 2007-2008 Redevelopment Budget
RESOLUTION NO.
A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE 2007-2008 BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 33606

WHEREAS, by Ordinance No. 1227 adopted February 17, 1981, the City Council of the City of Porterville (the “City Council”) activated the Porterville Redevelopment Agency (the “Agency”) and declared itself to constitute the Agency; and

WHEREAS, by Resolution No. PRA 81-3 adopted April 7, 1981, the Agency approved a Cooperative Agreement by and between the City Council and the Agency wherein the City agreed to establish an “Agency General Fund” with money appropriated by the City Council to pay for the Agency’s administrative expenses as authorized by Health and Safety Code Section 33610; and

WHEREAS, by Ordinance No. 1436 adopted July 10, 1990, the City Council approved the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 (the “Plan”); and

WHEREAS, Health and Safety Code Section 33606 requires that the Agency adopt an annual budget; and

WHEREAS, for the purpose of fulfilling its obligations to effectuate the Plan and conduct redevelopment activities pursuant thereto, the Agency has estimated its 2007-2008 fiscal year expenditures, indebtedness, anticipated revenues and proposed work program to be as provided in the budget hereinafter referred to as the “Redevelopment Agency Budget” attached hereto as Attachment “A” and incorporated herein by reference; and

WHEREAS, the Agency is required to determine annually that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

NOW, THEREFORE, BE IT RESOLVED by the Porterville Redevelopment Agency that the Agency approves and adopts the Redevelopment Agency Budget for the 2007-2008 fiscal year in conformance with Health and Safety Code Section 33606, determines that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing, and authorizes and directs the Executive Director to submit said Budget to the City Council pursuant to Health and Safety Code Section 33611.

Porterville Redevelopment Agency

By: __________________________________________
Cameron Hamilton, Chairperson

ATTEST:

By: _______________________________________
John Longley, Executive Secretary
PORTERVILLE
REDEVELOPMENT
AGENCY

2007-2008 BUDGET
CONTENTS

I. PREFACE
II. FINANCIAL SUMMARY
III. WORK PROGRAM 2007-2008
IV. PREVIOUS YEAR’S ACTIVITIES
I. PREFACE

The Redevelopment Agency is administered by the Community Development Department. The Agency was created pursuant to California Health and Safety Code Community Redevelopment Law. Redevelopment revitalizes targeted areas of blight and deterioration through several methods of Agency participation.

Porterville's Redevelopment Project Area No. 1, implemented in August 1990, originally encompassed approximately 471 acres. During the 2004-2005 Fiscal Year, the process to remove 2 sites (26 acres) from the project area was completed, leaving approximately 445 acres in Project Area No. 1. The area is primarily commercially and industrially zoned.

This budget has been prepared in accordance with California Health and Safety Code Section 33606, which requires each agency to adopt an annual budget.
## II. FINANCIAL SUMMARY

### AGENCY DEBT

<table>
<thead>
<tr>
<th>Description</th>
<th>AS OF 6-30-06</th>
<th>AS OF 6-30-07</th>
<th>B. PROPOSED INDEBTEDNESS 2007-2008</th>
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<tbody>
<tr>
<td>Redevelopment Agency Bond Indebtedness</td>
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<tr>
<td>Original Bond Debt Incurred December 1992</td>
<td>$5,320,000</td>
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<td>Refinanced 2002</td>
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<tr>
<td>Redevelopment Agency Debt to State of California Rural Economic Development</td>
<td>$249,454</td>
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<td>Infrastructure Program (REDIS)</td>
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<tr>
<td>Redevelopment Agency Debt to County of Tulare</td>
<td>$205,000</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>Incurred 1997 - Refinanced with City of Porterville in 2007</td>
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<tr>
<td>Redevelopment Agency Debt to City of Porterville</td>
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<td>$195,000</td>
<td>$156,000</td>
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<tr>
<td>Refinanced Agency Debt with County of Tulare</td>
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<tr>
<td>Incurred 2007</td>
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<tr>
<td>Principal plus interest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City of Porterville</td>
<td>$1,145,425</td>
<td>$1,145,425</td>
<td>$1,145,425</td>
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<tr>
<td>Fund Advance Agreement #1</td>
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<tr>
<td>Incurred 1981</td>
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<td>Principal plus interest</td>
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<tr>
<td>Redevelopment Agency Debt to City Risk Management Fund Advance Agreement #2</td>
<td>$149,333</td>
<td>$151,316</td>
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<tr>
<td>Incurred 1998</td>
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<tr>
<td>Principal plus interest</td>
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<tr>
<td>California Housing Finance Agency Housing Enabled by Local Partnerships (HELP) - Incurred 2003; Principal and Interest Paid in 2006 ($1,672,943)</td>
<td>$1,499,482</td>
<td>$-0-</td>
<td>$-0-</td>
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<tr>
<td><strong>TOTAL DEBT INCURRED</strong></td>
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<td>As of 06-30-06</td>
<td>$8,568,694</td>
<td>$6,840,654</td>
<td>$6,572,365</td>
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<td>As of 06-30-08</td>
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REDEVELOPMENT PROJECT AREA #1
BOND ISSUE #1
PROJECT FUNDING REPORT

