CITY COUNCIL AGENDA  
PORTERVILLE, CALIFORNIA  
FEBRUARY 19, 2008, 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:  
4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.  

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

Pledge of Allegiance Led by Council Member Eddie Hernandez  
Invocation

**PRESENTATIONS**  
Employee of the Month – Janet Uresti  
City Manager’s Featured Project

**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 November 6, 2007

2. Leave to File Late Claim – El Futuro Credit Union  
Re: Considering denial of Application for Leave to Present a Late Claim, related only to the contents portion of the claim, in an amount of $5,850.65 of the total claim.

3. Claim – El Future Credit Union  
Re: Considering approval of settlement in the amount of $34,478.94 for building damages sustained due to flooding as a result of blockage in the City’s main sewer line on April 16, 2007.
4. **Claim – Lorena Espinosa Lemus**
   Re: Considering rejection of a claim in an amount of $4,736.68 for reimbursement damages to vehicle that Claimant alleges occurred in a collision due to an obstructed stop sign at the intersection of El Granito and Belleview on December 28, 2006.

5. **Claim – Michael Friesen**
   Re: Considering rejection of a claim in an amount of $1,308.50 for damages allegedly caused by a blockage in the City’s sewer main at 1270 Ohio Place on December 2, 2007.

6. **Claim – Rudolph Mullins**
   Re: Considering rejection of a claim in an amount of $1.6 million for alleged civil rights violations on December 27, 2007 by Porterville Police Officers when confiscating Claimant’s numerous marijuana plants purportedly grown for medical use.

7. **Claim – Stephen Minnick**
   Re: Considering rejection of a claim in an amount of $35,600 for alleged civil rights violations on October 10, 2007 by Porterville Police Officers when confiscating Claimant’s numerous marijuana plants purportedly grown for medical use.

8. **Budget Adjustments for the 2007-08 Fiscal Year**
   Re: Approval of budget adjustments to account for the purchase of two new Community Service Officer vehicles in the amount of $42,372.76, as well as the recent receipt of a donation to the Porterville Library in the amount of $36,363.86.

9. **Authorization to Advertise for Bids – Newcomb Street Shoulder Stabilization Project**
   Re: Approving staff’s recommended plans and project manual consisting of the installation of new curbs, gutters and sidewalk as needed along Newcomb Street between Olive Avenue and Morton Avenue.

10. **Authorization to Participate Financially with Ennis Commercial Properties, LLC – Riverwalk Marketplace Off-Site Landscape Improvements**
    Re: Authorization to pay Ennis Commercial Properties, LLC $31,768, pursuant to the terms of the Public Improvement Agreement between the parties, for off-site landscape improvements to be provided by Rainscape of Visalia.

11. **Award of Contract – Mathew and Westfield Storm Drain Project**
    Re: Awarding contract to Montes Pacific Engineering of Oxnard in the amount of $16,372.00 for the project consisting of the construction of a storm drain.

12. **Award of Contract – Screening and Grit Tower Equipment Upgrade 2007 Project**
    Re: Awarding contract to Smith Construction of Fresno in the amount of $973,228 for replacement of mechanical equipment at the treatment plant headworks at the City’s Wastewater Treatment Facility.

13. **Award Contract – Automatic Self-Cleaning Water Filter**
    Re: Awarding contract to Orival, Inc. of Englewood, NJ, in the amount of $8,925.88 for the purchase of a specialized water filter for use at the City’s Wastewater Treatment Facility.

14. **Authorization to Negotiate Contract for Planning of Entrepreneurial Training Market Analysis**
    Re: Negotiation of contract with Chabin Concepts of Chico for the analysis of market and industry trends to identify those business clusters that could be most successful within the local market.
15. Extension of Time Amalene Estates Tentative Subdivision Map
Re: Considering approval of a two-year extension of time for a Map to divide a 19.7± acre site into 62 single family residential lots at the west side of Westwood Street, approximately 170 feet south of Olive Avenue.

16. Extension of Time – Tentative Parcel Map 6-2005
Re: Considering approval of a two-year extension of time for a Map to divide an existing 37,497± square foot lot into four parcels and a remainder parcel located south of Mulberry Avenue between Second Street and Williford Drive.

17. Redevelopment Agency Annual Report to Legislative Body
Re: Acceptance of annual report containing the financial audit for Fiscal Year 2006-2007 and a report of the Agency’s programs.

18. Code Enforcement Update
Re: Quarterly report summarizing code enforcement activities and the impact that the program has made in the community.

19. Streets Performance Measure Quarterly Update
Re: Quarterly report summarizing the progress made on street reconstruction, overlay, micro-overlay and pothole repair efforts for the 2nd quarter in Fiscal Year 2007-2008.

20. Informational Update Regarding Off Highway Motor Vehicle State Recreation Grants
Re: Informational report on the status of grant funding.

21. Airport Lease Renewal – Lot 44B
Re: Approval of extension of the Lease Agreement between the City of Porterville and Mr. Albert Quatacker.

22. City Transit Analysis and Request for Modifications to Demand-Response System
Re: Considering various options for improving the farebox ratios in the City’s Demand Response Transit System, including expanding the program to include use by the General Public at a cost of $3.00 per ride.

23. Approve Concession License with Porterville ASA Fast Pitch
Re: Considering approval of Concession License with Porterville A.S.A. for the period of March 1, 2008 through August 31, 2008, contingent on the City’s receipt of payment of $520 owed to the City for field light fees for the 2007 season.

Re: Approving annual event to take place in Downtown Porterville from 9:00 a.m to 5:00 p.m. on April 26, 2008, subject to the stated terms and conditions.

25. Consideration of Proposed 2008-2009 Fiscal Year Budget Calendar
Re: Considering and approving draft 2008-2009 Fiscal Year Budget Calendar.

26. Proposed Changes in the Table of Organization Within Both the Police and Public Works Departments
Re: Considering draft resolutions to document changes in personnel in the Public Works Department as approved by the Council on November 6, 2007, and in the Police Department, as approved by the Council on December 18, 2007.
27. Consideration of Support for the Council of Cities Discussion Papers on County-Wide Revenue Sharing and County Development Impact Fees
Re: Considering support of discussion papers concerning County Development Impact Fees and County-wide revenue sharing.

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

PUBLIC HEARINGS
28. Continued – Modification #1 to Conditional Use Permit 5-2007 Seafood Café/El Reventon
Re: Considering approval of CUP to allow for the modification of an existing floor plan to accommodate a multi-purpose room at the Seafood Café located at 1091 West Olive Avenue.

29. Conditional Use Permit 1-2008
Re: Considering approval of a CUP consisting of the conversion of single family residential dwelling into a church generally located on the northwest corner of Merrill Avenue and the northerly prolongation of Maston Street.

30. Drive-Thru Restaurants – Modification #1 to CUP 8-82 General & Specific Plan
Re: Considering approval of a CUP modification to allow for the construction of a drive-thru restaurant and a drive-thru coffee kiosk, at the southeast corner of Leggett Street and Putnam Avenue.

31. Crestview Park Tentative Subdivision Map
Re: Considering approval of Tentative Subdivision Map to divide a 10± acre vacant parcel into 46 lots at the southeast corner of Putnam Avenue and Olivecrest Avenue.

SCHEDULED MATTERS
32. CDBG Citizens’ Advisory and Housing Opportunity Committee and Citizen Participation Plan
Re: Considering adoption of the 2008 Citizen Participation Plan and the appointment of committee members for a one-year term.

33. Letter of Public Convenience or Necessity / Hesham Makhlouf – 700 S. Plano Street
Re: Considering approval of a letter supporting the issuance of a Type 21 Off-Sale Beer, Wine and Distilled Spirits License for the Plano Handy Market located at 700 South Plano Street.

34. Request for Special Fireworks Permit
Re: Considering approval of the request for a special fireworks permit for the Exchange Club of Porterville for Calendar Year 2008.

35. Review of Sewer Connection Policy
Re: Consideration of request to waive the sewer connection requirement and allow the installation of a septic tank at 917 S. Wisconsin Street.

36. Consider Permanent Monument in Murry Park
Re: Considering application for the installation of permanent monument at location within Murry Park.

37. Interim Financial Status Reports and Grants Summary Report
38. Quarterly Portfolio Summary  
Re: Accepting the Quarterly Portfolio Summary for the Second Fiscal Quarter Ended December 31, 2007, in accordance with SB 564 and SB 866.

Re: Informational report on the infrastructural energy efficiency enhancement program proposed by Johnson Controls.

Adjourned to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
February 19, 2008

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

SCHEDULED MATTER  
PRA-1. Refunding Redevelopment Agency 2002 Tax Allocation Refunding Bonds  
Re: Consideration of refunding alternatives for 2002 Tax Allocation Refunding Bonds.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville Public Financing Authority.

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 February 26, 2008 at 6:00 p.m.

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

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY MANAGER’S FEATURED PROJECT
FOR FEBRUARY 2008

1. Sequoia Village at River’s Edge
CALL TO ORDER AT 6:00 P.M.

ROLL CALL: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS

None

CLOSED SESSION:

A. Closed Session Pursuant to:
   4. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action had taken place.

Pledge of Allegiance Led by Council Member Pete V. McCracken

Invocation – a moment of silence was observed.

PROCLAMATIONS

“Make A Difference Together – Faith In Action Event”
“America Recycles Week” – November 11-17, 2007

PRESENTATIONS

Employee of the Month – Jake Castellow (Continued to November 20, 2007)
Introduction of New City Employees

ORAL COMMUNICATIONS
Nicki Edwards, 13096 Road 208, spoke against the City selling the fairgrounds, suggesting its location was desirable and unique.

Jan McKeel, 1350 North Lotas Way, Principal of La Sierra High School, voiced support for the proposed Youth Advisory Commission, and spoke of the benefits to past participants of the Youth Congress.

Patricia Diaz, a Poplar resident, spoke in favor of the proposed Youth Advisory Commission and spoke of her positive experience in participating in the Youth Congress.

Yvette and Adrian Lewis, 1124 West Roby, spoke of a problem with excessive noise emanating from the dance hall “El Reventon” located on Olive Avenue near their home, and requested the Council’s assistance in resolving the problem.

Mary West, 250 N. 3rd Street, Apt. 205, spoke in favor of “In God We Trust” and talked of the importance of God in one’s life; voiced concern with alleged illegal activities and drug abuse occurring at her neighbor’s house; and spoke generally of the ill effects of drugs on society.

Gerry Quinn, voiced concern with a lack of crosswalks near the south side of the Police Department, noting the situation posed a danger to children; suggested that the City place blue recycling containers for attendees’ use at the Veterans’ Day Parade; spoke of problems with traffic signals, such as at Putnam Avenue and D Street, particularly with regard to making left turns; commented that Newcomb Street, from Morton Avenue to Olive Avenue, was too dark, suggesting that it posed danger to drivers; voiced opposition to the City selling the fairgrounds property, suggesting instead that the property could be utilized as a park; and spoke against the banners on Henderson Avenue, suggesting that they made the street appear cluttered.

Dick Eckhoff, business address at 197 North Main Street, noted the typographical error under Oral Communications on Page 3 of the Agenda Face Sheet; spoke favorably of Drug Court, commending Judge Roper and everyone involved in the program; advised the Council that Division Street near Save Mart had been recently cleaned and maintained; and spoke of Item 10, suggesting that purchasing the vehicles locally would be more cost effective, when considering the sales tax revenue received by the City. He spoke in favor of purchasing from a local dealership.

A brief discussion ensued as to sales tax revenue. Mr. Longley clarified that the City would receive the benefit of the sales tax in the event the vehicles were purchased from the Oakland dealership.

Augie Gonzales, 2405 West Whitechapel, Chamber of Commerce Board Chair-Elect, thanked the Council for recognizing the Chamber as the “Business Champion of the Century.”

CONSENT CALENDAR

Items 10, 12, 19, and 20 were removed for further discussion

1. CITY COUNCIL MINUTES OF AUGUST 21, 2007

Recommendation: That the City Council approve the City Council Minutes of August 21, 2007.

Documentation: Minute Order 01-110607
2. CLAIM – MARIO PALOMARES

Recommendation: After consideration and investigation, staff recommends 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. 02-110607
Disposition: Approved

3. BUDGET ADJUSTMENT FOR THE 2007-2008 FISCAL YEAR

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

Documentation: M.O. 03-110607
Disposition: Approved

4. AMENDMENT TO CONTRACT WITH TRG LAND, INC – CONSULTANT FOR THE DEVELOPMENT OF A HILLSIDE DEVELOPMENT ORDINANCE

Recommendation: That the City Council authorize the above mentioned budget adjustment in the amount of $20,000 ($30,000 less previously approved $10,000 on October 16, 2007) to cover the cost overrun for the Hillside Development Ordinance with Case Study.

Documentation: M.O. 04-110607
Disposition: Approved

5. AUTHORIZATION TO REJECT BIDS AND RE-ADVERTISE – INITIAL ATTACK FIRE APPARATUS

Recommendation: That the Council reject the two bids for the Initial Attack Fire Apparatus and authorize Staff to re-write the specifications and re-bid the equipment.

Documentation: M.O. 05-110607
Disposition: Approved

6. AMENDED ACCEPTANCE OF THE RAILS TO TRAILS PARKWAY PROJECT

Recommendation: That City Council:
1. Rescind project acceptance from the October 16, 2007 Council Meeting that indicated a final construction cost of $396,479.87;
2. Accept the project as complete with a final construction cost of $406,879.87; and
3. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-110607
Disposition: Approved

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 268-130-037 – FRED E. LEAVITT AND IRENE M. LEAVITT – WELL #30 PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Fred E. Leavitt and Irene M. Leavitt, Trustees of the Fred and Irene M. Leavitt Revocable Trust, in the amount of $155,157.24 ($225,976 less water impact fees in the amount of $70,818.76 for a total $155,157.24) after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 110-07
Disposition: Approved

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 260-150-006 – VICTOR GARCIA AND ROSEMARY GARCIA – JAYE STREET WIDENING PROJECT

Recommendation: That City Council:
1. Authorize staff to make payment to Victor Garcia and Rosemary Garcia, husband and wife as joint tenants, owners of property in the amount of $500.00
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 111-07
Disposition: Approved

9. AWARD OF CONTRACT – WELL NO. 31 (DRILLING PHASE) PROJECT

Recommendation: That City Council:
1. Award the Well No. 31 Project (Drilling Phase) to Zim Industries in the amount of $424,780.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 07-110607
11. AWARD CONTRACT – PROVIDE AND SPREAD GYPSUM

Recommendation: That Council award the annual contract to provide and spread gypsum to Superior Soil Supplements of Hanford, CA, in the initial amount of $17,052, or $58.80 per ton. Further, that Council authorize payment upon satisfactory completion, and authorize staff to exercise annual renewals as necessary.

Documentation: M.O. 08-110607
Disposition: Approved

13. GENERAL PLAN UPDATE TO REQUEST FOR APPROVAL OF ADDITIONAL SERVICES TO UPDATE THE ZONING AND SUBDIVISION ORDINANCES

Recommendation: That the City Council:
1. Authorize the changed scope of services, to be paid for from the above referenced source; and
2. Authorize the Mayor to sign an addendum to the original contract for services with Dyett and Bhatia; and
3. Re-appoint the members of the General Plan Update Advisory Committee to the Zoning and Subdivision Ordinance Update Advisory Committee.

Documentation: M.O. 09-110607
Disposition: Approved

14. MINOR TECHNICAL ADJUSTMENTS TO THE RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; APPROVED BY CONDITIONAL USE PERMIT 4-2006 WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

Recommendation: That the City Council:
1. Ratify the Zoning Administrator’s approval of the updated site design of the eastern portion of the site
2. Authorize the Zoning Administrator to approve additional minor technical adjustments.

Documentation: M.O. 10-110607
Disposition: Approved

15. EL DORADO ESTATES TENTATIVE SUBDIVISION MAP – EXTENSION OF TIME

Recommendation: That the City Council:
1. Adopt the draft resolution approving a one (1) year extension of time for El Dorado Estates Tentative Subdivision.

Documentation: Resolution 112-07  
Disposition: Approved

16. EXTENSION OF DEVELOPMENT OBLIGATIONS – AIRPORT INDUSTRIAL LLC

Recommendation: That the City Council grant a six month extension of time for Airport Industrial, LLC to obtain a building permit.

Documentation: M.O. 11-110607  
Disposition: Approved


Recommendation: That Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 27, 2007;
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main St.

Documentation: M.O. 12-110607  
Disposition: Approved


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 13-110607  
Disposition: Approved

21. STATUS OF HEALTH INSURANCE FUND FOR FISCAL YEAR 2006-2007
Recommendation: That the City Council accept the staff report providing the status of the health insurance fund for the 2006-2007 fiscal year.

Documentation: M.O. 14-110607
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve Items 1-9, 11, 13-18 and 21. The motion carried unanimously.

10. AWARD CONTRACT – SUPER DUTY CAB & CHASSIS TRUCK

Recommendation: That Council award the contract for two (2) new four-wheel drive super duty cab & chassis trucks to Broadway Ford of Oakland, CA, in the amount of $79,355.24. Further, that Council authorize payment upon satisfactory delivery of the equipment.

Council Member Martinez stated that there are benefits to dealing with a local dealership and asked if there were conditions that could warrant purchasing from a local dealership.

City Attorney Julia Lew stated that the City is restricted to accepting the lowest responsible bid, but added that she would research local preference options. She clarified that at this time the lowest bid must be awarded the contract.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council award the contract for two (2) new four-wheel drive super duty cab & chassis trucks to Broadway Ford of Oakland, CA, in the amount of $79,355.24. Further, that Council authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved

12. ACCEPTANCE OF DONATION FROM FRIENDS OF THE LIBRARY

Recommendation: That the City Council accept the donation of new furniture from the Friends of the Porterville Public Library Organization.

Council Member Pedro Martinez thanked the Friends of the Porterville Public Library Organization for the donation.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the donation of new furniture from the Friends of the Porterville Public Library Organization. The motion carried unanimously.
19. **APPROVAL FOR COMMUNITY CIVIC EVENT – EAGLE MOUNTAIN FLY-IN AND AIRSHOW – JUNE 21, 2008**

**Recommendation:** That the Council approve the Community Civic Event Application and Agreement, including the City’s responsibility for the expense and securing of liability and property damage insurance policies for the event, and authorize a budget adjustment of $9,000 from the Risk Management Fund for such policies.

**COUNCIL ACTION:**

MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement, including the City’s responsibility for the expense and securing of liability and property damage insurance policies for the event, and authorize a budget adjustment of $9,000 from the Risk Management Fund for such policies.

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

Disposition: Approved

20. **PROP. 1B TRANSIT FUNDS**

**Recommendation:** That the City Council:

1. Authorize transit staff to complete and file an application for Prop 1B transit funds consisting of capital expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and
2. Authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary.

Council Member Pedro Martinez asked if there was any additional information as a result of a meeting that had taken place earlier in the day.

Linda Clark did confirm that there had been a meeting that morning where it was clarified that the City’s portion would be $434,207.00. She added that she had the opportunity to review the proposed project with the TCEG staff to ensure that it met the necessary criteria for the funding; and reported that they encouraged staff to proceed with the project.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize transit staff to complete and file an application for Prop 1B transit funds consisting of capital expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary.

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

Disposition: Approved
expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS
22. NADAR HOMES – TENTATIVE SUBDIVISION MAP (NADAR DEVELOPMENT)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Mitigated Negative Declaration for Nader Homes Tentative Subdivision Map; and
2. Adopt the draft resolution approving Nader Homes Tentative Subdivision Map.

City Manager Longley presented the item and Associate Planner Jose Ortiz presented the staff report.

The public hearing was opened at 7:46 p.m.

• Jim Winton, business address, 150 W. Morton Ave., spoke in favor of the project.

The hearing was closed to the public at 7:48 p.m.

Mayor Pro Tem Felipe Martinez asked staff for an update on the two issues of mitigation at Highway 65 and Tule River. Community Development Director Brad Dunlap replied that they are required to be mitigated and that those measures have been incorporated in the environmental document.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving the Mitigated Negative Declaration for Nader Homes Tentative Subdivision Map; and adopt the draft resolution approving Nader Homes Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved

23. CONDITIONAL USE PERMIT 11-2007 – PERMIT DEVELOPMENT OF A 20-UNIT APARTMENT COMPLEX WITH “AFFORDABLE UNITS” LOCATED AT 1101 W. PUTNAM AVENUE.

Recommendation: That the City Council:
1. Adopt the Draft Resolution approving Conditional Use Permit 11-2007, subject to conditions of approval.
City Manager Longley presented the item and Associate Planner Jose Ortiz presented the staff report.

City Attorney Julia Lew requested that the Community Development Director determine whether or not the Mayor was within 600 feet of the apartment complex. It was reviewed and determined that he was over 1,000 feet away.

The public hearing was opened at 7:57 p.m.

- Elise Hopper, came forward to speak on behalf of the applicant. She assured Council that the intent of the applicant is to offer quality housing and addressed the lighting issue; stating that they do plan on placing adequate lighting on the buildings in addition to the carports.

The hearing was closed to the public at 8:01 p.m.

Mayor Pro Tem Felipe Martinez asked the applicant to consider placement of bike racks.

Council Member Pedro Martinez requested that the addition of bike racks be a condition of approval.

Mayor Pro Tem Felipe Martinez asked if the “common area” consisted of both paved and green area. He added that he is pleased with the project and glad to see that the lighting concerns were going to be addressed. He inquired about the type of exterior walls that will be used for the project.

Mr. Dunlap stated that there were no code requirements for a stipulated type of wall. The developer announced that he planned on using wood fencing for the complex.

Council Member Pedro Martinez asked about the types of planters that would be used, in regards to skateboarders; and if the complex was accessible to handicapped individuals. The developer stated that he had not considered the issue of skateboarders in his consideration of the type of planters used for the project and added that all ground-level units are handicap accessible.

City Attorney Julia Lew clarified that the motion for adopting the Draft Resolution includes authorization to execute the Regulatory Agreement.

**COUNCIL ACTION:**

*Resolution 116-07*

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the Draft Resolution approving Conditional Use Permit 11-2007, subject to conditions of approval as amended to add condition regarding lighting; to require a bicycle rack, to require rolled curbs around the landscape planters; and to authorize Mayor to sign Regulatory Agreement. The motion carried unanimously.

Disposition: Approved, as amended.
24. ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2007 Editions of the California Building, Plumbing, Mechanical, Electrical, and Fire Codes; and

2. Adopt the draft Ordinances, give First Readings and order the Ordinances to print.

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

The City Attorney requested a revision to the last sentence in Section 7-3.4 to reference the penalty provisions set forth in Chapter 2, Article 14 of the Porterville Municipal Code.

The hearing was opened to the public at 8:10 p.m. and closed to the public at 8:11 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Building Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-1, 7-2, AND 7-3.4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES AND THE 2007 EDITION OF THE CALIFORNIA ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., as amended, with revision to last sentence in Section 7-3.4 – Penalty for Violation. - to read, “... and upon conviction of any such violation, such] person shall be punished as set forth in Chapter 2, Article 14 of the Porterville Municipal Code.” The motion carried unanimously.

The City Manager read the ordinances by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Mechanical Code draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.
The City Manager read the ordinances by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Plumbing Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

The City Manager read the ordinances by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Electrical Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION. The motion carried unanimously.

The City Manager read the ordinances by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Fire Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

The City Manager read the ordinances by title only.

Disposition: Approved
25. REGULATIONS PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES AND SETTING FORTH REGULATIONS IN THE EVENT FEDERAL LAW CHANGES TO PERMIT THE OPERATIONS.

Recommendation: That the City Council:

1. Hold the public hearing concerning the proposed Ordinances and consider public testimony;
2. Approve and give first reading to Ordinance No. 1733, An Ordinance of the City Council of the City of Porterville Amending Section 105 of Article I, Appendix A (Zoning) of the Porterville Municipal Code Relating to the Legal Use of Land; and
3. Approve and give first reading to Ordinance No. 1734, an Ordinance of the City Council of the City of Porterville Amending Article I, Section 15-5.1 of the Porterville Municipal Code, Concerning Refusal to Issue Licenses, and Adding Article VII, Sections 15-85 through 15-105, to Chapter 15 of the Porterville Municipal Code, Concerning Medical Marijuana Dispensaries and Other Operations.

The City Manager presented the item and City Attorney Julia Lew presented the staff report.

The hearing was opened to the public at 8:18 p.m.

- Dennis Townsend, business address, 633 N. Westwood, spoke in favor of the proposed ordinances and taking pre-emptive action.

The hearing was closed to the public at 8:20 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve and give first reading to Ordinance No. 1733, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 105 OF ARTICLE I, APPENDIX A (ZONING) OF THE PORTERVILLE MUNICIPAL CODE RELATING TO THE LEGAL USE OF LAND. The motion carried unanimously.

The City Manager read by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve and give first reading to Ordinance No. 1734, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I, SECTION 15-5.1 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING REFUSAL TO ISSUE LICENSES, AND ADDING ARTICLE VII, SECTIONS 15-85 THROUGH 15-105, TO CHAPTER 15 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA
DISPENSARIES AND OTHER OPERATIONS. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

26. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROPOSING AN AMENDMENT TO THE FREEHOLDERS CHARTER OF THE CITY OF PORTERVILLE, DECLARING AN OFFICIAL CITY MOTTO

Recommendation: That the City Council:
   1. Hold the public hearing concerning the proposed Charter Amendment and consider public testimony; and
   2. Consider approval of the Resolution

The item was introduced by the City Manager who also presented the staff report.

The public hearing was opened at 8:25 p.m.

- Dennis Townsend, 633 N. Westwood, stated that he was very pleased with Council for proposing the amendment.

- Dick Eckhoff, address on record, inquired as to whether legal issues might arise if Council moved in that direction.

- Greg Woodard, business address, 1055 W. Morton, spoke about the branding process; inquired as to whether the City currently had an official motto; if the new motto would replace “The Good Life”?; what the action entails as far as physical changes to signs, etc.

City Manager Longley responded by stating that the proposed motto does currently exist on the City’s flag and over the seal; adding that he would assume slogans such as “The Good Life” would continue.

The public hearing was closed at 8:29 p.m.

Council Member Pedro Martinez stated that the official motto would not interfere with slogans, advertising and themes set forth for the City in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the resolution proposing an amendment to the Freeholders Charter of the City of Porterville, declaring an official city motto of “In God We Trust”. The motion carried unanimously.

Disposition: Approved
SECOND READINGS

27. ORDINANCE 1726, ANIMAL CONTROL REGULATIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1726, waive further reading, and adopt said Ordinance.

The City Manager introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1726, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5-1 THROUGH 5-4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5-1.0 THROUGH 5-5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

28. ORDINANCE 1727, APPROVING ZONE CHANGE 4-2007

Recommendation: That the Council give Second Reading to Ordinance No. 1727, waive further reading, and adopt said Ordinance.

The City Manager introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1727, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL FACTS HAVE OCCURRED FOR ZONE CHANGE 4-2007 ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF OLIVE AVENUE AND “C” STREET. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

The Council recessed for 10 minutes.

SCHEDULED MATTERS
29. YOUTH ADVISORY COMMISSION IMPLEMENTATION

Recommendation: That the City Council consider this report, along with the information to be presented at the City council meeting relative to the meeting with school administrators on this matter, and provide direction to staff.

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

Council Member Hernandez spoke in favor of the item and of the need of a forum for youth to voice their concerns and opinions. He also spoke of the meeting with school administrators that he attended and requested that Council consider the commitment that a new commission would require.

Mayor Pro Tem Felipe Martinez suggested direction to staff to meet with school councils to inquire if there is an interest.

Council Member McCracken stated that he took some time to research other cities that have implemented a youth council. In each case the cities had a youth center that was run by the city. He added that in most cases, the youth councils’ meetings were about running the youth centers. He asked Council to consider the purpose and goals of implementing the Youth Advisory Commission; and whether it be a recreational opportunity or involving them in the government.

Council Member Pedro Martinez suggested that the City Council invite student councils from the local high schools to discuss the Youth Commission and possible alternatives.

COUNCIL ACTION: Moved by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council schedule a City Council Meeting in January 2008, and invite local Student Councils to discuss options for Youth Commission.

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

Disposition: Approved

30. AUTHORIZATION TO REORGANIZE THE ENGINEERING AND BUILDING DIVISION – PUBLIC WORKS DEPARTMENT

Recommendation: That City Council approve in concept the following:
1. Authorize the consolidation of the Deputy Public Works Director with the City Engineer’s position;
2. Approve the reorganization by promoting the City Engineer to Deputy Public Works Director/City Engineer;
3. Authorize the creation of two new positions titles Assistant City Engineer and Construction/Project Manager;
4. Direct that the reorganization become effective upon the successful recruitment and retention of the Assistant City Engineer; and
5. Authorize the appropriation of funds from the Park Ranger Program in the amount of $77,700 for the 07/08 fiscal year and $80,000 for each subsequent fiscal year to the Engineering and Building Division.
6. Direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval within budget parameters.

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

Mayor Pro Tem Felipe Martinez asked the City Manager what the advantages were to accepting staff’s recommendation.

City Manager Longley responded that the benefit was to be more effective in moving multiple projects along; as well as the ability to provide assured engineering design and inspection services for Parks & Leisure projects.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize the consolidation of the Deputy Public Works Director with the City Engineer’s position; approve the reorganization by promoting the City Engineer to Deputy Public Works Director/City Engineer; authorize the creating of two new positions titles Assistant City Engineer and Construction/Project Manager; Direct that the reorganization become effective upon the successful recruitment and retention of the Assistant City Engineer; and authorize the appropriation of funds from the Park Ranger Program in the amount of $77,700 for the 07/08 fiscal year and $80,000 for each subsequent fiscal year to the Engineering and Building Division; and direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval within budget parameters. The motion carried unanimously.

Disposition: Approved

31. INTENT TO ABANDON A PORTION OF POPLAR AVENUE

Recommendation: That City Council:
1. Pass a resolution of intent to vacate a portion of Poplar Avenue between Jaye Street and the southerly extension of Kessing Street; and
2. Set the Council meeting of December 4, 2007, as the time and place for a public hearing.

City Manager Longley noted a conflict of interest and left the chambers. In his absence, Deputy City Manager John Lollis introduced this item. Public Works Director Rodriguez presented the staff report.
COUNCIL ACTION: Resolution 118-07
MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council pass a resolution of intent to vacate a portion of Poplar Avenue between Jaye Street and the southerly extension of Kessing Street; and set the Council meeting of December 4, 2007, as the time and place for a public hearing. The motion carried unanimously.

Disposition: Approved

32. ORDINANCE REGULATING STATE VIDEO FRANCHISE HOLDERS

Recommendation: That the City Council:
1. Approve and give first reading to the attached proposed Ordinance.
2. Authorize that a public hearing be set for the November 20, 2007 City Council Meeting, for consideration of any public testimony prior to adoption and second reading of the Ordinance.

The City Manager introduced the item, and the City Attorney presented the staff report.

COUNCIL ACTION: Ordinance 1735
MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve and give first reading to the attached proposed Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 24B, ARTICLE I, SECTIONS 24B-1 THROUGH 24B-10 TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE REGULATION OF STATE VIDEO FRANCHISE HOLDERS, as amended to replace Section 24B-2; and authorize that a public hearing be set for the November 20, 2007 City Council Meeting, for consideration of any public testimony prior to adoption and second reading of the Ordinance. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved, as amended

33. CITY COUNCIL PRIORITY PROJECT REVIEW

Recommendation: Review the status of current and proposed Council-defined priority projects by scheduling a City Council study session on Saturday, December 8, 2007.

COUNCIL ACTION: M.O. 20-110607
MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the Council review the status of current and proposed Council-defined priority projects by scheduling a City Council study session on Saturday, December 8, 2007. The motion carried unanimously.
Disposition:  Approved

34. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

Chief Financial Officer Maria Bemis presented the staff report for both Items 34 and 35.

35. QUARTERLY PORTFOLIO SUMMARY

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

COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council accept the interim financial status reports and Grants Summary Report as presented (Item 34); and accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866 (Item 35). The motion carried unanimously.

Disposition:  Approved

The Council adjourned at 9:31 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 6, 2007

Roll Call: Agency Members Pete McCracken, Pedro Martinez, Felipe Martinez, Eduardo Hernandez and Agency Chair Cameron Hamilton.

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

REDEVELOPMENT SCHEDULED MATTER

PRA-1. APPROVE CERTIFICATION OF COMPLETION MAIN STREET – ENNIS COMMERCIAL PROPERTIES, LLC

Recommendation: That the Porterville Redevelopment Agency:
1. Authorize the execution of the Certificate of Completion for the construction and development as required by the Development and Disposition Agreement executed between Ennis Commercial Properties, LLC and the Porterville Redevelopment Agency; and
2. Approve the subordination of the Ennis Commercial Properties, LLC Promissory Note from construction financing to permanent financing; and
3. Authorize the Chairman to sign all necessary documents.

Agency Member McCracken noted a conflict of interest and exited the Chambers.

The Executive Director of the Redevelopment Agency Brad Dunlap introduced Development Associate Linda Wammack, who presented the staff report.

AGENCY ACTION: 
MOVED by Agency Member Felipe Martinez, SECONDED by Agency Member Pedro Martinez that the Agency authorize the execution of the Certificate of Completion for the construction and development as required by the Development and Disposition Agreement executed between Ennis Commercial Properties, LLC and the Porterville Redevelopment Agency; approve the subordination of the Ennis Commercial Properties, LLC Promissory Note from construction financing to permanent financing; and authorize the Chairman to sign all necessary documents. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency adjourned at 9:35 p.m. to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
November 6, 2007

Roll Call: Public Financing Authority Directors Pete McCracken, Pedro Martinez, Cameron Hamilton, Felipe Martinez, Eduardo Hernandez.

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS
None

PUBLIC FINANCING SCHEDULED MATTER

PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-Laws, accept public comment, and approve the 2007 Status Report for the Redevelopment Bond Issue #1 Projects.
Development Associate Linda Wammack presented the staff report.

**AUTHORITY ACTION:** MOVED by Director Felipe Martinez, SECONDED by Director Pedro Martinez that the Authority approve the 2007 Status Report for the Redevelopment Bond Issue #1 Projects. The motion carried unanimously.

Disposition: Approved

The Public Financing Authority adjourned at 9:37 p.m. to a meeting of the Porterville City Council.

**SCHEDULED MATTER**

36. ACCEPTANCE OF FINAL PARCEL MAP – CENTENNIAL PLAZA (BEN ENNIS)

Recommendation: That City Council:
1. Approve the Final Parcel Map for Centennial Plaza; and
2. Authorize the City Clerk to file said map with the County Recorder.

Director McCracken noted a conflict of interest and exited the Chambers.

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 Hernandez that the Council approve the Final Parcel Map for Centennial Plaza; and authorize the City Clerk to file said map with the County Recorder.

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

Disposition: Approved

**ORAL COMMUNICATIONS**

Dick Eckhoff, address on record, spoke of the importance of ensuring a wide-range of youth were allowed or encouraged to participate on the proposed Youth Advisory Commission, rather than only a select few.

**OTHER MATTERS**
Council Member Pedro Martinez evinced an interest in honoring local service men and women via certificates from the Council, and requested that staff contact the National Guard to inquire about same.

Council Member Hernandez spoke favorably of the affordable housing project on E Street, suggesting that it had inspired greater neighborhood pride; and congratulated the Chamber of Commerce for its successful event and award.

Mayor Pro Tem Felipe Martinez requested that a condolence letter be drafted for the Council’s signature to the mother whose child was recently killed in the traffic accident on Interstate 5; and invited all to attend the Fabulous Music Jam on Saturday, November 10th.

**ADJOURNMENT**

The Council adjourned at 9:44 p.m. to the meeting of November 20, 2007 at 6:00 p.m.

__________________________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

SEAL

__________________________________________
Cameron Hamilton, Mayor
SUBJECT: REQUEST TO FILE LATE CLAIM – EL FUTURO CREDIT UNION (CONTENTS PORTION OF CLAIM)

SOURCE: Administration

COMMENT: El Futuro Credit Union has filed a claim against the City in an amount of $40,329.59 for damages allegedly related to a sewer back-up in the City’s main sewer line on April 16, 2007.

The contents portion of the claim, which represents $5,850.65 of the total claim amount, was deemed to be late under applicable California Government Codes, and was returned as such on November 19, 2007. On December 3, 2007, Claimant filed an Application for Leave to Present a Late Claim, a copy of which is attached for Council’s reference.

RECOMMENDATION: Staff recommends that the Council deny said Application for Leave to Present a Late Claim related to the contents portion of the claim; and direct the City Clerk to give the Claimant proper notification.

ATTACHMENTS: Letter of Request
Government Code Sections 911.4 – 912.2; and 946.6

Item No. 02
November 30, 2007

Patrice Hildreth
Acting Chief Deputy City Clerk
City of Porterville
291 N. Main Street
Porterville, California 93257

Re: El Futuro Credit Union sewage backup claim, AIMS Claim No. FR91143

Dear Ms. Hildreth,

As per your recommendation and the requirements of Government Code §911.4, El Futuro Credit Union is submitting this written application for leave to present this claim. Attached is the proposed claim that we filed with the City on November 1, 2007.

On or about April 16, 2007, the El Futuro Credit Union building sustained damages due to a sewer backup on Mill Street. That day, a City representative reviewed the site and determined that the damages were caused as a result of a backup of a City’s sewer line. On November 1, 2007, the credit union filed a claim with the City seeking reimbursement for the damages and clean-up for the event that occurred on or about April 16, 2007. On November 19, 2007, you informed the credit union that your office would not take any action on the claim because the claim was made over six months after the accrual of the action.

The sewer back-up caused considerable damage to the credit union’s basement and personal property. And repairs to the damages were completed in late October. Without delay, we filed the claim for damages less than a week after the completion of repairs. Although the sewer backup and resulting damages occurred in April, repairs were not completed until recently because, although we searched diligently, we could not find a contractor who was willing or able to complete the cleanup. Not until the City supplied us with a list of contractors was the credit union able to secure contractors that would deep clean the affected areas, remove the mold, and replace the irreparable fixtures and items in the building. As you may note, the latest receipts included with the proposed claim are dated as recently as October 27, 2007, which is a date occurring after the six-month limit prescribed by Government Code §911.2.

As noted in our proposed claim, the credit union lost volumes of irreplaceable and critical financial records. Although repairable, the cost to sanitize and restore such records exceeded $100,000. The credit union deemed the cost to be excessive. Out of compromise and reasonability, it decided not to pursue these particular repairs or present the claim to the City.
This letter serves as an application for leave to present a late claim. The reason for the not filing the claim within the six-month statute of limitations as set forth in Government Code §911.2 is detailed below.

Inadvertence/excusable neglect: The credit union was not aware of the six-month statute of limitations. From the day that the sewer line backed up and damaged the credit union building and throughout the entire process, the credit union was in contact and also worked with the City on multiple occasions. The City was not only aware of the damages and acknowledged fault, but it also did not mention to the credit union that it was fast approaching the six-month statute of limitations. Furthermore, the repairs were made over several months and in piecemeal fashion. Therefore, the credit union was unable to assess the full amount of the damages until all repairs were made, which did not occur until late-October. The credit union was unable to submit a proper claim to the City until the completion of the repairs.

It is also the credit union’s position that the City would be estopped from denying the claim as it knew of the issue, the City told the credit union to clean and repair the damage, for which they would be reimbursed. The City was aware that the credit union was damage, as well as the source of the damage (see Foster v. McFadden (1973) 30 Cal. App. 3d 943). Additionally, it was also aware that for months, the credit union was unable to secure contractors to repair the damage site.

This letter is offered to the City to assist the City in making a determination as well as a request for leave to file the claim. I would be happy to discuss this matter further or answer any questions.

Thank you for your professionalism in this matter.

Sincerely,

[Signature]
Arturo Flores
CFO

GFG/ahc

cc: Raul Pickett, CEO
Gregory Gillett, Vice President

Enclosure: Claim for Reimbursement
California Government Code

911.4. (a) When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present that claim. (b) The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application. (c) In computing the one-year period under subdivision (b), the following shall apply: (1) The time during which the person who sustained the alleged injury, damage, or loss as a minor shall be counted, but the time during which he or she is mentally incapacitated and does not have a guardian or conservator of his or her person shall not be counted. (2) The time shall not be counted during which the person is detained or adjudged to be a dependent child of the juvenile court under the Arnold-Kennick Juvenile Court Law (Chapter 2 commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code, if both of the following conditions exist: (A) The person is in the custody and control of an agency of the public entity to which a claim is to be presented. (B) The public entity or its agency having custody and control of the minor is required by statute or other law to make a report of injury, abuse, or neglect to either the juvenile court or the minor's attorney, and that entity or its agency fails to make this report within the time required by the statute or other enactment, with this time period to commence on the date on which the public entity or its agency becomes aware of the injury, neglect, or abuse. In circumstances where the public entity or its agency makes a late report, the claim period shall be tolled for the period of the delay caused by the failure to make a timely report. (3) The time shall not be counted during which a minor is adjudged to be a dependent child of the juvenile court under the Arnold-Kennick Juvenile Court Law (Chapter 2 commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code, if the minor is without a guardian ad litem or conservator for purposes of filing civil actions.

911.6. (a) The board shall grant or deny the application within 45 days after it is presented to the board. The claimant and the board may extend the period within which the board is required to act on the application by written agreement made before the expiration of the period. (b) The board shall grant the application where one or more of the following is applicable: (1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense of the claim by the failure to present the claim within the time specified in Section 911.2. (2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim. (3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time. (4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim. (c) If the board fails or refuses to act on an application within the time prescribed by this section, the application shall be deemed to have been denied on the 45th day or, if the period within which the board is required to act is extended by agreement pursuant to this section, the last day of the period specified in the agreement.
911.8. (a) Written notice of the board’s action upon the application shall be given in the manner prescribed by Section 915.4. (b) If the application is denied, the notice shall include a warning in substantially the following form: "WARNING 'If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied. "You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

912.2. If an application for leave to present a claim is granted by the board pursuant to Section 911.6, the claim shall be deemed to have been presented to the board upon the day that leave to present the claim is granted.

946.6. (a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case. (b) The petition shall show each of the following: (1) That application was made to the board under Section 911.4 and was denied or deemed denied. (2) The reason for failure to present the claim within the time limit specified in Section 911.2. (3) The information required by Section 910. The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6. (c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable: (1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4. (2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim. (3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time. (4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim. (d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the
Attorney General, if the respondent is the state. If the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento. If the petition involves a claim arising out of alleged actions or inactions of a judicial branch entity, service of the petition and notice of the hearing shall be made in accordance with the following: (1) If the petition involves a claim arising out of alleged actions or inactions of a superior court or a judge, court executive officer, or trial court employee, as defined in Section 811.9, of the court, service shall be made on the court executive officer. (2) If the petition involves a claim arising out of alleged actions or inactions of a court of appeals or a judge thereof, service shall be made on the Clerk/Administrator of the court of appeals. (3) If the petition involves a claim arising out of alleged actions or inactions of the Supreme Court or a judge thereof, service shall be made on the Clerk of the Supreme Court. (4) If the petition involves a claim arising out of alleged actions or inactions of the Judicial Council or the Administrative Office of the Courts, service shall be made on the secretariat of the Judicial Council. (e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition. (f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.
SUBJECT: CLAIM – EL FUTURO CREDIT UNION (BUILDING PORTION OF CLAIM)

SOURCE: Administration

COMMENT: El Futuro Credit Union has filed a claim against the City in an amount of $40,329.59 for damages to its building and contents therein, of which $34,478.94 represents the building portion of the claim. Claimant alleges that damages were sustained when its basement became flooded with sewage as a result of a blockage in the City’s main sewer line on April 16, 2007.

RECOMMENDATION: Staff recommends that the Council:
1. Approve settlement of the building portion of the claim in the amount of $34,478.94;
2. Authorize the City’s Claims Adjustor to make payment to Claimant in the amount of $34,478.94 for the building portion of the claim; and
3. Direct the City Clerk to provide proper notification to the Claimant.

Item No. 03
CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: EL FUTUTO CREDIT UNION
Claimant's Telephone No.: 784 0324 Ext. 105
Claimant's address: 182 N. Main St.
Address where notices about claim are to be sent, if different from above: 182 N. Main St. Porterville, CA 93257
Date of incident/accident: 4/16/07
Date injuries, damages, or losses were discovered: 4/16/07
Location of incident/accident: Basement of Credit Union

What did entity or employee do to cause this loss, damage, or injury? 
Sewer line at Mills Street backed-up

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

What specific injuries, damages, or losses did claimant receive?
Damage to building and property

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)]

Superior Court $40,329.59

How was this amount calculated (please itemize)? Actual cost of cleanup and repair.

Estimated fair market value of property

Date Signed: 4/16/07 Signature:

If signed by representative:
Representative's Name Raul Pickett
Address 182 N. Main St. Porterville, CA 93257
Telephone # (559) 784 0324 Ext. 105
Relationship to Claimant Director
John Longley, City Manager  
City of Porterville  
Porterville, California  93257

Dear Mr. Longley;

On 4/16/07 the sewer line for the City of Porterville, located between Mills, and 2nd street backed up and caused significant damage to the basement and personal property. The City of Porterville was called at the time, and pictures were taken of the damages. After several months of having the repairs completed, we are ready to file a full claim for damages with the City.

Clean up and restoration:  Gilstrap's  $28,315.22
Los Rios Construction (Repairs to damaged areas)  $5,000.00
Replacement of Shelving @ 1/2 cost  $830.00
Damaged and lost equipment and supplies  $5,684.00
1/2 day of Wages on 4/18/07 due to closing of CU.  $333.72

Total of Claim:  $40,329.59

Unfortunately, this matter took several months to resolve. Actual clean up required several weeks, while it also took several months to find a contractor that was willing to complete the work. We were finally able to obtain a listing of possible contractors from the City and subsequently contracted with Rios Construction. Shelving that was destroyed was also replaced. Equipment and property belonging to the credit union were also destroyed, a listing is attached.

It is significant to note that this flooding is the second occurrence in the last 10 years. This has caused significant hardship and inconvenience for the credit union and its members. During the flooding it was necessary to close the credit union for 1/2 day and to operate under deplorable conditions for several weeks.
The credit union also lost a large volume of irreplaceable critical financial records for our members. This potentially can place the credit union in a legally compromising situation both with our members and with governmental regulatory agencies. We had the option to salvage the records; however, the cost was estimated to be $100,000, which we believed to be excessive.

We have capped off the bathrooms in the basement to assure that there is no future recurrence. Your prompt action on this matter is appreciated.

Please let me know if you have any questions or require additional information. I can be reached at (559) 784 0324, Ext. 105.

Sincerely,

[Signature]

Raul Pickett, CEO
<table>
<thead>
<tr>
<th>Line Item Total</th>
<th>28,315.22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement Cost Value</td>
<td>28,315.22</td>
</tr>
<tr>
<td>Net Claim</td>
<td>28,315.22</td>
</tr>
</tbody>
</table>

Andrew Gilstrap
Quality
Gilstrap's
Cleaning & Restoration Services, Inc.