1992 Bond Issue

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Redevelopment Fund</td>
<td>$4,682,242</td>
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<tr>
<td>Low and Moderate Income Housing Fund</td>
<td>$1,170,561</td>
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<tr>
<td>Issuance Costs</td>
<td>$332,197</td>
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1992 Total Bond Issue $6,185,000

Projects Funded by Redevelopment Fund

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street Streetscape</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Parking Lot Acquisition &amp; Development</td>
<td>$905,000</td>
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<tr>
<td>Second &amp; Olive Ave</td>
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</tr>
<tr>
<td>Second &amp; Harrison</td>
<td></td>
</tr>
<tr>
<td>Fourth &amp; Harrison</td>
<td></td>
</tr>
<tr>
<td>Building Façade Program</td>
<td>$400,000</td>
</tr>
<tr>
<td>Chamber of Commerce Building</td>
<td>$120,500</td>
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<tr>
<td>Loan Repayment to Risk Mgmt Fund</td>
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</table>

Total Projects Funded by Redevelopment Fund $5,366,500

Projects Funded by Low and Moderate Income Housing Fund

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
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<tbody>
<tr>
<td>First Time Low Income Homebuyer –</td>
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</tr>
<tr>
<td>Match for HOME grants</td>
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<tr>
<td>Target Area</td>
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<tr>
<td>Casas Buena Vista</td>
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<tr>
<td>St. James Place – Match for HOME grant</td>
<td>$256,500</td>
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<tr>
<td>Date Avenue Family Apartments</td>
<td>$115,000</td>
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<tr>
<td>Casas Buena Vista – Common Area, Water and Sewer</td>
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<tr>
<td>Improvements</td>
<td>$265,000</td>
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<tr>
<td>Debt Service</td>
<td>$86,000</td>
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<tr>
<td>Implementation Plan/Al/Housing Element</td>
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</tbody>
</table>

Total Projects Funded by Low and Moderate Income Housing Fund $1,675,500

Bond Issuance Costs $332,197

Total Expenditures Utilizing Bond Funds and Earned Interest $7,374,197

1Does not include $285,000 loan from Tulare County and $110,000 loan from Risk Management Fund
2Acquisition and demolition of Frontier Building, construction of public paseo
3Includes additional funds from interest earned
ANTICIPATED REVENUES 2007-2008 – REDEVELOPMENT FUND

Income:
Gross Tax increment Revenue $1,080,700
Lease of Redevelopment Property¹ $ 16,692
Interest² $ 1,613

$1,099,005

Less:
Pass Through to other Agencies $ 204,196
20% Housing Set-Aside
    County Allocation $ 17,153
    City Allocation $ 167,070
County Administration Fee $ 24,000

($ 412,419)

NET REVENUE $ 686,586

PROPOSED EXPENDITURES 2007-2008 – REDEVELOPMENT FUND

Debt Service:
    Bond Payments $394,542
    REDIP Loan $ 27,872
    City Loan $ 41,000
    Bond Administration $ 600
    Agency Administration $161,420