326 E. Prosperity Circle
P O Box 1857
Porterville, CA 93258
(559) 781-6880

Bill To: El Futuro Credit Union
182 N. Main
Porterville, CA 93257

<table>
<thead>
<tr>
<th>Date</th>
<th>Comments</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/17/07</td>
<td></td>
<td>Net 15 Days</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Purchase Order Number</th>
<th>Telephone Number</th>
<th>Sales Person</th>
<th>Our Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(559) 784-7901</td>
<td></td>
<td>70055</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Service</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Water Damage Restoration As Per Computer Printout Date of loss 4/17/07</td>
<td>1</td>
<td>28315.22</td>
<td>28315.22</td>
</tr>
</tbody>
</table>

Total 28315.22

PAID
MAY 16 2007
BY: [Signature]

Thank You
Client: El Futuro Credit Union
Property: 182 N. Main St.
          Porterville, CA 93257

Operator Info:
Operator: STEVE
Estimator: Andrew Gilstrap

Business: 326 E. Prosperity Circle
          Porterville, CA 93257

Reference: Gilstrap's Cleaning & Restoration
Company:  

Billing: P.O. Box 1857
         Porterville, CA 93258

Type of Estimate: Sewage

Dates:
Date Entered: 05/09/2007
Date Est. Completed: 05/09/2007
Date Assigned: 04/17/2007
Date Job Completed: 05/01/2007

Price List: CAVL4B7B
            Restoration/Service/Remodel

Estimate: ELFUTUEO

Home: (559) 784-7901
Business: (559) 781-6880
**Gilstrap's Cleaning & Restoration Services, Inc.**

### Area Items: ELFUTUEO

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency service call - during business hours</td>
<td>1.00</td>
<td>EA @</td>
<td>113.34</td>
</tr>
<tr>
<td>Pumping of standing Category 3 water</td>
<td>5,858</td>
<td>GL @</td>
<td>2,694.68</td>
</tr>
<tr>
<td>Provide box &amp; tape - medium size</td>
<td>32.00</td>
<td>EA @</td>
<td>166.72</td>
</tr>
<tr>
<td>Provide box &amp; tape - small size</td>
<td>10.00</td>
<td>EA @</td>
<td>18.50</td>
</tr>
<tr>
<td>Heat drying - ducted air - 2200+ CFM, one unit for six days.</td>
<td>6.00</td>
<td>DA @</td>
<td>8,250.00</td>
</tr>
<tr>
<td>Air mover (per 24 hour period) - No monitoring, twelve units for seven days.</td>
<td>179.28</td>
<td>GL @</td>
<td>555.77</td>
</tr>
<tr>
<td>Neg. air fan/Air scrub.-Large (per 24 hr period)-No monit., one unit for eight days.</td>
<td>8.00</td>
<td>EA @</td>
<td>972.56</td>
</tr>
<tr>
<td>Dehumidifier (per 24 hour period) - XLarge - No monitoring, one unit for three days.</td>
<td>3.00</td>
<td>EA @</td>
<td>291.72</td>
</tr>
<tr>
<td>Add for personal protective equipment (hazardous cleanup)</td>
<td>12.00</td>
<td>EA @</td>
<td>108.24</td>
</tr>
<tr>
<td>Equipment decontamination charge - per piece of equipment</td>
<td>5.00</td>
<td>EA @</td>
<td>120.55</td>
</tr>
<tr>
<td>Haul debris - per pickup truck load - including dump fees</td>
<td>2.25</td>
<td>EA @</td>
<td>225.27</td>
</tr>
<tr>
<td>Equip. setup, take down &amp; monitoring - after hrs</td>
<td>12.00</td>
<td>HR @</td>
<td>608.64</td>
</tr>
<tr>
<td>Equipment setup, take down, and monitoring (hourly charge)</td>
<td>125.00</td>
<td>HR @</td>
<td>4,222.50</td>
</tr>
<tr>
<td>Includes: Detailed cleaning of contaminated items, boxing shredable items, inventory non-salvageable items, removing cabinet, mopping and spraying antimalerial multiple times.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charge for night security guard.</td>
<td>1.00</td>
<td>EA @</td>
<td>3,886.87</td>
</tr>
<tr>
<td>Contamination - pre &amp; post test - full service (bid item) Sewage screen samples.</td>
<td>1.00</td>
<td>EA @</td>
<td>852.00</td>
</tr>
<tr>
<td>Shredding confidential papers, on-site.</td>
<td>1.00</td>
<td>EA @</td>
<td>813.60</td>
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</table>

**Room: BACK ROOM**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>63.00</td>
<td>SF @</td>
<td>55.44</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>63.00</td>
<td>SF @</td>
<td>9.45</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>63.00</td>
<td>SF @</td>
<td>21.42</td>
</tr>
</tbody>
</table>

**Room: BACK ROOM 2**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>42.00</td>
<td>SF @</td>
<td>36.96</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>42.00</td>
<td>SF @</td>
<td>6.30</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>42.00</td>
<td>SF @</td>
<td>14.28</td>
</tr>
</tbody>
</table>

ELFUTUEO

05/14/2007 Page: 2
<table>
<thead>
<tr>
<th>Room: Storage Area/Room</th>
<th>LxWxH 10'0&quot; x 4'0&quot; x 8'0&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>QNTY</td>
</tr>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>40.00</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>40.00</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>40.00</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>56.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Room: MID STORAGE</th>
<th>LxWxH 20'0&quot; x 15'0&quot; x 8'0&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>QNTY</td>
</tr>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>300.00</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>300.00</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>300.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Room: CONFRENCE</th>
<th>LxWxH 17'0&quot; x 11'0&quot; x 8'0&quot;</th>
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</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>QNTY</td>
</tr>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>187.00</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>187.00</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>187.00</td>
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</table>

<table>
<thead>
<tr>
<th>Room: file room</th>
<th>LxWxH 15'0&quot; x 14'0&quot; x 8'0&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>QNTY</td>
</tr>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>210.00</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>210.00</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>210.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Room: FILE ROOM 2</th>
<th>LxWxH 21'0&quot; x 10'0&quot; x 8'0&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>QNTY</td>
</tr>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>210.00</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>210.00</td>
</tr>
<tr>
<td>ELFUTUEO</td>
<td></td>
</tr>
</tbody>
</table>
CONTINUED - FILE ROOM 2

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean floor - Heavy</td>
<td>210.00 SF @</td>
<td>0.34 =</td>
<td>71.40</td>
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</table>

Room: KITCHENETTE

<table>
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<tr>
<th>DESCRIPTION</th>
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<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>56.00 SF @</td>
<td>0.88 =</td>
<td>49.28</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>56.00 SF @</td>
<td>0.15 =</td>
<td>8.40</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>56.00 SF @</td>
<td>0.34 =</td>
<td>19.04</td>
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</table>

Room: STORAGE 2

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>96.00 SF @</td>
<td>0.88 =</td>
<td>84.48</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>96.00 SF @</td>
<td>0.15 =</td>
<td>14.40</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>96.00 SF @</td>
<td>0.34 =</td>
<td>32.64</td>
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</table>

Room: BATH

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>40.00 SF @</td>
<td>0.88 =</td>
<td>35.20</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>40.00 SF @</td>
<td>0.15 =</td>
<td>6.00</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>40.00 SF @</td>
<td>0.34 =</td>
<td>13.60</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>40.00 SF @</td>
<td>0.42 =</td>
<td>16.80</td>
</tr>
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</table>

Room: Hallway

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELFUTUEO</td>
<td></td>
<td></td>
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05/14/2007  Page: 4
## CONTINUED - Hallway

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>28.00 SF @</td>
<td>0.88 =</td>
<td>24.64</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>28.00 SF @</td>
<td>0.15 =</td>
<td>4.20</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>28.00 SF @</td>
<td>0.34 =</td>
<td>9.52</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>40.00 SF @</td>
<td>0.42 =</td>
<td>16.80</td>
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</table>

### Room: BATH 2

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>36.00 SF @</td>
<td>0.88 =</td>
<td>31.68</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>36.00 SF @</td>
<td>0.15 =</td>
<td>5.40</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>36.00 SF @</td>
<td>0.34 =</td>
<td>12.24</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>60.00 SF @</td>
<td>0.42 =</td>
<td>25.20</td>
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### Room: UNDER STAIRS

<table>
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<tr>
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<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>32.00 SF @</td>
<td>0.88 =</td>
<td>28.16</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>32.00 SF @</td>
<td>0.15 =</td>
<td>4.80</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>32.00 SF @</td>
<td>0.34 =</td>
<td>10.88</td>
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</table>

### Room: Room

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>110.00 SF @</td>
<td>0.88 =</td>
<td>96.80</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>110.00 SF @</td>
<td>0.15 =</td>
<td>16.50</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>110.00 SF @</td>
<td>0.34 =</td>
<td>37.40</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>60.00 SF @</td>
<td>0.42 =</td>
<td>25.20</td>
</tr>
</tbody>
</table>

ELFUTUEO

05/14/2007 Page: 5
**Room: WATER HEATER**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>44.00 SF @</td>
<td>0.88 =</td>
<td>38.72</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>44.00 SF @</td>
<td>0.15 =</td>
<td>6.60</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>44.00 SF @</td>
<td>0.34 =</td>
<td>14.96</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>10.00 SF @</td>
<td>0.42 =</td>
<td>4.20</td>
</tr>
</tbody>
</table>

**Room: HALL 2**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNIT COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water extraction from floor - Category 3 water</td>
<td>72.00 SF @</td>
<td>0.88 =</td>
<td>63.36</td>
</tr>
<tr>
<td>Apply anti-microbial agent</td>
<td>72.00 SF @</td>
<td>0.15 =</td>
<td>10.80</td>
</tr>
<tr>
<td>Clean floor - Heavy</td>
<td>72.00 SF @</td>
<td>0.34 =</td>
<td>24.48</td>
</tr>
<tr>
<td>Tear out wet drywall, cleanup, bag for disposal</td>
<td>30.00 SF @</td>
<td>0.42 =</td>
<td>12.60</td>
</tr>
</tbody>
</table>

**Grand Total Areas:**

- 5,008.00 SF Walls
- 1,566.00 SF Floor
- 1,576.00 SF Long Wall
- 1,566.00 SF Ceiling
- 174.00 SY Flooring
- 928.00 SF Short Wall
- 6,574.00 SF Walls and Ceiling
- 626.00 LF Floor Perimeter
- 626.00 LF Ceil. Perimeter
- 0.00 Floor Area
- 0.00 Exterior Wall Area
- 0.00 Total Area
- 0.00 Total Perimeter of Walls
- 0.00 Surface Area
- 0.00 Number of Squares
- 0.00 Total Ridge Length
- 0.00 Total Hip Length
- 0.00 Total Perimeter Length
Los Rios Construction
24023 Avenue 220
Lindsay, CA  93247

REFUGIO RIOS
Date  9/27/07

El Futuro Credit Union
182 Main St
Porterville, CA 93257

<table>
<thead>
<tr>
<th>DATE</th>
<th>DESCRIPTION</th>
<th>CHARGES</th>
<th>CREDIT</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/27</td>
<td>Refurbish</td>
<td></td>
<td>Basement 5000$</td>
<td></td>
</tr>
</tbody>
</table>

Total  5000$
Nine Hundred Forty Dollars And 00 Cents

GERARDO BETANCOURT
110 N SALISBURY PLACE
PORTEVILLE, CA 93257

10/31/07  940.00

NON-NEGOTIABLE

URO CREDIT UNION

JOURNAL CHECK

CHECK NO. 100390

AMOUNT:  940.00  DATE: 10/31/07

PAYABLE TO:  GERARDO BETANCOURT

DESCRIPTION:  DOWNSTAIRS SHELVES

\[ \text{Total} = \frac{850}{660} = \frac{5}{4} \text{ cp} \]

\[ = 850 \]
This is only a QUOTE for the merchandise and services printed below. This becomes an Agreement upon payment and an endorsement by a Home Depot register validation.

<table>
<thead>
<tr>
<th>Name</th>
<th>CREDIT UNION</th>
<th>Home Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>750 S JAYE</td>
<td>(559) 784-0324</td>
</tr>
<tr>
<td>City</td>
<td>PORTERVILLE</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>TULARE</td>
<td></td>
</tr>
</tbody>
</table>

This quote is valid for this date: 10/27/2007

---

**MERCHANDISE AND SERVICE SUMMARY**

We reserve the right to limit the quantities of merchandise sold to customers.

**CUSTOMER PICKUP #1**

**STOCK MERCHANDISE TO BE PICKED UP:**

<table>
<thead>
<tr>
<th>REF #</th>
<th>SKU</th>
<th>QTY</th>
<th>UM</th>
<th>DESCRIPTION</th>
<th>TAX</th>
<th>PRICE EACH</th>
<th>EXTENSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>R01</td>
<td>757-485</td>
<td>1.00</td>
<td>EA</td>
<td>2&quot; COARSE DRYWALL SCREW 5 LB</td>
<td>Y</td>
<td>$16.98</td>
<td>$16.98</td>
</tr>
<tr>
<td>R02</td>
<td>757-479</td>
<td>1.00</td>
<td>EA</td>
<td>2-1/2&quot; COARSE DRYWALL SCREW 5 LB</td>
<td>Y</td>
<td>$16.98</td>
<td>$16.98</td>
</tr>
<tr>
<td>R03</td>
<td>386-081</td>
<td>20.00</td>
<td>EA</td>
<td>7/16 4X8 OSB</td>
<td>Y</td>
<td>$7.25</td>
<td>$145.00</td>
</tr>
<tr>
<td>R04</td>
<td>531-456</td>
<td>1.00</td>
<td>EA</td>
<td>S-750 TILE ADHESIVE - GAL</td>
<td>Y</td>
<td>$16.97</td>
<td>$16.97</td>
</tr>
<tr>
<td>R05</td>
<td>299-237</td>
<td>1.00</td>
<td>EA</td>
<td>E/O KILZ II 5 GAL</td>
<td>Y</td>
<td>$62.00</td>
<td>$62.00</td>
</tr>
<tr>
<td>R06</td>
<td>441-317</td>
<td>120.00</td>
<td>EA</td>
<td>2X4-8FT. STD STR GREEN DOUG FIR</td>
<td>Y</td>
<td>$2.47</td>
<td>$296.40</td>
</tr>
</tbody>
</table>

**SCHEDULED PICKUP DATE:** 10/28/2007

---

**Returns:** A 15% restocking fee applies to the return of special orders, i.e., special order merchandise that is not custom made. Special orders that are custom made, i.e., uniquely altered, color-matched, shaped, sized or otherwise uniquely designed or fitted to accommodate the customer's particular space or environment (some examples are cabinetry, countertops, floor and wall coverings, and window treatments) are non-returnable. Exceptions: Cancellation made by midnight on the third business day after the close of your purchase, merchandise incorrectly ordered by Home Depot or by Professional, or merchandise damaged beyond repair in delivery or by Professional. Unless otherwise specified in this Agreement, all returns must be made within Home Depot's posted time frame.

**WILL-CALL MERCHANDISE PICKUP**

Will Call items will be held in the store for 7 days only.

Check your current order status online at www.homedepot.com/ordersstatus

---

**FOR WILL CALL MERCHANDISE PICKUP**

**PROCEED TO WILL-CALL OR SERVICE DESK AREA**

(Pro-Customers, Proceed to the Pro Desk)

---

No. 1080-59425

Customer Copy
CUSTOMER AGREEMENT # 59425
RECALL AMOUNT $554.33
SALES TAX $45.79
TOTAL CHECK $600.06
CHECK 600.06

THE HOME DEPOT RESERVES THE RIGHT TO LIMIT / DENY RETURNS. PLEASE SEE THE RETURN POLICY SIGN IN STORES FOR DETAILS.

GET SPECIAL DEFERRED FINANCING ON PURCHASES OF $299 OR MORE WITH THE HOME DEPOT CONSUMER CREDIT CARD - EVERY TIME!

**ENTER FOR A CHANCE TO WIN A $5,000 HOME DEPOT GIFT CARD!**

Your Opinion Counts! Complete the brief survey about your store visit and enter for a chance to win at:

www.homedepotopinion.com

PARTICIPE EN UNA OPORTUNIDAD DE GANAR UNA TARJETA DE REGALO DE THD DE $5,000!

¡Su Opinión Cuenta! Complete la breve encuesta sobre su visita a la tienda y tenga la oportunidad de ganar en:

www.homedepotopinion.com

User ID: 188731 188653
Password: 7627 188651

Entries must be entered by 11/26/2007. Entrants must be 18 years older to enter. See complete rules at purchase notice website.
NOT VALID FOR MERCHANDISE PICK-UP AFTER

STORE: 1080 PORTERVILLE

Customer: CREDIT UNION, EL FUTURO
Phone: Home (559) 784-0324 Work (559) 784-0324 Ext
Site: 750 S JAYE
PORTERVILLE, CA 93257

Reference: PRO OSB

<table>
<thead>
<tr>
<th>REF&quot; #</th>
<th>SKU</th>
<th>ITEM DESCRIPTION</th>
<th>PICKED UP</th>
<th>QUANTITY</th>
<th>REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>R01</td>
<td>757-465</td>
<td>2&quot; COARSE DRYWALL SCREW 5 LB</td>
<td>1.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>R02</td>
<td>757-479</td>
<td>2-1/2&quot; COARSE DRYWALL SCREW 5 LB</td>
<td>1.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>R03</td>
<td>386-081</td>
<td>7/16&quot; X8 O/B OSB</td>
<td>20.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>R04</td>
<td>531-456</td>
<td>S-750 TILE ADHESIVE - GAL</td>
<td>1.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>R05</td>
<td>299-237</td>
<td>E/O KILZ II GAL</td>
<td>1.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>R06</td>
<td>441-317</td>
<td>2X4-8FT. STD/BTR GREEN DOUG FIR</td>
<td>50.00</td>
<td>70.00</td>
<td></td>
</tr>
</tbody>
</table>

Balance Due: $0.00

I HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE ITEMS IN THE QUANTITIES SHOWN IN THE "PICKED-UP" COLUMN ABOVE.

END OF CUSTOMER PICK-UP WILL-CALL NUMBER 059425W07

CUSTOMER COPY
THE HOME DEPOT 1080
750 S JAYE ST
PORTERVILLE, CA 93257 (559) 762-4611

1080 00002 04800 10/30/07
SALE 61 SF06FE 09:05 AM

073291324087 2X4-B GD FIR <A> 49.40
051552213225 KILZ II 5 <A> 62.00

SUBTOTAL 111.40
SALES TAX 9.19
TOTAL 120.59
CHECK 120.59

XXX/XXXXX3604
AUTH CODE 722999

1080 02 04800 10/30/2007 5538

RETURN POLICY DEFINITIONS
POLICY ID DAYS POLICY EXPIRES ON
A 1 90 02/27/2008

THE HOME DEPOT RESERVES THE RIGHT TO LIMIT / DENY RETURNS. PLEASE SEE THE RETURN POLICY SIGN IN STORES FOR DETAILS.

GET SPECIAL DEFERRED FINANCING ON PURCHASES OF $299 OR MORE WITH THE HOME DEPOT CONSUMER CREDIT CARD - EVERY TIME!

*************************************************************************************************************************

ENTER FOR A CHANCE TO WIN A $5,000 HOME DEPOT GIFT CARD!

Your Opinion Counts! Complete the brief survey about your store visit and enter for a chance to win at:

www.homedepotopinion.com

!PARTICIPE EN UNA OPORTUNIDAD DE GANAR UNA TARJETA DE REGALO DE THD DE $5,000!
List of non-salvageable contaminated items:

- (3) Belkin Multimedia desktop 230 keyboard
- (1) ATT MLS 12 Phone
- (1) Power Shredder
- (2) BTC keyboard
- (2) 25' Christmas Light strand
- (1) Roll blue wrapping paper
- (11) Computer power cords
- (2) Belkin black mouse
- (1) Tree top Christmas ornament
- (5) Keyboard connectors
- (2) Phone cable jacks for internet
- (2) Brown extension cords
- (1) Basic blanket
- (2) Computer speakers
- (4) Printer cables
- (7) Coaxial Rg 28u cable
- (4) Power supply cords
- (5) Black printer cables
- (4) Christmas Stockings
- (12) Three-ring binder- assorted colors
- (3) 'America Financial Directory' book
- (2) IBM keyboards
- (1) Cannon Printable calculator
- (81) Kelly Blue Book
- (3) Doors
- (1) 4x3 Black board
- (1) 3x5 Picture frame
- (1) 4x2 Picture frame
- (1) 2x2 Picture frame
- (4) Sm. Can wood lacquer
- (2) Sm. Wood coffee tables
- (1) Christmas Tree with lights
- (6) Metal money drawers
- (2) 8x3 wooden folding table
- (4) Dell Computers and monitors
- (2) Okidatta
- (1) Pair Mens dress shoes
- (1) Video Surveillance system
- (20) Wood 2x4
- (8) Wood planks 8x4
- (2) Hp Printers
- (1) Fax Machine
- (1) Fan
<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Beikin Multi Media</td>
<td>3</td>
<td>30.00</td>
<td>90.00</td>
</tr>
<tr>
<td>230 key boards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATT MLS Phones</td>
<td>12</td>
<td></td>
<td>60.00</td>
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<tr>
<td>Power Shredder</td>
<td>1</td>
<td>75.00</td>
<td>75.00</td>
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<tr>
<td>BTC key board</td>
<td>2</td>
<td>30.00</td>
<td>60.00</td>
</tr>
<tr>
<td>XMAS trees (25 ft)</td>
<td>2</td>
<td>150.00</td>
<td>300.00</td>
</tr>
<tr>
<td>Roll of blue rapping</td>
<td>1</td>
<td>4.00</td>
<td>4.00</td>
</tr>
<tr>
<td>Computer power cords</td>
<td>11</td>
<td>3.00</td>
<td>33.00</td>
</tr>
<tr>
<td>Belken Mouse</td>
<td>2</td>
<td>10.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Box of Tree Ornaments</td>
<td>1</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Keyboard connectors</td>
<td>10</td>
<td>2.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Cable jacks for internet</td>
<td>2</td>
<td>3.00</td>
<td>6.00</td>
</tr>
<tr>
<td>Extension cords</td>
<td>2</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>New blanket</td>
<td>1</td>
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<tr>
<td>Computer speakers</td>
<td>2 sets</td>
<td>15.00</td>
<td>30.00</td>
</tr>
<tr>
<td>Printer cables</td>
<td>4</td>
<td>3.00</td>
<td>12.00</td>
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<tr>
<td>Coaxial Rg 28u cable</td>
<td>7</td>
<td>5.00</td>
<td>35.00</td>
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<tr>
<td>Power supply cords</td>
<td>4</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Printer cables</td>
<td>5</td>
<td>3.00</td>
<td>15.00</td>
</tr>
<tr>
<td>XMAS stockings</td>
<td>4</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3 rink binders</td>
<td>12</td>
<td>3.00</td>
<td>36.00</td>
</tr>
<tr>
<td>IBM key boards</td>
<td>2</td>
<td>10.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Cannon Calculator</td>
<td>1</td>
<td>40.00</td>
<td>40.00</td>
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<tr>
<td>Kelly bluebooks 2007</td>
<td>81</td>
<td>2.00</td>
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<tr>
<td>Office doors</td>
<td>3</td>
<td>25.00</td>
<td>75.00</td>
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<tr>
<td>4x3 black board</td>
<td>1</td>
<td>45.00</td>
<td>45.00</td>
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<tr>
<td>3x5 picture frame</td>
<td>1</td>
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<tr>
<td>4x2 picture frame</td>
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<td>25.00</td>
</tr>
<tr>
<td>2x2 picture frame</td>
<td>1</td>
<td>10.00</td>
<td>10.00</td>
</tr>
<tr>
<td>cans of laquer</td>
<td>4</td>
<td>3.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Coffee tables</td>
<td>2</td>
<td>50.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Xmas tree w/ lights</td>
<td>1</td>
<td>35.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Metal Money drawers</td>
<td>6</td>
<td>30.00</td>
<td>180.00</td>
</tr>
<tr>
<td>Wooden folding tables</td>
<td>2</td>
<td>40.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Item</td>
<td>Quantity</td>
<td>Price</td>
<td>Subtotal</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------</td>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>Dell computers and monitors</td>
<td>4</td>
<td>400.00</td>
<td>1600.00</td>
</tr>
<tr>
<td>Okitta printers</td>
<td>2</td>
<td>150.00</td>
<td>300.00</td>
</tr>
<tr>
<td>Pair Men’s shoes</td>
<td>1</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Video Surveillance Sys.</td>
<td>1</td>
<td>1500.00</td>
<td>1500.00</td>
</tr>
<tr>
<td>2x4s 10 ft s</td>
<td>20</td>
<td>4.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Pine wood shelving (10fts)</td>
<td>8</td>
<td>12.00</td>
<td>96.00</td>
</tr>
<tr>
<td>HP Printers</td>
<td>2</td>
<td>100.00</td>
<td>200.00</td>
</tr>
<tr>
<td>FAX machine (Cannon)</td>
<td>1</td>
<td>200.00</td>
<td>200.00</td>
</tr>
<tr>
<td>Fan</td>
<td>1</td>
<td>20.00</td>
<td>20.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$5,684.00</strong></td>
</tr>
<tr>
<td>Store#</td>
<td>Description</td>
<td>Qty</td>
<td>Size</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>092001</td>
<td>Item A</td>
<td>100</td>
<td>40</td>
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<tr>
<td>092001</td>
<td>Item B</td>
<td>10</td>
<td>41</td>
</tr>
</tbody>
</table>

Date: 10/04/75
Order# 12345

Customer: J. Smith
Address: 123 Main St.
City: Anytown

Total: $200.00
LOST WAGES DUE TO BASEMENT FLOOD
(BAD SMELL)

<table>
<thead>
<tr>
<th>Name</th>
<th>Hours</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flores</td>
<td>4</td>
<td>$17.00</td>
<td>$68.00</td>
</tr>
<tr>
<td>Hernandez</td>
<td>4</td>
<td>$8.00</td>
<td>$32.00</td>
</tr>
<tr>
<td>Cortez</td>
<td>4</td>
<td>$8.00</td>
<td>$32.00</td>
</tr>
<tr>
<td>Mijes</td>
<td>4</td>
<td>$8.00</td>
<td>$32.00</td>
</tr>
<tr>
<td>Ruiz</td>
<td>4</td>
<td>$9.50</td>
<td>$38.00</td>
</tr>
<tr>
<td>Mijes</td>
<td>4</td>
<td>$12.65</td>
<td>$50.60</td>
</tr>
<tr>
<td>Pedraza</td>
<td>4</td>
<td>$12.28</td>
<td>$49.12</td>
</tr>
<tr>
<td>Nunez</td>
<td>4</td>
<td>$8.00</td>
<td>$32.00</td>
</tr>
</tbody>
</table>

**TOTAL**       **$333.72**
December 3, 2007

Patrice Hildreth
Acting Chief Deputy City Clerk
City of Porterville
291 N. Main Street
Porterville, California 93257

Re: Attachment to Re: El Futuro Credit Union sewage backup claim,
AIMS Claim No. FR91143

Dear Ms. Hildreth,

This is an attachment to the written application for leave to present a late claim that the credit union submitted on Friday, November 30, 2007. As noted in the proposed claim, the amount we are seeking for reimbursement is over $10,000.00; this is not a limited civil case. Also, the appropriate court of jurisdiction is the Superior Court of California, County of Tulare.

Thank you for your time. If you have any questions, please feel free to contact this office.

Sincerely,

[Signature]
Raul Pickett
CEO
SUBJECT: CLAIM – LORENA ESPINOSA LEMUS

SOURCE: Administration

COMMENT: Ms. Lorena Espinosa Lemus has filed a claim against the City in the amount of $4,736.38 for reimbursement for damages to her vehicle. Claimant alleges that her vehicle sustained said damages when it was involved in a collision due to an obstructed stop sign, at the intersection of El Granito and Belleview on December 28, 2006.

RECOMMENDATION: After consideration and investigation, staff recommends 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.

Item No. 04
**CLAIM AGAINST** (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: **Lorena Espinase Lemus**  
DOB:  

Claimant's Address: **351 N. Salisbury St. Porterville, CA 93257**

Claimant's Telephone No. (Home): **559-782-8395**  
(Work):  

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

---

Date of incident/accident: **12/28/2006**

Date injuries, damages, or losses were discovered: **12/28/2006**

Location of incident or accident: **El Granito Believew**

What did entity or employee do to cause this loss, damage, or injury? **Stop sign was blocked or obstructed from sight (tree obstructed stop sign) road not painted w/stop.**

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

**Unknown**

What specific injuries, damages, or losses did claimant receive? **Loss of main vehicle, vehicle has excessive damage to front (engine will not turn on)**

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)].

**4786.38 after estimate**

How was this amount calculated (please itemize): **See estimate**

---

Date Signed: **08-15-07**  
Signature: **[Signature]**

If signed by representative:

Representative's Name: **Tomas Robles**  
Telephone: **559-782-83-95**

Address: **351 N Salisbury Porterville CA 93257**

Relationship to Claimant: **Menu to claimant**
**BETO'S BODY SHOP**

559 N. Main Street  
Porterville, CA 93257  
BAR NO: AC248043

Name __________________________ Date 5/8/87

Address ________________________

City ___________________________ State ______ Zip ______

Home Phone (_____ ) __________ Bus Phone (_____) __________

Year 1975 Make __________ Model __________ TagNo. __________ ODM __________

Paint code __________ Bodytype __________ Vin 1P7E-47061-766686071

Ins co. __________ Phone No. (_____) __________

Adjuster ______________________ Claim No. __________

<table>
<thead>
<tr>
<th>NO.</th>
<th>O.P.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Front Bumper.</td>
<td>1</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Front Bumper.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paint materials</td>
<td>1</td>
<td>221.7</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Paint materials</td>
<td>1</td>
<td>221.7</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Parts $2000.00  
Paint Materials $405.00

Body Labor $1870.00 @ $55 /hr  
Paint Labor $325.00 @ $55 /hr

SUB TOTAL $4700.00

SALES TAX $176.38

Total Cost of repair $4876.38

Total Adjustment $0

NET COST OF REPAIR $4876.38

1 Year Warrantee on all work listed above. It is understood that this company assumes no responsibility for loss or damage by theft or fire to vehicles placed with us for repair or while road testing. No warrantee on any part that was shaved or any plastic painting.
SUBJECT: CLAIM – MICHAEL FRIESEN

SOURCE: Administration

COMMENT: Mr. Michael Friesen has filed a claim against the City in an amount of $1,308.50 for damages incurred at his residence located at 1270 Ohio Place on December 2, 2007. Claimant alleges that a blockage in the City’s sewer main caused sewage to back up into his bathroom, thereby causing damages.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Michael Friesen DOB: ______________
Claimant's Address: 1270 Ohio Place, Porterville
Claimant's Telephone No. (Home): 559-781-8641 (Work): ______________

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

Date of incident/accident: 12/2/07
Date injuries, damages, or losses were discovered: 12/2/07
Location of incident or accident: Above

What did entity or employee do to cause this loss, damage, or injury? Main sewage line backed up, flooding bathroom, with sewage destroying rug, bathroom vanity, sheetrock. (See pictures)

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

What specific injuries, damages, or losses did claimant receive? See photos and attached cost for repairs

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

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

1308.50 See summary of cost

How was this amount calculated (please itemize): See attached receipts and estimates.

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

Date Signed: 12/2/07 Signature: ________________________________

If signed by representative:
Representative's Name __________________________ Telephone: __________________________
Address: __________________________
Relationship to Claimant __________________________
Statement of Events

On December 2, 2007, while running the washing machine, the main sewage line became clogged. Sewage water backed up into the shower flooding bathroom and vanity area. The water damaged the vanity, drywall in the vanity area, and the rug. The plumber who removed the clog stated the plug was in the main line about 150 feet from the wall of the house. I have summarized the repair costs. Because the obstruction was in the street, maintenance is the city’s responsibility. Any expenses that occur due to failure-to-maintain is also the city’s responsibility. I summarized the cost.

Summary of Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Rooter, Cable clean main line</td>
<td>$224.50</td>
</tr>
<tr>
<td>Additive to prevent reclogging</td>
<td></td>
</tr>
<tr>
<td>Replace Bathroom Vanity</td>
<td>$429.00</td>
</tr>
<tr>
<td>(use existing top, not damaged)</td>
<td></td>
</tr>
<tr>
<td>Plumb vanity and set in</td>
<td>$145.00</td>
</tr>
<tr>
<td>Replace rug (8 square yards)</td>
<td>$360.00</td>
</tr>
<tr>
<td>Replace Sheet rock on wall</td>
<td>$100.00</td>
</tr>
<tr>
<td>Material and labor</td>
<td></td>
</tr>
<tr>
<td>Labor ripping out rug and cleaning area</td>
<td>$50.00</td>
</tr>
<tr>
<td>Total materials and labor to repair Damage</td>
<td>$1308.50</td>
</tr>
</tbody>
</table>
RETURN POLICY DEFINITIONS

Policies ID DAYS POLICY EXPIRES ON
A 1 90 03/07/2008

The Home Depot reserves the right to limit/deny returns. Please see the return policy sign in stores for details.

Get special deferred financing on purchases of $299 or more with The Home Depot Consumer Credit Card — every time!

ENTER FOR A CHANCE TO WIN A $5,000 HOME DEPOT GIFT CARD!

Your Opinion Counts! Complete the brief survey about your store visit and enter for a chance to win at:

www.homedepotopinion.com

¡PARTICIPE EN UNA OPORTUNIDAD DE GANAR UNA TARJETA DE REGALO DE THD DE $5,000!

¡Su Opinión Cuenta! Complete la breve encuesta sobre su visita a la tienda y tenga la oportunidad de ganar en:

www.homedepotopinion.com

User ID:
9647 8570

Password:
7608 8567

Entries must be entered by 01/07/08.
Entrants must be 18 or older to enter. See complete rules on website. No
SUBJECT: CLAIM -- RUDOLPH MULLINS

SOURCE: Administration

COMMENT: Mr. Rudolph Mullins has filed a claim against the City in an amount of $1.6 Million, in the jurisdiction of Tulare County Superior Court, unlimited jurisdiction. Claimant alleges that officers of the City of Porterville Police Department violated his civil rights on October 10, 2007 when they confiscated numerous marijuana plants that were being grown for personal medicinal use.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: RANDOLPH R. MULLINS
Claimant's Address: 1658 W. PUTNAM AVE.
Claimant's Telephone No. (Home) 559-781-6484 (Work)
Address where notices about claim are to be sent, if different from above: SAME

Date of incident/accident: 10-10-07
Date injuries, damages, or losses were discovered: 10-10-07
Location of incident or accident: House and Back Yard

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

Separate Sheet #1

What are the names of the entity's employees who caused this injury, damage, or loss (if known):
Officers BISCHEN, R, MOORE, M, MORALES, PLAS.

What specific injuries, damages, or losses did claimant receive? (Use back of this form or separate sheet if necessary to answer this question in detail.)

Separate Sheet #2

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)].

Separate Sheet #3-A

How was this amount calculated (please itemize): B

Date Signed: 01-16-08 Signature: RANDOLPH R. MULLINS

If signed by representative:
Representative's Name Telephone:
Address e #
Relationship to Claimant
Porterville police, INVADED PRIVATE PROPERTY at 1658 W. Putnam Ave.
They entered our SANCTUARY without proper Warrant and used the evidence they found in AFFIDAVITE in support of Warrant.

They OVER-ESTIMATED X 10
They OVER-COUNTED Growing plants
Counting Stumps already harvested.

They TRUMPED UP NUMBERS
making Legal Crop. into ILLEGAL!

They HELPED TULARE COUNTY get 5TH place in ILLEGAL MARIJUANA ROUNDUP.

Leaving(7) seven Legal Patients without NEEDED MEDICATION.

CHECK STATE LAW SB 420
H.S.C. 11362.77
H.S.C. 11362.E
H.S.C. 11362.7D
H.S.C. 11362.77D
54 yr old disabled American citizen arrested!

Seven (7) Patients deprived of MEDICATION recommended by Physician.

CANNABIS is my treatment of choice for pain, spasms, P.T.S.D.

This same CANNABIS is our Spiritual Food and our Religious SACRAMENT.

At SHARECROPPERS MINISTRY
1st Amendment Constitutional CHURCH
I VOLUNTEER my gifts (BLESSINGS)
to help others who can't grow
or would not be financially able
to buy!

We planned crop to assure (3) Three pounds for each of (7) Seven Patients.

Our LOSSES INCLUDE approx 21 lbs.
Legal Medical Cannabis.

Police report, item #112 estimates
270 Pounds with 65 Plants!

GROSSLY OVERESTIMATING
(26) Twenty-six Plants that were
NOT MATURE.
A. A fair and equitable amount of money would be the equivalent to the amount paid out for average patient health care by Tulare County in 1 calendar year. Times x (7) seven patients. Times x (10) ten for pain and suffering.

8. Show me how you calculate this amount.

(please itemize)

Or 21 lbs. x $4,000.00 per lb. = $84,000.00

Plus, irrepairable health damages

Pain and suffering

Total claim

$1,516,000.00

Unlimited civil case
SUBJECT: CLAIM – STEPHEN MINNICK

SOURCE: Administration

COMMENT: Mr. Stephen Minnick has filed a claim against the City in an amount of $35,600. Claimant alleges that officers of the City of Porterville Police Department violated his civil rights by confiscating numerous marijuana plants that were being grown for medicinal use at his residence on December 27, 2007.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Stephen Minnick

Claimant's Address: 1700 N. Newcomb St

Claimant's Telephone No. (Home): 559-784-1474 (Work):

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

Date of incident/accident: 12-27-07

Date injuries, damages, or losses were discovered: same

Location of incident or accident: 1700 N. Newcomb St

What did entity or employee do to cause this loss, damage, or injury? Police Dept.

(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): Mike Bevans - Judge Roper

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

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

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

not limited

How was this amount calculated (please itemize): See Att.

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

Date Signed: 12-31-07 Signature: Stephen Minnick

If signed by representative:
Representative's Name
Telephone:
Address e #
Relationship to Claimant
The second incident. 12-27-07

On that date at 1335 hrs I heard a knock at my door and to my surprise it was officer benas and his partner. He ask me to step out side and said that I was under arrest for none apperance and was promptly hauled away. Officer benas in his report stated he smelled marijuana. I was never asked about anything and having a legal prescription , if not in the sanctity of my ( HOME), where am I suppose to go and to take a natural medicine that helps me from having to take ( VICODIN) (SLEEPING PILLS) and so on. Just because the officer smelled it he had no right to go and get a warrant to search my mother’s home on smell alone. What school do they send officers to too train there noises to determine how much medicine I have in my room. In my first incident the police left two plants on 9-4-06 I believe that they were trying to see if they could catch me with more than the legal amount. The only marijuana they found was 370 grams and that’s less than the 1pd officer benas said that I was allowed in his first report and they took EVERYTHING. Why did they take everything if I was under the limit. Half of what they found was poor quality and I have a scale to stay legal or am I suppose to look at it like they did and (GUESS). This incident made my 78 yr old mother sick for months, I spent 2 months of (HELL) in jail and it was a nightmare, I couldn’t sleep ever, I have problems with pain and coldness in my hips and legs from spending time in jail on the steel bed I slept on. Every time a car pulls up or someone knocks I think I’m going to go to jail again. The warrant was written up for no show and the next thing you know, I am on the front page of our news paper saying they had a search warrant for sales of marijuana and that I had packaged small amounts already prepared for sale. NOT TRUE, my 78 yr old mother witnessed one of the officers go to the kitchen and retrieve the snack size baggies and take them back into the room where the marijuana was, but did not see them put any medicine in bags. I find it extremely disturbing and have no respect for a police force that would intentionally try and set me up for sales and how easy it is to do this to me and the others that are being done this way, we need help. They have 0 proof that I have ever sold my medicine to anyone, show me, bring me any proof or being me your informant, I’d like my attorney to be able to talk to him. There are more people in my town that this is happening to and we are sick and tired of being harassed and having our names slandered and being embarrassed in the news. They have put myself and my family in (DANGER) by putting my address in the paper and have since had an incident where some young men stop in front of the house and my mother came and told me that they were up to close to the house. I asked them what they wanted and I had some free things in front of the house. The next morning I step out my side door and I saw a footprint leaving the back yard where I grow my medicine, they were looking to see if there was any left. I personally have spent over 10,000 dollars. Something has to be done about the way the police are handling these medical marijuana cases. I have been in court now for over a year and there are 4 or5 more cases coming up and there case are just like mine and the police are making each case look like we are big drug dealers with 100s of pounds of weed. The internal affairs should look into all these case and talk to us, hear our sides.

I am seeking damages in these amounts.
Slander and embarrassment ----- $10,000

Mental and physical damages ----- $20,000

Loss of 12 ozs of high grade medicine ---- $300 on oz $3,600

Money spent for medicine ---- $2,000

Total ---- $35,600
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2007-08 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.

Police Department C.S.O. Vehicle Replacement
The two (2) Community Services Officer vehicles are currently scheduled for replacement in the 2008-2009 fiscal year budget, however, the City has become aware of an opportunity to take advantage of a closing out of 2007 Ford F150 Super Cab Pickups that are on the State Contract in the current fiscal year at an expense less than would be budgeted next fiscal year. Funds for this proposed budget adjustment would be allocated from the General Equipment Replacement Fund.

Library Donation to New Library Capital Project Fund
The Porterville Public Library was recently named as a beneficiary of the William J. Muir Living Trust, receiving five percent (5%) of the Trust’s assets. It is staff's recommendation that the Trust distribution be allocated to the New Library Capital Project Fund.

RECOMMENDATION: That the Council approve the attached budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
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<td>001-5020-001-110</td>
<td>1</td>
<td>Police Department C.S.O. Vehicles Replacement</td>
<td>General Fund Equipment Replacement</td>
<td>$42,372.76</td>
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<tr>
<td>089-5094-083-880</td>
<td>2</td>
<td>Library Donation to New Library Capital Project Fund</td>
<td>General Fund Contributions</td>
<td>$36,363.86</td>
</tr>
</tbody>
</table>

Modification No: 5-07/08
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

COMMENT: Caltrans by the attached E-76 has authorized the City to advertise for construction bids for the Newcomb Street Shoulder Stabilization Project. The project consists of the installation of new curbs, gutters and sidewalk as needed along Newcomb Street between Olive Avenue and Morton Avenue. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant.

The CMAQ grant, in the amount of $200,000, is a federal grant that must be matched with local funds. The federal share is $176,000 and local share is $24,000 (12%). The Engineer’s Estimate of Probable Cost is $173,913.05 with $17,391.30 required for the construction contingency (10%). An additional $8,695.65 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $200,000. An Estimate of Probable Cost is attached for Council’s review.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. Funding for the project was approved in the 2007/2008 budget and will be paid with a CMAQ grant ($176,000) and $24,000 from re-appropriated LTF.

RECOMMENDATION: That the City Council:

1. Approve Staff’s recommended plans and project manual; and

2. Authorize Staff to advertise for bids on the project.

ATTACHMENTS: E-76 from Caltrans
Locator Map
Engineer’s Estimate of Probable Cost
# Amendment/Modification Summary

**Federal Aid Program**
- DLA Locator: 06-TUL-0-PTRV
- Prefix: CML
- Project No: 5122(050)
- SEQ No: 2
- Dist-EA: 06-927927L
- Agency: PORTERVILLE

**Project Location**
- On Newcomb Ave from Olive Ave to Morton Ave

**Type of Work**
- Shoulder Stabilization (See

**Prev. Auth/Agree Date**
- PE: 04/25/06
- RW: 04/25/06
- CON: 07/03/07
- SPR: 07/03/07

**TIP Data:**
- MPD/YEAR: TCAG
- Date: 06/07
- STIP Ref: 215-0000-0242
- URBANIZED: VISALIA
- URB/RURAL: URBAN AREA

**Phase** | **Prev. Obligation** | **Project Cost** | **Federal Cost** | **AC Cost**
---|---|---|---|---
PE | 15,000.00 | 13,279.00 | .00 | .00
This Request | .00 | .00 | .00 | .00
Subtotal | 15,000.00 | 13,279.00 | .00 | .00

**Prev. Obligation**
- CON | .00 | .00 | .00 | .00
- This Request | 200,000.00 | 176,000.00 | .00 | .00
- Subtotal | 200,000.00 | 176,000.00 | .00 | .00

**Total** | 215,000.00 | 189,279.00 | .00 | .00

**FPNO - 06-AMMND #04 06-TUL05-001**

**State Remarks**

"**Note**" This project is exempt from PM2.5 per (40 CFR) § 93.126 "Exempt proj table 2. 'Shoulder improvements'.

Shoulder Stabilization: construct curb, gutter, and sidewalks.

Final Design shall not proceed until final environmental approval.

07/03/07: SEQ#: Authorized $176,000.00 of CMAQ (L400) money for CON+ENG/MKT.

**Authorization to Proceed with CON**
- Prepared by: PAYAD ALMASRI
- Construction & ENG Reviewed by: ZAK HAJEER
- Authorized by: M. TAHERI
- Signed by: M. TAHERI

**Electronic Signature**
- Document Type: AMEND/MOD
- Processed by: J. FOGLE
- Executed by: VENESHIA L. SMITH

Last FHWA Electronic Signature: 07/05/07 for FHWA

ON 07/03/07 FOR FHWA

ON 06/27/07 559-445-5443
ON 07/03/07 916-553-3571
ON 07/03/07 FOR CALTRANS

ON 07/03/07 FOR CALTRANS

ON 07/06/07
# Newcomb Street
## Between Olive and Morton

**2/12/08**

City of Porterville  
Newcomb Shoulder Engineering Estimate

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
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<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Clearing and Grubbing including concrete, dirt, asphalt, irrigation removal and replacement, and landscape replacement</td>
<td>LS</td>
<td>1</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>1060</td>
<td>$22.50</td>
<td>$23,850.00</td>
</tr>
<tr>
<td>5</td>
<td>Install Driveway include concrete removal and excavation and subgrade preparation</td>
<td>SF</td>
<td>1150</td>
<td>$10.00</td>
<td>$11,500.00</td>
</tr>
<tr>
<td>6</td>
<td>Install Sidewalk (Cost Includes Regrading behind back of walk between 0 - 4&quot; of ground height)</td>
<td>SF</td>
<td>7865</td>
<td>$4.25</td>
<td>$33,426.25</td>
</tr>
<tr>
<td>7</td>
<td>Install Curb Return per Details as shown on plans, include excavation and subgrade preparation, and exclude curb and gutter</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Catch Basin with local depression</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Catch Basin with grate</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>10</td>
<td>Install 15&quot; Storm Drain Lateral</td>
<td>LF</td>
<td>17</td>
<td>$100.00</td>
<td>$1,700.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Storm Drain Manhole</td>
<td>EA</td>
<td>1</td>
<td>$3,200.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>12</td>
<td>Connect to Existing Storm Drain Lateral from new catch basin</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>13</td>
<td>Remove Curb and Gutter</td>
<td>LF</td>
<td>158</td>
<td>$5.00</td>
<td>$790.00</td>
</tr>
<tr>
<td>14</td>
<td>Adjust Water Meter Box</td>
<td>EA</td>
<td>10</td>
<td>$125.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>15</td>
<td>Remove and Relocate Water Meter Box</td>
<td>EA</td>
<td>8</td>
<td>$400.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>16</td>
<td>Adjust Valve Box</td>
<td>EA</td>
<td>1</td>
<td>$250.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>17</td>
<td>Remove and Re-Install Concrete for driveway and walkway grades</td>
<td>SF</td>
<td>420</td>
<td>$10.00</td>
<td>$4,200.00</td>
</tr>
<tr>
<td>18</td>
<td>Adjust Mailbox</td>
<td>EA</td>
<td>14</td>
<td>$80.00</td>
<td>$1,120.00</td>
</tr>
<tr>
<td>19</td>
<td>Remove Tree - 24&quot; Diameter or less</td>
<td>EA</td>
<td>4</td>
<td>$500.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>20</td>
<td>Plant new tree</td>
<td>EA</td>
<td>4</td>
<td>$215.00</td>
<td>$860.00</td>
</tr>
<tr>
<td>21</td>
<td>Area Required to Regrade</td>
<td>LS</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>22</td>
<td>Remove Fence - Wood</td>
<td>LF</td>
<td>10</td>
<td>$20.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>23</td>
<td>Remove and Relocate Fence - Chainlink</td>
<td>LF</td>
<td>47</td>
<td>$25.00</td>
<td>$1,175.00</td>
</tr>
<tr>
<td>24</td>
<td>Relocate Hose Bibb</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>25</td>
<td>Install Paveout</td>
<td>SF</td>
<td>3570</td>
<td>$5.56</td>
<td>$19,831.52</td>
</tr>
<tr>
<td>26</td>
<td>Remove Ex. Catch Basin</td>
<td>EA</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>27</td>
<td>Transition from Roll to Barrier Curb</td>
<td>LF</td>
<td>10</td>
<td>$35.00</td>
<td>$350.00</td>
</tr>
</tbody>
</table>

**Subtotal**  
$158,102.77

**10% Estimating Contingency**  
$15,810.28

**TOTAL**  
$173,913.04

---

**Project Manager**  
2-12-08

**City Engineer**  
2-12-08

**City Manager**  
2-16-08
SUBJECT:  AUTHORIZATION TO PARTICIPATE FINANCIALLY WITH ENNIS COMMERCIAL PROPERTIES, LLC – RIVERWALK MARKETPLACE OFF-SITE LANDSCAPE IMPROVEMENTS

SOURCE:  Public Works Department – Engineering Division

COMMENT:  On February 13, 2008, the City received four (4) bids for the Riverwalk Marketplace Off-Site Landscape Improvements project. The project consists of furnishing to Ennis Construction Group all labor, materials, equipment, transportation, and services for the off-site landscape improvements for Highway 190, Jaye Street, Vandalia Avenue and Poplar Avenue.

This project is the next component of work included in the existing “Public Improvement Agreement” (PIA) between the City and Ennis Commercial Properties, LLC (ECP). The figures shown below represent the total contract amount followed by the amount in parenthesis that the City will participate in based on the PIA. The figures shown below represent the total contract amount with an accompanying figure in parenthesis representing the amount that the City will participate in under the existing PIA. The four (4) bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rainscape</td>
<td>$298,022.30</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td>($61,501.00)</td>
</tr>
<tr>
<td>(State Route 190)</td>
<td></td>
</tr>
<tr>
<td>2. Sunset Landscape</td>
<td>$298,151.30</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td>($64,713.50)</td>
</tr>
<tr>
<td>(State Route 190)</td>
<td></td>
</tr>
<tr>
<td>3. PML Landscape, Inc.</td>
<td>$299,911.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td>(unresponsive)</td>
</tr>
<tr>
<td>4. Elite Landscaping, Inc.</td>
<td>$314,247.80</td>
</tr>
<tr>
<td>Clovis, CA</td>
<td>($82,049.10)</td>
</tr>
<tr>
<td>(State Route 190)</td>
<td></td>
</tr>
</tbody>
</table>

Dir: Appropriated/Funded  CM  Item No. 10
Staff found PML Landscape, Inc. to be unresponsive. Staff reviewed the remaining bids and found the low bid to be acceptable. Based on the PIA, the City and ECP are to share financial responsibilities within State Route 190. The City’s share is 48.5% and ECP's share is 51.5%. All other landscaping costs required by the commercial development are ECP’s responsibility. Financial responsibilities are as follows:

<table>
<thead>
<tr>
<th>SR190 Contract</th>
<th>City’s Responsibility</th>
<th>ECP Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>$65,501</td>
<td>$31,768</td>
<td>$33,733</td>
</tr>
</tbody>
</table>

The 07/08 fiscal budget has slated $87,400 of special gas tax funds to finance the City’s share. Staff believes that an additional $5,000 is necessary to cover the 10% contingency and funding for construction management (+/-6%).

RECOMMENDATION: That City Council:

1. Authorize the City to participate with Ennis Commercial Properties, LLC in the State Route 190 Landscape and Irrigation Project.

2. Authorize the City to pay ECP an amount of $31,768 upon proof of payment by ECP to Rainscape;

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

4. Authorize a 10% contingency to cover unforeseen construction costs, and 6% for staff time and construction engineering.
COUNCIL AGENDA: FEBRUARY 19, 2008

SUBJECT: AWARD OF CONTRACT – MATHEW AND WESTFIELD STORM DRAIN PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 7, 2008, staff received four (4) bids for the Mathew and Westfield Storm Drain Project. The project includes paving, a catch basin, asphalt concrete berm and connection to an existing storm drain line.

The Engineer’s estimate of probable cost for the entire project is $18,216. The low bid is 10.1% below the Engineer’s estimate. An additional $2,455.80 is required for construction contingency (10%), staff time and construction engineering (5%) for a total project cost of $18,827.80.

Funding is provided by developer impact fees and was approved in the 07/08 Annual Budget as a part of the Storm Drain Master Plan Update.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Montes Pacific Engineering Oxnard, CA</td>
<td>$16,372.00</td>
</tr>
<tr>
<td>2. T-3 Engineering Visalia, CA</td>
<td>$17,735.00</td>
</tr>
<tr>
<td>3. Halopoff &amp; Son, Inc. Porterville, CA</td>
<td>$17,780.00</td>
</tr>
<tr>
<td>4. Bates Construction Porterville, CA</td>
<td>$29,596.00</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That City Council:

1. Award the Mathew and Westfield Storm Drain Project to Montes Pacific Engineering in the amount of $16,372.00;

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

3. Authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.

ATTACHMENT: Locator Map


Dir Appropriated/Funded CM Item No. 11
Mathew and Westfield Storm Drain Project
City of Porterville
SUBJECT: AWARD OF CONTRACT – SCREENING AND GRIT EQUIPMENT UPGRADE 2007 PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 31, 2008, staff received two (2) bids for the Screening and Grit Equipment Upgrade 2007 Project. The project includes the replacement of worn-out mechanical equipment located at the treatment plant headworks. Both pieces of equipment are in excess of twenty years old.

Bids were previously received on the same project but unfortunately, the low bid was 45% higher than the engineer’s estimate. At the time the City received the high bid on the grit & bar screen equipment project, the City was advertising for bids on the land leveling & pipeline extension project. The engineer’s estimate of 1.4 million dollars for the land leveling/pipeline extension project made it obvious that there was not enough money in the CIEDB sewer loan to pay for both the grit & bar screen equipment project and the land leveling/pipeline extension project.

Because the grit & bar screen equipment replacement project was not a Cease & Desist Order project, Council directed Public Works to re-advertise the grit & bar screen equipment project and directed that the City use Wastewater Capital Reserve funds to pay for the project. The new bids shown below are the result of the re-advertisement effort. The two bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Construction</td>
<td>$973,228</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>Nicholas Construction</td>
<td>$999,999</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
</tbody>
</table>

The low bid is 6.9% higher than the engineer’s estimate ($910,000), but falls within the 10% established by the City Council. Staff has reviewed the low bid and finds it acceptable. If Council chooses to award the contract, staff respectfully asks that a 10% contingency ($97,323) be added to the project total to cover unforeseen construction costs and that an additional $10,000 be included to cover construction management costs. 20.8% of the existing WWTF Capital Reserve Fund will be used to pay for the project.

RECOMMENDATION: That the City Council:

1. Award the Screening and Grit Equipment Upgrade Project to Smith Construction in the amount of $973,228;

Dir. Appropriated/Funded Item No. 12

CM
2. Authorize a 10% contingency to cover unforeseen construction costs and authorize an additional $10,000 to cover construction management costs;

3. Authorize the Finance Director to make a budget adjustment in the amount of $1,080,550 from the WWTF Capital Reserve fund to the FY 2007/2008 budget; and

4. Authorize staff to make progress payments up to 90% of the contract amount.

ATTACHMENT: Locator Map
SUBJECT: AWARD CONTRACT – AUTOMATIC SELF-CLEANING WATER FILTER

SOURCE: Administrative Services/Purchasing

COMMENT: Staff solicited bids for an automatic self-cleaning water filter for the Wastewater Treatment Facility. This filter will allow for the removal of algae and rising sludge from the chlorine contact chamber without interrupting the main flow during the cleaning process. In response to solicitation, four (4) bids were received for this highly specialized piece of equipment. Two of the bids did not meet the City’s minimum specifications. The responsive bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orival, Inc., Englewood, NJ</td>
<td>$8,925.88</td>
</tr>
<tr>
<td>Amiad Filtration Systems, Oxnard, CA</td>
<td>$9,660.95</td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and finds it to be responsive to the specifications. Funds for the purchase of the equipment have been appropriated in the Wastewater Treatment Facility’s Capital Reserve Fund.

RECOMMENDATION: That Council award the contract for an automatic self-cleaning water filter to Orival, Inc., of Englewood, NJ, in the amount of $8,925.88. Further, that Council authorize payment upon satisfactory delivery of the equipment.

D.D. Appropriated/Funded C.M. Item No. 13
SUBJECT: AUTHORIZATION TO NEGOTIATE CONTRACT FOR PLANNING OF ENTREPRENEURIAL TRAINING MARKET ANALYSIS

SOURCE: Community Development Department

COMMENT: On December 4, 2007, City Council authorized staff to distribute the Request for Proposal for Analysis of Market and Industry Trends for Planning of Entrepreneurial Training and Business Incubator Assessment. On January 25, 2008, staff received four (4) proposals for the advertised services. The proposals were rated in accordance with the revised and adopted "Policy for Selecting Professional Services". The results were as follows:

<table>
<thead>
<tr>
<th>RANK</th>
<th>FIRM</th>
</tr>
</thead>
</table>
| 1    | Chabin Concepts  
      | Chico, CA                                      |
| 2    | MuniServices, LLC  
      | Fresno, CA                                     |
| 3    | Applied Development Economics  
      | Walnut Creek, CA                               |
| 4    | Hebert Research, Inc.  
      | Bellevue, WA                                   |

Upon receipt of a signed contract for services, staff will arrange for the consultant to prepare an analysis of market and industry trends to identify those business clusters that could be most successful within the local economy and identify entrepreneurial activities that will support and expand existing businesses within the identified business clusters. Additionally, the consultant will utilize the information to identify the viability of one or more incubator facilities in the community, with emphasis on the Airport, downtown, and college areas, to foster new business development. Funding is provided through a grant from the U.S. Department of Economic Development Administration.

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate a contract with Chabin Concepts for the analysis of market and industry trends for planning of entrepreneurial training and business incubator assessment, with fees for services not to exceed those rates quoted in the proposal;
2. Authorize staff to negotiate a contract with the next highest ranked firm (MuniServices, LLC) in the event a contract cannot be negotiated with Chabin Concepts;

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

4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.
SUBJECT: EXTENSION OF TIME AMALENE ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

APPLICANT: Antoine Bechara
P.O. Box 1268
Porterville, CA 93258

AGENT: Jim Winton
Jim Winton & Associates
150 W. Morton Ave
Porterville, CA 93257

PROPERTY OWNER: Antoine Bechara

PROJECT DESCRIPTION: Tentative Subdivision Map Extension of Time

COMMENT:

The subject tentative subdivision map to divide a 19.7± acre site into a sixty-two(62) lot single family residential subdivision was originally approved on January 20, 2004. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the tentative map. The map is currently being revised per the comments made by staff’s review.

In December 2003 Environmental Coordinator recommended to the City Council that a Negative Declaration be adopted for this project. On January 20, 2004 the City Council adopted Resolution 5-2004 approving the Negative Declaration for Amalene Estates Subdivision Map & Resolution 6-2004 approving the Amalene Estates Subdivision Map.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision.
CITY COUNCIL STAFF REPORT
City of Porterville
February 19, 2008

AMALENE ESTATES TENTATIVE SUBDIVISION MAP
FOR CITY COUNCIL MEETING OF FEBRUARY 19, 2008

APPLICANT: Antoine Bechara
P.O. Box 1268
Porterville, CA 93258

AGENT: Jim Winton
Jim Winton & Associates
150 W. Morton Ave
Porterville, CA 93257

PROPERTY OWNER: Antoine Bechara

PROJECT DESCRIPTION: Tentative Subdivision Map Extension of Time

The subject tentative subdivision map to divide a 19.7± acre site into a sixty-two (62) lot single family residential subdivision was originally approved on January 20, 2004. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the tentative map. The map is currently being revised per the comments made by staff's review.

SIZE OF PROPERTY: 19.7 acres

GENERAL PLAN CLASSIFICATION: Low Density Residential

ZONING CLASSIFICATION: One Family Zone (R-1)

ENVIRONMENTAL REVIEW:

In December 2003 Environmental Coordinator recommended to the City Council that a Negative Declaration be adopted for this project. On January 20, 2004 the City Council adopted Resolution 5-2004 approving the Negative Declaration for Amalene Estates Subdivision Map & Resolution 6-2004 approving the Amalene Estates Subdivision Map.
### PROJECT SUMMARY
AMALENE ESTATES SUBDIVISION MAP

#### Site Information

<table>
<thead>
<tr>
<th>Project Location</th>
<th>West side of Westwood Street 170± feet south of Olive Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use</td>
<td>Improvement Plans under review</td>
</tr>
<tr>
<td><strong>Surrounding</strong></td>
<td><strong>Existing Land Uses</strong></td>
</tr>
<tr>
<td>North:</td>
<td>Single family residences, County Fire Station, Industrial Use, Olive Ave</td>
</tr>
<tr>
<td>South:</td>
<td>Single family residences, Vacant land, Tule River</td>
</tr>
<tr>
<td>East:</td>
<td>Westwood Street, Commercial Business, mobile home park, single family residences</td>
</tr>
<tr>
<td>West:</td>
<td>Field crops and Vacant Land</td>
</tr>
<tr>
<td>Related files/actions</td>
<td>2 year Extension of Time December 2005 – Reso.170-2005</td>
</tr>
</tbody>
</table>

#### STAFF ANALYSIS:

An extension of time is required because final plans have not been approved by the City. The Plans are currently in review by City staff. The applicant is requesting sufficient time to allow City Staff to complete their review process.

#### STAFF RECOMMENDATION:

Staff recommends that the City Council:

Adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision.

#### ATTACHMENTS:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Environmental Resolution 5-2004
4. City Council Resolution 6-2004 (approval)
5. City Council Extension of Time Resolution 170-2005
6. Draft Resolution approving the new extension of time

JOSE B. ORTIZ 1-28-08

Project Planner Date
January 15, 2008

Jose Ortiz
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: Amalene Estates

Dear Jose,

Our records indicate that the above referenced subdivision will expire on or about January 20, 2008. The subdivision improvement plans are presently in the plan check process. We are requesting a two year time extension and have enclosed a check in the amount of $316.

If you have any questions, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

cc: Antoine Bechara

JdW/bg
Encls.
RESOLUTION NO. 5-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR AMALENE ESTATES
TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 20, 2004, conducted a public hearing to consider approval of Amalene Estates Tentative Subdivision Map, being a division of a 19.7± acre site into sixty-two (62) single family residential lots in two (2) phases, generally located on the west side of Westwood Street, 170± feet south of Olive Avenue; and

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

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

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

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

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

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A;

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

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

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration and Mitigation Monitoring Report for Amalene Estates Tentative Subdivision Map as described herein, and commits to carry out those items identified as City responsibilities within the Mitigation Monitoring Report.

Richard M. Stadther, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Deputy
### Attachment A
#### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s. a (continued)</td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Seeding and watering of new vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Hydromulching or spreading of soil binders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the commercial building during the cold winter months.&lt;br&gt;3. As many energy-conserving features as possible should be included in the design/construction of new commercial buildings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.&lt;br&gt;4. Electric or low nitrogen oxide (NOX) emitting appliances should comply with California NOX Emission Rule #1121.&lt;br&gt;5. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.&lt;br&gt;6. Limit engine idling at the project site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
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<tr>
<td><strong>Air Quality</strong></td>
<td>7. Construction equipment needs to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.</td>
<td></td>
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<td>5. a (continued)</td>
<td></td>
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<tr>
<td><strong>Utilities and Service Systems</strong></td>
<td>Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Any future installation of storm drain lines will be in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
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<tr>
<td>12.e Storm water drainage.</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
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</tr>
<tr>
<td>Aesthetics</td>
<td>Any future development of the subject site with Neighborhood commercial uses require the installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

| 13.c Create light and glare. |                                                                                                                                                                                                                     |                                                                                             |                    |
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of January, 2004.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>WEST</th>
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JOHN LONGLLEY, City Clerk

(by Georgia Hawley, Deputy City Clerk)
RESOLUTION NO. 6-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL
FOR AMALENE ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of January 20, 2004, conducted a public hearing to consider approval of Amalene Estates Tentative
Subdivision Map, being a division of a 19.7± acre site into sixty-two (62) single family residential
lots in two (2) phases, generally located on the west side of Westwood Street, 170± feet south of
Olive Avenue; 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.

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

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

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

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

6. 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.

7. That the Condition of Approval requiring a fence to be constructed along the entire
   northerly boundary of the subject site constitutes a regulation of the City of
   Porterville for the purposes of compliance with Zoning Ordinance Section 2611.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Amalene Estates Tentative Subdivision Map subject to the following conditions:


2. 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.

3. 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).

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

5. 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.

6. The developer/applicant shall install a six (6) foot tall concrete masonry (CMU) wall and a five foot wide landscape strip along the Westwood Street frontage of all lots. Landscaping shall be designed to obscure open views of the wall and/or to discourage access to the wall.

7. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any, (4) Drainage reservoir, if any, etc.
8. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. The developer/applicant shall provide the reports indicated below:

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

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

9. 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.

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

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

12. 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.

13. 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.).

14. 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 (NBU's) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

15. 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.).
16. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 3010, 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.

17. 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), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

18. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

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

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

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

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

   e. Lot corners are marked;

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

19. The developer/applicant shall construct a drainage reservoir to serve the proposed Tentative Subdivision that satisfies one of the following conditions:

   a. Construct Drainage Reservoir No. 50 within the Urban Development Boundary complying with the intent of the Storm Drain Master Plan. In accordance with Section 21-50 of the City Code, the acquisition of land and development of the drainage reservoir is reimbursable. Acquisition of property will be in accordance with the City’s adopted Property Acquisition Procedures.
b. Acquire property outside of the proposed subdivision and within the Urban Development Boundary for the construction of a drainage reservoir as intended by the adopted Storm Drain Master Plan; or

c. Provide temporary on-site drainage reservoir in accordance with City Standards and Specifications; or

d. Obtain rights and convey an easement to the City of Porterville for a drainage reservoir as shown on the Tentative Subdivision Map, which is outside the Urban Development Boundary. This off-site drainage reservoir shall comply with CEQA, be improvedodedigned in accordance with City Standard Plans, and approved by Tulare County Resource Management Agency.

20. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre 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.

21. To accommodate refuse vehicles and street sweepers, the developer/applicant shall construct, dedicate and improve, to City standards, temporary turn-arounds at such time that phased development of the subdivision results in creation of dead end streets. These temporary turn-arounds are to be enclosed with chain link fencing.

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

23. 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.
24. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

25. 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.

26. 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) or provide surety in lieu of (Section 2616.b of the Zoning Ordinance).

27. 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.

28. 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.

29. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.

30. 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.

31. The developer/applicant is hereby notified that in order to comply with Section 66499.35 of the Subdivision Map Act, Phase 1, Lot 1 must be included as a lot within the Final Map for the first phase and developed in accordance with City Standards, Specifications and these conditions of approval. Vine Avenue is the only acceptable access to this parcel.
32. The developer/applicant shall construct a six (6) foot high fence of greater durability than a typical wood fence, to the satisfaction of the City Engineer, along the westerly boundary of Phase 1, Lot Nos. 27 and 28, thence westerly along the northerly boundary of Phase 1, Lots 22, 23 and 24, thence southerly along the westerly boundary of Phase 1, Lot 22 and continuing to the easterly prolongation of the northerly boundary of Phase 1 Lot 21, thence westerly along the northerly boundary of the Amalene Estates Subdivision to the northwest corner of Phase 2, Lot 23. If any portion of this fence does not border on a lot within the Amalene Estates Subdivision, that portion shall be included within the Landscape and Lighting District.

33. The developer/applicant shall provide 77 street trees, or payment in lieu, for the sixty-two (62) lot subdivision.

34. A building setback line of 12 feet shall be shown on the south side of Phase 1, Lot No. 9, the east side of Phase 1, Lot No. 10, the west side of Phase 1, Lot No. 14, the east side of Phase 1, Lot No. 20, the east side of Phase 1, Lot No. 26, and the west side of Phase 1, Lot No. 32.

35. The developer/applicant shall relinquish access rights to Westwood Street and indicate such on the final map(s) for the seven (7) lots which have frontage along both Westwood Street and Jennifer Street or Jennifer Drive. The developer/applicant shall relinquish vehicular access rights to Dogwood Street for Phase 1, Lot 21.

36. All concrete block walls shall match one of the colors in the approved color palate approved by the City Council and maintained by the Community Development Department.

37. All model home landscaping must conform to the City’s Water Efficient Landscape.

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

Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

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

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of January, 2004.

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

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JOHN LONGLEY, City Clerk

[Signature]

by Georgia Hawley, Deputy City Clerk
RESOLUTION NO. 170 - 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL
OF A TWO (2) YEAR EXTENSION OF TIME FOR AMALENE ESTATES
TENTATIVE SUBDIVISION MAP GENERALLY LOCATED ON THE WEST SIDE OF
WESTWOOD STREET, APPROXIMATELY 170± FEET SOUTH OF OLIVE AVENUE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of December 6, 2005, considered a two (2) year extension of time request for Amalene Estates Tentative Subdivision Map, generally located on the west side of Westwood Street, approximately 170± feet south of Olive Avenue; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.
2. That the site is physically suitable for the type of development proposed.
3. That a Negative Declaration was approved for the project.
4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
5. That the design of the project or the proposed improvements are not likely to cause health problems.
6. Section 66452.6 (e) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.
7. That the additional life of the subject map is to provide the developer an opportunity to keep the map active and fulfill the development requirements.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for Amalene Estates Tentative Subdivision Map and that the conditions specified in City Council Resolution 6-2004 shall remain in full force and effect. Said extension of time shall commence January 20, 2006, and shall expire on January 20, 2008.

Kelly West, Mayor

ATTEST:
John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of December, 2005.

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

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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL
OF A TWO (2) YEAR EXTENSION OF TIME FOR AMALENE ESTATES
TENTATIVE SUBDIVISION MAP GENERALLY LOCATED ON THE WEST SIDE OF
WESTWOOD STREET, APPROXIMATELY 170± FEET SOUTH OF OLIVE AVENUE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of
February 19, 2008, considered a two (2) year extension of time request for Amalene
Estates Tentative Subdivision Map, generally located on the west side of Westwood
Street, approximately 170± feet south of Olive Avenue; and

WHEREAS: The Porterville City Council at its regularly scheduled

WHEREAS: The Council made the following findings:

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

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

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

4. That the design of the project or the proposed improvements are not likely
to cause significant effects on the environment.

5. That the design of the project or the proposed improvements are not likely
to create significant health effects.

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

7. That the additional life of the subject map is to provide the developer an
opportunity to keep the map active and fulfill the development
requirements.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for Amalene Estates Tentative Subdivision Map and that the conditions specified in City Council Resolution 6-2004 shall remain in full force and effect. Said extension of time shall commence January 20, 2008, and shall expire on January 20, 2010.

____________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ______________________
   Patrice Hildreth, Acting Deputy City Clerk
SUBJECT: EXTENTION OF TIME - TENTATIVE PARCEL MAP 6-2005

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

APPLICANT: Greg Shelton
888 N. Williford Drive
Porterville, CA 93257

AGENT: Jim Winton
Jim Winton & Associates
150 W. Morton Ave
Porterville, CA 93257

PROPERTY OWNER: Greg Shelton

PROJECT DESCRIPTION: Tentative Parcel Map 6-2005 Extension of Time

COMMENT:

The subject tentative parcel map to divide an existing 37,497± square foot lot into four (4) parcels and a remainder parcel. Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcel 1 and Parcel 2 will be double frontage lots, typical of those lots located to the south of the subject site.

In December 2005 Environmental Coordinator made a determination that the project was Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of the CEQA Guidelines. No further environmental action was necessary.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a two (2) year extension of time for TPM 6-2005 Tentative Parcel Map.
TENTATIVE PARCEL MAP 6-2005
FOR CITY COUNCIL MEETING OF FEBRUARY 19, 2008

APPLICANT: Greg Shelton  
888 N. Williford Drive  
Porterville, CA 93257

AGENT: Jim Winton  
Jim Winton & Associates  
150 W. Morton Ave  
Porterville, CA 93257

PROPERTY OWNER: Greg Shelton

PROJECT DESCRIPTION: Tentative Parcel Map 6-2005 Extension of Time

The subject tentative parcel map to divide an existing 37,497± square foot lot into four (4) parcels and a remainder parcel. Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcel 1 and Parcel 2 will be double frontage lots, typical of those lots located to the south of the subject site.

SIZE OF PROPERTY: 37,497 square feet

GENERAL PLAN CLASSIFICATION: Low Density Residential

ZONING CLASSIFICATION: One Family Zone (R-1)

ENVIRONMENTAL REVIEW:

In December 2005 Environmental Coordinator made a determination that the project was Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of the CEQA Guidelines. No further environmental action was necessary.
# PROJECT SUMMARY
Tentative Parcel Map 6-2005

## Site Information

<table>
<thead>
<tr>
<th>Project Location</th>
<th>South of Mulberry Avenue between Second Street and Williford Drive</th>
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<tbody>
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<td>Present Use</td>
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<tr>
<td><strong>Surrounding</strong></td>
<td><strong>Existing Land Uses</strong></td>
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<tr>
<td>North:</td>
<td>Mulberry Avenue and County Retention basin</td>
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<tr>
<td>South:</td>
<td>Single family residences,</td>
</tr>
<tr>
<td>East:</td>
<td>Williford Drive and vacant land</td>
</tr>
<tr>
<td>West:</td>
<td>Second Street and residential dwellings</td>
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<td><strong>Zoning</strong></td>
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</tr>
<tr>
<td></td>
<td>City – R-1 (One Family Residential Zone)</td>
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<td>City OA (Open Space Zone)</td>
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<td>City – R1 (One Family Zone)</td>
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<tr>
<td>Related files/actions</td>
<td>Part of Zone Variance 3-2005</td>
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</table>

## STAFF ANALYSIS:
An extension of time is required because final plans have not been approved by the City. The Plans are currently in review by City staff. The applicant is requesting sufficient time to allow City Staff to complete their review process.

## STAFF RECOMMENDATION:
Staff recommends that the City Council:

Adopt the draft resolution approving a two (2) year extension of time for TPM 6-2005 Tentative Parcel Map.

## ATTACHMENTS:

1. Tentative Parcel Map
2. Letter requesting the Extension of Time
3. City Council Resolution 12-2006
4. Draft Resolution approving the new extension of time

JOSE B. ORTIZ 1-28-08

Project Planner ___________ Date ___________
January 15, 2008

Jose Ortiz
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: TPM 6-2005

Dear Jose,

Our records indicate the above referenced Tentative Map will expire on or about January 17, 2008. The Final Map is in the map checking process at this time. We are requesting a two year time extension and have enclosed a check in the amount of $237.

If you have any questions, please let me know.

Very Truly Yours,

[Signature]

James S. Winton
Civil Engineer

cc: Greg Shelton

JSW/hg
Encls.
RESOLUTION NO. 12-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF PROPOSED TENTATIVE PARCEL MAP 6-2005 FOR THAT SITE SOUTH OF MULBERRY AVENUE BETWEEN SECOND STREET AND WILLIFORD DRIVE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2005, conducted a public hearing to consider Tentative Parcel Map 6-2005 to allow for the division of a 37,497± square foot vacant lot into four (4) parcels and a remainder parcel for that site located south of Mulberry Avenue between Second Street and Willford Drive.

WHEREAS: The proposed parcels will consist of the following: Parcel 1 - 6,665 ± square feet; Parcel 2 - 6,951 ± square feet; Parcel 3 - 7,714 ± square feet; Parcel 4 - 7,409 ± square feet and the remainder parcel 8,758 ± square feet. Parcels 1 and 2 will create double frontage lots, typical of those lots located to the south of the subject site; and

WHEREAS: In conjunction with Tentative Parcel Map 6-2005, the City Council of the City of Porterville at its regularly scheduled meeting of January 17, 2005, conducted a public hearing to consider Zone Variance 3-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for proposed Parcels 1 and 2 of Tentative Parcel Map 6-2005; and

WHEREAS: The proposed reduction would allow for Parcel 1 to have a lot width of 50.79 feet and Parcel 2 to have a lot width of 53.29 feet; and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the tentative parcel map; and

WHEREAS: The City Council of the City of Porterville made the following findings in its review of the proposed tentative parcel map:

1. The project is Categorically Exempt pursuant to Section 15313 Class 15 (Minor Land Divisions) of the CEQA Guidelines; and

2. That the proposed parcelization conforms to the land use designation of the General Plan.

The General Plan designates the subject site for Low Density Residential uses. The existing R-1 (One Family Residential) Zone is supported by the General Plan.

3. That the design or improvements of the proposed project is consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Low Density Residential development. The proposed parcel map will allow the site to develop in accordance with the Porterville Zoning Ordinance.
4. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

5. That the City Council is the decision-making body.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Tentative Parcel Map 6-2005, subject to the following conditions:

1. Approval of the Tentative Parcel Map is contingent upon the Council’s approval of Zone Variance 3-2005

2. The developer/applicant shall provide a minimum of one (1) tree for each lot, or payment in lieu.

3. It should be noted that the “REMAINDER” parcel constitutes a Reverse Corner Lot. Future development of this lot would require a minimum setback of 12 feet from Mulberry Avenue.


5. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. 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.

6. 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 that established by the City Council, along with dedication of right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to property lines, as well as dedication of property required disabled ramp(s) (Section 21-23).

7. The developer/applicant shall dedicate required utility easements. No further dedication is needed along the Williford Drive frontage. A five feet (5’) dedication along Mulberry Avenue is required and dedication at the northeast corner for a handicap ramp is necessary.
8. The developer/applicant shall comply with Appendix Chapter 33 of the California Building Code including the provision of “R-Value” tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the approval of the improvement plans and/or start of grading, whichever comes first. The developer/applicant shall provide the items indicated below:
   a. Grading Plans and Specifications.

9. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:
   a. Simultaneous recording of a separate legal instrument or placement of a statement on the Final Map, if appropriate, that reads as follows:

   “In accordance with Section 66411.1 of the Government Code, the construction of curb, gutter, sidewalk, wheelchair ramp(s), sewer, water, connection pavement, well abandonment (if any), has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements properly function.”

10. 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).

11. Prior to recording the final map, the developer/applicant shall provide surety for, or have constructed, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

12. Prior to recording the final map, the developer/applicant shall construct or provide surety for drainage facilities that the City Engineer determines are necessary to serve the property.

13. Prior to recording the final map, the developer/applicant shall provide easements, permits, calculations, etc., if in the opinion of the City Engineer they are needed for the proper functioning of phasing of the development (e.g., water, sewer, drainage, turnarounds, etc.). If the City Engineer determines that construction of improvements is needed to protect the public health and safety or for the orderly development of the surrounding area, construct or provide surety for the construction of said improvements. The required improvements may be deferred in accordance with Section 66411.11 of the Government Code.

14. The developer/applicant shall construct a City Standard barricade at the end of all dead end streets.
15. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board, where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-30, AE, A99 or AH) the following conditions are required: All building plans and grading plans shall recognize that the site is within a Zone A flood hazard area with a Base Flood Elevation of 448.0 feet above mean sea level. A Registered Professional Engineer or Professional Land Surveyor shall certify that the finished floors will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finished floor is at or above the Base Flood elevation by submitting an Elevation Certificate to the City Engineer for approval prior to issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificate forms are available with the Engineering Division upon request.

16. The addresses for Parcel 1 and Parcel 2 will be off of Williford Drive only. The address for Parcel 3 and Parcel 4 will be off of Second Street.

17. Comply with latest applicable codes.

18. 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 flow.

19. Fire hydrant spacing shall be as follows: **Residential development**, one (1) hydrant shall be installed at **500** foot intervals.

20. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure. One and two family dwellings having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 psi residual pressure.

21. A minimum setback of 12 feet from the property line fronting on Williford Drive will be required for any structure to include any six (6) foot fence for Parcel 1 and Parcel 2.

22. A minimum setback of 20 feet from the property line fronting on Second Street will be required for any structure to include any six (6) foot fence for Parcel 1 and Parcel 2.

ATTEST:

John Longley, City Clerk

By: Georgia Hayley, Chief Deputy City Clerk

Cameron J. Hamilton, Mayor Pro Tem
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 17th day of January, 2006.

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

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<th>IRISH</th>
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<th>HAMILTON</th>
<th>STADTHERR</th>
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</table>

JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL
OF A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP 6-2005
GENERALLY LOCATED ON THAT SITE SOUTH OF MULBERRY AVENUE
BETWEEN SECOND STREET AND WILLIFORD DRIVE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of
February 19, 2008, considered a two (2) year extension of time request for TPM6-2005
Tentative Parcel Map, generally located on that site south of Mulberry Avenue between
Second Street and Williford Drive; and

WHEREAS: The Porterville City Council at its regularly scheduled

WHEREAS: The Council made the following findings:

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

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

3. That the project is Categorically Exempt pursuant to Section 15313 Class
15 (Minor Land Divisions) of the CEQA Guidelines; and

4. That the design of the project or the proposed improvements are not likely
to result in significant effects on the environment.

5. That the design of the project or the proposed improvements are not likely
to create significant health effects.

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

7. That the additional life of the subject map is to provide the developer an
opportunity to keep the map active and fulfill the development
requirements.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for TPM 6-2005 Tentative Parcel Map and that the conditions specified in City Council Resolution 12-2006 shall remain in full force and effect. Said extension of time shall commence January 17, 2008, and shall expire on January 17, 2010.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
   Patrice Hildreth, Acting Deputy City Clerk
SUBJECT: REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In accordance with California Health and Safety Code Section 33080.1, the annual report of the Redevelopment Agency is to be delivered to the legislative body within six (6) months of the end of the Agency’s fiscal year. This report contains the financial audit for the fiscal year 2006-2007 and a report of the Agency’s programs.

The 2006-2007 Annual Report was delivered to Council on December 27, 2007 for review. Additional copies of the report are available for review in the Community Development Department.

After reviewing the report, the legislative body is required by Section 33080.2 of the Code to take any action which it deems appropriate on the report no later than the first meeting of the legislative body occurring more than 21 days from the receipt of the report.

SUBJECT:  CODE ENFORCEMENT UPDATE

SOURCE:  FIRE DEPARTMENT

COMMENT: FOR INFORMATION ONLY

The Code Enforcement Officer has been very busy in dealing with new and outstanding code issues, citizen complaints, and educating the public while obtaining voluntary compliance from the citizens of this community.

At the direction of Council, this quarterly report is prepared for your information concerning the activities and code issues that Code Enforcement has addressed and the impact that the program has contributed to making this a safer community.

(See attached Code Enforcement Activity Spreadsheet.)

Attachment: Code Enforcement Activity Spreadsheet
<table>
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<th>Category</th>
<th>Details</th>
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</table>
SUBJECT: STREET PERFORMANCE MEASURE QUARTERLY UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-overlay and pothole repair efforts for the 2nd quarter in FY 2007/2008. The 1st Quarter report is included in Council’s packet so that Council can visualize the progress made from the 1st to 2nd quarter.

For Council’s edification, the light blue bar represents staff’s estimated quantity of “work” for each category. The black overlaid bar represents the quantity of work accomplished to date.

RECOMMENDATION: Information Only

ATTACHMENTS: 2nd Quarter Street Performance Chart
1st Quarter Street Performance Chart
SUBJECT: INFORMATIONAL UPDATE REGARDING OFF HIGHWAY MOTOR VEHICLE STATE RECREATION GRANTS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: In September, 2007, the City Council authorized the Parks & Leisure Services Department to submit a grant application for the State Off-Highway Motor Vehicle Recreation Grants program. At its December, 2007 meeting, the California State Off-Highway Motor Vehicle Commission awarded funding for the 2007/2008 grant cycle. The City of Porterville submitted three proposed projects: Development, Operations and Maintenance, and Law Enforcement. Each of the City’s projects received scores high enough to receive full funding, and staff is now in receipt of the three project agreements.

In addition to supplementing routine operation and maintenance activities, key components of the grant projects include development of an ATV (Quad) track, paving of a portion of the entry and parking areas, observation deck upgrade and expansion, and law enforcement outreach/education. The total grant allocation is $210,000, for which the City is responsible for matching funds amounting to $97,000. The grant implementation periods vary but all are through a portion of the current and next fiscal years.

For the Development and the Operations and Maintenance grants, staff will utilize the OHV operating budgets to provide the matching funds, requiring no additional general funds to implement the grant components. This should result in about $17,000 of grant funding being claimed for FY07/08, and about $183,000 being claimed for FY 08/09.

For the Law Enforcement grant, Parks & Leisure staff is working with the Police Department to structure the FY 08/09 budget for utilization and reimbursement of the $10,000 grant. It is envisioned that Police staff services, equipment and educational materials normally programmed into the department budget should satisfy the match requirement of $12,500.

RECOMMENDATIONS: This is an informational item.

[Signatures]

Director Appropried/Funded City Manager

ITEM NO.: 20
SUBJECT: AIRPORT LEASE RENEWAL – LOT 44B

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: Mr. Albert Quatacker is the current leaseholder of Lot 44B at the Porterville Municipal Airport. The lease expired on January 31, 2008; 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. Quatacker dated January 1, 2008, asking to continue his lease on Lot 44B. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2013.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Albert Quatacker of Porterville for Lot 44B at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Quatacker requesting renewal
Paragraph 2 of original Lease Agreement
Yes I would like to accept the option of a 5 year lease.

Albert C. Lee

Lot 44B
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of February, 1993, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and AL QUATAKER hereinafter referred to as "Lessee".

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 January 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 4,200 square feet of land area, said rental rate will be $698.04 per year payable in advance on February 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.
COUNCIL AGENDA: February 19, 2008

SUBJECT: CITY TRANSIT ANALYSIS AND REQUEST FOR MODIFICATIONS TO DEMAND-RESPONSE SYSTEM

SOURCE: Administration/Transit

COMMENT: Traditionally, staff compiles data and provides an analysis of the public transportation system on a regular basis. The analysis enables us to identify strengths and weaknesses; and where weaknesses become apparent, to follow up with suggestions for improvement.

Fixed Route is showing a steady increase in ridership for all seven routes and for all categories served, including General Ridership, Children (7 to 17 years of age), Seniors and Transfers. Ridership has increased 6.9% over the same period last fiscal year, with a corresponding increase in farebox revenue of 9.3%. However, the farebox ratio has decreased almost a full percentage point, with the farebox ratio currently at an average of 24.2%. This decrease in farebox ratio can be attributed almost entirely to a substantial increase in Vehicle Maintenance. From September through December, 2007, Vehicle Maintenance increased 60.6% over the same four-month period of Fiscal Year 2006/07. We have asked the Public Works Director to do an analysis of the increase to ascertain problem areas. Since the increase in fuel had already been accounted for, it appears other factors may be involved, such as certain pieces of equipment contributing to the increase, or more vehicles being contracted out for repairs, which would be more costly than repairs done in-house. Once the analysis has been completed, we will assess the problems and attempt to control the costs.

Other than this one problem area, numerous other positive factors are occurring with Fixed Route:

- Four compressed natural gas (CNG) buses have arrived, although well ahead of our anticipated late spring delivery. Our temporary fueling site for the buses should be on-line by mid-to-late February, and the City permanent CNG Fueling Station is proceeding to a late fall, 2008 completion.

Item No. 22

DD Appropriated/Funded CM
• The Singer Pedestrian Mall project is under construction with a planned completion date of March 31, 2008.
• The City's Bus Maintenance Facility, which will house the transit fleet in the area of the proposed time-fill CNG Fueling Station is proceeding concurrently with the CNG project, and will include designated parking areas, canopy coverings and a bus wash bay for transit vehicles.
• Route No. 8 is being planned for late summer 2008 and will service the northeastern portion of the City not presently served by Fixed Route.

In August of 2006, the City restricted its Demand-Response service to Seniors (age 62 and older) and ADA passengers only. This obviously resulted in a decrease in ridership and a corresponding decrease in operating costs. However, the decrease in ridership was much greater than the decrease in costs.

Demand-Response is a very costly service, and one that transit agencies constantly modify in an attempt to become more efficient. Far fewer passengers are accommodated in a single trip; therefore, the cost per passenger, cost per service mile, and cost per service hour are much greater than Fixed Route. Currently, the cost per passenger is $22.84, compared to $21.21 during the same six-month period of the prior fiscal year, and the City’ farebox ratio for Demand-Response is slightly less than five percent (5%).

Federal requirements currently dictate that we operate transit with a 20% blended farebox ratio. The blended farebox ratio is calculated by dividing the total farebox revenue for Fixed Route and Demand Response by the total operating costs for the two systems. We are currently at 17.65% for the first six months of the current fiscal year, far below that requirement. (Note: Last fiscal year, we were slightly below the 20% requirement; but with the addition of the revenue received from bus ad sales, we were able to meet the 20% requirement for Transit Development Act (TDA) purposes.)

In analyzing the costs related to operating Demand-Response, several ideas have been explored to improve the overall efficiency and farebox ratio for the remainder of this fiscal year, which will greatly assist us with meeting the required farebox ratio.

• Reduce the Demand-Response operating hours from 8:00 p.m. to 7:00 p.m., resulting in the same operating hours for Demand-Response as for Fixed Route. Currently, only one passenger rides from 7:00 to 8:00 p.m., riding to Wal-Mart
just to “hang out.” The one-hour reduction will not affect ridership, but will decrease total operating hours by six hours per week.

- Passengers have become accustomed to having exclusive use of a Demand-Response vehicle, which becomes a very costly trip for the system. Sierra Management has begun making efforts to combine more trips so multiple riders will be accommodated by one vehicle, especially when those passengers are located in relatively close proximity. This change alone will increase our Passengers per Vehicle Service Hour, Passengers per Vehicle Service Mile, and reduce our Operating Costs per Passenger.

- Currently, Seniors and ADA passengers make reservations for up to two weeks in advance, but there are some gaps throughout the day when vehicles are not in full operation and the general public could be accommodated. We’re recommending that General Ridership be permitted to utilize the Demand-Response system; however, they will be placed on a “waiting list” and will be accommodated after all Seniors and ADA passengers. The fare for Seniors and ADA passengers is $1.50 per ride, and has been for quite some time. We are recommending this fare remain the same, but that General Ridership be charged $3.00 per ride. (This is currently the fare being charged in the City of Visalia, and represents a Fifty Cent ($.50) increase over our previous General Ridership fare. We already have printed $1.50 tickets, so it will be an easy transition for those passengers not wanting to use cash to access the system by using two tickets.)

- Several transit agencies have requested that TCAG reduce the required farebox ratio from 20% to 15%. This reduction would be helpful to all of the transit agencies in Tulare County in attempting to find a balance between efficiency and rising operating costs due to outside influence out of our control.

**RECOMMENDATION:** That the City Council:

1. Reduce the current Demand-Response operating hours to coincide with Fixed Route operating hours;

2. Authorize staff to advertise the availability of the Demand-Response system to the general public through the process of a “waiting list” giving preference to Seniors and ADA passengers, with said service beginning February 22, 2008;
SUBJECT: APPROVE CONCESSION LICENSE WITH PORTERVILLE ASA FAST PITCH

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Porterville ASA Fast Pitch organization has requested a Concession License for use of the Hayes Field concession building during their upcoming season. The Porterville Amateur Youth Softball Association (PAYSA) has operated the concessions for the past six years. PAYSA last entered into a one-year no-fee concession license for the 2007 season. ASA Fast Pitch is the successor organization to which PAYSA assets have been transferred. No other organizations have made a request for operating the Hayes Field concession building.

Staff and the Parks and Leisure Services Commission have considered requirements for operations and reporting on funds raised through operations of the concessions. Accordingly, provisions to clarify operations, submitting a non-profit business license, installation and removal of equipment, and monthly reporting have been included within the proposed Concession License. The term for the License has also been established for a period commencing March 1, 2008 and ending August 31, 2008. The current fee for use of the concession building is $5.65 per hour.

Staff and the Parks & Leisure Services Commission both recommend the approval of the proposed Concession License with Porterville ASA Fast Pitch. Staff wishes to make the City Council aware that PAYSA owes the City approximately $520 for the use of field lights for the 2007 season. This debt has been delinquent since July 2007, and ASA Fast Pitch has communicated their intent to pay this debt. Staff believes that settling this debt needs to be accomplished as a prerequisite to a new concession license.

RECOMMENDATION: Contingent upon full payment of the Hayes Field lighting fees for 2007, that the City Council approve the Hayes Field Concession License Agreement between Porterville ASA Fast Pitch and the City of Porterville, and authorizes and directs the Mayor to sign the Agreement once the debt is paid.

ATTACHMENTS: Concession License with Porterville ASA Fast Pitch
CITY OF PORTERVILLE
HAYES FIELD
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to the Porterville A.S.A. Fast Pitch, hereinafter referred to as "LICENSEE", a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged food, general confectionery articles and products, and promotional items at the Hayes Field Concession Building located at 945 W. Mulberry, Porterville CA, for a term commencing March 1, 2008 and ending August 31, 2008.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.

2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized softball or at any other time the CITY deems the operation of the concession necessary for special activities.

3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.

4. The City will clean and stock restrooms Monday-Friday. Supplies needed for such cleaning and stocking will be stored in the maintenance closet located on the south side of the building. LICENSEE is prohibited from using said closet or restrooms for storage.

5. LICENSEE has permission from CITY regarding seatrain, which is used to store sports equipment, items for concession, and tools for field maintenance, to leave on premises until further notice. CITY takes no responsibility for any damage that may accrue to seatrain’s exterior or any content within said seatrain. Graffiti will be removed from said seatrain in a timely manner. Electricity used in connection with said seatrain shall be disengaged from City provided utilities promptly at the conclusion of the season.

6. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall close and lock all gates upon closing the concession building and park.

7. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season.

8. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.
9. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.

10. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

11. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.

12. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney’s fees and shall secure, at LICENSEE’s expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars ($2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE’s policy.

13. LICENSEE shall maintain Workers’ Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE’s concessionary interests to the extent as provided by law.

14. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net, from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to accrue, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.

15. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed “Monthly Concession Report” form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.

16. The LICENSEE shall pay monthly to the City a fee of $5.65 per hour for the use of the concession building by the 15th of each month. The payment will be made by Porterville A.S.A. Fast Pitch. The fee will be adjusted each year by the San Francisco Consumer Price Index.

17. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.

18. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks,
goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

19. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

20. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California this ___ day of February, 2008.

CITY OF PORTERVILLE

BY: __________________________
   Cameron J. Hamilton, Mayor

PORTERVILLE A.S.A. FAST PITCH

BY: __________________________
   Adam Castillo, President

ATTEST:
John Longley, CITY CLERK

By: Patrice Hildreth, Acting Chief Deputy City Clerk

APPROVED AS TO FORM:

______________________________
Julia M. Lew, City Attorney
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE
IRIS FESTIVAL, APRIL 26, 2008

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 9th Annual Iris Festival on Saturday, April 26, 2008, from 9:00 a.m. to 5:00 p.m. The following street/sidewalk/parking lot/park closures/uses is requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street.
Cleveland Avenue from Division Street to the alley east of Main Street.
Thurman Avenue from Division Street to alley east of Main Street and
Harrison Avenue from Division Street to alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park, Main St.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit “A.” The application, agreement, exhibit “A,” request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

ATTACHMENT: Community civic event application and agreement, vendor list, request for street, sidewalk and parking lot closure/usage, Exhibit A, map, outside amplifier permit.