TOTAL PROPOSED EXPENDITURES $ 625,434

Transfer to (From) Reserves $ 61,152

Estimated Redevelopment Fund Reserve Balances:

<table>
<thead>
<tr>
<th></th>
<th>06/30/06</th>
<th>06/30/07</th>
<th>06/30/08</th>
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<tbody>
<tr>
<td></td>
<td>$169,850</td>
<td>$284,220</td>
<td>$345,372</td>
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</table>

Notes:
¹Income from the lease of the Stout building is included in the budget estimates. Income from a 12-month lease results in an increase in revenues of $16,692 in the 2007-08 Fiscal Year.

²Includes $613 interest earned on restricted funds on deposit with financial institutions.
ANTICIPATED REVENUES 2007-2008 – HOUSING FUND

Tax Increment Revenue 2007-2008:
  County Allocation $  17,153
  City Allocation $167,070
  Interest $  2,500

TOTAL ANTICIPATED REVENUE $186,723

PROPOSED EXPENDITURES 2007-2008 – HOUSING FUND

Administration and Debt Service:
  Agency Administration $  76,716
  Bond Payments $  99,436
  Bond Administration $  150

TOTAL PROPOSED EXPENDITURES $176,302

Transfer to (from) Fund Balances $  10,421

Estimated Housing Fund Balances:

<table>
<thead>
<tr>
<th>06/30/06</th>
<th>06/30/07</th>
<th>06/30/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>$221,703</td>
<td>$548,095</td>
<td>$558,516</td>
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</table>
III. WORK PROGRAM

The work program for the 2007-2008 Fiscal Year is based on the continued implementation of both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan adopted in 2004. The general redevelopment priority projects established for the expenditure of the Agency’s first bond issue have been completed to the extent of available funding. The Agency will be managing and monitoring the Redevelopment projects that have been completed and planning ahead for future projects when funding becomes available. Therefore, the work program for 2007-2008 is as follows:

1. Implementation Plan

   A. Continue implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

2. Housing Strategic Plan Implementation

   A. Continue implementation of the Housing Strategic Plan that established policies for the expenditure of the low and moderate-income housing funds. Review status of housing funds and determine priorities for expenditure of available funds.

   B. Continue monitoring Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

   C. Continue to monitor the St. James Place historical renovation project for compliance with the terms of the Regulation Agreements and HOME requirements.

   D. Continue to monitor the Date Avenue Family Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

   E. Assist in administering the development of the Sequoia Village on River’s Edge, a 64-unit apartment complex in the Redevelopment Project Area funded with a HOME grant to the City and a low-income housing tax credit allocation.

   F. Participate in the planning and implementation of the Porterville Hotel project for replacement housing either on-site or at another location
adjacent to the downtown. Determine funding assistance level that Redevelopment can contribute to the project.

3. Administration

To provide for more efficient administration of the Agency’s activities, Article II, Section 201 of the Agency’s By-Laws’ are proposed to be amended as follows: “The City Manager shall serve as appoint the Executive Director of the Agency.” The amendment proposal will be presented to the Agency at the June 19, 2007, Redevelopment Agency meeting.

4. Building Façade Rehabilitation

Review guidelines and executed agreements for the Building Façade program to address the issues arising from the improvements paid for by the program that may be beyond their useful life.

5. Public Parking

A. Monitor and maintain all Agency owned parking lots.

B. Coordinate with Transit the completion of the parking lot at Hockett Street and Oak Avenue (Singer Lot).

C. Pursue an agreement between the City and the Agency for funding of the reconstruction of the parking lot on Hockett Street between Mill Avenue and Oak Avenue. The renovation of this parking lot is needed for the continued growth and revitalization of the downtown area. The project will include preparation of cost estimates, design plans, administration, and construction. Repayment of borrowed funds will begin no sooner than the 2008-2009 Fiscal Year.

D. Pursue solutions for traffic circulation and parking improvements in the South Main Street - South “C” Street; Olive Avenue – Vine Avenue area to expand development opportunities, reduce blight, and address safety conditions in the area.