D.D. Appropriated/Funded C.M. Item No. 24
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 1-17-08  Event date: 4-26-08

Name of Event: "Fris Festival"

Sponsoring organization: Porterville Chamber  PHONE # 784-7502

Address: 93 N Main

Authorized representative: Donette Silva Carter  PHONE # 784-7502

Address: 93 N Main

Event chairperson: Gary Giraud  PHONE # 784-7502

Location of event (location map must be attached): Main Street

Type of event/method of operation: Festival- Food, Chill Booth, Stage Entertainment, Vendors, Amusements, Non profit information

Nonprofit status determination: Solar City

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

- Barricades (quantity): 60  Street sweeping Yes No X
- Police protection Yes No X  Refuse pickup Yes X No
- Other:

Parks facility application required: Yes X No ___

Assembly permit required: Yes ___ No ___

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

Approve Deny

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

1 of 4
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

(Name of organization)  (Signature)  (Date)
CITY OF PORTERVILLE

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

Name of event: Iris Festival

Sponsoring organization: Porterville Chamber

Location: Main Street Event date: 4-26-2008

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>Vendors will be submitted one week prior to event</td>
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CITY OF PORTERVILLE

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

Name of event: This festival
Sponsoring organization: Porterville Chamber

Event date: 4-21-08
Hours: Event Hours 9am-5pm
Event Hours 9am-7:30pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main-street</td>
<td></td>
<td></td>
<td>Booth Kids</td>
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<tr>
<td>Garden</td>
<td>Olive</td>
<td>Morton</td>
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<tr>
<td>East Alley</td>
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<td></td>
<td>Park Kids</td>
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<tr>
<td>Mill</td>
<td>Main</td>
<td>Second</td>
<td>Entertain Stage</td>
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<tr>
<td>East Alley</td>
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<td></td>
<td>Pedestrian</td>
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<tr>
<td>Putnam</td>
<td>Division</td>
<td>East Alley</td>
<td>Traffic</td>
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<td>Division</td>
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<td>Cleveland</td>
<td>Division</td>
<td>East Alley</td>
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<td>East Alley</td>
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<tr>
<td>Thomas</td>
<td>Division</td>
<td>East Alley</td>
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<td>East Alley</td>
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<td>Harrison</td>
<td>Division</td>
<td>East Alley</td>
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<td>Division</td>
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<td>sidewalks</td>
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<td>Main</td>
<td>Olive</td>
<td>Cleveland</td>
<td>Sidewalk Sales</td>
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<td>Oak</td>
<td>Main</td>
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<td>Mill</td>
<td>Hackett</td>
<td>Main</td>
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<td>Putnam</td>
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Parking lots and spaces

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<tr>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Parking lot</td>
<td>Booths: Shuttle Stop</td>
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<td>Between Allen's</td>
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<td>JC Remey</td>
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4 of 4
## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

**PORTERVILLE CHAMBER OF COMMERCE**

**IRIS FESTIVAL**

**APRIL 26, 2008**

<table>
<thead>
<tr>
<th>Role</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Business License Supervisor: <em>S. Perkins</em></td>
<td>Submit vendor list prior to event.</td>
</tr>
<tr>
<td>Public Works Director: <em>M. Reed, acting</em></td>
<td>Provide appropriate traffic control devices.</td>
</tr>
<tr>
<td>Community Development Director: <em>B. Dunlap</em></td>
<td>Include Redevelopment Agency as additionally insured.</td>
</tr>
<tr>
<td>Field Services Manager: <em>B. Styles</em></td>
<td>No comments.</td>
</tr>
<tr>
<td>Fire Chief: <em>M. Garcia</em></td>
<td>All booths must be placed on one side of center line of the street. Fire Department access is required on the other side.</td>
</tr>
<tr>
<td>Parks and Leisure Services Director: <em>J. Perrine</em></td>
<td>Provide portable toilets and trash containers.</td>
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<tr>
<td>Police Chief: <em>C. McMillan</em></td>
<td>Approved. Requires Council approval.</td>
</tr>
<tr>
<td>Interim Deputy City Manager: <em>J.D. Lollis</em></td>
<td>See attached, exhibit A, page 2.</td>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Gary Giraudi
Location: Main Street
Date of Event: April 26, 2008
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

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

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

1. Name and home address of the applicant:
   Porterville Chamber
   93 Main Street
   Phone # 784-7502

2. Address where amplification equipment is to be used:
   Main Street
   Phone # 252-3519

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

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

5. Dates and hours of operation of amplification equipment:
   4-21 - 08
   9am - 5pm

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

[Signature]
Applicant

1/25/08
Date

Chief of Police

2/12/08
Date

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

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

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

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

cc: ____________________________

______________________________

______________________________

3/27/01
SUBJECT: CONSIDERATION OF PROPOSED 2008-2009 FISCAL YEAR BUDGET CALENDAR

SOURCE: Administration

COMMENT: For the Council’s consideration and recommended approval, please find enclosed the proposed budget calendar for the 2008-2009 fiscal year.

RECOMMENDATION: That the City Council consider and approve the proposed budget calendar for the 2008-2009 fiscal year.

ATTACHMENT: Proposed 2008-2009 Fiscal Year Budget Calendar
Memorandum

To: Executive Management Team
From: John Lollis, Deputy City Manager
CC: Mr. John Longley, City Manager
     Ms. Maria Bemis, Chief Financial Officer
Date: January 21, 2008
Re: 2008-2009 Fiscal Year Budget Calendar (Revised)

Please find below the proposed budget calendar to be adhered to in preparation for the 2008-2009 fiscal year budget. Compliance with the calendar and its defined timelines will ensure that the budget will be prepared and presented to the City Council within the required timeframes.

<table>
<thead>
<tr>
<th>DATE:</th>
<th>TASK DESCRIPTION:</th>
<th>RESPONSIBILITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 21</td>
<td>Calendar distributed to Executive Management</td>
<td>CM/DCM/CFO</td>
</tr>
<tr>
<td>February 11</td>
<td>Worksheets/information provided to Departments</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>February 12</td>
<td>Major Capital Projects City Council Study Session</td>
<td>City Manager</td>
</tr>
<tr>
<td>February 15</td>
<td>Preliminary revenue estimates completed</td>
<td>CM/DCM/CFO</td>
</tr>
<tr>
<td>February 19</td>
<td>Calendar approved by City Council</td>
<td>Deputy City Manager</td>
</tr>
<tr>
<td>February 20-22</td>
<td>Budget retreat: Bass Lake</td>
<td>Department Directors</td>
</tr>
<tr>
<td>March 18</td>
<td>2007-2008 Mid-Year Budget Report and Recommendations presented to City Council</td>
<td>City Manager</td>
</tr>
<tr>
<td>March 28</td>
<td>Completed Department budget worksheets returned to CFO</td>
<td>Department Directors</td>
</tr>
<tr>
<td>March 28</td>
<td>Capital project proposals submitted to CFO</td>
<td>Department Directors</td>
</tr>
<tr>
<td>May 2</td>
<td>Preliminary budget compiled, reconciled, balanced, and approved by City Manager</td>
<td>DCM/CFO</td>
</tr>
<tr>
<td>May 6</td>
<td>Preliminary budget presented to City Council</td>
<td>City Manager</td>
</tr>
<tr>
<td>May 13</td>
<td>Preliminary budget City Council study session</td>
<td>City Council</td>
</tr>
<tr>
<td>May 20</td>
<td>Final budget presented to City Council</td>
<td>City Manager</td>
</tr>
<tr>
<td>June 3</td>
<td>Final budget public hearing and approval by City Council</td>
<td>City Council</td>
</tr>
<tr>
<td>July 1</td>
<td>Final budget presented to City Council</td>
<td>City Manager</td>
</tr>
<tr>
<td>July 15</td>
<td>Final budget approved by City Council</td>
<td>City Council</td>
</tr>
</tbody>
</table>


SUBJECT: PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN BOTH THE POLICE AND PUBLIC WORKS DEPARTMENTS

SOURCE: Administrative Services

COMMENT: At the November 6, 2007 meeting of the City Council, the Council approved a proposed change in the table of organization within the Engineering Division of the Public Works Department, including the formation of a Deputy Public Works Director/City Engineer position, and the creation of both an Assistant City Engineer position and a Construction/Project Manager in the Table of Organization.

NEW ALLOCATED POSITIONS:
1. Deputy Public Works Director/City Engineer
2. Assistant City Engineer
3. Construction/Project Manager

UNALLOCATED POSITIONS:
1. City Engineer

In addition, at the December 18, 2007 meeting of the City Council, the Council approved a proposed change in the table of organization within the Police Department, including the addition of a Captain position, a Sergeant position, and two (2) Dispatcher positions. The Sergeant and Dispatcher position were proposed and approved to be funded with Measure H monies.

NEW ALLOCATED POSITIONS:
1. Captain
2. Sergeant
3. Dispatcher (Two total)

UNALLOCATED POSITIONS:
1. Lieutenant

To effect these changes, the enclosed proposed position descriptions and draft Resolutions have been prepared for the Council's consideration and approval.
RECOMMENDATION: That the City Council:

1. Adopt the attached draft Resolutions authorizing a change in the Table of Organizations and amending the Position Allocation Schedule and Position Pay Plan of the City's Employee Pay and Benefit Plan;

2. Authorize the establishment of a Deputy Public Works Director/City Engineer classification at salary range 236 ($6,896 - $8,416), an Assistant City Engineer classification at salary range 224 ($6,119 - $7,469), and Construction/Project Manager classification at salary range 203 ($4,964 - $6,059), effective upon the successful recruitment of an Assistant City Engineer, and modifying the Classification Plan; and

3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

ATTACHMENT: Draft Resolutions
Draft Position Descriptions
RESOLUTION NO. _____ - 2008

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

Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Engineering and Building Divisions of the Public Works Department, effective upon the successful recruitment of an Assistant City Engineer; and

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

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

Whereas, the Fiscal Year 2007-2008 General Fund Budget has been amended to reflect changes in the administration budgets for the Public Works Department by appropriating $77,000 from the Parks and Leisure Services Department, and $80,000 for subsequent fiscal years; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Position Allocation Schedule and the Position Pay Plan of the Employee Pay and Benefit Plan, and the Classification Plan of the City are hereby amended as follows:

1. Establish the classification of Deputy Public Works Director/City Engineer at salary range 236 ($6,896 - $8,416). This position shall be designated as Executive Management and exempt from the Competitive Service.

2. Establish the classification of Assistant City Engineer at salary range 224 ($6,119 - $7,469). This position shall be designated as management, and be included in the Management and Confidential Series for purposes of representation.
3. Establish the classification of Construction/Project Manager at salary range 203 ($4,964 - $6,059). This position shall be designated as management, and be included in the Management and Confidential Series for purposes of representation.

4. Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the deletion of the City Engineer position.

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

__________________________________________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________________________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. ________ - 2008

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

Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Police Department, effective December 18, 2007; and

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

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

Whereas, the organizational structure and modification to the Measure H Expenditure Plan have been recommended to the City Council for consideration and adoption to be implemented.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan is hereby amended as follows:

1. Increase the allocation of Communications Dispatcher positions by two; and
2. Increase the allocation of Police Captain positions by one; and
3. Decrease the allocation of Police Lieutenant positions by one; and
4. Increase the allocation of Police Sergeant positions by one.

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

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Patrice Hildreth, Chief Deputy City Clerk
DEPUTY PUBLIC WORKS DIRECTOR/CITY ENGINEER

DEFINITION
Under administrative direction, plans, directs and manages a variety of City operations and business services including engineering, building, and public works; performs related duties as required.

DISTINGUISHING CHARACTERISTICS
This position serves as a member of the City’s management team. The employee in this position works under the direction, is appointed by, and serves at the pleasure of the Department Head.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed. Marginal duties (shown in italics) are those which are non-essential job functions for this class.

1. Assists in the planning, organizing, and managing of such City operations as engineering, building, and public works, which include refuse collection and recycling, maintenance of streets, sewer, storm drainage systems, water utilities, traffic signal systems, wastewater treatment, environmental laboratory, equipment maintenance and warehousing.

2. Supervises key management employees, e.g., Assistant City Engineer, Field Services Manager, etc., responsible for operational activities and administrative support staff.

3. Implements City policy and applicable laws relating to engineering, building and public works, including laboratory services; and may, if designated by the Public Works Director, serve as the City’s Chief Building Official.

4. Provides staff assistance to the Public Works Director in conducting and presenting administrative studies; assists in preparing and monitoring the department’s annual budget that includes general and enterprise funds; prepares and recommends funding sources for the long range capital improvement plans; prepares and presents reports on a variety of disciplines verbally and in writing.

5. Investigates and resolves complaints regarding subordinate activities and personnel; acts as source of information for City engineering, building, and public works activities.

6. Serves as a member of the City’s management team; if designated by the Public Works Director, serves on the management team for meet and confer sessions; may participate in administrative studies in areas outside the scope of regular duties.

7. If designated by the Public Works Director, represents the City at, and may serve on, various local, State and Federal regulatory boards and agencies for the City’s water system, sewage collection and treatment systems, and collection and recycling of the City’s solid waste.

8. May be assigned additional professional/managerial duties as necessary.

9. Represents and supports the policies and procedures established by the City Council, the City Manager, and the Public Works Director.
EMPLOYMENT STANDARDS

Education and/or Experience
Graduation from an accredited college with a Bachelor’s degree in engineering and/or business/public administration and five years of managerial experience which included responsibility in civil engineering and/or municipal public works operations, or any combination of training and experience that provides the desired knowledge and abilities. A Master’s degree in public administration or a related field is desirable.

Knowledge of:
theories, principles, methods and techniques of management, supervision and operation; operations and work methods typical of the functional areas described above including budgeting and administration; principles and practices of municipal engineering, building and public works operations, including planning and development, design, construction, operation and maintenance.

Ability to:
manage diverse operational activities; supervise employees including subordinate managers; understand and follow verbal and written directions; analyze unusual situations and resolve through application of City policy; develop comprehensive plans to satisfy future needs of department service; establish and maintain cooperative working relationships; communicate effectively, both verbally and in writing; deal with conflict situations and direct effective resolution; establish and maintain effective working relationships with City officials, outside agencies and the general public.

Special Requirements
Possession of or ability to obtain a valid California Driver's License.

Possession of registration as a Civil Engineer or Land Surveyor in the State of California.

Physical Demands
Sitting, standing, walking, some stooping, and bending. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects up to 25 lbs. such as files, stacks of paper and other reference materials. Moving from place to place within the office; some reaching for items below and above desk level. Strength, dexterity, coordination and vision to use a keyboard and video display terminal.

WORKING CONDITIONS
Generally clean work environment with limited exposure to conditions such as dust, fumes, odors, or noise. Video display terminal is used on a daily basis. Some travel by car may be required to attend meetings outside of normal business hours. Long hours including evenings and weekends are frequently required.

Date Adopted: February 19, 2008
ASSISTANT CITY ENGINEER

DEFINITION
Under general direction, plans, organizes, and directs engineering as related to municipal public works including design of infrastructure, approval of improvement plans and final maps of survey; performs related duties as required.

DISTINGUISHING CHARACTERISTICS
This position is a single position class. Receiving general direction from management staff, the incumbent performs a variety of technical and managerial work of considerable difficulty, supervises lower level professional and/or technical staff involved in the investigation, quality control, quality assurance, and/or inspection of construction projects.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed. Marginal duties (shown in italics) are those which are non-essential job functions for this class.

1. Plans, assigns, supervises, and performs professional engineering work in the design, construction, and maintenance of public works.

2. Coordinates with the City Engineer in evaluating, developing, planning, and scheduling long range public works programs; assists in developing sources of funding for capital improvements.

3. Develops engineering budget and prepares various regular and special reports; prepares, implements, administers, and enforces City ordinances related to engineering and building functions.

4. If designated by the City Engineer, supervises and participates in office and field engineering work as well as survey and drafting work in connection with the design and construction of public works projects; resolves problems of design, materials, and processes proposed in connection with new construction or major repair.

5. Acts as assistant traffic engineer for the City; conducts engineering analysis of traffic conditions and accidents; determines placement and timing of traffic control devices; prepares grant applications for traffic system improvements.

6. Attends and participates in City Council meetings and other meetings with various civic and governmental agencies/officials; serves on various City and County committees, if assigned by the City Engineer.

7. Supervises and conducts field inspections of contracted construction work.

8. Confers with supervisors, developers and members of various public groups on proposed projects and improvements.

9. May be assigned other professional and/or management responsibilities.

10. Represents and supports the policies and procedures established by the City Council, City Manager, Department Heads, and City Engineer.
EMPLOYMENT STANDARDS

Education and/or Experience
Graduation from an accredited college with a Bachelor's degree in civil engineering supplemented by coursework in supervision, budgeting, and public administration and five years of experience in supervising professional engineering and related operations of a municipal public works program or any combination of training and experience that provides the desired knowledge and abilities.

Knowledge of:
modern principles and practices of municipal civil engineering; methods, systems, and standards of surveying and public works construction inspection; principles and practices of contract administration as related to engineering, design, and construction; principles and practices of effective supervision; budget development, office management, and policy and procedure development; principles and practices of traffic engineering.

Ability to:
plan, organize, and direct the work of employees engaged in professional engineering and related technical and traffic operations activities including subordinate supervisory personnel; evaluate program needs and recommend alternative plans of action to meet such needs; plan, organize, develop, and execute a divisional budget; adapt approved engineering methods and standards to the design of public works projects; communicate effectively both verbally and in writing; establish and maintain effective working relationships.

Special Requirements
Possession of or ability to obtain a valid California Driver’s License.

Possession of registration as a Civil Engineer or Land Surveyor in the State of California.

Physical Demands
Sitting, standing, walking, some stooping, and bending. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects up to 25 lbs. such as files, stacks of paper and other reference materials. Moving from place to place within the office and occasional field inspections; some reaching for items below and above desk level.

WORKING CONDITIONS
Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise. Video display terminal is used on a daily basis. Temperature fluctuations due to working in and out of doors on an occasional basis. Independent travel throughout the area is required.

Date Adopted: February 19, 2008
CONSTRUCTION/PROJECT MANAGER

DEFINITION
Under general direction, performs comprehensive construction management duties including contract administration of improvement projects and field personnel supervision; performs related duties as required.

DISTINGUISHING CHARACTERISTICS
This position is a single position class. Receiving general direction from management staff, the incumbent performs a variety of technical and managerial work of considerable difficulty, supervises lower level professional and/or technical staff involved in the investigation, quality control, quality assurance, and/or inspection of construction projects.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed. Marginal duties (shown in italics) are those which are non-essential job functions for this class.

1. Plans, assigns, directs, trains and evaluates the work of a group of professional and sub-professional employees in connection with the engineering review, coordination and inspection of construction activities affecting City facilities and Capital improvement projects.

2. Directs/performs quality assurance/controls audits of construction phase, including planning, engineering, inspection, scheduling, and budgeting.

3. Prepares contracts and negotiates revisions, changes, and additions to contractual agreements with architects, consultants, clients, suppliers, and subcontractors.

4. Inspects and reviews projects to monitor compliance with contracts, building and safety codes, and other regulations.

5. Reviews construction projects and reviews plans for such projects.

6. Determines methods and procedures and provides appropriate recommendations for completion of more difficult phases of the work.

7. Directs the execution of all necessary permits and licenses.

8. Meets with citizen groups, the legislative body, and with the general public to explain projects and programs.

9. May be assigned other professional and/or management responsibilities.
EMPLOYMENT STANDARDS

Education and/or Experience
Graduation from an accredited college with a Bachelor's degree in construction management, engineering, architecture, business or public administration or a related field and four years of increasingly responsible professional experience with capital project construction management with projects over $1,000,000 in value and including both civil and building trades, or any combination of training and experience that provides the desired knowledge and abilities.

Knowledge of:
effective principles and methods utilized in inspecting major construction projects; modern methods, materials, and equipment employed in heavy construction projects; civil, hydraulic, mechanical, electrical, structural, geological and sanitary engineering as they relate to construction/project management; comprehensive knowledge of mathematics including algebra, geometry, and statistics; laws, ordinances, and standards relative to the construction and inspection or repair of buildings, other structures, and civil works; principles and practices of contract administration as related to engineering, design, and construction; principles and practices of effective management, supervision, and training.

Ability to:
exercise sound administrative judgment and initiative in the development of new methods and procedures and in the solution of difficult problems; direct inspections and achieve compliance with contracts, construction plans, materials, and specifications; contact owners, contractors, and the general public, and effectively establish and maintain good working relationships; prepare clear, concise, and competent reports, correspondence and other written materials and make clear oral presentations; work effectively in a fast paced environment, be decisive, and work under pressure particularly when faced with unexpected occurrences and delays.

Special Requirements
Possession of or ability to obtain a valid California Driver's License.

Possession of registration as a Civil Engineer or Land Surveyor in the State of California.

Physical Demands
Sitting, standing, walking, some stooping, and bending. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects up to 25 lbs. such as files, stacks of paper and other reference materials. Moving from place to place within the office and occasional field inspections; some reaching for items below and above desk level.

WORKING CONDITIONS
Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise. Video display terminal is used on a daily basis. Temperature fluctuations due to working in and out of doors on an occasional basis. Independent travel throughout the area is required.

Date Adopted: February 19, 2008
CONSIDERATION OF SUPPORT FOR THE COUNCIL OF CITIES DISCUSSION PAPERS ON COUNTY-WIDE REVENUE SHARING AND COUNTY DEVELOPMENT IMPACT FEES

SOURCE: Administration

COMMENT: The Cities of Tulare County have recently formed a group consisting of elected officials to discuss issues of regional concern. This group, known as the Council of Cities, met most recently on Wednesday, January 23, 2008. Although there were several items on the agenda, two items were discussed in depth. These items were white papers developed as discussion points on County Development Impact Fees (DIF) and County-wide revenue sharing. The white papers in their original draft form are attached.

Although the white papers were drafted by different sub-committees, the issues are linked together. It was discussed that support for County Impact Fees and a revenue sharing agreement should be part of the same discussion. The discussion identified a strong desire for additional communication with the Board of Supervisors to understand their Goals and Objectives as they relate to these two topics. The discussion also highlighted the need to communicate with the Board prior to or during a scheduled joint public hearing between the Board and the County Planning Commission on Tuesday, February 26, 2008, regarding proposed County General Plan Policies, and how they will impact Cities.

One major modification that came out of the discussion of the Council of Cities was to change the language in the revenue sharing paper to more clearly state that Cities recognize that growth in the unincorporated areas will take place, and with good development standards can improve the quality of life in these areas. The Cities wanted to clarify that their goal is to protect their development boundaries and maintain control inside their spheres of influence/urban development boundaries. This will ensure that land use conflicts can be avoided, and city development standards can be maintained.

In regard to County Development Impact Fees, it was determined that a recommendation would be made to develop an impact fee for County roads/transportation. It was also noted that the Cities are very interested in understanding the Board’s goals as they relate to the spending plan for DIF revenues.

Item No. 27
The Council of Cities continues to work toward improving communications between the elected officials on the City Councils and the Board of Supervisors, and to maintain unity as we move into a turbulent State fiscal emergency.

RECOMMENDATION: That the City Council consider the support for the Council of Cities discussion papers on County-wide revenue sharing and County Development Impact Fees.

ATTACHMENT: Council of Cities Discussion Papers
COUNCIL OF CITIES
DISCUSSION PAPER
COUNTYWIDE DEVELOPMENT IMPACT FEES
January, 2008

Introduction

The Council of Cities has created a subcommittee to critique the proposal by Tulare County to establish a county-wide development impact fee (CDIF) program. The County is proposing to apply the new fee program to building permits issued for construction projects on properties located in both unincorporated lands under County jurisdiction and incorporated lands within the jurisdiction of cities. This paper will provide an analysis of the County’s proposed CDIF program (based on the Tulare County Draft Public Facilities Impact Fee Study dated May 11, 2007) and identify potential strategies the Council of Cities may wish to utilize in future discussions with County representatives on this program.

The subcommittee was comprised of staff members from several cities: John Lollis - City of Porterville, Dan Meinert - City of Dinuba, Ken Ramage – City of Tulare, and Mike Olmos – City of Visalia.

Program Methodology

The CDIF program is based on a methodology called the “existing inventory method”. This approach sets fees based on the ratio of existing development (commercial, industrial, residential, etc.) to the current value of existing facilities. This approach assumes that new development will fund the expansion of facilities at the same rate that existing development has provided facilities to date. Deficiencies in existing facilities are not considered in this approach.

The CDIF program report indicates that the existing inventory approach is used because capital improvement programs (facilities plans) are either not in place or are outdated for County facilities for which impact fees are now being considered.

Summary of Issues

The subcommittee has prepared the following list of questions/issues regarding the proposed CDIF program for consideration by the Council of Cities.

1. Should the cities support a CDIF in concept? Discussion during recent Council of Cities meetings indicates general support for a CDIF program to help the County resolve its ongoing financial issues. However, implementation of a CDIF program will mean that overall fees for new development in cities will
increase substantially. Using single family home permits as an example, the current proposed CDIF program would increase permit fees per home by $3,075 in the cities of Dinuba, Farmersville, Lindsay, Visalia, and Woodlake; by $2,728 in the cities of Porterville and Tulare, and by $3,562 in the City of Exeter. These fees would be in addition to any current development impact fees charged by cities, school fees, and permit processing/plan check/inspection fees.

2. **Is the methodology used in the CDIF report acceptable?** The existing inventory approach is not the preferred method to calculate development impact fees unless there is no other practical way to determine costs for future public facilities to accommodate growth. The existing inventory method relies entirely on an analysis of current facility levels serving the current population rather than an evaluation of future needs to serve new development. The preferred approach is to base development impact fees on a capital improvement program for each category that has as its basis a facility or service master plan that is consistent with an adopted General Plan so that long term facility improvements to serve growth are identified, along with costs, and the costs are proportionately and fairly allocated to future growth in the fee schedule. This would inform the cities, the public, and fee payers regarding what the fees will be used for and how they are justified. This method would also increase accuracy and accountability for expenditures of fee revenue. It should be emphasized that the existing inventory approach does not consider the deficiencies existing in current County facilities nor does it identify future system needs. With the absence of comprehensive CIP programs, the fees being proposed may in fact be inaccurate with respect to future system expansion needs to serve growth.

3. **Will the cities be expected to incur a disproportionate share of the CDIF program responsibilities?** Yes. Most of the revenues expected to be generated from the program will come from development occurring in the cities, far in excess of the distribution of population between incorporated and unincorporated areas. The CDIF program is expected to generate total fees estimated at $8,412,937 annually. Of this annual amount, $7,687,210 (91.40%) is anticipated to be generated by development occurring in cities while $725,727 (8.60%) is expected to come from unincorporated areas. In contrast, the distribution of population in the County, based on 2006 data contained in the report, indicates that of the total 414,600 persons residing in the County, 262,900 (63.40%) lived in incorporated cities and 151,700 (36.60%) lived in the County. Alternatively, the County’s General Plan Update is anticipating a distribution of future population to be 75% in cities and 25% in unincorporated areas. Using either measurement, the cities are expected to incur a disproportionate share of the CDIF burden. This concern could be in part be minimized if the CDIF program were designed to in some way mitigate the impacts on the cities’ facilities and services created by County residents.

4. **Since cities provide their own parks facilities, why is the parks fee the same for both incorporated and unincorporated areas?** Cities provide parks facilities that are more accessible and often higher quality than parks in unincorporated areas. It makes little sense that the impact on county parks by city residents would be
the same as county residents. In fact, it could be argued that the reverse is true. This nexus and fee should be re-examined.

5. **Why is there not a proposed transportation impact fee for new development on unincorporated lands in the CDIF program?** Many of the cities currently implement a transportation impact fee to augment other transportation fund programs (STIP, Measure R, Gas Tax, LTF). LAFCO and TCAG are now urging cities to expend some of their transportation impact fees on street/interchange projects located in unincorporated areas if these county/state facilities will be impacted. It seems both prudent and equitable for the County to consider a transportation impact fee category for development occurring on unincorporated lands. The County may have chosen to not pursue a transportation impact fee because the “existing inventory” methodology is not conducive to this type of fee. A transportation fee is more dependent on a capital improvement plan to develop a proper nexus and fee schedule. It should be noted that the County’s General Plan Update proposes that 25% of all future growth in Tulare County will occur on unincorporated lands (including new towns such as Yokohl Ranch). One potential downside of raising this issue for unincorporated areas is that the County may also propose that a transportation impact fee also be levied on development occurring in cities to offset impacts of future development in cities using County transportation facilities (though this relationship works both ways).

6. **Will there be potential State and Federal monies that may offset some costs for future judicial and detention facilities that would reduce the Countywide Public Protection Fee?** Impact fee development needs to take into consideration likely federal and state funding that could be available to fund facilities and services. Should it later be found that these are not forthcoming the fee formula can be adjusted for the lack of these resources, which can typically be done during an annual review. The most significant fee category in the CDIF program is the Countywide Public Protection Fee. This category is primarily related to demands that residents and businesses place on the County’s judicial system and detention facilities. This fee is calculated at $1,955 for each new single family residence. Judicial and detention facilities funding is a very complex area of governmental finance. Given the ongoing focus on public safety, it is possible that funding for these types of facilities may be available in the future from state and federal sources. The current CDIF calculation appears to place all the burden to fund future judicial and detention facilities on new development. There may be a reasonable factor that can be used to reflect potential future state and federal funding that may be allocated to Tulare County for future judicial and detention facilities, thereby reducing this fee.

7. **Where and how will CDIF revenues be spent?** Because there is no facilities plan or capital improvement program to support the proposed fee program, it will be totally at the discretion of the Board of Supervisors to identify CDIF projects and authorize expenditures during the life of the program. Based on the methodology, this can amount to giving the Board a blank check. Cities should have some level of participation in decisions regarding expenditure of fee
revenues generated by their communities. Consideration should be given to establishing “zones of benefit”, whereby revenues generated from a city would be directed at future County facilities benefiting that area.

8. Can the County adopt the CDIF program unilaterally and levy its fee program upon development occurring within incorporated cities without the consent of the cities? The subcommittee has concluded that the County cannot unilaterally adopt the CDIF program and force it on the cities. In a staff report prepared by Assistant County Administrative Officer Michael Spata to the Board of Supervisors dated May 22, 2007, it states “Another limitation is that a county may charge impact fees only within its jurisdiction (i.e., within the unincorporated area), unless the affected city consents to the impact fee to be charged within its jurisdiction through an implementation agreement (i.e., a joint powers agreement)”. The City Attorney for Visalia (Alex Peltzer) has been consulted and confirms that the County cannot implement a development impact fee program within an incorporated city without the consent of the affected city. In effect, the County’s fee becomes the city’s fee, and the city has full discretion and responsibility to implement fees only if cities determine the fees are justified by a valid methodology and based on substantiated costs. That said, cities may eventually find that the fees are justified and agree to implement them fully, that the fees are not justified and refuse to implement them, or find that some or all fee categories are justified at certain levels determined by the cities and agree to require developers to pay those fees and rates only.

9. What does the building industry think about the proposed CDIF program? The Home Builder’s Association had reviewed the County’s Development Impact Fee Study and raised several issues, as shown in the attached letter (dated June 27, 2007) from HBA President/CEO Robert Keenan to Kristin Bennett, Interim Tulare County CAO.

Potential Strategies for Council of Cities

Based on the issues described above, strategies are available to the Council of Cities in addressing the County’s proposed CDIF program. Some possible strategies are listed below.

A. Consideration needs to be given to how the CDIF program relates to the County’s interest in gaining a larger share of revenues generated in the cities. A fundamental issue is whether the cities would rather emphasize a revenue sharing package with the County and keep impact fees to a minimum so that financial implications to building activity and economic development are reduced. Conversely, there has been discussion in the Council of Cities about finding ways to increase the revenue pot. Clearly, the enactment of a CDIF program will increase the revenue pot. How to balance these two potential programs will be a primary area for discussion.

B. Cities will have a lot of leverage with respect to consideration of the CDIF program because consent by cities is necessary before fees can be collected from development in incorporated areas. Because most development will occur in the cities (and most of the
fees will be generated there), city participation is critical to success of the program. The cities are in a strong position with respect to this program and can leverage this influence to gain concessions.

C. Cities can negotiate to have direct involvement in decisions regarding expenditure of fees. Cities can also request “zones of benefit” to direct fees to be spent on projects benefiting areas in which fees are generated.

D. Cities can negotiate for restrictions on development on unincorporated lands within city urban area boundaries or spheres of influence. This is an important negotiating strategy given the County’s proposed General Plan Policy (attached) expanding the County’s intentions for developing within City UABs.

E. Cities can negotiate for application of city development standards on any development on unincorporated lands that occurs in UAB or SOI areas.

F. Cities can limit application of CDIF fees to development occurring on newly annexed lands only. This strategy may make it easier for cities to get annexations through LAFCO process.

G. Cities should request more information on how criminal justice and detention facilities are funded to determine whether the proposed Public Protection Fee category is being fairly represented.

H. Cities should request consideration of a transportation impact fee to apply to development occurring on unincorporated lands.

I. Consideration should be given to using the CDIF program to mitigate impacts County residents have on city services and facilities.

These suggested strategies are not all inclusive. The subcommittee welcomes review and comment on this analysis and stands ready to do further work on this topic as may be directed by the Council of Cities.

Attachments:
Home Builders Association letter dated June 27, 2007
Tulare County General Plan Draft Policy (PF-1.2)
COUNCIL OF CITIES

DISCUSSION PAPER

REVENUE SHARING
January, 2008

Introduction

The Council of Cities has created a subcommittee to develop a discussion paper on the subject of revenue sharing. The County has raised this topic in the past, and again in the last several months as several cities are updating their General Plans and proposing to expand their Spheres of Influence. The County’s desire to share in the revenue streams historically dedicated to cities is apparent in a memo dated 7-27-07 from Michael Spata, Deputy County CAO, to Kristin Bennett, Deputy County CAO, which highlights General Plan Policy PF-4.14 entitled “Revenue Sharing.” This is attached and labeled A-1.

The subcommittee was comprised of staff members from several cities: Ed Todd - City of Dinuba, Dan Meinert - City of Dinuba, Darrel Pyle – City of Tulare, Eric Frost – City of Visalia, Rene Miller – City of Farmersville, and Karl Schoettler, representing – City of Farmersville.

Basis

The basis for the position paper is that cities in Tulare County would be willing to share revenue with the County to help foster a “City Centered” Growth Model in the County. The second premise is that residents in our county will benefit from this approach for a variety of reasons, including, with the focusing growth within the boundaries of municipalities the total revenue base would increase at a more productive pace to the benefit of the cities and County; and that this approach is a fair and effective way to maintain the financial health of our County and cities.

I. GOAL: City Centered Growth Model – Benefits to Cities and County

A. Fosters more efficient delivery of basic services – water, sewer, transportation and public safety

Examples: Without exception in Tulare County, the delivery of utility services by cities is less expensive than similar services provided by Public Utility Districts. Street and drainage maintenance services are routinely provided by cities but are not a primary responsibility for the County. Full service cities can better respond to police and fire emergencies within their boundaries than can the Sheriff or County Fire Department.
B. Allows for the better coordination of City and County services

Examples: (This is consistent with the proposed County General Plan Policy PF-4.12).

C. Provides for more effective strategies to deal with gang issues

Examples: In most parts of the County, the Sheriff is spread “thin” and is not able to focus gang–related policing services in problem areas as a full service city might. The creation of “hamlets” in unincorporated areas of the County further exacerbates the gang problem because of the lack of funds to properly police those areas.

D. Provides cost saving opportunities to County

Examples: As areas annex, the City assumes responsibility for service delivery thus relieving the County of this responsibility.

E. Creates better opportunities for City/County affordable housing strategies resulting in healthy, safe and secure neighborhoods

Examples: Affordable housing, typically apartments and smaller single family lots can be more readily developed in cities where more compact development can be provided. Although housing prices might be less in the unincorporated areas of the County, the cost of services is greater and in reality makes those homes less affordable.

F. County revenue growth based on value added City development will result in additional funds to enhance services in County areas

Examples: The values of properties developed in cities tend to be higher and tend to appreciate at a higher rate than comparably sized properties in the county.

- Visalia vs. C/O Attachment A-2
- Dinuba industrial park example: in 1990 this 300 acres generated $456 in property taxes for the county. In 2006 this same acreage generated $124,500 in property taxes paid to the County with no investment on their part (all they did was allow the City to annex it and put it in a Redevelopment Project Area). This does not include their share of the states general sales tax or the “Measure R” money generated from retail on the property.
G. Better supports state and regional environmental goals for air, water and waste water. Better protection of agricultural land.

Examples: Development can occur in cities more compactly. This will allow for better access to shopping and employment without a lot of driving and by providing opportunities for transit, walking or bicycling. Water and sewer systems can allow for much more compact development than individual water wells and sewer septic systems/drain fields.

H. More efficient management of public services through better coordination, partnerships and funding of critical staff positions.

Examples:

- **Coordination and partnerships**
  - JPA’s for special purposes such as solid waste, drainage control issues, transportation (Measure R), gang task forces, etc.
  - Joint projects (ie. RDA project area formation in county, in cities)
- **Critical staff positions fully funded** (ie. assessor’s office,

II. How to Accomplish

A. Make Revenue Base larger through managed annexations

1. Development of responsible annexation criteria to minimize conflicts with agricultural activities at the urban edge (Consistent with proposed County General Plan Policy PF-4.11)
   a. An example of such can be found in Attachment A-3 Exhibit 1 on page 25 of this attachment reflects the “Standards for Annexation.”

2. County support of city development within 10 yr. growth boundary
   - Make land uses in County General Plan consistent with those in cities’ 10 year boundaries (Consistent with proposed County General Plan Policy PF-4.8) An example of policy language regarding development within and adjacent to a City’s Sphere of Influence can be found on page 9 of Attachment A-3. As per LAFCO Staff, the County of Tulare is considering changes with significant impact to their existing policies in this regard.
   - County and Cities support development of fees for growth related services in city’s 10 year development boundaries (Consistent with proposed County General Plan Policy PF-4.14)
   - Revenues to be used for funding of basic services (water, sewer, transportation, public safety, jail and courts)
• Examples of potential revenues
  Impact fees
  Sales tax
  Property tax
  Redevelopment tax increment
  Business licenses
• County to charge impact fees consistent with city fees
• County development standards to be the same as City
  (Consistent with proposed County General Plan Policy PF-4.10)

B. Formation of City/County Partnerships
  • Improve quality of life in urban areas
  • Redevelopment
  • Public safety

III. Areas of potential Revenue Sharing and Cost Savings

A. Property Tax Sharing Agreements that promote County actions which increase the total revenue base. Examples of this activity can be found in Attachment A-4. In this example, a new property tax sharing formula is developed but contingent upon the development and county-wide implementation of County Impact Fees.

B. Economic Development Activities that benefit the cities and the County by increasing the total revenue base, as outlined by Mr. Paul Saldana in attachment A-5.

C. Sales Tax Sharing Agreements, when appropriate. Attachment A-3, page 12 thru 16, and Exhibit 2 and 3 of attachment A-3. This process could be considered only when a city annexes property already collecting sales tax for which the County receives the Bradley-Burns allocation.

IV. Issues to consider in this discussion

A. Not all cities are in the same position to negotiate.

B. Revenue sharing, in the examples discovered by the sub-committee, came with strings attached.

C. Lessons learned in past agreements with the County must be remembered when crafting any new agreements, i.e. Booking Fees.
Henry Hash - Gen Plan Update Comments

From: Michael Spata
To: Bennett, Kristin
Date: 7/27/2007 3:40 PM
Subject: Gen Plan Update Comments
CC: Roberts, Julia

Kirstin,

As we discussed briefly, I have begun review of the Draft General Plan Update Agenda Item and related documents.

Although I am not finished yet, and viewing these documents from a fiscal perspective, it is recommended at this time that the following amendment (in bold below) be made in Chapter 2 (Planning Framework):

PF-4.14 Revenue Sharing

As an incentive for directing urban growth to cities within their UDB's, the County shall promote revenue sharing as an element of negotiation whenever (1) city general plan updates are proposed to the County for adoption; (2) spheres of influence are considered; (3) annexations are proposed by cities; or (4) joint development or redevelopment projects are proposed by any city and the County.

(See Revised Draft Goals and Policies Report Tulare County General Plan (July 8, 2007) p. 2-12.)

Since the CAO will be negotiating tax sharing agreements, it is important that maximum flexibility be given to the County during this process. As such, the foregoing amended language will cover more ground.

Please bring this up at the BOS meeting.

I'll continue to review the documents and let you know if I have any additional recommendations.

As always, thanks for your consideration.

Mike

Michael C. Spata
Asst. County Administrative Officer
Tulare County Administrative Office
2800 W. Burrel Avenue
Visalia, CA 93291
Phone: (559) 733-6531
Fax: (559) 733-6318
E-mail: mspata@co.tulare.ca.us
2. Planning Framework

PF-4.7 Avoiding Isolating Unincorporated Areas
The County shall oppose any annexation proposal that creates an island, peninsula, corridor, or irregular boundary without an examination of whether the city can or should provide specified public services to the area being considered. The County will also encourage the inclusion of unincorporated islands or peninsulas adjacent to proposed annexations. [New Policy; consistent with LAFCO policy]

PF-4.8 General Plan Designations Within City UDBs
On land that is within a city's UDB, but outside its incorporated limits, the County shall maintain General Plan land use designations that are consistent with the city's adopted General Plan. [New Policy]

PF-4.9 Updating Land Use Diagram in City UDBs
Following adoption of a General Plan update or amendment that reflects the area within a UDB, the County shall update Part III, Community Plans, Kings River Plan, Mountain Sub-Area Plans, and Adopted city General Plan, if applicable, to reflect the city's modified plan. Any unresolved conflicts between the County and city plans shall be identified for the decision-making bodies. The County shall establish and maintain land use controls on unincorporated lands within the UDB consistent with the policies of the County General Plan. [New Policy]

PF-4.10 City Design Standards
Where the Board of Supervisors finds that it is consistent with General Plan objectives to approve development within the UDBs of incorporated cities, the County shall require the project to meet the development standards of the city in question. [Urban Boundaries Element; VII. Policies Regarding Subdivision and Development Standard Policies; Goal 5; Policy 5.2] [Urban Boundaries Element Amendment (88-01); 1988, Modified]

PF-4.11 Transition to Agricultural Use
The County shall encourage cities to adopt land use policies that minimize potential conflicts with agricultural operations and other agricultural activities at the urban edge through the provision of appropriate buffers or other measures. [New Policy]

PF-4.12 Compatible Project Design
The County shall ensure proposed development within UABs is compatible with future sewer and water systems, and circulation networks as shown in city plans. [New Policy]

PF-4.13 Coordination with Cities on Development Proposals
The County shall promptly notify a city whenever activities requiring discretionary actions in unincorporated areas fall within a city's UAB. The opinions and recommendations voiced by the city should be given strong weight in rendering the final decision. [Urban Boundaries Element; Chapter IV; D. Management; Implementation Program D-2] [Urban Boundaries Element; Chapter IV; Pg. 20, 1988, Modified]

PF-4.14 Revenue Sharing
As an incentive for directing urban growth to cities within their UDB's, the County shall promote revenue sharing as an element of negotiation whenever city General Plan updates are proposed to the County for adoption, or spheres of influence are considered for expansion. [New Policy]

PF-4.15 Urban Improvement Areas for Cities
All Urban Improvement Areas established in the 1974 Urban Boundaries Element for cities and adjacent cities in adjacent counties, are hereby converted to Urban Development Boundaries. [New Policy]

PF-4.16 Coordination with Cities in Adjacent Counties
The policies set forth in this Section (PF-4) shall also apply to planning and development within the UDBs of adjacent cities in adjacent counties (Corcoran, Delano, Kingsburg, Orange Cove and Reedley), except Policy PF-4.4. [New Policy]
Estimated Annual Property Tax Distribution
North Plaza Drive Industrial Park

<table>
<thead>
<tr>
<th></th>
<th>Note 2</th>
<th>Note 3</th>
<th>Note 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current (Frozen)</td>
<td>Annexation</td>
<td>Land Improvements</td>
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<tr>
<td>County</td>
<td>Rate</td>
<td>Revenue</td>
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<tr>
<td>Fire</td>
<td>20.0%</td>
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<tr>
<td>Total</td>
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</table>

Note 1: Current Assessed Value (AV) (outside city)
480 gross acres
15,000 per acre
7,200,000 Total AV
72,000 Annual Tax Revenue (rounded)

Note 2: Projected AV upon annexation (inside city)
480 gross acres
30,000 per acre
14,400,000 Total AV
144,000 Annual Tax Revenue (rounded)

Note 3: Projected AV upon land improvements (street improvements per Note 5, including installation of utilities)
480 gross acres
90% conversion to net acres (see Note 5)
432 net acres
174,240 per acre ($4 per sq ft)
75,271,680 Total AV
750,000 Annual Tax Revenue (rounded)

Note 4: Projected AV upon build out
480 gross acres
90% conversion to net acres (see Note 5)
432 net acres
25% conversion to building pad
108 net acres
3,049,200 per acre ($70 per sq ft)
329,013,000 Total AV
3,293,000 Annual Tax Revenue (rounded)

Note 5: Conversion to net acres to account for half width street improvements on perimeter of each 160 acre section plus an interior cul-de-sac to service minimum 10 acre parcels

Note 6: Projected annual revenues were computed by freezing the existing tax allocation (Note 1) and then adding the increase due to annexation, improvements and build out using the new allocation %. No inflation assumptions have been incorporated.
MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF FRESNO, THE CITY OF FIREBAUGH,
AND THE FIREBAUGH REDEVELOPMENT AGENCY

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") is made
and executed this ___________ day of June __________ , 1994, by and
between the COUNTY OF FRESNO, a political subdivision of the State
of California (hereinafter referred to as "COUNTY"), the CITY OF
FIREBAUGH, a municipal corporation of the State of California
(hereinafter referred to as "CITY"), and the FIREBAUGH
REDEVELOPMENT AGENCY, a redevelopment agency organized and
existing under and by virtue of the laws of the State of
California (hereinafter referred to as "AGENCY").

W I T N E S S E S T H

WHEREAS, COUNTY, CITY and AGENCY wish to work together to
develop a fair and equitable approach to tax sharing and the
encouragement of sound economic growth; and

WHEREAS, in order to encourage economic development and
environmentally sound land use planning, it is important that any
tax sharing among COUNTY, CITY and AGENCY be determined in advance
and that such arrangements not be fiscally detrimental to either
COUNTY, CITY, or AGENCY; and

WHEREAS, COUNTY, CITY and AGENCY recognize the importance of
COUNTY, CITY, and AGENCY's services and are prepared to cooperate
in an effort to address COUNTY's, CITY's, and AGENCY's fiscal
problems; and

WHEREAS, through annexation and appropriate redevelopment,
CITY and AGENCY provide the opportunity for economic growth and
development to support public services for CITY, COUNTY, and
AGENCY; and
Revenue and Taxation Code shall govern the construction, meaning, and application of words used in this MOU.

1.1 "Base property tax revenues" means property tax revenues allocated by tax rate equivalents to all taxing jurisdictions as to the geographic area comprising a given tax rate area annexed in the fiscal year immediately preceding the tax year in which property tax revenues are apportioned pursuant to this MOU, including the amount of State reimbursement for the homeowners' and business inventory exemptions.

1.2 Except as provided in Section 6.1, "property tax increment" means revenue from the annual tax increment, as "annual tax increment" is defined in Section 98 of the Revenue and Taxation Code, attributable to the tax rate area for the respective tax year.

1.3 "Substantial development" or "substantially developed" means real property which, prior to annexation, has an improvement value to land value ratio equal to or greater than 1.25:1, as of the lien date in the fiscal year in which the annexation becomes effective.

1.4 "Property tax revenue" means base property tax revenue, plus the property tax increment for a given tax rate area.

1.5 "Tax apportionment ratio" means the tax apportionment ratio of the parties for a given fiscal year and shall be ascertained by dividing the amount determined for each party pursuant to Revenue and Taxation Code Sections 96(a) or 97(a), whichever is applicable, by that party's gross assessed value, and by then dividing the sum of the resulting tax rate equivalents of
CITY expects such proposal to be filed. Upon COUNTY's request, CITY agrees to meet with COUNTY to review whether its proposed annexation complies with The Standards. Within fifteen (15) days after the date COUNTY receives notice by CITY of its annexation proposal, COUNTY shall notify CITY in writing if it has determined that the proposed annexation is inconsistent with The Standards. The notice shall describe with particularity how the proposed annexation is inconsistent with The Standards. Upon receipt of such notification, CITY may either modify the proposal to COUNTY's specifications or adopt a resolution finding that the proposed annexation is, in CITY's determination, consistent with The Standards.

2.1 If CITY adopts a resolution making the findings described in Section 2.2, then COUNTY may challenge such findings by appropriate court action filed within thirty (30) days of receipt of written notice of the adoption of CITY's resolution. The court shall independently review the evidence and determine whether the proposed annexation is consistent with The Standards.

As an alternative to a judicial challenge by the COUNTY, the parties may within the aforesaid thirty (30) day period mutually agree in writing to arbitrate their dispute through proceedings conducted in accordance with the rules established by the American Arbitration Association. The parties upon agreeing to arbitrate will proceed with arbitration in a timely manner. The arbitrator hearing the matter shall independently review the evidence and determine whether the proposed annexation is consistent with The Standards.

/ / /
its approval, or CITY fails to timely request either such referenced condition, no property tax exchange agreement as required by Section 99 of the Revenue and Taxation Code shall exist between CITY and COUNTY as to that proposed annexation. If CITY nevertheless attempts to proceed with the annexation, such action on the part of the CITY shall also be deemed good cause for the COUNTY at its option to terminate this Memorandum of Understanding in its entirety.

2.6 This Section provides an alternative for annexation proposals subject to Paragraph 3 of Exhibit "1" attached to this MOU. Where the CITY includes in the resolution initiating an annexation and the annexation application a statement that the annexation proposal of undeveloped property is expressly conditioned upon approval of a Tentative Subdivision Map or approved Site Plan as required by The Standards prior to final approval by LAFCO, the COUNTY shall consider the resolution with the applicable Standard. If the proposed annexation of undeveloped property is not conditioned on the approval of the Tentative Subdivision Map or approved Site Plan as contained in the Standards and outlined above, the annexation proposal shall be governed by the terms of Article II, Section 2.5, of this Memorandum of Understanding.

ARTICLE III

EXCHANGE OF PROPERTY TAX REVENUES TO BE MADE UNDER

SECTION 99 OF THE REVENUE AND TAXATION CODE

3.1 The property tax revenues collected in relation to annexations covered by the terms of this MOU shall be apportioned between CITY and COUNTY as set forth in Sections 3.2 and 3.3
ARTICLE IV

DEVELOPMENT WITHIN AND ADJACENT TO

CITY'S SPHERE OF INFLUENCE

4.1 COUNTY shall not approve any discretionary development permits for new urban development or modifications to discretionary urban development permits within the CITY's sphere of influence unless that development shall have first been referred to CITY for consideration of possible annexation. If CITY does not, within sixty (60) days of receipt of notice from COUNTY, adopt a resolution of application to initiate annexation proceedings before LAFCO, COUNTY may approve development permits for that new urban development, considering CITY's general plan, and consistent with COUNTY's general plan policies, provided: (1) that the development is orderly and does not result in the premature conversion of agricultural lands, and (2) that COUNTY shall require compliance with development standards comparable to CITY's and charge fees, if CITY charges similar fees, reflecting the increased administrative and implementing cost where such CITY standards are more stringent than COUNTY's. CITY agrees to cooperate with COUNTY in providing data in support of fees covering the applicable standards. COUNTY's actual fees may be more or less than CITY's, depending on the review. CITY and COUNTY may annually prepare a fee schedule for COUNTY use to be adopted during COUNTY's budget process. COUNTY agrees to adopt the policies, procedures and ordinances necessary to effectuate the intent of this article.

4.2 COUNTY shall support urban unification. To this end, COUNTY shall oppose the creation of new governmental entities
COUNTY, including COUNTY facilities necessary to serve new development in CITY. Upon request by COUNTY, CITY shall require that an applicant for any land use entitlement or permit within CITY shall pay all fees of COUNTY applicable to the entitlement or permit on behalf of COUNTY, whether for public facilities, joint planning services or joint review services. CITY shall either timely impose and collect such fees or require the applicant to present a voucher issued by COUNTY evidencing the payment of the fees directly to COUNTY. Capital facilities fees adopted by COUNTY are to mitigate the impact of development on required COUNTY facilities and services including, but not limited to, the criminal justice system, health, social services, parks, transportation and library. Joint planning and review services fees are to mitigate the expenses incurred by COUNTY in engaging in joint planning services with CITY and to mitigate the expenses of reviewing projects within CITY which are forwarded to COUNTY for COUNTY's review. If CITY imposes and collects the fees on behalf of COUNTY, CITY shall transfer the fees to COUNTY at the earliest time it is legally permissible to do so. COUNTY may impose new fees and amend existing fees from time to time in its sole discretion. COUNTY shall give CITY at least thirty days notice before implementing any new fees or an amendment to existing fees. Notwithstanding this Section 4.4 or any other provision of this MOU, COUNTY shall be solely responsible for determining the amount of the fees and setting them in accordance with law. This section shall not be construed as a representation by CITY as to the propriety of the fees or the procedures used in setting them. The COUNTY shall hold harmless, indemnify and, at
to COUNTY.

5.2 Except as otherwise provided herein, CITY further
agrees that the amendment adopted pursuant to section 5.1 above
shall likewise provide for the periodic reallocation of additional
sales tax revenues generated within the incorporated areas of CITY
in accordance with the schedule set forth on Exhibit "2". Each
subsequent incremental adjustment shall go into effect at the
commencement of the fiscal year indicated. These periodic
adjustments shall enable COUNTY, pursuant to its sales and use tax
ordinance, to collect that portion of the sales and use tax
revenues generated within the incorporated areas of CITY equal to
the applicable percentage as specified in Exhibit "2". These
periodic adjustments shall automatically go into effect provided
that:

5.2.1 CITY receives sales tax revenues per capita
in an amount greater than fifty percent (50%) of
the sales tax revenue per capita collected by all
Fresno County cities when taken as a group during
the most recent fiscal year for which State Board
of Equalization information is available, then it
hereby agrees to reallocate sales tax revenues
with COUNTY beginning in fiscal year 1994-95 in
accordance with the provisions of this article;
and

5.2.2 CITY's annual sales tax revenue growth for
the most recent fiscal year for which sales tax
revenue information is available from the State
Board of Equalization allows CITY to reallocate
5.4 Whenever CITY proposes an annexation of unincorporated territory which generates substantial sales tax revenue for COUNTY, CITY agrees to further amend its local sales and use tax ordinance as set forth in this section. Notwithstanding the language of subsections 5.2.1 and 5.2.2, this additional amendment shall become operative no later than the commencement of the next calendar quarter following the date upon which such annexation is certified as complete by the Executive Officer of LAFCO. This additional amendment shall decrease CITY's sales tax rate to yield an amount equal to the amount of substantial sales tax revenue being collected by COUNTY in the area to be annexed, thus enabling COUNTY to increase its sales tax rate by a corresponding percentage, which shall continue to accrue to COUNTY throughout the term of this MOU. Any such additional amendment made by CITY pursuant to this section shall likewise preserve intact any periodic adjustments previously implemented pursuant to this MOU. Further, CITY agrees that it shall not split or separate areas into smaller annexations for the purpose of, or having the effect of, creating an annexation or annexations which, individually, do not generate substantial sales tax revenue, but which would generate such revenue if combined. For purposes of this article, the term "substantial sales tax revenue" shall be defined as sales tax revenue derived from taxable sales in the area annexed equal to at least:

5.4.1 If only information for less than one fiscal year exists, then $100,000 in taxable sales in the most recent quarter for which such information from the State Board of Equalization is available in writing or electronic or
revenue for COUNTY as provided in Section 5.4, or if CITY splits
or separates areas into smaller areas as prohibited by section
5.4, then this MOU shall immediately terminate and, in particular,
no property tax exchange agreement, as required by Section 99 of
the Revenue and Taxation Code, shall exist between CITY and
COUNTY.

5.7 CITY and COUNTY further agree that the annual report of
the State Board of Equalization and the Department of Finance
Annual Population Estimates shall be used as the data source for
the purpose of calculating the per capita sales tax revenue
pursuant to this MOU.

5.8 Application of the formula to be used in the allocation
of revenues pursuant to Section 5.2 is illustrated in Exhibit 3,
attached hereto and incorporated by reference herein as if set
forth fully at this point.

5.9 The arithmetic formula(s) to be used to make the
calculations provided for in Sections 5.4 and 5.5 are
illustrated in Exhibit 6, attached thereto and incorporated
by reference herein as if set forth fully at this point.
Exhibit 6 is incorporated as an example only and shall not
be construed to expand, limit or otherwise affect the rights
and duties of the parties under this MOU.

ARTICLE VI

COUNTY AND CITY ASSURANCES ON USE OF REVENUE

6.1 COUNTY recognizes that certain revenue reallocated to
it by this MOU would otherwise have been appropriated by CITY and
AGENCY to meet demands for services. Therefore, COUNTY agrees to
use this new revenue in order to maintain levels of COUNTY
9.2 **Termination.**

Should all or any portion of this MOU be declared invalid or inoperative by a court of competent jurisdiction, or should any party to this MOU fail to perform any of its obligations hereunder, or should any party to this MOU take any action to frustrate the intentions of the parties as expressed in this MOU, then in such event, this entire MOU, as well as any ancillary documents entered into by the parties in order to fulfill the intent of this MOU, shall immediately be of no force and effect and, in particular, no property tax exchange agreement, as required by Section 99 of the Revenue and Taxation Code, shall exist between the CITY and COUNTY as to unincorporated property, and CITY shall not be required to further amend its sales tax ordinance.

9.3 **Renegotiation Following Court Action**

If this Agreement is terminated by reason of court action, the parties agree to negotiate in good faith to achieve new agreement consistent with fundamental objectives of this Agreement.

9.4 **Penalty for CITY's Arbitrary Termination.**

Conversely, other than termination for a reason specified in this Agreement, if the CITY terminates this Agreement arbitrarily and without good cause, the COUNTY shall be entitled to increase its sales tax by one-half of one percent (.005) above its tax in place at the time of CITY's breach, beginning the next calendar quarter following the expiration of thirty (30) days written notice of breach to CITY.
court decisions or state administrative interpretations which
negate the basic tenets of this MOU

9.8 Modification.
This MOU and all of the covenants and conditions set forth
herein may be modified or amended only by a writing duly
authorized and executed by COUNTY, CITY and AGENCY.

9.9 Enforcement.
COUNTY, CITY and AGENCY each acknowledge that this
instrument cannot bind or limit themselves or each other or their
future governing bodies in the exercise of their discretionary
legislative power. However, each binds itself that it will
insofar as is legally possible fully carry out the intent and
purposes hereof, if necessary by administrative action independent
of ordinances, and that this MOU may be enforced by injunction to
the extent allowed by law.

9.10 Entire MOU Supersession.
With respect to the subject matter hereof, this MOU
supersedes any and all previous negotiations, proposals,
commitments, writings, and understandings of any nature whatsoever
between COUNTY, CITY and AGENCY except as otherwise provided
herein. This MOU does not supersede existing written agreements
among COUNTY, CITY and AGENCY pertaining to redevelopment.

9.11 Notice.
All notices, requests, certifications or other
correspondence required to be provided by the parties to this MOU
shall be in writing and shall be delivered by first class mail or
an equal or better form of delivery to the respective parties at
the following addresses:
annexations.

In like manner the CTY and AGENCY shall give COUNTY thirty (30) days written notice and opportunity to cure any alleged breach of this MOU on the part of the COUNTY.

9.14 Other Remedies.

Except as otherwise provided in this MOU for a breach of its terms and conditions, the parties may enforce this MOU in any other manner authorized by law.

IN WITNESS WHEREOF, the parties hereto have executed this MOU in the County of Fresno, State of California, on the dates set forth above.

COUNTY OF FRESNO, a Political Subdivision of the State of California ("COUNTY")

BY: [Signature]
Chairman, Board of Supervisors

CITY OF FIREBAUGH, a Municipal Corporation of the State of California ("CITY")

BY: [Signature]
Mayor
City of FIREBAUGH

REDEVELOPMENT AGENCY OF THE CITY OF FIREBAUGH

BY: [Signature]
Chairman

BY: [Signature]
Secretary
STANDARDS FOR ANNEXATION

The proposal must be consistent with the adopted sphere of influence of the city and not conflict with the goals and policies of the Cortese-Knox Act.

The proposal must be consistent with city general and specific plans, including adopted goals and policies.

Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.

A proposal for annexation is acceptable if one of the following conditions exist:

1. There is existing substantial development provided the City confines its area requested to that area needed to include the substantial development and create logical boundaries.

2. Development exists that requires urban services which can be provided by the City.

3. If no development exists, at least 50% of the area proposed for annexation has:
   (i) Approved tentative subdivision map(s) (S.F. residential)
   (ii) Approved site plan (for other uses)

The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries.

For any of the following circumstances a proposal for annexation is presumed to comply with all standards for annexation:

The request for annexation is by a city for annexation of its own publicly-owned property for public use.

The request for annexation is by a city in order to facilitate construction of public improvements or public facilities which otherwise could not be constructed.

The request for annexation is to remove an unincorporated island or substantially surrounded area.

The request for annexation is for an industrial or regional commercial project for which a development application has been made and no significant adverse environmental impact will result that cannot be mitigated or overridden by a necessary public purpose. Condition(s) assuring the financing or completion of necessary development infrastructure before completion of annexation shall be made a part of the proposal.

The annexation is intended to mitigate or otherwise comply with standards/conditions required by another agency with respect to another development/annexation.
### Exhibit 3

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**Sales Tax Revenue:**
Columns A & B. Source: State Board of Equalization Annual Report Statistical Appendix Fiscal Year Data Available in February of Next Calendar Year

**Population Data:**
Columns B & E. Source: Source State Department of Finance January 1 Population Estimates Available in May of That Calendar Year.

**Per Capita Sales Tax Revenue (FY 1993)** Sum Columns A & B. Then Divide the Column A Summed Total by the Column B Summed Total. the Result is Listed in Column C as "Per Capita Cities.

**Per Capita Sales Tax Revenue (FY 1991)** Sum Columns D & E. Then Divide the Column D Summed Total by the Column E Summed Total. the Result is Listed in Column F as "Per Capita Cities.

**60% Minimum Criteria:**
The Previous Calculations are Divided by 2. Then a Comparison of This Number with the Numbers in Columns C & F is Made. The Results are Reflected in Columns G & H. "A" Means Above, "B" Below the Criteria.

**Sales Tax Revenue Growth:**
Column J. Compute Percentage Growth of Sales Tax Revenue Change in Sales Tax Revenue in Column D Compared to Column A.

**Growth Criteria:**
If the Sales Tax Revenue of the City grew by at least 12%. The Results are reflected in Column I with a "YES".

---

SALES TAX REVENUE:
COLUMNS A & B. SOURCE: STATE BOARD OF EQUALIZATION ANNUAL REPORT STATISTICAL APPENDIX, FISCAL YEAR DATA AVAILABLE IN FEBRUARY OF NEXT CALENDAR YEAR.

POPULATION DATA:
COLUMNS B & E. SOURCE: SOURCE STATE DEPARTMENT OF FINANCE JANUARY 1 POPULATION ESTIMATES, AVAILABLE IN MAY OF THAT CALENDAR YEAR.

PER CAPITA SALES TAX REVENUE (FY 1993) SUM COLUMNS A & B. THEN DIVIDE THE COLUMN A SUMMED TOTAL BY THE COLUMN B SUMMED TOTAL. THE RESULT IS LISTED IN COLUMN C AS "PER CAPITA CITIES.

PER CAPITA SALES TAX REVENUE (FY 1991) SUM COLUMNS D & E. THEN DIVIDE THE COLUMN D SUMMED TOTAL BY THE COLUMN E SUMMED TOTAL. THE RESULT IS LISTED IN COLUMN F AS "PER CAPITA CITIES.

60% MINIMUM CRITERIA:
The Previous Calculations are Divided by 2. Then a Comparison of This Number with the Numbers in Columns C & F is Made. The Results are Reflected in Columns G & H. "A" MEANS ABOVE, "B" BELOW THE CRITERIA.

SALES TAX REVENUE GROWTH:
COLUMN J. COMPUTE PERCENTAGE GROWTH OF SALES TAX REVENUE; CHANGE IN SALES TAX REVENUE IN COLUMN D COMPARED TO COLUMN A.

GROWTH CRITERIA:
IF THE SALES TAX REVENUES OF THE CITY GREW BY AT LEAST 12%. THE RESULTS ARE REFLECTED IN COLUMN I WITH A "YES".
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Agenda Item 1.J

REQUEST

APPROVING THE AGREEMENT FOR PROPERTY TAX ALLOCATION UPON ANNEXATION BETWEEN THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY

DISCUSSION

Before land can be annexed to a city, there must be a tax sharing agreement in place between the city and the County. The last such agreement between San Joaquin County and the various cities was approved in 1995 and expired on June 15, 2003. Staff representatives from each of the cities negotiated with the County the terms of a new agreement during the first half of calendar year 2003. The resulting proposed agreement was delayed while the County considered key provisions.

The 1995 agreement provided a 90/10 split of property taxes between the County and a city. This is 90/10 of the remaining property taxes after the state and schools receive their share. Of one dollar paid in property taxes only about 35 cents is left to split between the County and a city. Thus, the County receives about 90% of the 35 cents and a city receives 10% of the 35 cents. Before this agreement went into place, the split used to be 85/35 County/City. Cities have very little negotiating power to influence the final agreement. If there is no agreement, then no annexations can take place. As such, the County is in the drivers seat when a new agreement is necessary. In the 1995 agreement, the City was able to negotiate an 80/20 split for two areas that were slated for annexation at the time, the North East Industrial Area and the South MacArthur Area.

Property tax is shared according to the formula in effect when a parcel is annexed and cannot be changed thereafter. Thus, most of Tracy is covered by the 65/35 split, with NEI and South MacArthur covered by the 80/20 split. Only one annexation took place under the 1995 split of 90/10 (Gateway). There is some debate about whether the 1995 agreement also results in a 95/5 split for any parcel that is part of a consolidated fire district (i.e. the agreement between the City of Tracy and Tracy Rural Fire District). This is because the fire district receives about 11 cents of property taxes and if these are taken from the 35 cents, then the County and City are splitting about 24 cents.

In negotiating a new agreement, cities were adamant about receiving more than a 90/10 split. The County agreed to share more property tax if each city would also establish a County Facilities Impact Fee on new development. Thus, the County proposed an 80/20 split for most annexations and an 85/15 split for those that involve a fire district consolidation. Thus, the 85/15 split would be applicable to all annexations in the City of Tracy.

Cities have been requested to approve the annexation agreement but this is contingent upon each city also adopting a County facilities capital fee. Cities requested that the Board of Supervisors give its approval to the fee in concept before cities brought the matter to their respective city councils. The Board recently approved the County facilities fee in concept. A public hearing by the City of Tracy to adopt the County facilities fee is slated for July 20, 2004.
The proposed County Facilities Impact Fee is a necessary requirement for there to be a valid County/City property tax sharing agreement. The fee must be approved by all cities in San Joaquin County.

In addition to a greater share of property tax offered in the proposed agreement, cities were also able to negotiate the following provisions. Since cities would be expected to collect a County facilities fee on new construction within their boundaries, cities wanted the County to also collect fees on development within the county boundaries that have an impact on an adjacent city. The following is Section 8 of the proposed agreement:

Section 8: URBAN DEVELOPMENT COOPERATION

A rational pattern of urban land uses is a common goal of CITY and COUNTY, as expressed in their respective General Plans. The efficient construction of urban infrastructure and the delivery of municipal services requires cooperation between COUNTY and CITY within areas designated for urban development, specifically CITY’S Sphere of Influence.

A. County General Plan Policy. COUNTY affirms the policies expressed in its General Plan that support concentration of additional major urban development within urban centers.

B. Urban Planning and Development Cooperation. The preparation of land use and infrastructure plans within CITY’S Sphere of Influence, consistent with statutory guidelines, is encouraged. COUNTY shall refer all major land use applications requiring discretionary approval within CITY’S Sphere of Influence to CITY for review and comment.

C. Capital Facilities Funding and Cooperation. CITY and COUNTY will cooperate in the development of infrastructure plans within CITY’S Sphere of Influence. Relative to areas for which CITY and COUNTY have jointly adopted master plans for infrastructure and, upon request by CITY, COUNTY will schedule an Area Development Impact Fee (ADIF) for public hearing. This ADIF will incorporate CITY development impact fees that are specifically required to support jointly planned infrastructure. COUNTY shall cooperate in the construction of capital facilities thus funded.

The proposed agreement will expire September 30, 2010.

FISCAL IMPACT

The City will receive 5% more of the available property tax to be split between the City and the County under the proposed agreement than it had under the 1995 agreement. This will result in greater General Fund Property Tax from future annexed areas.

RECOMMENDATION

It is recommended the City Council by resolution approve the Agreement for Property Tax Allocation Upon Annexation between the County of San Joaquin and the City of Tracy. The proposed agreement is attached.

Prepared and approved by: Zane H. Johnston, Finance & Administrative Services Director
RESOLUTION ______

APPROVAL OF THE AGREEMENT FOR PROPERTY TAX ALLOCATION UPON ANNEXATION BETWEEN THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY

WHEREAS, Before land can be annexed to a city, there must be a tax sharing agreement in place between the city and the County, and

WHEREAS, The last such agreement for a 90/10 split between San Joaquin County and the various cities was approved in 1995 and expired on June 15, 2003, and

WHEREAS, In negotiating a new agreement, cities were adamant about receiving more than a 90/10 split, and

WHEREAS, The County agreed to share more property tax if each city would also establish a County Facilities Impact Fee on new development, and

WHEREAS, The County proposed an 80/20 split for most annexations and an 85/15 split for those that involve a fire district consolidation. Thus, the 85/15 split would be applicable to all annexations in the City of Tracy, and

WHEREAS, The proposed County Facilities Impact Fee is a necessary requirement for there to be a valid County/City property tax sharing agreement and the fee must be approved by all cities in San Joaquin County;

NOW, THEREFORE BE IT RESOLVED, That City Council approve the Agreement for Property Tax Allocation Upon Annexation between the County of San Joaquin and the City of Tracy.

*****************************************************************************

The foregoing Resolution ______ was passed and adopted by the Tracy City Council on the ______ day of ____________, 2004, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

________________________
Mayor

ATTEST:

________________________
City Clerk
Hi there – here is the quick summary – based on $235 million in economic output (both direct and indirect) of EDC projects—this is how it would split out in revenue generation to the various entities:

<p>| | | |</p>
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We used Tulare as our City example—it would likely vary depending on the city—and the percentages would vary depending on the type of project (this is an average). As you can see, from an overall economic output, the county receives a higher percentage than the city does. The revenue is from all sources, including fees. So, if you think about it and they add in development impact fees on a county wide basis, they would get even more.

Now, I did not add into the final numbers on the racetrack project—I don’t think we have the final report—but those numbers also illustrate the same picture, that development does generate revenue for the county when it occurs in the city.

I will not be able to make the meeting tomorrow, but let me know when you subcommittee meets, I should have final data very soon. Hope that helps!

Paul
On December 4, 2007 the City Council of the City of Porterville opened the Public Hearing for Conditional Use Permit 5-2007 Modification #1 for a modification to the existing floor plan and change in hours of operation (the change in hours request was later dropped) for the Seafood Café/El Reventon located at 1091 W. Olive Ave. At the Public meeting several concerns from the public were raised regarding noise, traffic, and safety impacts on the surrounding neighborhoods.

As a result of the comments, the City Council continued the public hearing to the January 15, 2008 City Council meeting and directed staff to meet with the applicant and the public to address the concerns. Staff held meetings, conducted a field investigation, reviewed police reports, and consulted with a local acoustical consultant regarding noise levels. As a result of these meetings and further review of Conditional Use Permit 5-2007, the proposed conditions of approval for the proposed modification to CUP 5-2007 include a clarification to the previous block wall condition and assist in addressing the current noise and safety concerns of the City Council and public. Staff surmised from the meetings that the music levels did not appear to be at a level that would substantially affect the surrounding neighbors; however, bass reverberation or low level frequencies appeared to be the issue but the City does not have any standards that allow staff to regulate level of output.

Through the review process on this item, the issue serving meals during all business hours was raised. In the event the City Council desires to require this, a condition has been included in the modified resolution of approval.

On January 15, 2008 City Council again continued the public hearing and directed staff to clarify the previously approved Resolution 44-2007. Council found that the approved resolution was unclear in identifying which conditions were required during phase one and phase two of the approved project and similarly which conditions had yet to be satisfied. Staff has drafted a revised resolution identifying phase one and phase two conditions and is requesting that council consider the revised resolution, along with the request for the amendment to the floor plan for the new multi-purpose room.

**STAFF RECOMMENDATION:**

That the City Council:

1. Approve the inclusion of conditions #11, #13, and #14.
2. Approve Conditional Use Permit 5-2007 Modification #1, subject to the revised conditions of approval.

**ATTACHMENTS:**

1. Complete Staff Report

DD Appropriated/Funded **CM** Item No.28

APPLICANT: Luis Farias
901 Helen Way
Bakersfield, CA 93307

PROPERTY: Seafood Café/El Reventon
1091 W. Olive Ave
Porterville, CA 93257

PROJECT DESCRIPTION AND HISTORY:

The project is located at the existing Seafood Café/El Reventon restaurant located at 1091 W. Olive Avenue (formerly the Olive Bowl) in the C-3 Zone. The Porterville City Council authorized Resolution 44-2007 approving CUP 5-2007 on June 5, 2007. The project at that time, and currently, consists of a restaurant 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 on a 4.2± acre parcel within the City limits. There are two adjacent parcels, one to the south situated in the county and a flag parcel to the west also in the county. The parcels in the county are not part of the current project but are also owned by the applicant. The approved hours of operation are 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.

The applicant is now requesting approval of a modification to the existing floor plan which would close off a portion of the restaurant area to be utilized as a multi-purpose room. The proposed room, approximately 274± square feet, is located next to the entrance to the restaurant. Depending on the type of use and proposed square feet of the room, the California Building Code 2001 allows for a maximum occupancy of 11-24 people.

The applicant has indicated that the multi-purpose room may be used for a future card room. Approval of that use would be subject to Chapter 15 of the Municipal Code and Regulations of the Bureau of Gambling Control Commission and is not associated with the approval of this modification.

Additionally, the applicant had requested additional hours of operation for the restaurant, bar area and nightclub for Sundays. Since the last City Council meeting, due to the noise, traffic, and safety concerns, the owner has submitted a letter requesting the hours of operation be considered at a later date in an effort to focus on the concerns that were raised at the December 4, 2007 meeting.
GENERAL PLAN AND LAND USE DESIGNATION:

The site is designated for Heavy 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/County – Along Olive Avenue frontage there is an existing floor covering business within the City limits. Behind the adjacent business also to the east are residential uses that continue to the south along the east property line of the Seafood Café. These residential uses are County.
WEST: City C-3/County – along Olive Avenue frontage there are existing businesses within the City Limits. Behind the adjacent businesses along the west property line there are residential uses that continue to the south along the property line of the Seafood Café. These residential uses are in the County.

STAFF ANALYSIS:

At the public meeting held on December 4, 2008, several comments from the public were taken and concerns were raised regarding noise, traffic and safety impacts on the surrounding neighborhoods. The City Council reviewed the request to modify the conditional use permit and took into consideration the public testimony. As a result of the comments, City Council extended the public hearing to the January 15, 2008, City Council meeting and directed staff to meet with applicant and the public to address the concerns. On December 7, 2007, Staff notified the property owners of a public meeting that would be held at the Seafood Café to discuss the conditional use permit and the concerns that were brought up. The notice was sent to the property owners within a 300 foot radius and those that requested to be notified of the meeting.

On the morning of December 12, 2007, Staff met on site with the property owner to discuss the conditional use permit issues and evaluate the property and the sound system in an effort to resolve the concerns. During the visit, the property owner turned on the sound system to a near maximum 103dbA level. Staff observed the sound levels from both the inside and outside of the building. Understandably, the sound from the inside reached extreme decibel levels, but from the outside of the building the decibel level of music coming from the building never exceeded 63dbA until standing at the front of the building entrance with the doors open. Sound Olive Avenue, the neighboring carwash, and State Route 65 could be heard from all points on the property. Staff surmised from the morning visit that the noise levels did not appear to be at a level that would substantially affect the surrounding neighbors; however, bass reverberation or low level frequencies do not have any standards that allow staff to regulate levels of output.

On the evening of December 12, 2007, Staff returned to the restaurant/club and met with the owners, surrounding neighbors, and anyone from the public that wished to discuss their concerns. Most had the same concern, and expressed that the noise was not the issue as much as the bass reverberation, or thumping that was felt in their homes. There was also concern for the increase in traffic in the surrounding neighborhood since the time of opening. One woman claimed to have nearly been involved in a traffic accident because of someone failing to come to a complete stop and rushing through the intersection at Roby Avenue and Maston Street. A few thought that the business was good for the area and that it was the bass reverberation that was the problem.

A police report showed that from the date of first opening there have been six (6) incidents of excessive noise. Of those, four(4) were in October between the 6th and the 27th, and the last two (2) were on December 2nd and 6th, 2007 (just before and after the 12-04-07 Council Meeting).
On December 15, 2007 Staff and the City Manager visited the restaurant/club during business hours arriving at the club approximately 11:45pm. Noise levels were monitored and recorded. Staff stood within 30 feet of the building taking noise reading and recording levels no higher than 60dbA while averaging 56.8dbA. Staff also drove around the surrounding neighborhood along Cobb Street, Roby Avenue, and Maston Street. At the six (6) points monitored, traffic from State Route 65 and the nearby carwash exceeded the sound coming from the restaurant/club. The live music had a faint sound that could be heard, primarily the tuba (bass) that was being played.

Staff contacted Brown Buntin Associates, a local acoustical consultant from Visalia used on several area projects for sound studies. Staff asked about mitigation measures for bass reverberation as identified by the investigation and public meeting. The consultant stated that there is no industry standard or regulation for low-frequency sounds and that block walls do not mitigate the problem and can be cost prohibitive. There is specialized equipment called “Active Noise Control” available that can be set up to cancel certain frequencies but the technology is not very good, not flexible outside of the building and is very expensive. Additionally, the noise canceling equipment would go against the intent of the establishment. The most effective mitigation Brown-Buntin Associates suggested was to roll-off the low-frequencies (bass) and add additional sound proofing on and in the building itself. Obviously, the original intent of the building was not for use as a night-club, otherwise the construction would have been designed to reduce noise from escaping the building.

It is Staff’s opinion that the noise levels from the restaurant/club do not pose a significant impact on the adjacent properties. The surrounding noise levels from the surrounding traffic and carwash at Maston Street and Olive Avenue are suspect in neighborhood noise issues as well. There is no standard for low-level (bass reverberation) frequencies that staff can use to regulate the bass (thumping) that comes from the establishment.

As a result of these meetings and further review of conditional use permit 5-2007, the proposed conditions of approval for the proposed modification to CUP 5-2007 include a clarification to the previous blockwall condition and assist in addressing the current noise and safety concerns of the City Council and public. Mitigation measures included in the modified conditions of approval include requiring private security to regulate traffic and stereo in the parking lot, requiring all exit doors and openings to be insulated for sound and remain closed during business hours; phase two future construction requires additional sound insulation to existing walls, doors, and others openings of the restaurant; and lastly, the club’s surround sound must be engineered to reduce noise levels.

Staff recommends that City Council also require the business owner to contract with a licensed professional acoustical consultant, approved by the Community Development Director, to come up with interim and long term mitigation to address the bass reverberation issue. A condition in the modified conditions of approval has been included. If it is the collective desire of the City Council, the condition may remain; if not; then it can be omitted.

Through the review process on this item, the issue serving meals during all business hours was raised. In the event the City Council desires to require this, a condition has been included in the modified resolution of approval.

The required six (6) foot block wall along the property line separating the commercial uses from the residential uses presents a unique circumstance. The owner has constructed a block wall along the portion of the property that is currently improved. The rear of the property which is not improved and separated by steel rods and a chain, extends an additional 376 feet. Additionally, an adjacent county parcel to the south and a flag parcel to the west with access to Maston Street, are also under common ownership. Staff has reviewed these areas from a police, fire and safety perspective. Staff requests that the City Council consider phasing of the block wall with development of the site due to restricted accessibility, visibility, and the potential for unlawful activity to occur. It is Staff’s opinion that although
technically the code does not allow phasing of required block walls, the construction of the block would be better suited to be installed only where development occurs beyond the current improved area and that measures to mitigate sound can be employed prior to full build out.

**STAFF RECOMMENDATION:**

That the City Council:

1. Approve the inclusion of conditions #11, #13, and #14.
2. Approve Conditional Use Permit 5-2007 Modification #1, subject to the revised conditions of approval.

**ATTACHMENTS:**

1. Locator map
2. Application
3. City Council Resolution 44-2007
4. Originally approved plans for Conditional Use Permit 5-2007
5. Notice of Exemption
6. Draft Resolution to include Exhibit “A”
7. Letter from property owner amending original request
8. Clarified Resolution 44-2007 approving CUP5-2007 (with strike-throughs)
9. Clarified Resolution 44-2007 approving CUP5-2007 (clean)

Jose B. Ortiz

Project Planner

January 10, 2008

Date
CONDITIONAL USE PERMIT
NO. #5-2007 MODIFICATION NO. #1

OLIVE AVE.

PROSPECT

MASTON

ROBY

COBB

STATE HWY. 65

CLOVERLEAF

SUBJECT SITE

COUNTY

ATTACHMENT NO. 1
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:
The Seafood Cafe and El Reventon nightclub
Amend existing Conditional Use Permit # S-2007

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
El Reventon LLC (Luis Farias, Graciela Farias, Salvador Farias)
1091 West Olive Ave Porterville CA 93257

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Luis Farias (818) 625-6067
901 Helen Way Bakersfield CA 93307

PROJECT ADDRESS AND NEAREST CROSS STREETS:
1091 West Olive Ave Porterville CA 93257
To the west south maston to the east cobb

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
Patron, dancing, restaurant, live entertainment, nightclub and cardroom.

Date of most recent sale of property: November 11, 2005

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

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

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted.)
A Plot Plan and 300’ radius property owners map, and corresponding mailing 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.

   There will be no hazardous materials used in this project and enough security officers to cover all areas.

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.

      Between 15 - 25 phase 1
      and 25 - 35 for phases 2 and 3

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

      There will be about 200 for final phase.
      Now there are around 100

   (d) Maximum height of buildings or structures.

      Existing height of 18 feet

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

      not available
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 _______________ CA _______________

this ___________ day of November, 2007.

Telephone (812) 675-6067

Signed __________________________

Mailing Address 901 Helen Way Bakersfield CA 93307

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 __________________________
RESOLUTION NO. 44-2007

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 with an average of one foot-candle across the surface of the parking lot.

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 effected 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
certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

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 trash 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 clean 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
STATE OF CALIFORNIA
CITY OF PORTERVILLE
COUNTY OF TULARE

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 5th day of June, 2007.

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

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

JOHN LONGLEY, City Clerk

by Georgia Barkley, Chief Deputy
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

Luis Farias
1091 West Olive Avenue
Porterville, CA 93257

Conditional Use Permit 5-2007 Modification No. 1
Project Title

1091 West Olive Avenue.
Project Location (Specific)

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

Conditional Use Permit 5-2007 Modification No. 1 to all for the modification to the existing floor plan to enclose approximately 274+ square feet of an existing restaurant into a multi-purpose room.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Luis Farias, 1091 W. Olive Avenue, Porterville CA 93257
Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a)
Emergency Project (Section 15071 (b) and (c)
X Categorical Exemption. State type and section number: 15301 Class 1

Existing Facilities,
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:_______ No:_______

Date Received for filing: ________________

Signature

City Planner
Title

U/NoticeExemptCUP5-2007MOD#1

ATTACHMENT 1

ITEM NO. 5
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 MODIFICATION NO.1 TO ALLOW FOR A MODIFICATION TO THE EXISTING BUILDING FLOOR PLAN LOCATED AT 1091 W. OLIVE AVENUE

WHEREAS: On June 5, 2007 the Porterville City Council by Resolution 44-2007 approved Conditional Use Permit 5-2007 which allowed for the expansion of an existing restaurant (Seafood Café), with a separate bar to be utilized as a nightclub after the restaurant hours (phase one). The second phase of the project proposed a banquet facility/dancehall in the area previously utilized for bowling. As part of the second phase the building will undergo an exterior remodel. The restaurant currently operates and serves beer, wine and distilled spirits under an on-sale license in conjunction with the serving of meals; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2007, conducted a public hearing to consider a request to allow for a modification to the existing floor plan which proposes to close off a portion of the restaurant area to be utilized as a multi-purpose room and to extend the hours of operation on Sundays; and

WHEREAS: Due to concerns raised by residents at the December 4, 2007 Public Hearing, City Council continued the matter to January 15, 2008 and directed staff to investigate, research, and report on the public concerns; and

WHEREAS: On January 15, 2008 due to phasing of the project and unclear timing of certain conditions, the City Council continued the matter to the next Council meeting and directed staff to clarify the phasing of the conditions of approval; and

WHEREAS: The proposed multi-purpose room, approximately 274± square feet will be located next to the entrance to the restaurant. Depending on the type of use and considering the footage of the room, the California Building Code 2001 allows for a maximum occupancy of 11 to 24 people; and

WHEREAS: As follow-up to the City Council meeting, public meetings with the property owner and surrounding property owners were held on December 12, 2007; and

WHEREAS: The applicant has indicated that the multi-purpose room may be used for a future card room. Approval of that use would be subject to Chapter 15 of the Municipal Code and Regulations of the Bureau of Gambling Control Commission and is not associated with the approval of this modification; 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. The project is Categorically Exempt pursuant to Section 15301, Class 1 of the CEQA Guidelines - (Existing Facilities).

In brief, this section allows for minor alterations of existing facilities as long as it involves negligible or no expansion of an existing use. The interior remodel would allow for the enclosure of 274± square foot are to be utilized as an assembly room, and therefore is not expanding the existing square footage of the building.
2. 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. Due to the stack zoning, C-1 and C-2 uses are allowed in this zone. Uses such as serving of alcoholic beverages in conjunction with food, nightclubs and live entertainment are uses allowed pursuant to the conditions specified in Article 8 (Central Commercial Zone) and Article Nine (Heavy Commercial Zone) of the Porterville Zoning Ordinance.

3. 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 and has an existing Conditional Use Permit 5-2007 approved by City Council Resolution 44-2007 on June 5, 2007.

4. 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 addressed in City Council Resolution 44-2007 and additional conditions relevant to the proposed modification are included to ensure adequate development standards were met.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2007 Modification No. 1 subject to the following conditions:

1. All conditions outlined in City Council Resolution No. 44-2007 will remain in full force and effect except as modified herein.

2. Hours of Operation shall 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.

3. A six (6) foot block wall is required along the property line separating the residential uses from the commercial uses. Due to the unusual circumstances of the common ownership of the parcel to the south and flag parcel to the west (both parcels are in the county) phasing of the block will be allowed to the extent that the block wall must be constructed along any portion of the development that is improved. Any area not improved must be separated from the improved by a temporary barrier.

4. The adjacent parcel to the south and the flag parcel to the west, under contiguous ownership, will require chain link fencing be constructed with slats to screen from public view as the parcels are improved unless annexation occurs. The block wall will then be required.

5. The revised/modified conditional use permit does not include “card tables.” Gaming tables require a completely separate approval through the Police Chief.
6. Car stereos in the parking lot must be monitored and regulated by the Club's security keeping noise levels to a minimum.

7. Cruising in the parking lot must be monitored and regulated by the Club's security to keep the parking lot traffic conflicts and noise levels at a minimum.

8. All exit doors from the building must be insulated for sound and closed during business hours.

9. As a sound mitigation measure, during construction of phase two, the existing walls, doors, and other openings of the restaurant must be additionally insulated to assist in minimizing sound.

10. The Club's surround sound system must be engineered to reduce noise levels, particularly bass reverberation.

11. The kitchen must remain open for all meals served during normal hours of the club operation.

12. The subject modification will be developed in accordance with the interior plan labeled Exhibit "A".

13. The applicant must contract with a professional licensed acoustical consultant, approved by the Community Development Director, to come up with interim and long term mitigation to address the bass reverberation.

14. All the conditions required for Phase One of the previously approved project must be satisfied within 60 days or the project or be brought back to Council for further consideration.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
    Patrice Hildreth, Acting Chief Deputy City Clerk
December 5, 2007

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

Dear John Longley:

I am writing regarding my request to amend the Conditional Use Permit for the Seafood Café located at 1091 W. Olive in the City of Porterville.

At the City's Council Meeting on December 4, 2007 it was requested to work out noise issues, while there seemed to be no concern with regard to the addition to the multi-purpose room.

With that said and due to deadlines with regard to the need of the multi-purpose room use, which is needed by December 31, 2007, I would like to formally request that my extension of hours be separated from the multi-use room use, and seek that approval at the next available Council Meeting.

In the meantime I will make all efforts to address the noise issues, which have nothing to do with the proposal for a multi-use room.

Sincerely,

[Signature]

Luis Farias  
Seafood Café
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 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 restaurant which includes dancing and/or entertainment. Any such use involving the serving of beverages under an on-sale license shall be subject to the provisions of Section 2100 B-2.

2. 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.

3. 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 regarding noise, security and hours of operation and development plans are included to ensure adequate development standards are met.

4. 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.

5. 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 Modification #1 subject to the following conditions:

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

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

2. Parking for Phase One and Two has been calculated at one (1) parking space for every four seats and one (1) parking space for every 50 square feet of dance floor for a total of 165 parking spaces at complete build-out.
   
   a. Phase One of the project requires 74 parking spaces. A portion of the parking lot has been identified on the site plan as the designated phase one parking.
   
   b. Phase Two of the project requires an additional 91 parking spaces, for the remainder of the total 165 parking spaces for the completion of the project.

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

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

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

4. Phases One and Two - A six (6) foot masonry block wall is required around the entire site separating non-residential from residential uses. Due to the unusual circumstances of common ownership of the parcel to the south and parcel fronting on Maston Street to the west (both parcels are in the county) phasing of the block wall will be allowed to the extent that the block wall must be constructed along any portion of the property that is improved. Any area not improved must be separated from the improved by a temporary barrier, as specified in condition #3.
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.

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

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.

   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. A Civil Engineer shall prepare a Master Grading and Drainage plan for the
   complete project (Phase 1 and Phase 2). Parking area defined in Exhibit “A” shall be
   reconstructed and/or rehabilitate for Phase 1. Remaining parking area and parking lot
   expansion shall be complete with the development of Phase 2.

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.

9. Phase One - 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.

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.

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.

11. Phase One - 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.

12. Phase One and Two - The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance. Refer to Exhibit “A” for parking area related to Phase 1 and Phase 2 development.

13. Phase One and Two - 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.).

14. 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.

15. Upon connection to City water system, 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. Domestic water service for Phase 1 and Phase 2 development is only contingent upon owner request. The existing water well may remain in service with "backflow" prevention in place in accordance with the City Resolution No. 9615. The decision to connect to the City’s water system for domestic use is solely at the owner’s discretion.

16. 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.

17. 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”:**
   - 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.

18. **Phase Two** - 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.

19. Upon connection to the City’s water system the developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

20. Upon connection to the City’s water system 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.

21. **Phase One** – The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location approved by City shall 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.

22. 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.

23. **Phase One** - A twenty-five (25) foot wide landscape planting strip shall be provided and permanently maintained adjacent to the Olive Avenue right-of-way line of the subject site as illustrated on the approved site plan (Exhibit A).

24. In conformance with the parking lot phasing, 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.

27. 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.

24. **Phase One** – 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.

25. **Phase One** – The owner/applicant shall 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.

26. **In conformance with the parking lot phasing** 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.

27. The project must comply with latest applicable codes.

28. The proposed restaurant/night club is considered an A-2 occupancy per 2007 CBC. Upon submittal of a permit the following will be required.

29. **Phase One and Two** – 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.

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

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

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

33. **Phase Two** – Building is required to be fully protected by a fire sprinkler system as per Building and Fire codes.
34. **Phase Two** – 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.

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

36. **Phase Two** – Seismic review and upgrades as per Building codes will be required.

37. Signs require a separate permit.

38. **Phase Two** - Based on the occupancy classification, a fire alarm and an automatic sprinkler system may be required.

39. **Phase Two** – 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. Twenty or more in all other occupancies.

40. **Phase Two** – Submit three (3) complete sets of sprinkler and fire alarm plans to the Fire Department for review prior to installation.

41. **Phase Two** – 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.

42. Upon future construction additional hydrants will be required 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.

43. **Future site development will require additional fire hydrants.** All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

44. 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.

45. Fire hydrant spacing shall be as follows:

   a. In **Commercial development**, one hydrant shall be installed at 300-foot intervals.

46. **Phase One** - 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.

47. **Phase One** – Future Construction must meet fire flow requirements per the California Fire Code.

48. **Phase One** – 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.

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

50. 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. Comply with approved plans, colors and materials, pursuant to “Exhibit A” of Resolution No. 44-2007 except as modified herein on “Exhibit A.”

51. 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.

52. **Conditions for Phase One must be completed within 60 days of this resolution being approved by the City Council.**

_Cameron Hamilton, Mayor_

ATTEST:

John Longley, City Clerk

By _Georgia Hawley, Chief Deputy City Clerk_
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE 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 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.

2. 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.

3. 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.

4. 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.

5. 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. The parking lot lighting shall be provided to the satisfaction of Police Chief/Zoning administrator.

2. Overall parking for Phase One and Two has been calculated at one (1) parking for every four seats and one (1) parking for every 50 square feet of dance floor for a total of 165 parking spaces at complete build-out.
   
   a. Phase One of the project requires 74 parking spaces. A portion of the parking lot has been identified on the site plan as the designated phase one parking.
   
   b. Phase Two of the project requires an additional 91 parking spaces, for the remainder of the total 165 parking spaces for the completion of the project.

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

4. Phase One and Two - A six (6) foot masonry block wall is required around the entire site separating non-residential from the residential zoned property. Due to the unusual circumstances of common ownership of the parcel to the south and flag parcel to the west (both parcels are in the county) phasing of the block wall will be allowed to the extent that the block wall must be constructed along any portion of the development that is improved. Any area not improved must be separated from the improved by a temporary barrier, as specified in condition #3.

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.

County Congestion Management Program.

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 J of the 2007 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. A Civil Engineer shall prepare a Master Grading and Drainage plan for the complete project (Phase 1 and Phase 2). Parking area defined in Exhibit “A” shall be reconstructed and/or rehabilitate for Phase 1. Remaining parking area and parking lot expansion shall be complete with the development of Phase 2.

9. Phase One - 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.

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. Phase One - 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).

12. Phase One and Two - The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance. Refer to Exhibit “A” for parking area related to Phase 1 and Phase 2 development.

13. Phase One and Two- 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.).

14. Upon connection to City water system, 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. Domestic water service for Phase 1 and Phase 2 development is only contingent upon owner request only. The existing water well may remain in service with “backflow” prevention in place in accordance with the City Resolution No. 9615. The decision to connect to the City’s water system for domestic use is solely at the owner’s discretion.
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.

16. 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;”

- 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.

17. Phase Two - 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.

18. Upon connection to the City’s water system the developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

19. Upon connection to the City’s water system 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.

20. Phase One – The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location approved by City shall 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.

21. Phase One - A twenty-five (25) foot wide landscape planting strip shall be provided and permanently maintained adjacent to the Olive Avenue right-of-way line of the subject site as illustrated on the approved site plan (Exhibit A).

22. In conformance with the parking lot phasing, a minimum of 5% of the 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.

23. Phase One – 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
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.

24. Phase One – 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.

25. In conformance with the parking lot phasing, 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.

26. The project must comply with latest applicable codes.

27. The proposed restaurant/night club is considered an A-2 occupancy per 2007 CBC. Upon submittal of a permit the following will be required.

28. Phase One – 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.

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

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

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

32. Phase Two – Building is required to be fully protected by a fire sprinkler system as per Building and Fire codes.

33. Phase Two – 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.

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

35. Phase Two – Seismic review and upgrades as per Building codes will be required.
36. Signs require a separate permit.

37. Phase Two - Based on the occupancy classification, a fire alarm and an automatic sprinkler system may be required.

38. Phase Two – 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. Twenty or more in all other occupancies.

39. Phase Two – Submit three (3) complete sets of sprinkler and fire alarm plans to the Fire Department for review prior to installation.

40. 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.

41. Phase Two – 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.

42. Upon future construction additional hydrants will be required 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.

43. Future site development will require additional fire hydrants. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

44. 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.

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

46. Phase One - 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.

47. Phase One – Future Construction must meet fire flow requirements per the California Fire Code.
49. A Knox box will be required. An application may be obtained from the Fire Department.

50. Comply with approved plans, colors and materials, pursuant to “Exhibit A” of Resolution 44-2007 except as modified herein on “Exhibit A.”

51. 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.

52. Conditions for Phase One must be completed within 60 days of this resolution being approved by the City Council.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
    Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: FEBRUARY 19, 2008

PUBLIC HEARING (CONTINUED)

TITLE: CONDITIONAL USE PERMIT 1-2008 – CONVERSION OF AN EXISTING SINGLE FAMILY DWELLING INTO A CHURCH TO BE LOCATED GENERALLY AT THE NORTHWEST CORNER OF MERRILL AVENUE AND THE NORTHERLY PROLONGATION OF MASTON STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

COMMENT: The applicants are requesting approval of a Conditional Use Permit to allow for the conversion of an existing single family dwelling into a church. The subject site is located in the R-1 (One Family Residential) Zone.

The project consists of converting a 1,620± square-foot single family residential dwelling into a church. Additionally, a portion of the breezeway (330± square feet) and an existing two (2) car garage (484± square feet) will be enclosed to provide for additional classrooms. The site plan indicates that the parking area contiguous to and to the east of the building proposes fourteen (14) spaces including two (2) van accessible handicapped parking spaces.