6. Public Street and Streetscape Improvements

A. Continue to monitor the Main Street streetscape improvements.

B. Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.
7. Downtown Revitalization

A. Centennial Plaza – Monitor the project for compliance with the executed Development and Disposition Agreement.

B. Porterville Hotel – Continue to explore options regarding future utilization of the Porterville Hotel site, including funding sources and replacement housing required to meet the needs of the project.

C. Master Plan Area – The Porterville Fair area has been identified as a potential site for a new County court facility. In anticipation of the improvements in and around the area, the Agency desires to pursue a Master Plan for the uniform development within Project Area No. 1 and the surrounding properties. In the 2007-2008 Fiscal Year, the Agency will seek funding from the City to provide for the development of the Master Plan.

D. Project Area Amendment – To assist with the implementation of the Master Plan Area and further the benefits of redevelopment in the community, it may prove beneficial to amend Project Area No. 1 or adopt Project Area No. 2 to include all properties identified within the Master Plan Area and other qualified areas. If necessary to fulfill the Redevelopment goals, the Agency may seek additional funding to amend Project Area No. 1 or create Project Area No. 2.

E. Through the efforts of the Redevelopment Agency and Economic Development Division encourage downtown revitalization. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area No. 1.

8. Porterville Heritage Center

Continue monitoring the expenditures for the construction of the entry and the lighted ball fields at the Porterville Heritage Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

9. Public Improvement Projects

Coordinate with the City Engineering Division on the reconstruction of the Plano Street Bridge, the Jaye Street Bridge, and Date Avenue that are all projects either within the Redevelopment Project Area or adjacent to it.
10. Tule River Parkway and Rails to Trails Projects

Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

11. Annexation and General Plan Land Use

Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan Land Use and Circulation Element.
IV. PREVIOUS YEAR'S ACHIEVEMENTS

In reviewing the activities of the Redevelopment Agency in 2006-2007 significant progress was made in accomplishing the goals of the work program established in last year's budget. Following are the elements of that work program and a description of the progress made in each area:

1. Implementation Plan

   Goal: Continue implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

   Action: The Redevelopment Agency, through the actions discussed below, has continued implementation of the 2005-2009 Implementation Plan for the Redevelopment Agency.

2. Housing Strategic Plan Implementation

   Goal: Continue implementation of the Housing Strategic Plan and the 2005-2009 Redevelopment Implementation Plan, and continue implementation of the policies adopted by the Agency for the expenditure of the low and moderate-income housing funds.

   Action: The Agency continued the implementation of the agreements for low and moderate-income housing projects that were executed in previous years, including Casas Buena Vista, Date Avenue Family Apartments, St. James Place, and First Time Low Income Homebuyers programs. The Agency continued working on the projects started last year including Sequoia Village at River's Edge, a HOME and tax credit project, and the Date and "A" Street single-family housing project.

   Due to health and safety concerns, it became necessary this year to close the Porterville Hotel, the Single Room Occupancy Project on Main Street. The City and Agency assisted in helping to relocate the remaining tenants. Feasibility studies and discussions with the owner and the California Department of Housing and Community Development have been initiated to determine the best course of action in order to replace the affordable units removed from the market.

   Goal: Closeout of the Casas Buena Vista subdivision project and reconciliation of the financial statements. Proceeds from the sales will be utilized to payoff the CalHFA debt.
The last of the eighty-two houses were sold in Casas Buena Vista and the developer and staff completed the final financial reconciliation of the project with the Agency receiving $125,000 in shared profits from the sale of the homes. The Agency was able to repay the entire CalHFA loan of $1,672,942, which included accrued interest. Not only was this project a financial success, but as part of the Orange Avenue Revitalization Project it was also honored to receive the prestigious Helen Putnam Award of Excellence in the category of Community Services and Economic Development from the League of California Cities.

Initiate the monitoring for the Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

The Agency has been monitoring all of the loan agreements and affordability covenants, working through issues as they arise dealing with refinancings and sales of homes to income qualified buyers.