The application indicates that 50-70 people may be utilizing the building. The site plan indicates that the parking area contiguous to and to the east of the building proposes fourteen (14) spaces to include two (2) van assessable handicapped parking spaces. The only parking that exists on site at present is the two (2) car garage. Since this area is proposed to be enclosed for the use of classrooms, no other parking exists at present on site.

Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building, when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject site is located on a parcel consisting of 5.33± acres.
Pursuant to Section 15303, Class 3 of the California Environmental Quality Act (New construction or conversion of small structures) the project as proposed is exempt from (CEQA).

RECOMMENDATION: That the City Council:

1. Adopted the draft resolution approving Conditional Use Permit 1-2008 subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report
For that site generally located on the northwest corner of Merrill Avenue and the northerly prolongation of Maston Street.

APPLICANT: Foothill Presbyterian Church  
P.O. Box 50  
Porterville, CA 93258

AGENT: Jim Rogers  
2036 W. Nancy Ave.  
Porterville, CA 93257

PROPERTY OWNER: Foothill Presbyterian Church  
P.O. Box 50  
Porterville, CA 93258

PROJECT DESCRIPTION: The project consists of converting a 1,620± square-foot single family residential dwelling into a church. Additionally, a portion of the breezeway (330± square feet) and an existing two (2) car garage (484± square feet) will be enclosed to provide for additional classrooms. The site plan indicates that the parking area contiguous to and to the east of the building proposes fourteen (14) spaces including two (2) van accessible handicapped parking spaces.

Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building, when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject site is located on a parcel consisting of 5.33± acres.
SIZE OF PROPERTY:  
5.33± acres

GENERAL PLAN CLASSIFICATION:  Low Density Residential

ZONING CLASSIFICATION:  R-1 (One Family Residential)

SURROUNDING ZONING LAND USE:

North: County AE-20 – Existing church, single family dwelling and Linda Vista Avenue.
West: County R-1-20 – Orchard.
South: County R-1 – Developed single family residential subdivision.
East: City R-1 – Vacant land and State Highway 65.

LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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<tbody>
<tr>
<td>Categorically exempt form CEQA</td>
<td>January 16, 2008</td>
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ENVIRONMENTAL SETTING:

The subject site has not been recently utilized for agricultural crops and seasonal weeds have been plowed down regularly. An on-site inspection was conducted by staff. No rare or endangered plant or animal species were discovered.

Pursuant to Section 15303, Class 3 of the California Environmental Quality Act (New construction or conversion of small structures) the project as proposed is exempt from (CEQA).

PROJECT DESCRIPTION/ANALYSIS:

The project consists of converting a 1,620± square-foot single family residential dwelling into a church. Additionally, a portion of the breezeway (330± square feet) and an existing two (2) car garage (484± square feet) will be enclosed to provide for additional classrooms.

The proposed remodel of the interior of the dwelling will consist of two (2) bathrooms, classroom, office, storage area, kitchen and the main sanctuary (approximately 648± square feet).

Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building, when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject site is located on a parcel consisting of 5.33± acres.
The application indicates that 50-70 people may be utilizing the building. The site plan indicates that the parking area contiguous to and to the east of the building proposes fourteen (14) spaces to include two (2) van assessable handicapped parking spaces. The only parking that exists on site at present is the two (2) car garage. Since this area is proposed to be enclosed for the use of classrooms, no other parking exists at present on site.

The parking ratio for seats in the main sanctuary requires one (1) parking space for every five (5) seats. At the ratio of the proposed parking (14 spaces), a maximum of no more than 70 people would be allowed in the main sanctuary. Any additional seating would require the applicant/agent to check with the Fire Department to verify the maximum occupancy load of the main sanctuary. Based on the number of additional seats, additional improved parking to City Standards would be required pursuant to the ratio of one (1) parking pace per every 5 seats.

Conditions 33 and 34 of the attached resolution reads as follows:

33. Provide a physical barrier such as wheel stops, barricades, fence, etc., to the satisfaction of the City Engineer along the full length of the north end of the proposed improved parking area.

34. Parking on any portion of the unimproved site is prohibited.

In the event that spill over parking requires parking on the street or on the unimproved portion of the site, the applicant would be advised that he/she is in violation of the conditions of this resolution and as such, additional improved parking to City standards would be required.

The conversion of the single family residential dwelling into a church is consistent with the R-1 (One Family Residential) Zoning supported by the General Plan designation of Low Density Residential and approval of a conditional use permit. Additionally, the design of the proposed improvements is consistent with the Zoning Ordinance.

STAFF RECOMMENDATION:

Staff recommends that the City Council:

1. Adopted the draft resolution approving Conditional Use Permit 1-2008 subject to conditions of approval.

ATTACHMENTS:

1. Land use, zoning map and locator map
2. Conditional Use Permit application
3. Notice of Exemption
5. Draft Resolution of approval

Bubba Frasher
Project Planner

2/1/2008
Date
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: Foothill Presbyterian Church

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
Foothill Presbyterian Church, 1162 W. Merrill Ave
Porterville CA 93257 559-782-0130 (559-359-0039)

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT / CONTACT PERSON:
Jim Rogers, 2036 W. Nancy Ave, Porterville CA
93257 (559) 781-8881 559-359-0039 - cell

PROJECT ADDRESS AND NEAREST CROSS STREETS:
1162 W. Merrill Ave / Marston Street

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
Church

Date of most recent sale of property: __________________________________________

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

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 the type and class of uses permitted).

ATTACHMENT
ITEM NO. 2
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

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

   This is to be the first unit of a Presbyterian Church / Non profit / for the benefit of the community

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). Building 50-70 when finished

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

   /

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

   30

   (d) Maximum height of buildings or structures. No change in existing residential single story structures

   (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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<th>Name</th>
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OWNER’S DECLARATION

STATE OF CALIFORNIA ) ss
COUNTY OF TULARE )

I, Susan Queen, 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 this 18\textsuperscript{th} day of November, 2007.

Telephone (559) 781-9391 Signed Susan Queen

Mailing Address 179 E. Coolidge Ave Porterville, CA 93257

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

Received__________________________ Date

Receipt No.__________________________

By ________________________________
NOTICE OF EXEMPTION

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

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

Foothill Presbyterian Church
P. O Box 50
Porterville, CA 93258

Conditional Use Permit 1-2008
Project Title

Northwest corner of Merrill Avenue and the northerly prolongation of Maston Street.
Project Location (Specific)

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

Conditional Use Permit to allow for the conversion of an existing 1,620+ square foot single family residential dwelling into a church.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Foothill Presbyterian Church, P.O. Box 50, Porterville, CA 93258
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) )

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

New construction or conversion of small structures
Reasons why project is exempt

Benjamin Kimball, City Planner
Contact Person

If Filed by Applicant:

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

Date Received for filing: __________
Signature: __________

City Planner __________
Title __________

U/NoticeExempt CUP 1-2008

ATTACHMENT
ITEM NO. 3
June 9, 2005

Rev. Jim Rogers, Pastor
Foothill Presbyterian Church
P.O. Box 50
Porterville, CA 93258

Subject: House Conversion to Assembly Use @ 1162 W. Merrill Street.

Dear Rev. Rogers:

As promised, the City is preparing this letter to clarify the Public Works conditions for Building Permit No. CIR-05-05-0186. A permit is being requested for the conversion of a single family residential unit to an assembly use (church), which consists of some interior remodeling and ADA concrete work. Evaluation for the permit is estimated to be $22,000.

As you know, the Zoning Ordinance requires a minimum of 3 acres for an assembly use. The residential property is about 2 acres. The church also has title to a larger easterly parcel next to the subject residential property. Therefore, the church is currently processing a Lot Line Adjustment that will incorporate the residential structure within the larger easterly parcel. Once the Lot Line Adjustment is recorded, the structure and use will meet the Zoning Ordinance. It is our understanding that the church intends to move the lot line approximately 118 feet west of the current location, which will leave about a 1.42 acre vacant parcel to the west of the subject site for future development.

In the past, staff has reviewed plans for a new church building, parking lot, drainage facilities and other related improvements for said large easterly parcel. Those plans have not come to fruition. However, it is still the church's intention to build the new sanctuary and once that happens the converted residential structure will no longer function as the sanctuary. Several meetings have been held to determine the required public improvements for Building Permit No. CIR-05-05-0186. During the last meeting both parties have agreed to the following conditions:

- Provide improvement plans for a parking lot that could be incorporated into the church's future plans.
- Provide improvement plans that illustrate a pave-out (including excavation, grading, base material, asphalt concrete, etc.) along that portion to become part of the larger easterly parcel (118 feet). A pavement transition, along with flexible delineators is required at the westerly end of the pave-out. The lip of gutter alignment is the northerly limit of the pave-out. The plans shall reflect elevations at the existing pavement joint line and along the new edge of pavement. Plans shall also provide a detailed cross section of pave-out structural section.
Since the evaluation is relatively low for the proposed remodel, the City is hereby waiving the requirement of extending sewer, water, curb, gutter and sidewalks along that portion to become part of the larger easterly parcel (118 feet). However, when the church requests a building permit for the new sanctuary church, the City will require the extension of these improvements to the westerly property line that exists at the time of request. These utilities and street improvements exist, as of this writing at the southwest corner of large easterly parcel.

If you have any questions, please do not hesitate to call Michael K. Reed at 782-7462.

Sincerely,

PUBLIC WORKS DEPARTMENT
Baldomero S. Rodriguez, Director

Michael K. Reed
City Engineer

cc: Baldo Rodriguez
Bob Oates
file
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 1-2008 TO ALLOW THE CONVERSION OF A 1,620± SQUARE-FOOT SINGLE FAMILY DWELLING INTO A CHURCH FOR THAT SITE LOCATED GENERALLY AT THE NORTHWEST CORNER OF MERRILL AVENUE AND THE NORTHERLY PROLONGATION OF MASTON STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 19, 2008, conducted a public hearing to consider Conditional Use Permit 1-2008, being a request to allow for the conversion of a 1,620± square-foot single family dwelling into a church for that site located generally on the northwest corner of Merrill Avenue and the northerly prolongation of Maston Street; and

WHEREAS: The residence remodeling will be for use as a church including a sanctuary (approximately 648± square feet). Additionally, a portion of the breezeway (330± square feet) and an existing two (2) car garage (484± square feet) will be enclosed to provide for additional class rooms; and

WHEREAS: Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building, when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject site is located on a parcel consisting of 5.33± acres; and

WHEREAS: Based on the size of the sanctuary and number of parking spaces proposed, a maximum occupancy of 70 people is allowed in the sanctuary; and.

WHEREAS: Pursuant to Section 2202 A-3 of the Zoning Ordinance, one (1) parking place is required for every five (5) seats within the main sanctuary of the church; and

WHEREAS: Any additional seating would require the applicant/agent to check with the Fire Department to verify the maximum occupancy load of the main sanctuary. Based on the number of additional seats, additional improved parking to City Standards would be required pursuant to the ratio of one (1) parking pace per every 5 seats.

WHEREAS: Pursuant to Section 15303, Class 3 of the California Environmental Quality Act (New construction or conversion of small structures) the project as proposed is exempt from (CEQA).

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

1. The General Plan designates the subject site as Low Density Residential.

The subject site is zoned R-1 (One Family Residential) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.
2. That the site is physically suitable for the type of development proposed.

The soil is not highly expansive and therefore will not create any barriers to conversion of the existing single family dwelling into a church. The proposed parking area will be constructed to City Standards.

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

The subject site is developed with an existing building and the proposed parking area is absent of any vegetation. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

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

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

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

6. That the project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 1-2008, subject to the following conditions:

1. 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.

2. 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.

3. 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.

4. The developer/applicant shall cause the design and construction of public improvements per letter to the Foothill Church dated June 9, 2005 (Please see Attachment 4).
5. 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.

6. 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).

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

8. 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.).

9. 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.

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

11. The developer/applicant shall install a refuse container enclosure according to City standards. The enclosure location is to be approved by City prior to issuance of building permit. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The enclosure should be oriented for direct pick up with bin facing pick up direction. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection.

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

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

14. 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.

15. 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.

16. Compliance with access laws (both State and Federal) is required.
17. Compliance with all applicable codes is required.
18. Plan check fees are required at the time of building permit submittal.
19. School Development fees and all other City fees are due at the time of building permit issuance.
20. Restrooms and main entrance must comply with ADA access laws.
21. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
22. Signs require separate permit.
23. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
24. The project must comply with latest applicable codes.
25. 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.
26. 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.
27. Fire hydrant spacing shall be as follows:
   - In Commercial development, one hydrant shall be installed at 300-foot intervals.
28. 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.
29. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
30. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.
31. 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.
32. A Knox box may be required. An application may be obtained from the Fire Department.
33. Provide a physical barrier such as wheel stops, barricades, fence, etc., to the satisfaction of the City Engineer along the full length of the north end of the proposed improved parking area.
34. Parking on any portion of the unimproved site is prohibited.
35. In the event that spillover parking occurs on the street or on the unimproved portion of the site, the applicant will be required to provide additional improved parking to City standards.

36. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year of date of approval.

37. That the proposed project will be constructed pursuant to Exhibit “A”.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
   Patrice Hildreth, Acting Chief Deputy City Clerk
SUBJECT:  DRIVE-THRU RESTAURANTS – MODIFICATION #1 TO CUP 8-82 GENERAL AND SPECIFIC PLAN

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

EXECUTIVE SUMMARY:

The applicant is requesting a modification to the existing CUP 8-82 to allow construction of a drive through restaurant and a drive-through coffee kiosk. The proposed project is located at the southeast corner of Leggett Street and Putnam Avenue.

The project site is a vacant and flat parcel. No vegetation is found on the site except for weeds that are removed yearly. Curb, gutter and sidewalk will be installed and/or repaired per City standards at time of construction. A minimum of two (2) palm trees will need to be removed from the City right-of-way to allow for ingress/egress and visibility to and from the site.

The adjacent parcel to the west is a developed parcel and part of the original approved specific plan referred to as CUP 8-82. Two established neighborhoods border the project. To the north is the Rancho Rinconada Subdivision and to the east and south is Hacienda Heights.

On August 23, 1982, the City of Porterville Planning Commission authorized Resolution No. 9746 approving Conditional Use Permit No. 8-82. Approval of the use permit allowed construction of the Hacienda Heights Subdivision and a convenience market located at the southeast corner of Putnam Avenue and Leggett Street.

The proposed modification to CUP 8-82 consists of constructing two drive-through buildings on a 21,170± square foot lot. The first building is a proposed 1,389 square foot take-out restaurant centrally located on the west side of the lot nearest to the existing convenience market on the adjacent parcel. The second building is a 600 square foot drive-through coffee kiosk. Uses in both buildings will primarily be provided via the drive-through, but the larger take-out restaurant does provide approximately 12 outdoor seats for patrons that choose to dine on the premises.

Twenty (20) parking stalls are required based on an industry standard used by the City for calculating restaurant parking. Based on the total building square footage of 1,989 square feet at a 1/100 ratio, twenty parking spaces are required. Based on the numbered 17 spaces provided and the credited six spaces for stacking in the drive-throughs, the proposed parking exceeds the City’s requirements.

Access to the property will be from Putnam Avenue via a shared drive approach that straddles the adjacent property to the west and a second drive approach at the north east corner of the property. Pedestrian and bicycle access will have the same access from Putnam Avenue.
Building architecture, colors and materials will be of consistent design and compatible to the adjacent convenience market to the west. The building elevations are broken up with a variety of features including soft brown and cream colors identified on the materials board as meadowbrook, adobe, and trabuco. Each building will also have matching green awnings, a brick façade and complimenting cornice features that accent the tops of each building. Landscaping requirements are met including a five foot wide strip along the frontage of the property between the parking and the public right-of-way, in front of each building, and near the restaurants' menu/order boards.

The proposed hours of operation are as follows:

Sunday – Saturday
5:30 am to 12:00 am

ENVIRONMENTAL RECOMMENDATION:

Based upon the information available at the time of the preparation of this report, the project is categorically exempt pursuant to “In-Fill Development” Section 15332 Class 32 of the CEQA Guidelines. No further environmental review is necessary.

STAFF RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Modification #1 to CUP8-82 subject to conditions of approval.

ATTACHMENTS:

Complete Staff Report
DRIVE-THRU RESTAURANTS – MODIFICATION #1 TO CUP 8-82 GENERAL AND SPECIFIC PLAN
FOR CITY COUNCIL MEETING OF FEBRUARY 19, 2008

APPLICANT:/ Mary McClure
PROPERTY OWNER 23149 Josef Court
                  Porterville, CA 93257

AGENT: Mark Hillman
        Hillman Building Designs
        250 N. Main Street
        Porterville, Ca 93257

PROJECT DESCRIPTION: A request for a modification to the existing CUP8-82 General and Specific Plan to allow construction of a drive through restaurant and a drive through coffee kiosk. Proposed project is located at the southeast corner of Leggett Street and Putnam Avenue.

SIZE OF PROPERTY: 21,170 square feet

GENERAL PLAN CLASSIFICATION: Low Density Residential

ZONING CLASSIFICATION: PD-R1 (Planned Development-One Family Residential)

STAFF RECOMMENDATION: Approve Modification #1 to CUP8-82 subject to conditions of approval

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## PROJECT SUMMARY
(Drive Through Restaurants), (Modification # 1 CUP 8-82)

### Site Information

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<td>Present Use</td>
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<td>Access</td>
<td>Two access point along Putnam Avenue</td>
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<th>Surrounding</th>
<th>Existing Land Uses</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Residential</td>
<td>R-1 (One Family Zoning)</td>
</tr>
<tr>
<td>South:</td>
<td>Residential</td>
<td>PD – R1 (One Family Zoning)</td>
</tr>
<tr>
<td>East:</td>
<td>Residential</td>
<td>R-1 (One Family Zoning)</td>
</tr>
<tr>
<td>West:</td>
<td>Commercial/Golf Course/Murry Park</td>
<td>OA (Open Area Zoning)</td>
</tr>
</tbody>
</table>

### Project Details

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required: 20</th>
<th>Provided: 21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>Required: N/A</td>
<td>Provided: 25 (foot sides), 45 foot (rear), 35 foot (front)</td>
</tr>
<tr>
<td>Landscape Area</td>
<td>Required: 1058 square feet</td>
<td>Provided: 1,050± square feet</td>
</tr>
<tr>
<td>Building Height</td>
<td>Required: Max. 35 feet</td>
<td>Proposed: 14 feet</td>
</tr>
<tr>
<td>Buildable Area</td>
<td>Required: N/A</td>
<td>Proposed: 1,989 square feet</td>
</tr>
<tr>
<td>Space Between Buildings</td>
<td>Required: 15 feet</td>
<td>Proposed: 39 feet</td>
</tr>
<tr>
<td>Lot Area</td>
<td>Required: N/A</td>
<td>Proposed: 21,170± square feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Required: N/A</td>
<td>Proposed: 136± square feet</td>
</tr>
<tr>
<td>Storm Water Retention</td>
<td>Into City system</td>
<td></td>
</tr>
<tr>
<td>Fencing</td>
<td>Blockwall along the south and east property line separating commercial use from residential use</td>
<td></td>
</tr>
</tbody>
</table>
ENVIRONMENTAL SETTING:

The project site is a vacant and flat parcel. No vegetation is found on the site except for weeds that are removed yearly. Curb gutter and sidewalk will be installed and/or repaired per City standards at time of construction. A minimum of two (2) palm trees will need to be removed from the City right-of-way to allow for ingress/egress and visibility to and from the site.

The adjacent parcel to the west is a developed parcel and part of the original approved specific/general plan CUP 8-82. Two established neighborhoods border the project. To the north is the Rancho Rincondada Subdivision and to the east and south is Hacienda Heights.

HISTORY:

On August 23, 1982, the City of Porterville Planning Commission authorized Resolution No. 9746 approving Conditional Use Permit No. 8-82 General and Specific Development Plans. Approval of the use permit allowed construction of the Hacienda Heights Subdivision and a convenience market located at the southeast corner of Putnam Avenue and Leggett Street.

The developer/applicant of the previously approved subdivision and convenience market and of the proposed modification are the same. The project proponent initiated review of a proposed modification to CUP 8-82 in 2005 but was unable to complete the process. In December of 2007 the applicant submitted a new proposed modification which included the drive through restaurants.

PROJECT DESCRIPTION/ANALYSIS:

The proposed modification to CUP 8-82 consists of constructing two drive-through buildings on a 21,170± square foot lot. The first building is a proposed 1,389 square foot take-out restaurant centrally located on the west side of the lot nearest to the existing convenience market on the adjacent parcel. The second building is a 600 square foot drive-through coffee kiosk. Uses in both buildings will primarily be provided via the drive-through, but the larger take-out restaurant does provide approximately 12 outdoor seats for patrons that choose to dine on the premises.

Twenty (20) parking stalls are required based on an industry standard used by the City for calculating restaurant parking. Based on the total building square footage of 1,989 square feet at a 1/100 ratio, twenty parking spaces are required. Based on the numbered 17 spaces provided and the credited six spaces for stacking in the drive-throughs, the proposed parking exceeds the City’s requirements.

Access to the property will be from Putnam Avenue via a shared drive approach that straddles the adjacent property to the west and a second drive approach at the north east corner of the property. Pedestrian and bicycle access will have the same access from Putnam Avenue.

Building architecture, colors and materials will be of consistent design and compatible to the adjacent convenience market to the west. The building elevations are broken up with a
variety of features including soft brown and cream colors identified on the materials board as meadowbrook, adobe, and Trabuco. Each building will also have matching green awnings, a brick façade and complimenting cornice features that accent the tops of the each building. Landscaping requirements are met including a five foot strip along the frontage of the property between the parking and the public right-of-way, in front of each building, and near the restaurants menu/order boards.

The applicant is aware that the restaurant and coffee operation may have different hours of operation but feels that the proposed hours allow both to operate at full potential. For safety and security, adequate exterior lighting will be required during hours of operation in order to maintain visibility throughout the lot and are designed to minimize glare and spillover onto adjacent parcels. Specific lighting details are to be approved by the Police Chief or Community Development Director, during the building permit phase.

The proposed hours of operation are as follows:

Sunday – Saturday
5:30 am to 12:00 am

The proposed modification expands consistently upon a previously approved use with less than 2000 square feet of drive through restaurant services. The proposed services will benefit the area by allowing the convenience of less travel and time to like services further away. The closest restaurants and coffee services are located at Plano Street and Olive Ave (McDonalds) and On Main Street just north of Putnam Ave (Cookie Cottage). Although the General Plan Update is not yet been approved, the project is consistent with the preferred General Plan that is proposed, as the area is designated for neighborhood commercial.

ENVIRONMENTAL REVIEW:

The project site is consistent with the applicable general plan. The proposed site is within the City limits. The project site is on less than five (5) acres. The site has no habitat value for endangered, rare or threatened species. Approval of the project will not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services found in or along Putnam Avenue and Leggett Street.

ENVIRONMENTAL RECOMMENDATION:

Based upon the information available at the time of the preparation of this report, the project is categorically exempt pursuant to “In-Fill Development” Section 15332 Class 32 of the CEQA Guidelines. No further environmental review is necessary.

STAFF RECOMMENDATION:

Staff recommends that the City Council:
1. Approve Modification #1 to CUP8-82 /General and Specific Development Plan subject to conditions of approval.

ATTACHMENTS:

1. Original Conditional Use Permit 8-82 Resolution
2. Proposed Site Plan, Elevation Plan, Locator/Land Use Map (Exhibit “A”) 
3. Notice of Exemption
4. CUP Modification Application
5. Draft Resolution

Jose B. Ortiz

February 9, 2008

Project Planner

Date
RESOLUTION NO. 9746

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING CONDITIONAL
USE PERMIT NO. 8-82/GENERAL AND SPECIFIC
DEVELOPMENT PLANS

BE IT HEREBY RESOLVED by the City Council of the City of
Porterville that Conditional Use Permit No. 8-82/General Develop-
ment Plans is approved as recommended in Planning Commission
Resolution No. 1387, subject to the following conditions:

1. That all future on-site development shall conform to ap-
pllicable City of Porterville codes.

2. That all future on-site development shall conform to the
City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's
Fire Department Standards.

4. That the requirements of the City Engineer shall be com-
piled with, to-wit:

   1. Sewer service Phases 2, 3, and 4 shall be in
      accordance with the City Sewer Master Plan.

   2. That all improvements required shall be con-
      structed in accordance with the City of Porter-
      ville standard plans and specifications, that all
      applicable codes and ordinances along with the
      recommendations of the City Engineer are to be
      adhered to, and that all applicable fees required
      for same shall be paid in accordance with the

5. That the development shall be substantially as shown on
the General Development Plans (Exhibit A). Where the zoning
ordinance and conditions of a proval differ from the General
Development Plans, the ordinance and conditions shall pre-
vail.

6. That the residential development be limited to the Gen-
eral Plan density of 7 units per acre plus the ten percent
density bonus allowed by Section 1708.B.1. of the zoning
ordinance.

7. That the environmental impacts identified by the Environ-
mental Review Committee be mitigated as follows:

   A. The City has insufficient sewer capacity pre-
      sently available to serve the area covered by this
      plan.

      This impact may be mitigated as follows:

      1. All uses allowed in Phase I of the Project
         shall be low volume generators of sewer flow.

      2. No development beyond Phase I shall be
         permitted until sewer capacity to serve the
         project area is assured.
3. The developer is negotiating to use a portion of the excess capacity controlled by the Porter Vista Public Utility District to serve this site.

4. The City is pursuing means of constructing a relief line to serve this area either through its pending redevelopment project or by some other financing method.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

This impact may be mitigated as follows:

1. On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

C. There is a potential flooding hazard due to water coming onto the site from adjacent areas.

This impact may be mitigated as follows:

1. Further studies and designs to mitigate any potential flooding hazard shall be required with any subsequent specific development plans.

D. The impact on various public services shall be further addressed at the time of future Specific Development Plan reviews. This shall include further review of circulation, traffic, fire and police protection and impacts on schools and other governmental services.

8. Prior to any development occurring, an agreement in writing must be made between the City and any other affected entity which will insure that the sewer problem identified is alleviated.

9. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that Conditional Use Permit No. 8-82/Specific Development Plans Phase I is hereby approved as recommended in Planning Commission Resolution No. 1388, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.

2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department Standards.
4. That the requirements of the City Engineer shall be complied with, to-wit:

1. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

2. That the subdivider shall pay all fees involved to have any existing utility poles set back behind the future sidewalk.

3. Additional improvements to be added to the specific plans are as follows:
   a. Cross gutter across Leggett to join with newly installed cross gutter.
   b. Street paveout along Leggett and Putnam after gutter is constructed.
   c. Handicap ramp at corner of Leggett and future street.

5. That the development shall be substantially as shown on the Specific Development Plans (Exhibit B). Where the zoning ordinance and conditions of approval differ from the Specific Development Plans, the ordinance and conditions shall prevail.

6. That the environmental impact pertaining to Phase I identified by the Environmental Review Committee be mitigated as follows:

   A. The City has sufficient sewer capacity presently available to serve the area covered by this plan.

      1) All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.

   B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

      1) On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

7. That landscaping shall be of the low profile type and shall not be a visual obstruction to vehicular and pedestrian traffic and shall be of the type which shall not cause damage to curbs, gutters and sidewalks.

8. That Specific Plans shall be accompanied by a proposed schedule indicating commencement and completion of construction.

9. Prior to issuance of building permits a proposed schedule of construction shall be submitted to and approved by the City Planner for referral to the City Engineer.
10. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

11. That Development of Phase I cannot be started until specific plans for street, gutter and sidewalk improvements in Phase III are submitted and approved by the Planning Commission.

[Signature]
Mary Dougherty, Mayor

ATTEST:

[Signature]
C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
COUNTY OF TULARE

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 7th day of September, 1982.

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

AYES: COUNCILMEN: Durbin, Tree, Dougherty,
NOES: COUNCILMEN: Ferrell, Moran,
ABSENT: COUNCILMEN: None

[Signature]
C. G. Huffaker, City Clerk

[Signature]
Georgia Hawley, Deputy
Locator Map
Land Use & General Plan

General Plan Designation - Low Density Residential
Zoning - PD-R1 (Planned Development-One Family)

General Plan Designation-Recreation/Open Space
Zoning - Open Area

Subject Site - within the PD-R1 Zone and
General Plan Designation - Low Density Residential.
NOTICE OF EXEMPTION

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

X Tulare County Clerk
County Civic Center
Visalia, CA 93291

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

Mary McClure
23149 Joseph Court
Porterville, CA 93257

Modification #1 to CUP 8-82
Project Title

The project site is located at southeast corner of Leggett Street and Putnam Avenue.

Project Location (Specific)

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

The applicant is requesting approval for Modification #1 to Conditional Use Permit 8-82 to construct two drive-through buildings. One drive-through will be a restaurant and the other a coffee kiosks.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Ben Kimball, City Planner
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

Ben Kimball, City Planner
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: ___________________________
City Planner

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
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: MCLURE DRIVE THRU

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
MARY MCLURE 23149 JOSEF CT PORTERVILLE
559-280-6335

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT/CONTACT PERSON:
HILLMAN BUILDING DESIGN 250 N MAIN ST
761-1538

PROJECT ADDRESS AND NEAREST CROSS STREETS:
SE CORNER LEGGETT PARK

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:

DRIVE THRU RESTAURANT

Date of most recent sale of property: 1980

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

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

N/A

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted.)
A Plot Plan and 300’ radius property owners map, and corresponding mailing 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 ORIGINAL USE WAS AN "L" SHAPE RETAIL STRIP MALL NOW WE ARE 25 YEARS LATER & SEEMS SOCIETY HAS CHANGED TO WHERE DRIVE THRU REST. & COFFEE IS IN DEMAND.

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). 5

   (b) Total number of employees that will work on the property. 5

   (c) Total number of off-street parking spaces provided or planned. 17

   (d) Maximum height of buildings or structures. 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).

<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  )  ss**

**COUNTY OF TULARE  )**

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

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

Porterville this 24 day of Jan., 2008.

Telephone (559) 280-6335 Signed **Mary McClure**

Mailing Address 23149 Sonora Dr. 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 _________________________________
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.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF MODIFICATION #1 TO CONDITIONAL USE PERMIT NO. 8-82/ GENERAL SPECIFIC DEVELOPMENT PLANS PHASE ONE, TO ALLOW CONSTRUCTION OF A DRIVE THROUGH RESTAURANT AND COFFEE KIOSK LOCATED AT THE SOUTHEAST CORNER OF PUTNAM AVENUE AND LEGGETT STREET

WHEREAS: The City Council at its regularly scheduled meeting of February 19, 2008, reviewed the modified site plans for a modification to CUP 8-82/ General and Specific Plans Phase One to allow proposed construction of a drive through restaurant and drive through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street. The subject site is located in the PD-R1 (Planned Development-One Family Residential Zone); and

WHEREAS: The project consists of two drive through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant’s menu board; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines – construction of in-fill development. 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.

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

1. The General Plan designates the subject site as Low Density Residential.

   The subject site is zoned PD-R1 (Planned Development – One Family Zone) which is supported by the General Plan. The proposed use is allowed pursuant to approval of Conditional Use Permit Specific and General Plan.

2. That a conceptual plan was submitted for Phase Two at the time Phase One was approved.

3. That the site is physically suited for the type of development proposed. The site is level and vacant.

4. That the design of the project nor the proposed improvements are likely to cause substantial environmental damage. An onsite inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened
or rare species or habitats exist and no impact will occur.

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

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

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

7. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 8-82 subject to the following conditions:

1. Reciprocal ingress/egress agreement is required with the adjacent convenience market to the west (Exhibit ).

2. The proposed project will be considered as Modification #1 to CUP 8-22, approved by City Council Resolution 9746 for Phase 1 (Specific Plans).

3. The hours of operation are as follows:

   Sunday - Saturday
   5:30am to 12:00am

4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director.

5. All mechanical and electrical equipment is to be screened and maintained from public view.


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.

9. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

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).

11. The developer/applicant shall remove existing trees at all driveways serving the development for the purpose of provide appropriate visibility for vehicular traffic existing the property. The developer/applicant shall obtain the Parks and Leisure Commission’s approval prior to removing the parkways trees.

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

13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots shared by the proposed development parcel and the adjacent westerly parcel, if none exists.

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 provide street lights on Marbelite poles 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. A 9500 lumen street light shall be installed at the northeast property corner.

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

17. 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.).
18. 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.

19. 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.

20. If hazardous materials are to be stored in jurisdicational 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.

21. The developer/applicant shall install a refuse container enclosure according to City standards. The enclosure location to be approved by City prior to issuance of building permit. 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.

22. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO (1 foot depth). A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request.

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

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 back-flow device is required on the water meter.
26. A grease trap or grease interceptor is required.

27. 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.

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

29. Compliance with all applicable codes is required.

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

31. Soil report required.

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

33. Prior to issuance of the building permit need approval from the Tulare County Health Department.

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

35. All construction offices, storage containers, etc. for temporary use must receive City Council approval.

36. Grease interceptor required.

37. Signs require separate permit.

38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.

39. That the subject site will be developed in accordance with the site plan and elevation plans labeled Exhibit “A.”

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

________________________________________________________________________

Cameron Hamilton, Mayor

Attest:
John Longley, City Clerk

By ________________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
CITY COUNCIL AGENDA: FEBRUARY 19, 2008

PUBLIC HEARING

SUBJECT: CRESTVIEW PARK TENTATIVE SUBDIVISION MAP (CRESTVIEW PARK LLC.)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of the Crestview Park Tentative Subdivision Map to divide a 10± acre vacant parcel zoned City R-1 (One-Family Zone) into 46 lots to be developed in one (1) phase for that site generally located on the southeast corner of Putnam Avenue and Olivecrest Avenue.

In addition, the applicant is requesting City Council’s approval to allow for an excessive lot depth for Parcels 34 and 35. Pursuant to Section 21-7 b of the Subdivision Ordinance, the depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. Parcels 34 and 35 exceed 180 feet.

Proposed Parcel 34 has a depth of 211 feet; proposed Parcel 35 has a depth of 226 feet. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided findings are made. Due to the shape of the entire site, especially as it narrows on the southeast corner of the site and design of the subdivision, no other configuration or design was feasible to eliminate the excessive lot depths for Parcels 34 and 35, therefore, the exception to the lot depths was requested.

As designed, Lots 25 through 34 are double frontage lots which front on Oak Court and Oak Avenue to the north and Olivecrest Avenue to the south. Section 21-7(d) of the Porterville Subdivision Ordinance states the following:

Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

Due to the irregular shape of the site no other design was feasible to eliminate the double frontage lots. As a measure to reduce the impact of the double frontage lots, a six (6) foot high masonry block wall and landscaping along the Olivecrest Avenue frontage of the project will be required. Additionally, a
condition of approval will require the developer/applicant to dedicate access rights to Olivecrest Avenue from any lots with frontage on Olivecrest Avenue (with the exception of Parcel 46). As a result of the unusual physical conditions, the deviation from this standard is justified.

On December 26, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures (Mitigation Monitoring Plan Attachment “A”) have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from December 28, 2007, to January 16, 2008. As of this date, no agencies have responded regarding the environmental document.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Crestview Park Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Crestview Park Tentative Subdivision Map subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
CRESTVIEW PARK TENTATIVE SUBDIVISION MAP
FOR CITY COUNCIL MEETING OF FEBRUARY 19, 2008
For the site generally located on the southeast corner of Putnam Avenue and Olivecrest Avenue.

APPLICANT: Crestview Park LLC.
4225 Executive Square Suite 920
La Jolla, CA 92037

AGENT: Cannon & Associates
5001 California Ave., Suite 120
Bakersfield, CA 93309

PROPERTY OWNER: Crestview Park LLC.
4225 Executive Square Suite 920
La Jolla, CA 92037

PROJECT DESCRIPTION: The project consists of a tentative subdivision map to divide one 10± acre vacant triangular property into 46 residential lots. The proposed lots have an average size of 6,000± square feet and are served by existing roads and proposed interior roads. The project includes a request to allow for an excessive lot depth for Parcels 34 and 35. Pursuant to Section 21-7 b of the Subdivision Ordinance, the depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. Parcels 34 and 35 exceed 180 feet.

Proposed Parcel 34 has a depth of 211 feet; proposed Parcel 35 has a depth of 226 feet. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided findings are made. Due to the shape of the entire site, especially as it narrows on the southeast corner of the site and design of the subdivision, no other configuration or design was feasible to eliminate the excessive lot depths for Parcels 34 and 35, therefore, the exception to the lot depths was requested.
The proposal to develop the vacant parcel, zoned City R-1 (One-Family Zone), into a 46 lot single family residential subdivision to be developed in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification.

The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

On April 5, 2005, the Porterville City Council by Resolution 44-2005 approved the tentative map for Crestview Park Tentative Subdivision. Due to the prior applicant not requesting an extension of time for the map, it expired on April 5, 2007.

**SIZE OF PROPERTY:** 10+ acres

**GENERAL PLAN CLASSIFICATION:** Low Density Residential (2-7 du/acre)

**ZONING CLASSIFICATION:** R-1

**SURROUNDING ZONING LAND USE:**

North: City R-1 - Putnam Avenue (3/4 street) and a developed single family residential subdivision.
South: County R-M-A- Olivecrest Avenue and a cemetery.
West: City R-1- Crestview Street and a developed single family residential subdivision.

**LEGAL NOTICES:**

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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**ENVIRONMENTAL SETTING:**

The subject site has not been utilized for agricultural crops and seasonal weeds have been plowed down regularly. An on-site inspection was conducted by staff. No rare or endangered plant or animal species were discovered.

The FIRM Flood Insurance Map 060407 0010 D, dated October 15, 1985, indicates that a portion of the site is located in Flood Zone A. Without a Base Flood Elevation per the FIRM Flood Insurance Map 060407 0010 D, the developer/applicant shall comply with the City Flood
Damage Prevention Ordinance No. 1397, and the requirements of the State Department of Water Resources where applicable.

The Base Flood Elevation will be required to be set prior to the approval of improvements plans, filing a final map or the issuance of any building permit.

Compliance with the City Flood Hazard Reduction Ordinance, which requires elevation certificates or flood resistant construction for all buildings may or will be required. This will reduce the potential impact to less than significant levels.

PROJECT DESCRIPTION/ANALYSIS:

The tentative map proposes a 46 lot subdivision to be developed in one (1) phase. The average size of the lots is 6,000± square feet. The existing vacant project site is triangular in shape. The north portion (widest point) of the site fronts on West Putnam Avenue. The south portion (narrowest point) fronts along the north side of Olivecrest Avenue (Local Street 60 feet wide). Ruth Street, an internal street (60 feet wide), will connect to Putnam Avenue on the north side of the subdivision and will extend south and southwest and connect to Olivecrest Avenue. Mill Court (50 foot wide) will extend west approximately 342± feet and will dead end. Oak Avenue and Oak Court (two cul-de-sac streets 50 feet wide) will extend northeast and southwest off of Ruth Street at the south end of the subdivision.

In addition, the applicant is requesting City Council’s approval to allow for an excessive lot depth for Parcels 34 and 35. Pursuant to Section 21-7 b of the Subdivision Ordinance, the depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. Parcels 34 and 35 exceed 180 feet.

Proposed Parcel 34 has a depth of 211 feet; proposed Parcel 35 has a depth of 226 feet. Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

“The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet.”

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes the following findings with respect thereto:

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

Response: Due to the shape of the entire site, especially as it narrows on the southeast corner of the site and design of the subdivision, no other configuration or design was feasible to eliminate the excessive lot depths for Parcels 34 and 35, therefore, the exception to the lot depths was requested.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
Response: The modification is requested to allow the remaining portion of the property to be subdivided pursuant to City standards.

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

Response: The exception will allow Parcel 34 to have a lot depth of 31± feet more than the allowed maximum of 180 feet. Parcel 35 would have a lot depth of 46± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of the Subdivision Ordinance and Sate Map Act.

Response: The modifications will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth for Parcels 34 and 35 and double frontage lots for Lots 25 through 34) and is consistent with the density allowed by the General Plan.

As designed, Lots 25 through 34 are double frontage lots which front on Oak Court and Oak Avenue to the north and Olivocrest Avenue to the south. Section 21-7(d) of the Porterville Subdivision Ordinance states the following:

Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

Response: Due to the irregular shape of the site no other design was feasible to eliminate the double frontage lots. As a measure to reduce the impact of the double frontage lots, a six (6) foot high masonry block wall and landscaping along the Olivocrest Avenue frontage of the project will be required. Additionally, a condition of approval will require the developer/applicant to dedicate access rights to Olivocrest Avenue from any lots with frontage on Olivocrest Avenue (with the exception of Parcel 46). As a result of the unusual physical conditions, the deviation from this standard is justified.
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 develop the vacant parcel, zoned City R-1 (One-Family Zone), into a 46 lot single family residential subdivision to be developed in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification.

The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

ENVIRONMENTAL REVIEW:

On December 26, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures (Mitigation Monitoring Plan Attachment “A”) have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from December 28, 2007 to January 16, 2008. At the end of the review period, no agency responded.

Pursuant to Article 5 of the Subdivision Ordinance, the Initial Study was transmitted to public/private agencies for a 20 day review period from December 28, 2007 to January 16, 2008. As of this date, no agency has responded.

| 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 |
| Department of Fish and Game | No response |
| California Regional Water Quality Control Board | No response |
| Tulare County Association of Government | No response |
| District Archaeologist | 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 |
| Tulare County Farm Bureau | No response |
ENVIRONMENTAL RECOMMENDATION:

Based upon the information available at the time of the preparation of this report and without benefit of additional information which may come to light at the public hearing, the Environmental Coordinator recommends that a Mitigated Negative Declaration be filed for Crestview Park Tentative Subdivision Map.

STAFF RECOMMENDATION:

That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration For Crestview Park Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Crestview Park Tentative Subdivision Map subject to conditions of approval.

ATTACHMENTS:

1. Land use and zoning map
2. Crestview Park Tentative Subdivision Map
3. Letter requesting an exception to 21.7b of the Subdivision Ordinance
4. Environmental Initial Study
5. Negative Declaration
6. Draft Environmental Resolution
7. Draft Resolution of Approval

Bubba Frasher  January 2, 2008
Project Planner Date
LAND USE

CRESTVIEW PARK
TENTATIVE SUB. MAP

GENERAL PLAN DES.

ZONING

ATTACHMENT NO. 1
TENTATIVE MAP FOR CRESTVIEW PARK

PORTION OF THE ¼ OF THE SW ¼ OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE & MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

GENERAL NOTES:
1. LAYOUT IS DEPARTMENT OF HEALTH MAP
2. LAYOUT IS DEPARTMENT OF COASTAL RESOURCES MANAGEMENT MAP
3. LAYOUT IS DEPARTMENT OF FIFTH DIVISION OF PUBLIC SAFETY MAP
4. LAYOUT IS DEPARTMENT OF FIFTH DIVISION OF THE DEPARTMENT OF URBAN DEVELOPMENT MAP
5. LAYOUT IS DEPARTMENT OF RECREATION AND PARKS MAP
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46. LAYOUT IS DEPARTMENT OF RECREATION AND PARKS MAP

SURVEYOR'S STATEMENT:
BY: Cannon Associates
5315 S. 2nd St.
Fresno, CA 93727
(559) 448-2584

ATTACHMENT ITEM NO. 2

TENTATIVE TRACT MAP FOR CRESTVIEW PARK
PORTION S.E. ¼ OF THE S.W. ½ OF THE S.W. ¼ OF SECTION 30, T.31N., R.28E., M.O. S.M., CITY OF PORTERVILLE, CALIFORNIA.
January 2, 2008

Jose B. Ortiz
Associate Planner
City of Porterville
291 N. Main Street
Porterville, CA 93257

Subject: REQUEST FOR EXCEPTION TO SUBDIVISION ORDINANCE
SECTION 21.7b
Tentative Subdivision Map: Crestview Park

Dear Mr. Ortiz:

The property owner through Cannon Associates, its representative, is requesting a Design Variation for the Tentative Subdivision Map, Crestview Park, located on the southwest corner of Putnam Avenue and Olivecrest. The property is approximately 10 acres and is to be developed into 46 single family residential lots. Cannon Associates' staff of engineers, planners and landscape architects has worked diligently to comply with everything possible. In the end, site constraints have left us with the need to request a design variation to Subdivision Ordinance Section 21.7b as follows:

Lot Depth: In keeping with lot sizes and useable lots superior design and efficient use of space dictates that lot 34 and 35 exceed the maximum lot depth of 180 feet. The lots will still maintain consistency with all other development standards including minimum lot size, required setbacks etc.

Respectfully Submitted,

[Signature]
William D. Bates, PE
Civil Manager
C 21871, reg. exp. 9-30-09

WDB: mb
City of Porterville

Environmental Checklist Form

1. Project title: Crestview Park Tentative Subdivision Map

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

3. Contact person and phone number: Benjamin Kimball, City Planner
   (559) 782-7460

4. Project location: Generally the southeast corner of Putnam Avenue and Olivecrest Avenue.

5. Project sponsor’s name and address: Crestview Park LLC.
   4225 Executive Square Ste. 920
   La Jolla, CA 92037

6. General plan designation: Low Density Residential

7. Zoning: City R-1 (One Family Residential)

8. Description of project: (SEE ATTACHED SUBDIVISION MAP)

The subdivision of a 10± acre vacant parcel zoned City R-1 (One-Family Zone) into a 46 lot single family residential subdivision to be developed in one (1) phase

9. Surrounding Land uses and Setting:

   North: City - Putnam Avenue (3/4 street) and developed single family residential subdivision.
   South: Olivecrest Avenue and a cemetery.
   East: County - Vacant land.
   West: City - Crestview Street and a developed single family residential subdivision.

   The vacant site is triangular in design. The north portion (widest point) of the site fronts on West Putnam Avenue. The south portion (narrowest point) fronts along the north side of Olivecrest Avenue. Ruth Street, an internal street (60 foot wide), will connect to Putnam Avenue on the north side of the subdivision and will extend south and southwest and connect to Olivecrest Avenue. Mill Court (50 foot wide) will extend west approximately 342± feet and will dead end. Oak Avenue and Oak Court (to cul-de-sac streets 50 foot wide) will extend northeast and southwest off of Ruth Street at the south end of the subdivision.

   The subject site has not been utilized for agricultural crops and seasonal weeds have been plowed down regularly. An on site inspection was conducted by staff. No rare or endangered plant or animal species were discovered.
The FIRM Flood Insurance Map 060407 0010 D, dated October 15, 1985, indicates that a portion of the site is located in Flood Zone A. Without a Base Flood Elevation per the FIRM Flood Insurance Map 060407 0010 D, the developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Department of Water Resources where applicable.

The Base Flood Elevation will be required to be set prior to the approval of improvements plans, filing a final map or the issuance of any building permit.

Compliance with the City Flood Hazard Reduction Ordinance, which requires elevation certificates or flood resistant construction for all buildings may or will be required. This will reduce the potential impact to less than significant levels.

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

None
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics  ☐ Agriculture Resources  ☑ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☐ Transportation/Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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

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

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

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

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

Signature: ___________________________  Date: 12/24/07

Benjamin Kimball  City of Porterville
Printed name
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
EARLIER ANALYSIS

Earlier analysis may be used where, pursuant to the tiering program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (C) (3) (D). In this case a discussion should identify the following items:

a) Earlier analysis used. Identify earlier analyses and state where they are available for review.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

Authority: Public Resources Code Sections 21083 and 21087.

SOURCE REFERENCES

1. Land Use Element of the Porterville General Plan (1998)
2. Circulation Element of the Porterville General Plan (1999)
3. Housing Element of the Porterville General Plan (1992)
5. Open Space Element of the Porterville General Plan (1998)
7. Safety Element of the Tulare County General Plan (1998)
9. Airport Master Plan (1990)
10. Porterville Strategic Plan (1992)
15. Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16. Porterville Redevelopment Housing Strategic Plan (1994)
17. City of Porterville Storm Drainage Master Plan (2001)
20. City of Porterville Sewer Master Plan (2001)
21. City of Porterville Water Master Plan (2001)
23. San Joaquin Valley Air Pollution Control District Attainment Plan
24. San Joaquin Valley Air Pollution Control District Regulation VII
25. Aerial photo records - City of Porterville
27. 1990 Census Data/Tract and Block Group Maps
28. Existing Infrastructure and Facilities Capacity
30. On-site field inspection
31. City of Porterville Transit Development Plan
32. Emergency Services Plan - Tulare County Operational Area
33. City of Porterville Urban Water Management Plan
35. Project Description
Issues:

L. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Responses:

a), b), c): No Impact. The project will not have an adverse effect on a scenic vista; the project as proposed would have no effect on the aesthetic qualities and characteristics of the project area beyond the already existing developed residential subdivisions to the north and west and the existing single family residential uses to the northwest. The project is not within the vicinity of a state scenic highway, nor would it damage any scenic resources. Sources: 1, & 5.

d): Less Than Significant Impact. New sources of light and glare will result from subsequent street lighting and residential dwellings to be installed/developed. Sources: 1 & 5.