Continue to monitor the Date Avenue Family Apartments for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

The annual income certifications for occupancy were received by the Agency showing 71 of the 77 units being occupied by low-income households with 6 units undergoing renovation before being rented. Forty percent of those households were below 50% of Area Median Income (AMI) with the remaining fifty three percent between 51% and 80% of AMI. The management firm that was hired last year made significant progress in resolving several major issues in the project; however, there is still a problem with false fire alarms and charges that have accrued with the City’s response to these false fire alarms. The owner, the management company, and City staff are working cooperatively to come up with viable solutions to help relieve this problem.

Continue to monitor the St. James Place historical renovation project on Main Street for compliance with the terms of the Regulation Agreements and HOME requirements.

The annual monitoring, including physical inspection of the property, was conducted with the Agency requesting additional information to be submitted to determine compliance with the Agency and HOME requirements.
Goal: Assist in administering the development of the Sequoia Village on River's Edge, a 64 unit apartment complex in the redevelopment Project Area funded with a HOME grant to the City and a pending low income tax credit allocation.

Action: This development did receive a low income housing tax credit allocation toward the end of the Fiscal Year and subsequently staff and the developer have been working on the legal agreements including the in-lieu property tax agreement to guarantee the receipt of revenue to replace the loss of tax increment due to their proposed non-profit status.

Goal: Coordinate with Perris 40 Corporation in the implementation of the Disposition and Development Agreement to construct three single-family homes on Date Avenue in the Redevelopment Project Area to be purchased by participants in the City’s First Time Low Income Homebuyer Program.

Action: The Agency did assist in coordinating this project and the three homes have been constructed and sold to low-income homebuyers participating in the City’s assistance program. In addition, a duplex was constructed on the adjacent lot to the west and was sold to a First Time Low Income Homebuyer. All of these homes have 20-year affordability covenants and are generating tax increment for the Agency.

3. Financing Strategy

Goal: Negotiate with the County of Tulare to:

1. extend the date for the repayment of Tulare county Agreement 18584 with the City of Porterville for an additional three (3) year period, ending on September 1, 2010, and to negotiate the waiver of any and all interest upon repayment of the loan principal; or

2. negotiate to enter into a project of mutual benefit within the Redevelopment Project Area #1 boundaries utilizing the loan balance due as a portion of the County’s investment in said project.

Action: During the Fiscal Year the Agency requested assistance from the City to repay the loan balance prior to the September 2007 due date utilizing unallocated funds from the City’s general fund. The City granted the assistance and executed an agreement between the City and the Agency having a term of five (5) years and a simple interest rate to be equivalent to the Local Agency Investment Fund rate as reported for the quarter ending March 31 each year. Annual payments
will be in an amount equal to one-fifth of the principal and interest, if any, paid by the City to the County to satisfy Loan Agreement No. 18584. Interest accrued during the year as part of the City/Agency agreement shall be paid annually.

4. Building Façade Rehabilitation

Goal: Continue monitoring of the building façade renovation grant program.

Action: Staff continues to monitor and evaluate the completed facades for compliance with the façade easement maintenance agreement and notifies the owners of any items that need attention.

5. Public Parking

Goal: Monitor and maintain all Agency owned parking lots.

Action: Staff continues to monitor and maintain the Redevelopment parking lots, coordinating with Parks and Leisure Services on any landscape maintenance items and Southern California Edison on any light standard issues.

Goal: Coordinate for the demolition of the Singer building with Transit to facilitate the completion of the parking lot at Hockett Street and Oak Avenue.

Action: The Singer building was demolished during the 2006-2007 Fiscal Year. Transit anticipates funding for the completion of the parking lot during the 2007-2008 Fiscal Year.

Goal: Continue pursuing the formation of Parking District #3 in the North Main Street Area (Cleveland Avenue to Morton Avenue, Main Street to the Union Pacific Railroad).

Action: Staff continues to seek funding for the acquisition of additional property and for the construction of parking lots within the area that would be necessary for the formation of a district in the North Main Street Area.

6. Public Street and Streetscape Improvements

Goal: Continue to monitor the Main Street streetscape improvements.

Action: Staff continues to monitor the Main Street streetscape improvements.