Future development of the subject site will require the installation of low profile exterior lighting which will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from streetlight and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.

Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced as follows:

“No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.” Therefore, the impact is less than significant.

Source: 1, 5 & 12
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Responses:

a), b), c): No Impact. The project area is within the limits of the City of Porterville. The site is fallow and is disked annually for weed abatement and has not been utilized for any farming practice in years. The project site is flat and consists of a clay soil with high shrink-swell behavior. Due to the relative small size of the parcel, it is not considered prime agricultural land. Additionally, since the subject site has a developed residential subdivision to the north and west, a cemetery to the south and vacant land to the east, any proposed farming for this site would not be practical. Sources: 1 & 29.
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?  

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?  

d) Expose sensitive receptors to substantial pollutant concentrations?  

e) Create objectionable odors affecting a substantial number of people?

Response:

a), c), e): Less than significant Impact - The project as proposed will not conflict or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Additionally, the project as proposed will not create objectionable odors affecting a substantial number of people.

b), d): Less than significant with mitigation incorporated - The project as proposed will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Additionally, the project as proposed will not expose sensitive receptors to substantial pollutant concentrations.

The proposed site has a single-family residential use to the northwest, developed single family residential subdivisions to the north and west and a cemetery to the south. The mitigation measures identified below will provide adequate protection for these developed areas around the subject site.

Future development of the site with a single family residential subdivision will require equipment to be utilized in regard to the project and vehicular trips will be generated by construction crews during the construction stage of the project. Overall impacts to air quality from build out as proposed by the General Plan is discussed in the Environmental Impact Report certified upon adoption of the current Land Use Element of the General Plan.
MITIGATION:
Mitigation of the potential effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car-pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e., bicycles and walking).

MITIGATION THROUGH CONSTRUCTION MANAGEMENT:

1. The City will implement Regulation VIII of the SJVAPCD including:
   a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.
   b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 mph. If winds or gusting exceed 20 mph, vehicular activity will be required to cease.
   c. One or more of the following means of dust control should be employed after the completion of earth grading operations:
      i. Seeding and watering of new vegetation.
      ii. Hydro mulching or spreading of soil binders.
      iii. Maintenance of the site’s soil surface crust through repeated soakings.

2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and Nox emissions.

3. Limit engine idling at the project site.

4. Trees should be carefully selected and located to shade the residential structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.

5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.

6. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electrical barbecues.

8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.

9. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.
c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

d. A new residential development is defined as any single or multiple family housing units, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed. Source: 24

e): No Impact – The project as proposed would not create any objectionable odors. Source: 24
IV. BIOLOGICAL RESOURCES -- Would the project:

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<tr>
<th>Potentially Significant Impact</th>
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<th>Less than Significant Impact</th>
<th>No Impact</th>
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a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a), b), c), d), e), f): No Impact. The site is fallow and is disked annually for weed abatement. The subject site has existing developed residential subdivisions to the north and west, as existing single family residential uses to the northwest, cemetery to the south and vacant land to the east. As a result of the survey by Staff, no sensitive species and no habitat were observed on the site. Approval of the project would not result in a conflict with local ordinances, policies, or habitat conservation plans. Sources: 4, 5, 15, & 30.
**V. CULTURAL RESOURCES -- Would the project:**

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<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</table>

**Response:**

a), b), c), d): **No Impact.** No archeological or paleontological resources are known to exist on the subject site. Many years of cultivation would have removed any surface evidence of such resources. It is unlikely that such will be discovered at the time of any future construction; as previously conducted surveys indicate that Native American habitation sites were located in the eastern sector of the City’s urban area along the base of the Sierra Nevada foothills. However, in the event that artifacts or remains are encountered, all construction within 50 feet of the find shall be halted and a qualified archaeologist consulted to determine the disposition of the find. Sources: 4 & 30.
VI. GEOLOGY AND SOILS  -- Would the project:

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<th>No Impact</th>
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<tbody>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>iv) Landslides?</td>
<td>☐</td>
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</tbody>
</table>

b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ |

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☒ | ☐ |

Response:

a), b), c), e): No Impact. According to the California Geological Survey, there are no established or recognized earthquake fault zones in Tulare County. The project is flat and will not create a risk of fault rupture, seismic ground shaking, seismic related ground failure, liquefaction, or landslides. No septic tanks or alternate wastewater disposal will be constructed as part of the project. Additionally, the proposed project will be required to connect to the City’s sewer system and will not involve the use of septic tanks or alternative wastewater disposal systems. Sources: 4, 7, 29, & 30.

d): Less than significant. The project site is flat and consists of a clay soil with high shrink-swell behavior. Soils test, compaction tests and designed foundations and footing approved by the Building and Engineering Departments will be required prior to issuance of building permits.
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response:

a), b), c), d), g), h): No Impact. All uses and future uses on the site must be in conformance with the Porterville Zoning Ordinance. The proposed project is in an urbanized area, outside the risk area of wildland fires. Sources: 7.

e), f): No Impact. The project is located approximately 4 & 1/2 miles from the Porterville Municipal Airport. No additional private airstrips are located near this area. Therefore, no hazards for people working or residing in this area will occur. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements? ☐ ☐ ☒ ☐
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ☐ ☐ ☒ ☐
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☐ ☒ ☐
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ☐ ☐ ☒ ☐
- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? ☐ ☒ ☐ ☐
- f) Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐
- g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☒ ☐ ☐
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ☐ ☒ ☐ ☐
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ☐ ☒ ☐ ☐
- j) Inundation by seiche, tsunami, or mudflow? ☐ ☒ ☐ ☐

Response:

a), b), f): Less Than Significant Impact - It is not anticipated that the development of the site as proposed would violate any water quality standards or waste discharge requirements or significantly deplete ground water supplies or reduce public water supply from the City's
unconfined ground water aquifer. The city has recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The Capital water system projects are intended to serve projects such as this and the impact is therefore less than significant. Sources: 4

c), d): Less Than Significant - The project as proposed will not alter the existing drainage pattern of the site area. Since no river is located close to the site, no course of river alteration will occur. Source: 4

e): Less than significant with mitigation incorporated. The subject site is within the boundary of the Storm Water Master Plan. Such patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. Source: 4

Mitigation:

The rate and amount of runoff will increase as these aforementioned features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Source: 1, 4 & 17

g), h), i): Less than significant with mitigation incorporated. The FIRM Flood Insurance Map 060407 0010 D, dated October 15, 1985, indicates that a portion of the site is located in Flood Zone A.

Mitigation:

Without a Base Flood Elevation per the FIRM Flood Insurance Map 060407 0010 D, the developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Department of Water Resources where applicable.

The Base Flood Elevation will be required to be set prior to the approval of improvements plans, filing a final map or the issuance of any building permit.

Compliance with the City Flood Hazard Reduction Ordinance, which requires elevation certificates or flood resistant construction for all buildings may or will be required.
Source: 26

J): No Impact - The project is not located near a body of water that could generate seiche or tsunami effects. The site is level and will not engender mudflow events. Sources: 1, 4, & 26.
IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? □ □ □ ☒

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? □ □ □ ☒

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? □ □ □ ☒

Response:

a), b), c): No Impact - Porterville’s General Plan designates the subject site for Low Density Residential Uses (2 to 7 d.u. per acre) and the site is located within the R-1 (One Family Residential) Zone. The proposed subdivision (10± acres) to be built in one (1) phase will have a density of 4.6 lots per acre. The project as proposed is consistent with the polices and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices. Sources: 1, 2, 3, 4, 12, & 30.

c): No Impact – No habitat conservation plan or natural community conservation plan has been adopted for the project area or adjacent lands. Sources: 1, 2, 3, 4, 12, & 30.
X. MINERAL RESOURCES -- Would the project:

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<th>No Impact</th>
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</table>

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

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

Response:

a), b): No Impact. There are no known mineral resources on the proposed project area. Sources: 4.
XI. NOISE -- Would the project result in:

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<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![x]</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>![ ]</td>
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<td>![x]</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![x]</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![x]</td>
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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>![ ]</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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**Response:**

a): Less Than Significant Impact. Development of the site as proposed would result in short-term increases in noise associated with construction equipment that may exceed the City’s noise level standards. As these activities will be restricted to daytime hours and will be short-term in nature, the impact will be less than significant. Additionally, to reduce potential noise impacts to adjacent residential uses, construction activities must be scheduled between the hours of 7:00 am and 5:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday and Sunday. Sources: 4 & 6.

b), c), d): Less Than Significant Impact – The proposed project would not generate ground born vibrations or noises, nor would it result in a substantial increase in ambient noise levels above any development which occur that is compliant with the current zoning of R-1. Sources: 4 & 6.

e), f): No Impact. The project is located approximately 4 & 1/2 miles from the Porterville Municipal Airport. No additional private airstrips are located near this area. Therefore, people working or residing in this area will not be exposed to excessive noise levels. Sources: 4, & 6.
**XII. POPULATION AND HOUSING** -- Would the project:

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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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<td>☐</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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**Response:**

a), b), c): No Impact. Based on the historical growth pattern, it is expected that Porterville's population will continue to grow at about 3% annually. The project as proposed will not cause any substantial increase in local population projections. Infrastructure exists in Olivecrest Avenue and Putnam Avenue. The proposed project will facilitate development envisioned by the General Plan and will not induce substantial growth in this area. Further, the project as proposed will not require the removal of any existing housing. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection?  
- Police protection?  
- Schools?  
- Parks? See comments on the following page under recreation  
- Other public facilities?

Response:

*: No Impact - Fire Protection – The City of Porterville will provide fire protection services to the project site; adequate facilities are in place to provide fire services.

*: No Impact Police Protection – The city of Porterville will also provide protection services to the project site upon development.

*: Parks – SEE COMMENTS ON THE FOLLOWING PAGE UNDER RECREATION.

*: No Impact Other Facilities – Due to the small scale of the project, the demand for other facilities will not be required.

*: Less Than Significant Impact Schools - Due to the small scale of the project, it is anticipated that only a modest increase enrollment within the Porterville Unified School District will occur. The District’s student enrollment impacts will be compensated through development financing school impact fees.

Sources: 1, 2, 3, 5, 7 & 8.
XIV. RECREATION –

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

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

Response:

a), b): Less Than Significant Impact - The project does not include a park area to serve the future proposed residents that will inhabit the site once the single family units are built.

City parks and other recreation facilities will be sufficient to accommodate the recreational needs stemming from subsequent development of the site with development of Master Planned facilities. However, the following measures will ultimately be necessary to accommodate City growth in the aggregate as future development occurs.

In order to provide a park and recreation system to meet the needs of the public, the City has adopted a Parks and Recreation Element of the General Plan. The Element defines the adopted goals and policies that are currently in place and being utilized. The Element’s goals are:

1. Establish a system of parks and recreation facilities sufficiently diverse in design to effectively serve the needs and desires of all the citizens of Porterville.

2. Provide park and recreation facilities within close proximity to the residents they are designed to serve.

Upon development of the site, the potential of additional usage of parks may occur. As in all new construction, the impact fees required should offset any potential impacts; therefore it is considered to be less than significant. Sources: 5 & 8.
XV. TRANSPORTATION/TRAFFIC -- Would the project:

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<th>Potential Impact</th>
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<th>Less than Significant Mitigation Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
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<td>x</td>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<td></td>
<td>x</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<td>e) Result in inadequate emergency access?</td>
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<td>f) Result in inadequate parking capacity?</td>
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<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
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Response:

a), b): Less Than Significant - As discussed in IX Land Use and Planning of this report the proposed subdivision (10± acres) to be built in one (1) phase will have a density of 4.6 lots per acre. Development of the 46 lot single family residential subdivision is anticipated to result in additional daily trips. Porterville’s Circulation Element of the General Plan indicates that 9.55 daily trips would be generated per unit, for a total of 439.30 ADT.

Olivecrest Avenue (60-foot wide Local Street) intersects with Putnam Avenue to the north and curves to the southeast intersection with Olive Avenue (60-foot wide Local Street) located to the south.

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 foot wide) have the capacity of 12,500 ADT. It is not anticipated that the additional traffic generated by the proposed development should reduce the performance of the aforementioned streets/avenues since they have been designed to handle the additional traffic in this area. Therefore, the impact is less than significant. Sources: 1, 2, 34, & 35.

c) No Impact – The project will not have any affect on air traffic patterns. Sources 1 & 2.

d) No Impact – The project meets the standard and guidelines set forth by the City of Porterville. Sources 1 & 2.

e) No Impact – The project site has access for emergency service to the developed streets adjacent to the subject site. Sources 1 & 2
f) No Impact – Adequate parking will be provided in compliance with the City’s Zoning Ordinance and building code regulations that govern development of multiple family residential developments. Sources 1, 2, 12 & 18.

g) No Impact – The project will not conflict with any existing alternative transportation programs, plans or policies. Sources 1 & 2.
XVI. UTILITIES AND SERVICE SYSTEMS --
Would the project:

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</table>

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Response:

a), b), c), d), e): Less Than Significant Impact — An 8" sewer line exists in Olivecrest Avenue and an 8" sewer line exists in Putnam Avenue. In 1994, the Waste Water Treatment Plant increased its capacity from 4 million gallons per day to 8 million gallons per day. Current use is 4.6 million gallons per day. At this rate, sufficient capacity is available to handle a population of 71,300 (22 years at 2.5% growth per year). Additionally, the City of Porterville recently annexed 734 acres of farmland for the use of wastewater effluent reuse (including biosolids) spreading and irrigation of farmland with treated water. Therefore, the impact is less than significant.
An existing 18" storm drain line exists in Olivcrest Avenue. The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Periodic future increases in the amount of water that will be generated into the drainage system will, therefore, occur as the site ultimately develops with multiple family residential uses, due to the creation of many acres of impervious surfaces. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces.

Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Therefore, the impact is less than significant.

A 12" municipal water line exists in Olivcrest Avenue and a 6" water line exists in Putnam Avenue. Current water production capacity is 15,331 gpm. The current demand during the highest use month is approximately 14,000 gpm.

The City adopted an addendum EIR for the City’s Water Master Plan in February 2001. Based on the City’s adopted Water Master Plan, mitigation measures have been addressed.

Continued implementation of the adopted Sewer and Water Master Plans will insure adequate service as development occurs with the Urban Development Boundary. Therefore, the impact is less than significant.

f), g): Less Than Significant Impact – The City of Porterville disposes of its solid waste at the Teapot Dome Disposal Site, southwest of the City. The City has recently implemented a recycling program in which household garbage in pickup on one day, lawn and garden debris are picked up on another day and cardboard and papers are picked up on an additional day. The landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs for at least the next 15 years. Sources 28 & 35.
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE —

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<th>Potentially Significant Impact</th>
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<th>Less than Significant Impact</th>
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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

| ☐                              | ☐                                              | ☒                            | ☐         |

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**Response:**

a): **No Impact** — There are no know historical resources on the site. Sources 1 & 30.

b): **No impact** - No features of the project will result in a cumulatively significant impact. Development of the subject site is anticipated in the Land Use Element, Circulation Element and in the Water, Sewer, and Storm Water Master Plans. Appropriate infrastructure has been programmed to accommodate the incremental effects of the proposed development. Sources: 4 & 30.

c): **No impact** - The project would not result in any environmental effects adverse to humans. Development of the subject site will be required to comply with the Subdivision Ordinance, Zoning Ordinance and Development Standards of the City of Porterville which are designed to ensure compatible development and adequate protection to neighboring residents and uses. Sources: 4 & 30.
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Crestview Park LLC.
4225 Executive Suite 920
La Jolla, CA 92037

PROJECT TITLE: Crestview Park Tentative Subdivision Map

ADDRESS/LOCATION: Generally the north side of Grand Avenue between Prospect Street and State Highway 65.

PROJECT APPLICANT: Crestview Park LLC.

PROJECT DESCRIPTION: Crestview Park Tentative Subdivision Map proposes to divide a 10 ± acre vacant parcel zoned City R-1 (One Family Residential) into a 46 lot single family residential subdivision.

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

On December 26, 2007, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment described herein and has found that this project will have no significant impact on the environment for the following reasons:

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

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

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

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

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

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

Dated: December 26, 2007

Approved: ___

Bradley D. Dunlap, Environmental Coordinator

WordNegdecCRESTVIEWparkTSM

ATTACHMENT
ITEM NO. 5
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR CRESTVIEW PARK TENTATIVE
SUBDIVISION MAP FOR THAT 10± ACRE VACANT SITE
LOCATED GENERALLY ON THE SOUTHEAST CORNER OF PUTNAM AVENUE AND
OLIVECREST AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of February 19, 2008, conducted a public hearing to consider approval of Crestview Park
Tentative Subdivision Map, being a division of a 10± acre vacant parcel zoned City R-1 (One-
Family Zone) into an 46 lot single family residential subdivision to be developed in one (1) phase
for that site generally located at the southeast corner of Putnam Avenue and Olivecrest Avenue; and

WHEREAS: On December 26, 2007, the Environmental Coordinator made a
preliminary determination that a Mitigated Negative Declaration would be appropriate for the
proposed project; and

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

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

2. That the Mitigated Negative Declaration prepared for this project was made
available for public review and comment. The 20 day review period was from
December 28, 2007 to January 16, 2008. As of this date, no agencies have
responded.

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

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

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

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

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

6. As a condition of approval the applicant/agent shall sign a Mitigation Measure Compliance Agreement requiring compliance and implementation of environmental measures for the proposed project as defined in the City Council resolution approving the Mitigated Negative Declaration of Environmental Impact and as addressed in the Environmental Initial Study and (Mitigation Monitoring Plan Attachment “A”).

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration pursuant to Section 711.4 (c) (2) of the Fish and Game Code.

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

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

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
## Attachment A

### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<td><strong>Air Quality</strong></td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e. bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<td>III.b</td>
<td>Violate any air quality standard or contribute to an existing or projected air quality violation.</td>
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<td>III. d</td>
<td>Expose sensitive receptors to substantial pollutant concentrations.</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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| Air Quality III.b & III.d (continued) | b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.  
  c. One or more of the following means of dust control should be employed after the completion of earth grading operations:  
  i. Seeding and watering of new vegetation.  
  ii. Hydromulching or spreading of soil binders.  
  iii. Maintenance of the site's soil surface crust through repeated soakings.  
  2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and Nox emissions.  
  3. Limit engine idling at the project site.  
  4. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be |            |                    |

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<tr>
<td><strong>Air Quality</strong></td>
<td>implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
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<td>III.b &amp; III.d (continued)</td>
<td>5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
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<td>6. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
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<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>9. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to</td>
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| **Air Quality**  | 10. The following regulations of the San Joaquin Air Pollution District (Rule 4901-Wood Burning Fireplaces and Wood Burning Heaters) shall apply to this project:  
  a. In new residential developments with a density greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.  
  b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.  
  c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.  
  d. A new residential development is defined as any single or multiple family housing units, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed. | | |
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<tr>
<td>Hydrology &amp; Water Quality</td>
<td>The subject site is within the boundary of the Storm Water master Plan. Such patterns change incrementally as streets, gutters pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these aforementioned features are constructed. The installation of curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area. Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards.)</td>
<td>City of Porterville</td>
<td>City of Porterville</td>
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<tbody>
<tr>
<td>Hydrology &amp; Water Quality (continued)</td>
<td>The FIRM Flood Insurance Map 060407 0010 D, dated October 15, 1985, indicates that a portion of the site is located in Flood Zone A. Without a Base Flood Elevation per the FIRM Flood Insurance Map 060407 0010 D, the developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Department of Water Resources where applicable. The Base Flood Elevation will be required to be set prior to the approval of improvements plans, filing a final map or the issuance of any building permit. Compliance with the City Flood Hazard Reduction Ordinance, which requires elevation certificates or flood resistant construction for all buildings may or will be required.</td>
<td>City of Porterville</td>
<td>City of Porterville &amp; FEMA</td>
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</table>
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR CRESTVIEW PARK TENTATIVE SUBDIVISION MAP FOR THAT 10± ACRE VACANT SITE LOCATED GENERALLY ON THE SOUTHEAST CORNER OF PUTNAM AVENUE AND OLIVECREST AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 19, 2008, conducted a public hearing to consider approval of Crestview Park Tentative Subdivision Map, being a division of a 10± acre vacant parcel zoned City R-1 (One-Family Zone) into an 46 lot single family residential subdivision to be developed in one (1) phase for that site generally located at the southeast corner of Putnam Avenue and Olivecrest Avenue; and

WHEREAS: On December 26, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Project Review Committee on January 16, 2008, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

   The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.6 d.u./acre.

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

   The vacant site is triangular in shape. The north portion (widest point) of the site fronts on West Putnam Avenue. The south portion (narrowest point) fronts along the north side of Olivecrest Avenue. The site gently slopes south from Putnam Avenue to the south end of the subject site.

   The subject site contains highly expansive soils. Development in this area may be subject to significant stresses which must be addressed in design to prevent damage to public and private improvements. Therefore, no barriers to development will occur.
3. That the Mitigated Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

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

The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels.

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

The General Plan designates the site for Low Density Residential uses. The site has a developed subdivision to the north, and west, rural residential uses to the east and a cemetery to the south. 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.

The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

7. That Parcels 34 and 35 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 b of the Subdivision Ordinance.

8. Proposed Parcel 34 has a depth of 211 feet; proposed Parcel 35 has a depth of 226 feet. Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

“The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet.”

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council or Parcel Map Committee with respect to tentative parcel maps and tentative subdivision maps, respectfully as provided in Section 21.7 of this chapter can modify any of the requirements and regulations set forth in this chapter provided that the City Council makes the following findings with respect thereto:

a. That there are special circumstances or conditions affecting such property.
Response: Due to the shape of the entire site especially as it narrows on the southeast corner of the site and design of the subdivision no other configuration or design was feasible - to eliminate the excessive lot depths for Parcels 34 and 35, therefore, the exception to the lot depths was required.

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

Response: The modification is requested to allow the remaining portion of the property to be subdivided pursuant to City standards.

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

Response: The exception will allow Parcel 34 to have a lot depth of 31± feet more than the allowed maximum of 180 feet. Parcel 35 would have a lot depth of 46± feet more than the allowed maximum of 180 feet.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modifications will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth for Parcels 34 and 35 and double frontage lots for Lots 25 through 34) and is consistent with the density allowed by the General Plan.

WHEREAS: The City Council of the City of Porterville determined that there are special circumstances or conditions affecting said property that warrant consideration of a lot depth modification pursuant to Section 21-1.4, et seq. of the City Subdivision Ordinance; and

WHEREAS: That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

WHEREAS: That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated; and

WHEREAS: That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of the Subdivision Ordinance; and
WHEREAS: That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter; and

WHEREAS: As designed, Lots 25 through 34 are double frontage lots which front on Oak Court and Oak Avenue to the north and Olivecrest Avenue to the south. Section 21-7(d) of the Porterville Subdivision Ordinance states the following:

Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

WHEREAS: Due to the irregular shape of the site no other design was feasible to eliminate the double frontage lots. As a measure to reduce the impact of the double frontage lots, a six (6) foot high masonry block wall and landscaping along the Olivecrest Avenue frontage of the project will be required. Additionally, a condition of approval will require the developer/applicant to dedicate access rights to Olivecrest Avenue from any lots with frontage on Olivecrest Avenue (with the exception of Parcel 46). As a result of the unusual physical conditions, the deviation from this rule is justified and the exception to Subdivision Ordinance 21-7d is not required.

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

1. A minimum six (6) foot high block wall (a PCC or masonry fence with an articulated alignment) and landscaping along the Olivecrest Avenue frontage of the project will be required. Said area shall be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. 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 6-foot 9-inch wide maintenance easement including wall and landscape shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Olivecrest Avenue.

The wall(s) shall meet the following standards:

a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:

c. A minimum planting of six (6) feet in width to a minimum of 24 inch change of plane.

d. A minimum of an 18 inch change in height.

e. A section of semi-open fence, except where such a feature would interfere with required sound protection.

f. A change of material.
2. The developer/applicant shall dedicate access rights to Olivecrest Avenue for Lots 24 through 33 with frontage on Olivecrest Avenue.

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

4. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.


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

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

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

9. That the mitigation measures contained in the Mitigation Monitoring Program are incorporated herein as conditions of approval.

10. 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. At this time it is the opinion that access to Olivecrest Avenue, it is undesirable to allow access. At this time it is the opinion that access to Olivecrest Avenue will be restricted with the exception of Lot 46. The driveway(s) for this lot shall be design to provide for head in entrances to Olivecrest Avenue, such as a circular drive or hammer head driveway.
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:

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

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

c. Soils Reports in accordance with Chapter 18 of the California Building Code.

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 prior to recording the final map for each phase.

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. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development, if applicable.

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 coordinate this effort with the irrigation district and City of Porterville. The district shall specify appropriate size and material of piping shall be in accordance with current City Standards and policies. Scheduling of the pipe replacement shall be approved by the district.

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 frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

21. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

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

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

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

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

e. Lot corners are marked;

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

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. A storm drain line exists in Olivecrest Avenue sized in accordance with the City’s adopted Master Plan.

23. The developer/applicant shall dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

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

STREET CONDITIONS

25. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets. This condition would apply to Mill Court and the east Oak Avenue. The developer/applicant will be required to acquire rights from adjacent property owners to construct temporary turn-arounds and shall grant easement to the City of Porterville.

26. The developer/applicant shall construct a cul-de-sac at the east end of Oak Avenue to City Standards. The developer/applicant shall dedicate an easement for the future extension of Oak Avenue to the adjacent property. A 1-foot access limitation strip shall be clearly identified on the eastern easement line/subdivision boundary. Reversionary easements shall be clearly identified on the Final Map for the northern and southern portions of the cul-de-sac. The
northern portion of the cul-de-sac shall revert to Lot 34 and the southern portion of the cul-de-sac shall revert to Lot 35 should development of the eastern adjacent property trigger the Oak Court extension.

27. The developer/applicant shall construct a cul-de-sac at the west end of Mill Court to City Standards. The developer/applicant shall dedicate an easement for the future extension of Mill Court to the adjacent western property (Lot 11 and Lot 12). A 1-foot access limitation strip shall be clearly identified on the western easement line/subdivision boundary. Reversionary easements shall be clearly identified on the Final Map for the northern and southern portions of the cul-de-sac. The northern portion of the cul-de-sac shall revert to Lot 11 and the southern portion of the cul-de-sac shall revert to Lot 12 should the development of the western adjacent property trigger the extension of the Mill Court cul-de-sac.

28. The developer/applicant shall extend and improve Mill Avenue to the eastern boundary of the subdivision. A 1-foot access limitation strip shall be clearly identified on the Final Map between the eastern subdivision boundary and Mill Avenue right of way.

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

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

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

32. The developer/applicant shall provide a street centerline at intersections that are continuous, wherever practicable, or offset a minimum of 150 feet.

33. The developer/applicant shall install sidewalks per City Standards along all streets constructed within and around the proposed development.

34. The developer/applicant shall complete the street improvements along the south side of Putnam Avenue between Crestview Street and the westerly boundary of the subdivision, including the acquisition of right of way. The City will enforce is right of eminent domain if necessary to complete these improvements. The developer/applicant may inter into a payback agreement in accordance with Section 21-52 of the Municipal Code.

SEWER CONDITIONS

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

Nearest point of connection for this proposed subdivision is Olivecrest adjacent to the subdivision.
UTILITY CONDITIONS

36. 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).

37. 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.

38. The developer/applicant shall pay the cost to underground utilities serving the proposed development per Section 21-55 of the Subdivision Ordinance. Existing poles for overhead wires shall be relocated to avoid conflicts with the residential units and public improvements.

WATER CONDITIONS

39. 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.

40. 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.

FLOOD CONDITIONS

41. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Department of Water Resources where applicable. A portion of the proposed development is within a special flood hazard area. The area is designated as Zone A, without a Base Flood Elevation per FIRM Community Panel No. 060407 0010 D, October 15, 1985 therefore the following conditions are required: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood in compliance with Subsection 60.3 (b) (3) of the NFIP Regulations; (2) Once the base flood elevation data is determined, the developer/applicant shall apply and request for a FEMA Letter of Map Change. All final subdivision plans shall provide the elevation of proposed structures and pads shall be forwarded to FEMA and the local administrator, along with the MT-1 or MT-2 form requesting a CLOMA, CLOMR-F or CLOMR, whichever may apply. (3) Once approved by FEMA, the local administrator and Chief Building Inspector, residential building permits may be issued. Elevation Certificates for each residence shall be
certified by a Professional Engineer or Surveyor, illustrating the lowest floor elevation in
relation to the newly established base flood elevation for all structures within the special flood
hazard area. Elevation Certificates shall be submitted and approved by the local administrator
prior to the issuance of an Occupancy Permit. (4) The developer/applicant shall apply for a
revision to the NFIP map by completing the MT-1 or MT-2 form, requesting a LOMA,
LOMR-F or LOMR, whichever may apply.

SPECIAL CONDITIONS

42. 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.

43. The developer/applicant shall remove or relocate palm trees along the south side of Putnam
Avenue.

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

45. 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.

46. The project must comply with latest applicable codes.

47. When any portion of a 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.

48. 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. Additional hydrant
placement other than shown on proposed map shall be as follows; between lots 14-15, and on
the corner of lot 16.

49. 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.

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

51. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

53. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure. One and two family dwellings having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 psi residual pressure.

54. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.

55. The developer/applicant shall provide a note on the Final Map that addresses driveway design requirements for Lot 46. A hammerhead style driveway or acceptable alternative shall be constructed near the northern property line for safe vehicular access to and from Crestview Street. The design shall be approved by the City Engineer prior to the issuance of a Building permit.

56. The development of the site shall conform to the approved tentative map.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
 Patrice Hildreth, Acting Chief Deputy City Clerk
SUBJECT: CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In preparation for the development of the 2008 Community Development Block Grant (CDBG) Action Plan to be submitted to the Department of Housing and Urban Development (HUD) the following items are required: 1) the adoption of the 2008 Citizen Participation Plan and 2) the annual designation and appointment of a Citizens’ Advisory and Housing Opportunity Committee.

HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of citizens in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to Council’s adoption of the CDBG Action Plan. In 2000, the adopted Citizen Participation Plan incorporated numerous revisions to bring it into compliance with the Federal regulations. Since 2000, only minor revisions to update the information have been necessary and the same is being recommended for the 2008 Citizen Participation Plan. Revisions are highlighted in bold font in the attachment and consist entirely of changing scheduling dates (Attachment 1)

The 2007 Citizen Participation Plan adopted by the City Council established a committee of seven (7) members (this has been the number since the original Citizen Participation Plan was adopted in 1981). However, there have been two vacancies on the committee since last year. The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds are proposed.

The five members of the 2007 committee were contacted and all have expressed their willingness to serve as 2008 committee members:

Pat Contreras
John Dennis
Grace Munoz-Rios
Linda Olmedo
Rudy Roman

DD Approp./Funded CM

ITEM NO.32
In response to the recent press release informing the community of the two vacant positions, three persons, Theb Manivanh, Rebecca Vigil, and Dr. Janice Rice have submitted applications (Attachment 2) expressing their interest in serving on the committee. After reviewing the applications, staff is recommending that Theb Minivanh and Rebecca Vigil be appointed to the committee.

The 2008 Action Plan is in the process of being developed by staff in accordance with the Five Year Consolidated Plan (2005 - 2010) adopted by the City Council in May 2005.

The Citizens’ Advisory and Housing Opportunity Committee will meet in March to hold a Public Hearing on the proposed 2008 Action Plan. The Plan will then be available for a 30 day public comment period and will be taken to the City Council for final adoption in May.

RECOMMENDATION: That the City Council:

1. Adopt the 2008 Citizen Participation Plan; and

2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, and John Dennis and new committee members, Theb Manivanh and Rebecca Vigil to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

ATTACHMENTS: 1. Draft 2008 Citizen Participation Plan
2. Applications for Appointment to Committee
CITY OF PORTERVILLE

2008 CITIZEN PARTICIPATION PLAN

This Plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low and moderate income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens’ Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations for appointments prior to February 3. The Committee has been responsible for making recommendations on allocation of the City’s multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP) and other worthwhile projects under the CDBG Entitlement Cities and HOME Programs which have benefitted low and moderate income households within the City of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Underground Utility Connection Fund (merged in 2000 into one fund known as the Public Utilities Revolving Loan Fund), the First-Time Low-Income Home Buyer Program, and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, an inventory of Industrial Land Resources, the Low Income Residential Smoke Detector Installation Program, the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glennwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter, Sidewalk and Street Light Neighborhood Improvement Projects. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Three years ago, the Committee recommended the establishment of two new programs, the Murry Park Improvement Project and the Homebuyer Education Program.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities criteria. The City places particular emphasis on obtaining representation of low and moderate
income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens’ Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for citizen involvement include: The Citizens’ Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Mayor and/or Community Development Department, and input through staff conducted neighborhood surveys. The Community Development Department is located in City Hall, 291 N. Main Street, and the telephone number is (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan to determine what, if any, amendments may be in order to make the citizen participation plan more sensitive to local needs and to realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings will be held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal Regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, the predominate non-English language spoken in Porterville, at all public hearings.
Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing, or orally at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;

2) To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the consolidated plan; or

3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing, or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.
Citizen Participation Plan

The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Methods of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens’ Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City’s performance for the prior program year during the public hearings for consolidated plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens’ Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City’s efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the plan, the performance report, or the citizen participation plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville, CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to the Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. The Mayor shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1300 requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.
TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program’s design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by city staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens’ Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- Public notices of all public hearings will be published in the Porterville Recorder at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoken within the City.

- Notices will also be published in the Porterville Recorder to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall, 291 N. Main Street or at the City Library at 41 W. Thurman Avenue. A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.

- Orientation information will be provided at the first public hearing conducted by the Citizens’ Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings; the
role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.

- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the consolidated plan, environmental review record, the citizen participation plan, and the consolidated annual performance evaluation report. Other program documents are also available for citizen review on request at City Hall consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.
CITIZEN PARTICIPATION SCHEDULE 2008

Advisory Committee Meetings
Annually or as deemed necessary by Committee

Public Hearings
March - May 2008

Adoption of Action Plan
May 2008

Submission of Action Plan
May 2008 (to be determined by HUD)

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers at 7:00 p.m.

Citizens’ Advisory Committee Meetings and/or hearings, unless specified otherwise, will be held in the City Hall Conference Room at 5:30 p.m.
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: THEB MANIVANH

(Please Print)

Appointment to: Community Development Block Grant
Parks & Leisure
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1700 W. Westfield Ave
Porterville, CA 93257

Mailing Address: ________________________________

Name of Business: ________________________________

☐ Own  ☐ Operate

Business Address: ________________________________

Telephone: Home 417-9648 (cell)
Work 782-3910

FAX ________________________________
E-mail thebmanivanh@yahoo.com

City of Porterville resident: ☐ Yes  ☐ No
Registered Voter: ☐ Yes  ☐ No
Qualifications: __________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

☑ Resume attached
☑ Letter of request attached

Submitted By: Theb Manivanh 1-30-08

Date

Received by: Patricia Hildreth

Forwarded to: City Clerk  □  Date: ______________________________

City Council  □  Date: ______________________________

City Manager  □  Date: ______________________________

Applicable Dept  ✓  Date: 1/31/08

Tentative Council Mtg Date: ______________________________

Page 2 of 2
Patrice Hildreth  
City of Porterville  
291 N. Main St  
Porterville, CA 93257

Re: Boards and Commissions

Patrice Hildreth,

I am interested in joining the boards and commissions for the Community Development Block Grant (CDBG) and Parks and Leisure. I have a Masters in Public Administration from the University of Kansas and a Masters in Social Welfare from U.C Berkeley. I have numerous experiences working in the social services and public administration arena. I believe my experiences will be valuable in assisting these boards and commission in making appropriate recommendations that will impact the community.

But more importantly, as a resident of Porterville and as a father of two children, I would like to take part in creating a better community. I look forward to hearing from you regarding these exciting opportunities. Attached are the application and my resume, which will hopefully provide more detail, regarding my qualifications for the appointments.

Sincerely,

[Signature]

Theb Manivanh
THEB MANIVANH
1700 W. Westfield Ave
Porterville, Ca
Phone: 559-417-9648
E-mail: thebmanivanh@yahoo.com

OBJECTIVE: TO PROVIDE INNOVATIVE PROGRAM AND SERVICES

EDUCATION: Masters of Public Administration, University Of Kansas
Masters of Social Welfare, University of California-Berkeley
Bachelor of Science in Psychology, Brigham Young University

PROFESSIONAL EXPERIENCE

Clinical Social Worker
Tulare County Porterville, CA
2007 – Present

- Provide family, group and individual counseling for welfare to work clients and adults with persistent and severe mental health issues.
- Assist with counseling for clients with experiencing issues with alcohol and other drugs.
- Provide intake and needs based assessment. Planned and implement therapeutic activities.
- Worked on multi-disciplinary team, consisting of AOD Specialist, mental health therapists, psychiatrists, nurses and para-professionals etc.
- Collaborate with various community base organizations, adult justice system, and other governmental agencies.

Senior Services Department Manager
Immigrant and Refugee Community Organization (IRCO), Portland, OR
2005 – 2007

- Responsible for the day-to-day operation of senior services department consisting of 5 programs totaling approximately $700,000 of grants funded by the federal, state, county governments and private foundations.
- Provide supervision, evaluation, recruitment and professional development for approximately 17 full time, part time and on call staffs.
- Plan and implement diverse programs and activities that generates over 600 case management services, 2,000 request for information/assistance and over 50 different activities per month with over 2,000 English and Non-English speaking participants
- Collaborate with various governmental agencies, community organizations and businesses to provide efficient and effective services
- Recruit and negotiate contracts with professional individuals and private organizations
- Advocate for needs of seniors through community outreach, presentations to local businesses and to city/county/state government officials
- Provide monthly, quarterly and annual reports
Management Analyst
City of Riverside          Riverside, CA
City Manager's Office-Division of Management/Budget
2003 – 2005

- Coordinate in the development, implementation and monitoring of City’s annual operating budget totaling over $557 million in FY 0405 and $653 million in FY 0506
- Participate in the review, analyses and control of budget expenditures for departments such as fire, public works, development and city council
- Perform rate analysis and costs allocations as part of City's Labor Negotiation Team.
- Participate in strategic planning process and establishing performance measures
- Participate in research and analyses of activities regarding organizational structure, staffing, operations and policies
- Prepare and present reports to City Council, City Manager, Department Heads and community organizations
- Coordinate employee awards program, mobile home rental unit activities, city sponsorship program, and employee’s health and wellness program

Unlicensed Mental Health Clinician
Contra Costa County Mental Health          Richmond, CA
2001 – 2002

- Provided family, group and individual counseling in an Intensive Day Treatment Program for adults and seniors with persistent and severe mental health issues.
- Provided intake and needs based assessment. Planned and implement therapeutic activities.
- Provided case management services for English and Non-English speaking clients
- Coordinated and provided treatment for clients who are transitioning from children’s mental health.
- Worked on multi-disciplinary team, consisting of doctors, arts therapist, LCSW, para-professionals etc.
- Collaborated with various community organizations, juvenile and adult justice system, health and social service agencies.

Clinical Social Worker
Asian Pacific Psychological Services          Richmond, CA
2000 – 2001

- Provided family, group and individual counseling for children, families and older adults.
- Provided intake, assessments and case management services to youth with mental health, substance abuse, and other delinquent issues.
- Collaborated with schools, juvenile justice system, community base organizations, local government to assist and empower youth
- Worked with multi-disciplinary team in Juvenile Drug Court Program. (A collaborative between several non-profits, juvenile justice system, school districts and law enforcement to provide juvenile offenders with substance abuse issue a safe environment to relinquish their habits).
- Program planning, implementation and coordination of services in middle schools and high schools.
- Provided outreach services in the community, schools and juvenile justice system.
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks

Name:  

(Please Print)

Appointment to:  Community Development Block Grant
(City, Council, Board, Commission or Committee)

Citizens Advisory and Housing Opportunity Committee

☐ Reappointment, or IF NEW, please provide

Street Address:

450 W. Sqq Ave
Port. Ca 93257

Mailing Address

P.O. Box 511
Port. Ca 93258

Name of Business:

EL GRANITO FOUNDATION

☐ Own  ☐ Operate

Business Address:

383 W. DATE
Port. Ca 93257

Telephone:

Home (559) 756-3027

Work (559) 784-2788

FAX (559) 784-8140

E-mail dr.rice@att.net

City of Porterville resident:  ☐ Yes  ☐ No

Registered Voter:  ☐ Yes  ☐ No
Qualifications I am a resident of Port. I am a retired area. Low income - a women - minority group. I just turned 70. If that is considered elderly, I also consider disabled. SST - SR 350. I am a resident of area where use of funds are proposed. I've worked with the less fortunate for over 35 years. Secured health facilities for the poor. Personally carried papers to Sacramento to incorporate Port family health network. 35 years ago. My dream is to see that all homeless are housed in our city.

Resume attached
Letter of request attached

Submitted By: [Signature]
Date: 2-1-08

Received by: [Signature]

Forwarded to City Clerk: Date: 2/4/08
City Council: Date: 2/4/08
City Manager: Date: 2/4/08
Applicable Dept: Date: 2/4/08

Tentative Council Mtg Date: 2/4/08
Dr. Janice Rice

Education
Doctorate- Doctor of Divinity St. Stephens, Los Angeles 1980
Ministerial License- New Faith 1980
Ordination License- Second Baptist 1982
Ordained Elder Refuge Community Christian Church 1988

Professional experience
Founder, CEO, Executive Director of El Granito Foundation
Associate manager of Group Home 10 Years
Special Education assistant
Sunday School Teacher
Assistant Pastor Gospel Lighthouse 2 Years

Community activities
El Granito Foundation Supporting:
Farm Workers, College Students, S.S.I Recipients, Cal Worker Recipients, Low-Income Families, Prison outreach, Community Service Referral.

Objective
Obtain Funding for needed programs, and families while also providing many other services like: Court Advocacy, Marriage Counseling, Drug Diversion Program, Food, Clothing, Housing Referral and Energy assistance.

Interests and activities
12 Step Christian Program, Operation "HELP" (Homeless Emergency Response Project) Designed to aid homeless with assisted living.

Volunteer experience
Para House, Helping Hands, Porterville Gleaners, St. Anne's Catholic Church, Transition Houses, Trinity Second Chance Center, Gospel Lighthouse, C-Set.

Personal Summary
I was Born and Raised in Tulare County. My work brings me in close personal contact with the poor, minorities, youth and other people in the county. I am aware of the needs, because I work directly with people. I feel I am well qualified to be apart of the Community Development Block Group Advisory Committee. My interest is to help make decisions on block grants for the city I am willing to apply myself and extend any and all efforts necessary for the success of the Committee.

E-Mail: drjrice@att.net
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rebecca Vigil
(Please Print)

Appointment to: Community Development Block Grant Citizens' Advisory
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 721 E. Sutter Ave.

Mailing Address: 721 E. Sutter Ave.

Name of Business: ________________________________

☐ Own  ☐ Operate

Business Address: ________________________________

Telephone: Home 781-5917
Work 791-7029
FAX ____________________
E-mail beca12695@sbcglobal.net

City of Porterville resident: ☑ Yes ☐ No
Registered Voter: ☑ Yes ☐ No
Qualifications: **Please See Attached**

☑ Resume attached
☑ Letter of request attached

Submitted By: **Rebecca Vigil**  02/05/08  Date

Received by: **[Signature]**

Forwarded to: City Clerk  ☐ Date: ______________
                City Council  ☐ Date: ______________
                City Manager  ☐ Date: ______________
                Applicable Dept. ☑ Date: 2/6/08

Tentative Council Mtg Date: ____________________

Page 2 of 2
February 5, 2008

City Of Porterville

To whom it may concern:

Please find attach request for appointment and response to my interest for consideration to serve as part of the Community Development Block Grant Citizens' Advisory and Housing Opportunity Committee.

As I read article in our local paper and the description of what a member would be actively involved to decide on such meaningful programs that impact the citizens of our great community, it brought much excitement and enthusiasm to try to participate in such a committee.

I feel with my background and passion for the underserved and those in need of a chance to better their lives, I would like to have an opportunity to try and make a difference.

I was born in raised in Delano, California and moved to Porterville in 1981 and have made this my home in the last 27 years, and have tried to give back to the community for what it has done for me.

Porterville gave me a hard working single person a second chance to be able to buy a home with the first time buyers program and have lived in my home now for almost 11 years, never thinking I could ever afford to buy a home. This City had given me a dream come true. I thank you for your time and consideration.

Sincerely,

Rebecca Vigil (Becky)
Objective

To work with an organization that would allow me to apply my expertise and work ethic along with Team Orientated group working towards the organization mission, values and goals.

Experience

2002-present  Family HealthCare Network  Porterville, Ca

**Human Resources Generalist**
- Handle all aspects of Human Resources Supervisor Issues.
- Training & Development For All Supervisors
- Handled All Grievance Process & Committee
- Employee Relations
- HRIS / ADP Data Entry

1999 – 2002  Family HealthCare Network  Porterville, Ca

**Human Resources Assistant-promoted with in**
- Process New Hires
- New Hire Orientation
- Recruitment & Posting Positions

1991-1999  Family HealthCare Network  Porterville, Ca

**Referral Services Coordinator/ Supervisor-promoted with in**
- Coordinated Medical Referrals To Specialist
- Managed Referrals for 3 Sites
- Implemented & Coordinated In-House Utilization & Review

1990-1991  Tulare Co. Dept of Ed.  Visalia, Ca

**Youth Training Coordinator**
- Teenage Pregnancy Program.
- Thunder Bolt / Youth Offender Program
- Job Training / Job Placement / Pre-Employment Skills For Youth

1985-1990  Community Services & Employment  Visalia, Ca

**Trainer/Office Manger**
- Youth/ Adult Job Placement Coordinator
- Return To Work Program
- Developed Pre-Employment Skills For Adults & Youth
  Conducted 6 week Workshops & Class both at Continuations Schools

Education

- Cal State Bakersfield- Management of Human Resources Certification
- Bakersfield Jr. College – 30 units
- Delano Joint Union High School – Graduated
- Member of State & Local SHRM Chapter
- 1997 Leadership Porterville Alumni
CITY COUNCIL AGENDA: FEBRUARY 19, 2008

TITLE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY/ HESHAM MAKHLOUF – 700 S. PLANO STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Mr. Hesham Makhlouf, owner of the Plano Handy Market located at 700 South Plano Street, is requesting City Council approval of a Letter of Public Convenience or Necessity as required by the Alcoholic Beverage Control Board (ABC). This is required since the applicant is requesting an upgrade from a Type 20 off-sale of beer and wine license to a Type 21 off-sale of beer, wine and distilled spirits license.

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

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

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

The Plano Handy Market is within Census Tract No. 39.01 which currently has ten (10) off-sale licenses. Based on the Census Tract 39.01 population to license ratios, established by the Business and Professions Code, any license in excess of eight (8) constitutes an “undue concentration” and requires a Letter of Public Convenience or Necessity from the City Council. Census Tract 39.01 currently has eight (8) Type 20 off-sale beer and wine licenses and two (2) Type 21 off-sale beer, wine and distilled spirits licenses.
RECOMMENDATION: It is recommended that the City Council approve a letter (draft included as Attachment No. 5) supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 39.01 for the Plano Handy Market located at 700 South Plano Street.

ATTACHMENTS:

1. Letter of Request for City Council approval of a Letter of Convenience and Necessity
2. Locator Map
3. Census Tract 39.01 Map
4. Business and Professional Code Section 23958.4
5. Draft Letter
JANUARY 25 2008

TO:      CITY OF PORTERVILLE
ATT:     MR. JOSE ORTIZ
           P. O. CA 93258-0432

RE:      PUBLIC CONVENIENCE OR NECESSITY FOR
           PLANO HANDY MARKET
           700 S PLANO ST
           PORTERVILLE, CA  93257

In compliance with section 23958.4 of the California Business Code, please consider the following information in support of a finding of public convenience or necessity for the above referenced location.