Goal: Continue to pursue funding for required traffic circulation improvements, replacement of installation of sidewalks, crosswalks,
curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

**Action:** Staff continues to pursue funding sources to meet the traffic circulation, infrastructure, and streetscape issues for areas within the Project Area.

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### 7. Downtown Revitalization

**Goal:** Centennial Plaza – Monitor construction of a retail/professional office building for compliance with the executed Development and Disposition Agreement.

**Action:** A Project Liaison has been assigned to the Centennial Plaza project, working with the developer to monitor construction progress and facilitate compliance with the Development and Disposition Agreement. The Liaison provided a conduit for resolving issues that arose during construction, including extension of time for completion of the building. The building is expected to be complete by the end of June 2007, with occupancy occurring shortly thereafter.

**Goal:** Porterville Hotel – Explore options regarding future utilization of the Porterville Hotel site, including funding sources and replacement housing required to meet the needs of the project.

**Action:** To properly review the issues, a white paper was prepared to determine if a project could be undertaken. The white paper identified specific actions that must be addressed to move the project forward. As reported under the Housing Strategic Plan Implementation section of this report, due to health and safety concerns, it became necessary this year to close the Porterville Hotel. The City and Agency assisted in helping to relocate the remaining tenants. Feasibility studies and discussions with the owner and the California Department of Housing and Community Development have been initiated to determine the best course of action in order to replace the affordable units removed from the market. Staff continues to evaluate options for redevelopment of the site.

**Goal:** If no previous action has been taken by City Council regarding the Business Improvement Area (BIA), submit a request to transfer administration of the BIA funds from Downtown Porterville Association to the Porterville Redevelopment Advisory Committee.

**Action:** The City Council, during a public hearing held on August 1, 2006, acted to disestablish the BIA. The action was a result of public testimony provided during the July 18, 2006 City Council meeting and from a tally of ballots from an advisory election mailed to business owners in the District in which the majority of businesses did not protest the disestablishment of the BIA.
Goal: Through the efforts of the Redevelopment Agency and Economic Development Division, encourage downtown revitalization. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area No. 1.

Action: During the 2006-2007 Fiscal Year the downtown area showed significant signs of revitalization with remodel of the Scheer's building to house the Screaming Moose restaurant, demolition of the Goodyear Tire shop which was replaced by a commercial building housing a new Starbucks and space for up to two additional tenants, completion of Centennial Plaza Park and the initialization of "Music on Main Street", construction of the new Centennial Plaza professional office/retail complex, and completion of the second mural on the Family Support Building. Staff continues to build an inventory of properties available in the downtown area for marketing purposes.

8. Porterville Heritage Center

Goal: Continue monitoring the expenditures for the construction of the Tiny Tot Lot and the lighted ball fields at the Porterville Heritage Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

Action: The Tiny Tot Lot was completed in 2006-2007 and funds from the Section 108 program were received for the payment of the project. During the February 20, 2007 City Council meeting, Council approved the adoption of a project master plan for the Heritage Center, which provides for a three-field softball complex along with other improvements. Due to the limitations of the Section 108 funds, the remainder of the funds will be utilized for design services for the full master planned facility and the initial construction phase that will be focused upon the site entry area improvements.

9. Public Improvement Projects

Goal: Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge, the Jaye Street Bridge, and Date Avenue that are all projects either within the Redevelopment Project Area or adjacent to it.

Action: The Redevelopment Strategic Plan and the adopted Streetscape Design for the Redevelopment Area were used extensively in the planning and design of the Plano Street Bridge project. Acquisition for right-of-way was completed in Spring 2007 and construction is scheduled to begin Spring 2008. The Jaye Street street widening project is scheduled to begin Summer 2007 and the Jaye Street Bridge project is slated for
Summer 2009. The Date Avenue street project is scheduled for Summer 2007.

10. Tule River Parkway and Rails to Trails Projects

Goal: Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

Action: Staff has participated in the planning and coordination of both of these projects that are within the Redevelopment Area.

11. Annexation and General Plan Land Use

Goal: Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan and Circulation Element.

Action: Utilizing Certificates of Participation, the City will be improving and extending streets in the southern area of the City.