Plano Handy Market will provide customers with an assortment of merchandise as well as very convenient operating hours. Alcoholic beverages sold by the store are for home consumption and are approximately 15-20% of total sales for this business. Plano Handy Market is located on 700 S Plano street Porterville, ca 93257. There are also several blocks of residence also located on the east side Plano. Being located of the east side allows patrons to walk to the store location without the need to cross the busy street to go to another store. We feel this is a very important safety factor for the location of this market.

In addition, this business is in need of this liquor license to enable it to be competitive with surrounding businesses that already have such a license and allow it to stay in business in the city.

Thank you for your consideration and assistance in this matter.

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

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

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

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

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

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.
February 20, 2008

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

Attention: Joyce Knodel

RE:   Plano Handy Market - 700 South Plano Street

Dear Ms. Knodel:

The City Council of the City of Porterville has voted to approve submittal of this letter regarding the public convenience or necessity to be served to allow for an upgrade from a Type 20 off-sale of beer and wine license to a Type 21 off-sale of beer, wine and distilled spirits license for the Plano Handy Market located at 700 South Plano Street.

The upgrade of the Type 20 off-sale beer and wine license to a type 21 off-sale beer, wine and distilled spirit license represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the mini mart are to be in small quantities in conjunction with the purchase of food and other supplies. Furthermore, there is an existing subdivision located to the east of the subject site. The store's proximity to the neighborhood allows patrons to walk to the store without the need to cross the busy four lane thoroughfare.

For these reasons, the City Council of the City of Porterville supports the issuance of the Type 21 off-sale license for beer, wine and distilled spirits for the Plano Handy Market, located at 700 South Plano Street.

Sincerely,

_______________________________
Cameron Hamilton, Mayor

BF:bf
SUBJECT: REQUEST FOR SPECIAL FIREWORKS PERMIT

SOURCE: FIRE DEPARTMENT

COMMENT: On May 1, 2001, the City Council did adopt Ordinance No. 1601 revising Chapter 12, Article II, Fireworks, to allow for the sale of Safe and Sane Fireworks within the City of Porterville. At the March 19, 2002 City Council meeting, Council determined that eligible non-profit organizations may be instrumental in presenting the public fireworks displays for the benefit of the community as a whole. The Exchange Club of Porterville guaranteed all proceeds from their fireworks sale would be used to conduct a public fireworks display at minimum cost to the public in exchange for a permit outside the regular lottery process.

The Exchange Club of Porterville has a long history of supporting and conducting the 4th of July fireworks show at Jamison Stadium. The Exchange Club of Porterville has secured Jamison Stadium for this year's public fireworks show and is again requesting the issuance of a special fireworks permit for Calendar Year 2008.

RECOMMENDATION: That the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2008, give First Reading to the draft ordinance, and order it to print.

ATTACHMENT: 1 - Draft Ordinance
              2 - Letter from Bill Graves, Board Member Exchange Club of Porterville
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE

Whereas, on May 1, 2001, the City Council did adopt Ordinance No. 1601 revising Chapter 12, Article II, Fireworks, to allow for the sale of Safe and Sane Fireworks within the City of Porterville; and

Whereas, The City Council has determined that eligible non-profit organizations may be instrumental in presenting the public fireworks displays for the benefit of the community as a whole; and

Whereas, the City Council has determined that for Calendar Year 2008 the Exchange Club of Porterville shall be granted a permit without participation in the lottery;

THEREFORE THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES

ORDAIN AS FOLLOWS:

Section 1. For Calendar Year 2008, the following eligible organization shall be granted a permit to sell safe and sane fireworks, in addition to those permits issued by the lottery pursuant to Section 12.2.5., within the City of Porterville:

The Exchange Club of Porterville

This organization must adhere to all other rules and requirements set forth in Chapter 12, Article II, in order to receive their permit.

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

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
December 10, 2007

Fire Chief Mario Garcia
40 West Cleveland
Porterville, CA 93257

Dear Chief Garcia:

The Exchange Club of Porterville is requesting that the City of Porterville give us a special permit to have a booth to sell safe and sane fireworks according to City Ordinance 12.2.4.1.

The Exchange Club of Porterville agrees to comply with all rules and regulations pursuant to Chapter 12.

All proceeds from the sale of the fireworks will go towards the expenses in producing the annual fireworks show at Jamison Stadium on July 4, 2008.

Please call me if you have any questions: 539-0715.

Very truly yours

Bill Graves
Fireworks Program Chairman
Board Member
SUBJECT: REVIEW OF THE SEWER CONNECTION POLICY

SOURCE: Public Works Department - Engineering Division

COMMENT: A City Council member asked that the Council consider Mr. Federico Ramos’ request that the City waive the sewer connection requirement and allow the installation of a septic tank at 917 S. Wisconsin Street. Mr. Ramos’ letter to the Council is attached.

Mr. Ramos recently purchased a one-acre site at 917 S. Wisconsin Street. The area was annexed to the City in April 2006. Mr. Ramos intends to construct the family home at this location. When Mr. Ramos asked for building permit information, he learned of the City’s 1320’ sewer extension connection requirement. In short, City policy requires property owners to extend and connect to the City’s sewer system as a condition of a building permit. This requirement is valid for properties that lie within 1,320’ of a City sewer main.

In Mr. Ramos’ case, the nearest sewer main is approximately 1,100’ from his property. A quick analysis suggests that it will cost approximately $75,000 to extend an 8” sewer main to Mr. Ramos’ property. Staff made it clear that it (staff) lacked the authority to waive the connection requirement, which prompted Mr. Ramos to meet with the City Manager.

Mr. Ramos was informed that to connect or not to connect is a City Council matter. There are a number of options that the City Council can consider. Three options are described in the City Manager’s January 4, 2008 paper to the Council and said paper is also attached. A quick summary of the options are as follows:

1. Allow the installation of a septic tank.

2. City pays for the extension of the sewer main to Mr. Ramos’ property line.

3. Seek bond funds to pay for water and sewer main extensions where the need appears greatest.

Regarding the first option, it appears that the City of Porterville has the most restrictive requirements among the larger Tulare County cities. There may be room for further discussion but, as of this report, the current policy prohibits septic tanks when a sewer main is within 1320’ of property. It should be noted that lessening the distance by ½ or more will probably still be a financial burden to most homeowners.
Regarding the 2\textsuperscript{nd} option, there have been many requests ahead of Mr. Ramos for this same service. The City does not currently have a program nor has it budgeted funds to extend sewer mains into areas where interest in connecting to City sewer is limited.

Regarding the 3\textsuperscript{rd} option, Council recently directed staff to initiate an economic analysis to determine how much debt the City can carry in the form of COP bonds. A component of the COP bonds is 2 million dollars to augment the Water & Sewer Revolving fund for the specific purpose of extending water and sewer to locations that currently lack these amenities. The time frame on this option may or may not be of any help to Mr. Ramos.

RECOMENDATION: That the City Council:

1. Deny Mr. Ramos' request for a waiver from the City's Sewer Connection policy and;

2. Re-affirm the City's current policy that prohibits the installation of septic tanks if a sewer main is within 1320' of a specific property.

ATTACHMENTS: City Option Paper
F. Ramos Letter
Staff Letter to F. Ramos
MEMORANDUM

TO: Honorable Mayor & Councilmembers
   Cc: John Lollis, Baldo Rodriguez, Brad Dunlap

FROM: John Longley, City Manager

DATE: 1/4/2008

RE: Request for Consideration by City Council

Attached is a memorandum from Federico Ramos regarding connecting his lot at 917 S Wisconsin Street to the City sewer. He would prefer to install a septic tank which is not permitted by City ordinance and potentially Regional Board policy.

Unless requested by a member of the City Council, the matter will not be placed on the Agenda. Mr. Rodriguez’s letter defines City policy on the issue.

The options, as I understand them are:

Allow the septic tank to be installed: This would be inconsistent with City policy which requires all lots within 1,320 feet of a sewer to connect. A temporary reduction was permitted for newly annexed areas, but this has expired. Allowing additional septic tanks to be installed would probably degrade the groundwater and would diminish the ability of the City to develop municipal services within the community. It is difficult for owners to connect, but the result can be seen throughout the City where the quality of the community has been improved and maintained for decades.

The City pay $75,000 or $80,000 for the line extension: This would be a benefit to a single property owner by all of the sewer customers. We regularly receive requests to either install a septic tank or repair one, so it should be expected that this policy could result in very large expenditures (possibly in the millions of dollars) to cover the cost of line extensions throughout the City.
The City borrow monies to be placed in a fund to serve line extensions. Public Works should define the potential cost of this, but it is expected that it could well exceed $5,000,000. The concept, which exists in code, would be to borrow the money, pay the debt service in the amount of $400,000 per year from Sewer Fund monies and allow line extensions with the monies. Those connecting would repay the cost of the extension as an aspect of the sewer fee or connection charges, and these monies would go into the Fund. Though the City Code provides for a Sewer Line Extension Revolving Fund, this has not been pursued because of the financial impact on the sewer fund and also because it has not formulated as a priority project at this point.

If you wish this matter placed on the Agenda please call me. I would recommend that it not be considered for the meeting of 15 January, but instead 5 February, if any member of the Council wishes to consider it.
December 26, 2007

Honorable Mayor and Council Members
291 N. Main Street
Porterville, CA 93257

Honorable Mayor and Council Members:

I am writing with the hope that you can help me in my efforts to construct my new home at 917 S. Wisconsin St. A few months ago, I purchased a vacant lot at 917 S. Wisconsin St with the hope of building a new home for me and my family. When I went to City Hall for a septic tank installation permit, I was informed that the City has a policy requiring property owners to connect to the City’s sewer system if the City’s sewer main is within 1,320’ of the property. In my case, the nearest sewer main is 1,100’.

The engineer at City Hall estimated the cost to extend the sewer main at about $75,000. This cost does not include the City’s “sewer connection” fees which are in the neighborhood of about $4,000. The cost to extend the sewer main is more than I paid for my one acre parcel. Please believe me when I say that I cannot afford to extend the sewer main and still build my house.

I respectfully ask that my situation be considered at your earliest council meeting and that the sewer main extension requirement be waived. It is my hope that you will agree that extending the sewer main 1,100’ is excessive and that I be allowed to secure a septic tank installation permit from the City. Your positive review and action on this matter is greatly appreciated.

Sincerely,

Fedencio Ramos

Fedencio Ramos
December 19, 2007

Federico Ramos
PO Box 10414
Terra Bella, CA 93270

Subject: Request For A septic Tank Installation Permit.

Dear Mr. Ramos:

This letter is in response to your letter of December 17, 2007 requesting a waiver to the City’s sewer extension policy. I field reviewed the location of your new property (917 S. Wisconsin St) and confirmed that the City’s nearest sewer main is at Montgomery Ave. and Indiana St. The distance is as you stated approximately 1,100’

Please be aware that the Public Works Director does not have the authority to change, dismiss or otherwise ignore City policies. Resolution 9853 adopted by the City in 1983 stipulates that a property must be in excess of 1,320’ from an existing City sewer main before a septic tank can be installed. I understand your frustration and sympathize with your situation but unfortunately, your request that the City waive the sewer connection condition and allow you to install a septic tank cannot be granted.

In closing, you have the right to appeal my decision but, your appeal must be addressed to the City Council. After receiving your request for an appeal, a Council member must request that your appeal be placed on the Council agenda for discussion and consideration. Please call this office if you need information to assist in the appeal process.

Sincerely,

[Signature]
Baldomero Rodriguez, P.E.
Public Works Director

Cc: John Longley
P:PW/Misc Stuff/Federico Ramos
SUBJECT: CONSIDER PERMANENT MONUMENT IN MURRY PARK

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: In accordance with City Policy Resolution No. 04-2008 an application for a permanent monument has been submitted for a location within Murry Park. The matter was referred to the Parks & Leisure Services Commission for review and recommendation.

Mr. Patrick Greene is requesting to install a 12-inch by 8-inch engraved granite slab to be placed in concrete with the finished surface set flush with the existing ground surface. The requested location is westerly of the golf course fence within Murry Park and to the south of the Municipal Swimming Pool. Staff supports the request and suggests a precise location of 55-feet west of the golf course fence and 2-feet north of the southerly park boundary fence. The applicant has indicated in one communication that a location of the City’s choosing would be acceptable.

The Parks & Leisure Commission has taken action to recommend to the City Council that the location of the monument should be within the Rails to Trails, and that the monument should conform to the standard Tree Donation Program plaques and tree planting. The Commission discussed their strong desire to promote and support completion of the remaining tree plantings within the Rails to Trails. A letter from the Commission Chair addressing the Commission recommendation is attached.

The Commission also has requested that the City Council further consider Policy Resolution No. 04-2008 to specify that the City has the final approval of location and may limit the time following City approval in which the completion of installation is to be accomplished.

RECOMMENDATION: That the City Council consider the application; and
1. Take under advisement the recommendations and concerns of the Parks & Leisure Services Commission; and
2. Approve installation of the specified permanent monument at staff’s recommended location within Murry Park; and
3. Specify that the Council’s action of approval requires completion of the monument installation within one year, unless a time extension is requested and granted.

ATTACHMENTS: Application communications
Letter from Commission Chair Ruiz
Policy Resolution No. 04-2008

ITEM NO.: 36
January 29, 2008

To: Mr. Jim Perrine Director
    Porterville Parks and Leisure Dept.
Also: Porterville City Council
Subject: Application for permanent memorial
From: Patrick Greene

Dear Mr. Perrine and City Council:

This is my formal application for the installation of a permanent memorial, to be placed in Murry Park. I would like the memorial to be placed 25 feet from the cross. In this location it will not be in the general public picnic area of the park.

The memorial will be 12 inches long, 8 inches wide, and 3 inches deep. It will have a cement border. The color will be light grey, with dark letters. The words on the memorial will read: TO MY BELOVED WIFE KAREN GREENE: ANIMAL LOVER, ATHEIST, LOVER OF PORTERVILLE-SHE WILL LIVE IN MY HEART FOREVER.

I promise that the item will be designed and installed to remain permanently affixed to withstand changing weather conditions; I also accept all responsibility for costs related to the item's installation and maintenance.

Sincerely,

Patrick Greene
2430 NW Military Hwy #1909
San Antonio, Texas 78231
210-913-5138
peewee_91762@yahoo.com
From: Greene Patrick [mailto:peewee_91762@yahoo.com]
Sent: Wednesday, January 30, 2008 12:04 AM
To: Mgr Office
Cc: cjhamilton@sbcglobal.net
Subject: addition to previous letter for request for memorial to my wife

January 30, 2008

To: Jim Perrin Manager Porterville Parks and Leisure And Mayor Hamilton and City Council
Subject: Letter of request for memorial, January 29, 2008
From: Patrick Greene

To all concerned:

I would like to add this sentence to my previous letter, which gave all the information regarding my request for a memorial to my wife:

"If the Porterville City Council, and the Parks and Leisure Department decide that the requested location of my wife's memorial (25 feet from the cross in Murry Park) is not permissible, then another location of their choosing will be acceptable."

Thank you,

Patrick Greene
2430 NW Military Hwy #1909
San Antonio, Texas 78231
210-913-5138
peewee_91762@yahoo.com
Jim Perrine

From: Greene Patrick [peewee_91762@yahoo.com]
Sent: Thursday, January 31, 2008 11:34 AM
To: Jim Perrine
Cc: Mgr Office
Subject: Why I would like memorial in Porterville

You may be wondering why I would like the memorial in Porterville. I would have eventually run for city council.
My wife and I loved Porterville. If it had not been for the fact that the un-employment rate was 23% we would still be living there. My wife loved to take walks in the mornings, and she hated to leave Porterville.
And, here is the reason why I wish the memorial to read ..................
My wife loves and respects animals very much. We are currently feeding 4 stray cats.
My wife has been an atheist longer than I have been. She is extremely proud of this fact.
We have been married for 30 years, and she is still the most intelligent, educated, compassionate, and moral person I have ever known.
Patrick Greene

----- Original Message -----
From: Jim Perrine <perrine@ci.porterville.ca.us>
To: peewee_91762@yahoo.com
Sent: Wednesday, January 30, 2008 7:36:54 PM
Subject: Permanent Memorial Request

Mr. Greene,
I am in receipt of your letter making application for a permanent memorial to be located in Murry Park. I am also in receipt of your email adding that you would be open to the consideration of another location if such is deemed appropriate by the City.
I am requesting through this email that you provide further clarification on the information you have provided thus far.

- Please clarify your reference to 25-feet from the cross, does that mean adjacent to the fence 25-feet north of the cross?
- Please clarify if this memorial is proposed to be installed at the ground surface or at a specific height above the existing ground surface.
- Please clarify the reference to the memorial being light grey in color and with a cement border. In other communication you have indicated a desire for "metal" and "nailed to the ground". If the memorial item is to be metal, would that be plain steel painted light grey, or another type of metal such as bronze, copper-steel, stainless-steel? If there is to be a coating or paint applied, will it be factory applied epoxy enamel or something else? How large of a cement border do you have in mind and will it extend above the ground surface?
- Please clarify the reference to "dark letters". Are these to be engraved, etched, painted, etc.?

Such further information will allow for a more complete understanding of the memorial and thereby will assist with having the matter considered more timely. Please give this some thought and help refine the description. Again, if pictures or drawings of similar memorials can be provided they may greatly assist in the needed clarification.

Thank you,
Jim Perrine

1/31/2008
January 31, 2008

Dear Mr. Jim Perrine
Director Porterville Parks and Leisure Dept.
Also Mayor Hamilton and City Council

* Dear Mr. Perrine,

* Here are the answers to your questions:
  * Please clarify your reference to 25-feet from the cross, does that mean adjacent to the fence 25-feet north of the cross?
  * I was thinking of having the memorial 25 feet East of the Cross. If that is not permissible by the city, then
  * I am open to any other location you deem proper.

* Please clarify if this memorial is proposed to be installed at the ground surface or at a specific height above the existing ground surface.
  * Please contact Porterville Monument Works/ 503 N. Sunnyside/Porterville/784-6009. I contacted them for the manufacture of the memorial. They supplied me with the dimensions, and other detailed information. You can confirm with them all the information I supplied in my letter.

*
* Please clarify the reference to the memorial being light grey in color and with a cement border. In other communication you have indicated a desire for "metal" and "nailed to the ground". If the memorial item is to be metal, would that be plain steel painted light grey, or another type of metal such as bronze, copper-steel, stainless-steel? If there is to be a coating or paint applied, will it be factory applied epoxy enamel or something else? How large of a cement border do you have in mind and will it extend above the ground surface?
  * I decided against metal, and being nailed to the ground, due to the huge cost.

* Please clarify the reference to "dark letters". Are these to be engraved, etched, painted, etc.?
  * This information can also be obtained from Porterville Monument Works at 784-6009.
  * If any additional information, do not hesitate to contact me.

* I am faxing you more needed information, for your clarification.

Patrick Greene
February 5, 2008

To: Porterville Parks and Leisure Commission:

Joe Ruiz, Chairperson
Tom O’Sullivan, Vice Chairperson
Cathy Capone, Commission Member
George Luna, Commission Member

Chris Edwards, Commission Member
Greg Shelton, Commission Member
Charles Webber, Commission Member
Donald Beardsley, Commission Member

Dear Members,

Item #7 on your agenda for your February 7th meeting is the memorial to my wife. I wanted to take this opportunity to tell you a little bit about Karen, so you can know something about the person you are voting for.

I am aware that you probably have never encountered anyone who wished to have a memorial to a loved one, if the loved one was not deceased. After all, the memorial is a gravesite marker. I wanted to impress upon you the importance of this memorial to me.

My wife and I married 12 days after we met. I placed an advertisement in the personnel column of the classified ads, of the newspaper in Pomona, California, to meet someone. Karen was one of 7 women who responded to the ad. After we were married 12 years I had a star named after her, from the International Star Registry.

No matter what actions I took against the cross in Murry Park, I have always put family first. I have never had children, so my wife comes first in my life, always. I have been planning a memorial to her, while she is still alive to appreciate it, for many years.

My wife has the most respect for animals, and her fellow human beings, than any other person I have ever met. That is why I proposed to her 3 days after I met her. Many people we have met, who have experienced her kindness and generosity, have been many times surprised after discovering that she has been an atheist since she was 16 years old. Then they realize that non-belief in a supreme being does not automatically mean that you are bad.

If any of you met my wife, and spent just 10 minutes with her, would find a friend who would help you in times of need, more than any other.

I just wanted to take this opportunity to tell you about Karen, before you make your final decision on the memorial. A vote in favor of the memorial, is a vote for a woman who is a devoted wife, and an exceptional human being.

Thank you very much

Patrick Greene

P.S. We have been married 30 years
February 13, 2008

Mayor Hamilton and
Members of Porterville City Council
291 N. Main Street
Porterville, Ca. 93257

Subject: Permanent Monument Request in Murry Park

The Porterville Parks & Leisure Services Commission has considered the request of Mr. Patrick Greene for the installation of a permanent monument within Murry Park. The Commission recommends that the City Council direct and encourage the applicant to participate in the City’s established Tree Donation Program instead of placing a monument within Murry Park.

The Commission has been advocating for the completion of the tree planting within the Rails to Trails project and has initiated the current efforts of the Tree Donation Program to accomplish this goal. The Commission took note that the applicant expressed an acceptance to a location of the City’s choosing other than the one specified in Murry Park. We believe that the requested monument would be more appropriately accomplished through the Tree Donation Program and thereby maintain consistency with the Commission’s current goal.

There were expressions of concerns by the Commission that the requested monument may interfere with the aesthetics of Murry Park and future usability of this current open space for other park purposes. The Commission expressed these sentiments without prejudice to the monument content or the applicant.

The Commission took additional action to request the City Council further consider Policy Resolution No. 04-2008. We feel that the Council should clarify that the City has the final approval of location and may limit the time following City approval in which the completion of installation is to be accomplished.

Sincerely,

Joe Ruiz, Chair
Porterville Parks & Leisure Services Commission

Attachment: Tree Donation Program Form
CITY OF PORTERVILLE
Parks & Leisure Services Department
291 N Main Street, Porterville CA 93257
559-782-7536 / 559-782-7519

TREE DONATION FORM

Name of Donor _____________________________
Address of Donor ___________________________ Phone ____________________
Park / Site Name ____________________________
Number of Trees ___________________________ Variety ______________________
Plaque (Optional) [ ] YES, as indicated below [ ] NO
Inscription: Donated by ____________________________
or: In Memory of ____________________________

- A $100 fee is required per tree with plaque, $90 fee per tree without plaque.
- Plaques will be placed on or near donated tree(s) by the Parks Division.
- Donor will be contacted by the Parks Division for the time of planting. Please allow 3 to 4 weeks for planting.
- All planting requests to be viewed and approved by the Parks Superintendent and the Director of Parks and Leisure Services.
- All trees must be of the City of Porterville, Parks and Leisure Services approved tree list and site specific.

I, the undersigned, do agree to the above conditions provided by the City of Porterville, Parks and Leisure Services.

______________________________  __________________________
Applicant’s Signature  Date

* * * * * * * * * * * * * * FOR OFFICE USE ONLY * * * * * * * * * * *
Application is hereby:  Granted [ ]  Denied [ ]
Comments:

______________________________  __________________________
Parks Superintendent  Date

______________________________  __________________________
Parks & Leisure Services Director  Date
RESOLUTION NO. 04—2008

A POLICY OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE GOVERNING
PLACEMENT OF MEMORIALS AND MONUMENTS IN CITY PARKS

WHEREAS, the City has a long and unbroken history of the display of monuments and
memorials in the City’s parks that reflect the history and heritage of our community, state, or
country;

WHEREAS, there is a limited amount of property within the City parks suitable for
memorials and monuments;

WHEREAS, there are aesthetic issues surrounding the placement of permanent objects in
the City’s public parks and other public areas;

WHEREAS, permanent structures such as monuments and memorials decrease the
available open space and the visual perception of open space; and

WHEREAS, the City wishes to insure that placement of permanent objects on public
property does not create a safety hazard or interfere with the intended use of the property.

Therefore, the City of Porterville adopts the following policy regarding placement of
monuments and memorials in City parks as follows:

I. Process for Placement of Monuments and Memorials in City Parks

a. Prior to any monuments or memorials being placed in City parks, they must
first be approved by the City Council;

b. Application for placement or offers of donation shall be made in writing to the
City Council;

c. A written application, in a form to be developed by appropriate city staff, shall
contain the name, address, and phone number of the applicant; a detailed
description of the proposed memorial or monument, including its dimensions,
along with any available photographs, drawings, artist’s renderings, etc.; and a
detailed description of the desired location for placement;

d. An incomplete application shall not be considered;

e. Using the factors listed below, upon receiving a complete application, the
application shall first be considered by the City’s Parks and Leisure Services
Commission for consideration and any recommendations by the Commission
consistent with the provisions of this Policy. The Commission shall conduct its review and make any recommendations for the City Council's consideration within 30 days of receipt of a complete application.

f. The City Council shall review the application along with any recommendations from the Parks and Leisure Services Commission, and make a final determination in its normal course of business, within 30 days after the review by the Commission, as to whether the item shall be accepted and where the item shall be placed.

II. Criteria for Placement

A monument or memorial must meet the following criteria before being accepted for placement on property within the City parks:

a. The item must be adequately designed, fabricated of suitable material (such as but not limited to copper, steel, stone or granite), and erected with properly designed foundations and mounting connections to remain permanently affixed in a location and withstand changing weather conditions.

b. The item must not create any safety hazards or interfere with the intended use of the public property;

c. No aspect of the item is obscene, defamatory, or communicates fighting words, as defined by law.

d. In no event shall the City refuse to allow the placement of a monument or memorial because of the content or viewpoint the item expresses;

e. The applicant shall be responsible for all costs related to the item's installation and maintenance.

III. Additional Considerations for Placement Location

a. If the item meets the above-listed criteria, then the Council shall consider the proposed location of the item and evaluate the aesthetics of the proposed placement, the effect the proposed placement will have on the remaining open space on the public property, any safety issues, and any other visual or practical effects of locating the item on the proposed site;
b. Items shall not be placed within 25 feet of existing monuments or memorials.

IV. Additional Provisions

a. Approval of a monument or memorial for placement on public property does not constitute the City's endorsement or agreement with any message communicated by the monument;

b. This Resolution shall take effect immediately and shall affect only the parks and other public property within the City of Porterville.

[Signature]
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

[Signature]
By: Patrice Hildreth, Acting Chief Deputy
SUBJECT: INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 2nd fiscal quarter ended December 31, 2007, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports and grants summary report as presented.

ATTACHMENTS: Interim financial reports
Grants summary report

CITY OF PORTERVILLE

REVENUE STATUS REPORT - GENERAL FUND
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2007 AND DECEMBER 31, 2006

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## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - ALL OTHER FUNDS

**FOR THE SIX MONTHS ENDED**

**DECEMBER 31, 2007 AND DECEMBER 31, 2006**

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<td>238.1%</td>
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<tr>
<td>ZALUD ESTATE</td>
<td>5,000</td>
<td>2,780</td>
<td>55.6%</td>
<td>4,000</td>
<td>3,445</td>
<td>86.1%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>3,317,295</td>
<td>1,879,253</td>
<td>56.7%</td>
<td>2,929,707</td>
<td>381,877</td>
<td>13.0%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>4,461,508</td>
<td>1,721,185</td>
<td>38.6%</td>
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<td>177,623</td>
<td>6.4%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>302,000</td>
<td>112,697</td>
<td>37.3%</td>
<td>385,707</td>
<td>142,856</td>
<td>37.0%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>6,539,881</td>
<td>3,338,633</td>
<td>51.1%</td>
<td>6,195,165</td>
<td>3,082,319</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>5,158,418</td>
<td>2,579,115</td>
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<td>5,036,164</td>
<td>2,421,158</td>
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<tr>
<td>AIRPORT OPERATIONS</td>
<td>1,094,450</td>
<td>816,742</td>
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<td>53.8%</td>
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<tr>
<td>GOLF COURSE</td>
<td>322,532</td>
<td>145,292</td>
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<td>312,430</td>
<td>160,778</td>
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<tr>
<td>WATER OPERATING</td>
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<td>3,621,850</td>
<td>2,163,996</td>
<td>59.7%</td>
<td>3,565,759</td>
<td>1,925,889</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,047,168</td>
<td>1,133,214</td>
<td>55.4%</td>
<td>1,893,444</td>
<td>794,901</td>
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</tr>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>194,000</td>
<td>81,907</td>
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<td>162,000</td>
<td>97,722</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>714,362</td>
<td>211,955</td>
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<td>490,162</td>
<td>242,699</td>
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<td>SOLID WASTE RESERVE</td>
<td>250</td>
<td>22,596</td>
<td>9038.4%</td>
<td>16,607</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>400,400</td>
<td>112,337</td>
<td>28.1%</td>
<td>265,000</td>
<td>126,362</td>
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<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>902,000</td>
<td>1,022,332</td>
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<td>305,000</td>
<td>263,597</td>
<td>86.4%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>118,500</td>
<td>46,609</td>
<td>39.3%</td>
<td>144,500</td>
<td>80,805</td>
<td>55.9%</td>
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<td>TREATMENT PLANT RESERVE</td>
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<td>441,953</td>
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<td>985,000</td>
<td>593,886</td>
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<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>417,800</td>
<td>197,314</td>
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<td>265,000</td>
<td>156,772</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>24,507</td>
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<td>50,000</td>
<td>25,265</td>
<td>50.5%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td>$46,047,884</td>
<td>$22,410,341</td>
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<td>$42,897,700</td>
<td>$16,658,090</td>
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</table>
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2007 AND DECEMBER 31, 2006

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>CITY COUNCIL</td>
<td>$173,491</td>
<td>$90,412</td>
<td>52.1%</td>
<td>$195,867</td>
<td>$54,331</td>
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<td>COMMUNITY PROMOTION</td>
<td>234,665</td>
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<td>214,765</td>
<td>126,289</td>
<td>58.8%</td>
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<td>ADMINISTRATIVE &amp; LEGAL:</td>
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<tr>
<td>CITY MANAGER</td>
<td>272,916</td>
<td>130,164</td>
<td>47.7%</td>
<td>263,434</td>
<td>129,200</td>
<td>49.0%</td>
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<td>CITY CLERK</td>
<td>195,023</td>
<td>99,452</td>
<td>51.0%</td>
<td>182,163</td>
<td>87,954</td>
<td>48.3%</td>
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<tr>
<td>HUMAN RESOURCES</td>
<td>259,585</td>
<td>89,158</td>
<td>34.3%</td>
<td>242,032</td>
<td>132,525</td>
<td>54.8%</td>
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<tr>
<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>95,259</td>
<td>47.4%</td>
<td>256,679</td>
<td>67,568</td>
<td>26.3%</td>
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<td>FINANCE:</td>
<td></td>
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<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>686,328</td>
<td>281,523</td>
<td>41.0%</td>
<td>684,482</td>
<td>249,556</td>
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<td>INFORMATION SERVICES</td>
<td>340,641</td>
<td>157,450</td>
<td>46.2%</td>
<td>329,837</td>
<td>151,842</td>
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</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>385,162</td>
<td>193,658</td>
<td>50.3%</td>
<td>393,973</td>
<td>185,721</td>
<td>47.1%</td>
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<tr>
<td>POLICE PROTECTION</td>
<td>7,492,607</td>
<td>3,544,795</td>
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<td>6,933,060</td>
<td>3,242,225</td>
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<tr>
<td>FIRE PROTECTION</td>
<td>3,602,801</td>
<td>1,542,951</td>
<td>42.8%</td>
<td>3,381,080</td>
<td>1,613,352</td>
<td>47.7%</td>
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<tr>
<td>COMMUNITY DEVELOPMENT:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>405,398</td>
<td>221,164</td>
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<td>393,354</td>
<td>170,704</td>
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</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
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<td>94,914</td>
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<td>104,364</td>
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<td>PUBLIC WORKS:</td>
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<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>887,770</td>
<td>369,110</td>
<td>41.6%</td>
<td>775,584</td>
<td>372,542</td>
<td>48.0%</td>
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<tr>
<td>STREET MAINTENANCE</td>
<td>404,058</td>
<td>206,680</td>
<td>51.2%</td>
<td>399,143</td>
<td>180,534</td>
<td>45.2%</td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>362,606</td>
<td>168,449</td>
<td>46.5%</td>
<td>336,781</td>
<td>179,765</td>
<td>53.4%</td>
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<tr>
<td>STREET LIGHTING</td>
<td>384,222</td>
<td>162,014</td>
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<td>308,798</td>
<td>137,804</td>
<td>44.6%</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>119,146</td>
<td>22,349</td>
<td>18.8%</td>
<td>117,699</td>
<td>25,248</td>
<td>21.5%</td>
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<td>PARKING LOTS</td>
<td>38,537</td>
<td>22,088</td>
<td>57.3%</td>
<td>37,390</td>
<td>22,695</td>
<td>60.7%</td>
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<td>PARKS &amp; LEISURE:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENACE &amp; OPERATION</td>
<td>1,752,668</td>
<td>765,158</td>
<td>43.7%</td>
<td>1,621,544</td>
<td>747,801</td>
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<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>223,750</td>
<td>83,716</td>
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<td>153,000</td>
<td>96,290</td>
<td>62.9%</td>
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<td>COMMUNITY CENTERS</td>
<td>243,765</td>
<td>107,844</td>
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<td>291,845</td>
<td>116,035</td>
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<tr>
<td>LEISURE SERVICES</td>
<td>240,396</td>
<td>112,406</td>
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<td>243,536</td>
<td>64,783</td>
<td>26.6%</td>
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<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>963,480</td>
<td>419,607</td>
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<td>828,700</td>
<td>404,236</td>
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<td>SWIMMING POOL</td>
<td>151,268</td>
<td>93,763</td>
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<td>144,247</td>
<td>82,502</td>
<td>57.2%</td>
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<td>LIBRARY OPERATIONS</td>
<td>613,254</td>
<td>326,052</td>
<td>53.2%</td>
<td>586,548</td>
<td>281,307</td>
<td>48.0%</td>
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<tr>
<td>SPECIAL PROJECTS</td>
<td>60,000</td>
<td>11,351</td>
<td>18.9%</td>
<td>79,312</td>
<td>14,465</td>
<td>18.2%</td>
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<tr>
<td>SUB TOTALS</td>
<td>$20,903,443</td>
<td>$9,518,313</td>
<td>45.5%</td>
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<td>$9,041,638</td>
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<tr>
<td>DEBT SERVICE</td>
<td>1,831,296</td>
<td>915,648</td>
<td>50.0%</td>
<td>2,310,000</td>
<td>1,155,000</td>
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<tr>
<td></td>
<td>$22,734,739</td>
<td>$10,433,961</td>
<td>45.9%</td>
<td>$21,933,155</td>
<td>$10,196,638</td>
<td>46.5%</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-------------------</td>
<td>------------------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$ 2,003,050</td>
<td>$ 639,114</td>
<td>31.9%</td>
<td>$ 1,372,006</td>
<td>$ 462,439</td>
<td>33.7%</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>808,080</td>
<td>454,788</td>
<td>56.3%</td>
<td>661,860</td>
<td>431,939</td>
<td>65.3%</td>
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<tr>
<td>ZALUD ESTATE</td>
<td>28,480</td>
<td>13,720</td>
<td>48.2%</td>
<td>28,123</td>
<td>12,605</td>
<td>44.8%</td>
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<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>480,489</td>
<td>70,544</td>
<td>14.7%</td>
<td>274,941</td>
<td>85,545</td>
<td>31.1%</td>
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<tr>
<td>TRANSIT</td>
<td>3,566,206</td>
<td>2,386,605</td>
<td>66.9%</td>
<td>2,316,781</td>
<td>741,380</td>
<td>32.0%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>355,782</td>
<td>212,736</td>
<td>59.8%</td>
<td>401,547</td>
<td>118,888</td>
<td>29.6%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,787,837</td>
<td>2,532,213</td>
<td>43.8%</td>
<td>5,501,280</td>
<td>2,583,230</td>
<td>47.0%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,010,353</td>
<td>2,445,833</td>
<td>48.8%</td>
<td>4,757,157</td>
<td>2,343,662</td>
<td>49.3%</td>
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<tr>
<td>AIRPORT</td>
<td>1,460,108</td>
<td>664,312</td>
<td>45.5%</td>
<td>1,010,344</td>
<td>491,214</td>
<td>48.6%</td>
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<tr>
<td>GOLF COURSE</td>
<td>381,532</td>
<td>175,850</td>
<td>46.1%</td>
<td>372,241</td>
<td>188,843</td>
<td>50.7%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,709,385</td>
<td>2,048,629</td>
<td>43.5%</td>
<td>4,266,791</td>
<td>2,176,950</td>
<td>51.0%</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>3,621,850</td>
<td>1,900,826</td>
<td>52.5%</td>
<td>3,565,759</td>
<td>1,521,795</td>
<td>42.7%</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,026,013</td>
<td>1,018,934</td>
<td>50.3%</td>
<td>1,891,707</td>
<td>822,934</td>
<td>43.5%</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>197,379</td>
<td>69,199</td>
<td>35.1%</td>
<td>203,207</td>
<td>57,767</td>
<td>28.4%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 30,436,544</strong></td>
<td><strong>$ 14,632,303</strong></td>
<td><strong>48.1%</strong></td>
<td><strong>$ 26,623,744</strong></td>
<td><strong>$ 12,039,191</strong></td>
<td><strong>45.2%</strong></td>
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CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Six Months Ended December 31, 2007 and December 31, 2006

<table>
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<tr>
<th>FUND</th>
<th>12/31/2007 NET PROFIT (LOSS)</th>
<th>12/31/2006 NET PROFIT (LOSS)</th>
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<tr>
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<td>REVENUES &amp; TRANSFERS IN</td>
<td>EXPENSES &amp; TRANSFERS OUT</td>
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<td>Zalud Estate</td>
<td>$2,780</td>
<td>$(13,720)</td>
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<tr>
<td>Sewer Operating</td>
<td>3,338,633</td>
<td>(2,637,071)</td>
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<tr>
<td>Solid Waste</td>
<td>2,579,115</td>
<td>(2,445,833)</td>
</tr>
<tr>
<td>Airport</td>
<td>878,563</td>
<td>(671,478)</td>
</tr>
<tr>
<td>Golf</td>
<td>174,790</td>
<td>(175,850)</td>
</tr>
<tr>
<td>Water Operating</td>
<td>2,966,946</td>
<td>(2,048,629)</td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
### CITY OF PORTERVILLE
**INTERIM PERFORMANCE REPORT - MEASURE H**
For the Six Months Ended December 31, 2007

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tr>
<td><strong>REVENUES</strong></td>
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<td><strong>EXPENDITURES</strong></td>
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</tr>
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<td>Police Department</td>
<td>326,541</td>
</tr>
<tr>
<td>Fire Department</td>
<td>216,296</td>
</tr>
<tr>
<td>Library &amp; Literacy</td>
<td>96,277</td>
</tr>
<tr>
<td>Capital Outlay</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
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<tr>
<td><strong>REVENUE OVER/(UNDER) EXPENDITURES</strong></td>
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<td></td>
<td>$683,432</td>
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<tr>
<td>Grant/Subsidized Loan Description</td>
<td>City Point-of-Contact</td>
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<tr>
<td>--------------------------------------------------</td>
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<tr>
<td><strong>COMMUNITY DEVELOPMENT DEPARTMENT:</strong></td>
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<td>2007 CDBG entitlement allocation</td>
<td>B. Durap</td>
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<tr>
<td>2006 CDBG entitlement allocation</td>
<td>B. Durap</td>
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<tr>
<td>2005 CDBG entitlement allocation</td>
<td>B. Durap</td>
</tr>
<tr>
<td>2005 CDBG entitlement allocation</td>
<td>B. Durap</td>
</tr>
<tr>
<td>2005 HOME grant - FTHS and HRLP</td>
<td>B. Durap</td>
</tr>
<tr>
<td>2005 HOME - Project - Sequoia Village</td>
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SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

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

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 38

SUBJECT: STATUS REPORT OF PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

SOURCE: Administrative Services Department

COMMENT: For the past two years, the City has been in consideration of entering into an infrastructure and operational enhancement project with Johnson Controls that would be implemented at City facilities, and would include Outdoor Lighting Retrofits (including Street, Safety, and Recreational Parks), Indoor Lighting Retrofits and HVAC Retrofits/Control Improvements at City facilities, and Renewable Energy Supplemental Power Systems. A business case for the project has been provided by Johnson Controls, which reflects that the project would provide the City with expected annual water and energy savings of at least $85,000 based on current base levels of energy and water use, which when combined with anticipated annual maintenance cost avoidance measures, total City savings is forecasted to be at least $125,000 annually.

Johnson Controls proposes this project on the basis of performance contracting, whereby the project would be self-funding through experienced savings that would exceed the project cost (including financing interest, but not an annual service contract if elected). Johnson Controls has defined the project cost at $1,613,234, which according to the Johnson Controls business case provides a simple payback from savings at 13.21 years.

Staff continues to engage Johnson Controls representatives concerning project definitions as requested by City Council (i.e. Internal Rate of Return), as well potential financing options should the project be pursued. Also being considered is the prospect of the City undertaking its own energy program. It remains important to note that should the City not proceed with the proposed project, and if the Council determines that Johnson Controls has met the terms of the Project Development Agreement, then in good faith the City would need to remit the amount of $62,000 to Johnson Controls for their expenses in designing the project.

RECOMMENDATION: Information only.

ATTACHMENTS: Johnson Controls Project Summary Project Development Agreement

Dir. Appropriated/Funded "M" C/M Item No. 39
Citywide Infrastructure and Operational Improvements

Project Summary

Prepared for:
Porterville City Council
and City Staff

Submitted by:
Ralph Tyrell
Local Government Solutions
Johnson Controls, Inc

Submitted: 12 February 2008
Introduction

The City of Porterville is faced with the ongoing challenge of shrinking budgets, increased costs and expectations of its employees and residents for a best-in-class city. Increased energy and operational costs combined with aging equipment and facilities have forced the City make trade-offs between cost of operations and quality of service. Last year, the City paid out over $2 million in utility, maintenance, and inventory costs.

In May 2005, the City identified and initiated an innovative approach to upgrade its facilities, obtaining needed equipment and improving employee comfort: Performance Contracting.

*Performance Contracting* treats capital improvements as investments as follows:

1) Current Energy and Operational Costs are identified through utility bills, occupancy studies, maintenance records, and benchmarks (usage history of similar buildings or equipment).

2) A model is created to identify measures that would reduce waste and deliver the best value (maximize efficiency).

3) Savings are identified, guaranteed, and ensured over time through predetermined and mutually agreed upon measurements (Measurement and Verification).

\[
\text{Savings} = (\text{Current Cost} - \text{Proposed Cost})
\]

The City of Porterville’s strategy for Citywide Infrastructure and Operational Improvements addresses six business objectives:

- combat increasing and volatile energy costs
- renew aged infrastructure/facilities
- improve employee comfort
- demonstrate fiscal responsibility
- conserve energy and other resources
- improve operational efficiency over time

The City believes that all of these objectives can be addressed through this project. To this end the City of Porterville entered into a Project Development Agreement with Johnson Controls, Inc, in 2006.

Since that time, Johnson Controls, Inc. has met for discussions and workshops with the City of Porterville, the City Manager and key individuals on the City team. On 17 July
2007, Johnson Controls delivered a proposal, and on 18 September 2007, JCI presented the proposal a second time with additional information.

Business Case Summary

[Except as revised below, the business case remains unchanged from 18 September 2007]. The business case summary which follows highlights the expected benefits and costs to the City of Porterville that would result from implementing measures to upgrade or improve Lighting, Heating Ventilation and Air Conditioning (HVAC), Water Conservation and Windows. The City is considering these measures to combat increasing energy costs, renew aged infrastructure/facilities, improve employee comfort, demonstrate fiscal responsibility, conserve energy and other resources, and improve operational efficiency over time.

Inefficient facilities, equipment and operations, present opportunities for energy and operational savings or waste always exist. Johnson Controls collaborated with the Portville City team to identify and monetize (apply a dollar value) the before improvement and after improvement cost difference or cost savings.

Capital expenditures do not create cash for the City. Performance contracting is no exception. Rather, it allows the City and Johnson Controls to 1) assign a dollar value to cost savings measures (FIMs or ESM), and 2) “earmark” these cost savings. These savings, their measurement, and the guarantee are the key components of our Performance Contract. This project includes the following Cost Savings Measures and Improvements:

- Energy Efficient Lighting upgrades
- Energy Efficient Heating Ventilation and Air Conditioning upgrades
- Water Conservation measures
- Energy Efficient Windows

The Scope of this Project included the City’s Annual Utility Costs of about $1.8 million dollars, to include General Services Building (18%), Pumps (68%), Traffic Signals (1%) and Street Lights (12%). During the Project Development, at the City’s direction, the Pumps were removed from the Scope. Johnson Controls was able to identify over $80 thousand of annual energy cost savings in the remaining area, a 15% reduction in wasted dollars.

Provided is a project cost of $1,613,234 (reflects price increase over 18 September 2008); based on known utility, inventory and maintenance costs, and based on the experience of Johnson Control and commonly accepted practices and protocols, we project a net gain of $459,406 over 15 years (after covering total costs of $2.4 million, assuming a 15-year service agreement). This represents an expected 15 year ROI
(return on investment) of more than 8%, an IRR of 7% and a simple payback of about 13.21 years. The exact financial metrics will depend on the rate and structure of financing that the City obtains and the level, if any, of post-installation service that the City chooses.
PROJECT DEVELOPMENT AGREEMENT

BETWEEN

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

AND

Johnson Controls, Inc.
12393 Slauson Ave.
Whittier, CA 90606

The purpose of this Project Development Agreement (PDA) is to confirm the intent of Johnson Controls, Inc. and the City of Porterville (Customer) to develop a City-wide Energy Retrofit/Revenue Enhancement Performance Contracting Program. This agreement serves as the basis for the PDA scope, the obligations of parties, the financial metrics to be met, the intended outcomes and timeline.

1. Scope of Work

   It is the Parties’ mutual understanding that this Project Development Agreement will:

   • Provide for the development of Facility improvements at all of the Customer's facilities that will fund themselves out of energy and operational savings and/or projected revenue increases over a period not to exceed 15 years.
     Attachment 1 includes a preliminary list of those improvements that will be developed.

   • Provide a final financial Project pro forma wherein Johnson Controls will deliver the following results using mutually agreed upon economic assumptions from this assessment.

     Required Financial Criteria:
     A. Financing provided to support full capital requirements
     B. As a base option, the Project Developed under this agreement will pay for itself in 15-years with annual savings greater than or equal to $110,000 per year.
     C. Procurement and financing consistent with requirements of Government Code 4217

2. Guarantee

   Johnson Controls, Inc. will guarantee units of energy saved. Johnson Controls and the City of Porterville will mutually agree upon the base cost per utility and whether to apply an annual escalation factor over the term of the contract. If there is an energy savings shortfall, subject to the Customer's instruction, Johnson Controls will offer a variety of options: install additional measures equal to the shortfall amount, upgrade existing measures, write a check to the customer, or provide services-in-kind for the mutually agreed upon shortfall amount.

3. Records and Data

   During the Study, Customer will furnish to Johnson Controls, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. Johnson Controls will provide a separate document with the required information and Customer shall make every effort to provide that information within seven (7) work days of request.

4. Preparation of Implementation Contract

   Along with the other Scope of Work required under this Agreement, Johnson Controls will develop the framework of the subsequent Implementation Agreement. This Agreement shall be co-developed by Johnson Controls and Customer during the PDA. This document will vary dependant on the Customer desired structure, but where possible shall be standardized Johnson Controls document for most expeditious delivery.

This document is proprietary and confidential to Johnson Controls, Inc.
5. Price and Payment Terms

In consideration of engineering services, Customer agrees to pay to Johnson Controls the sum of $62,000 within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. However, Customer will have no obligation to pay this amount if:

1. Johnson Controls and the Customer enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. Costs for the Study will be transferred to the total cost of the implementation Contract and will be subject to the payment terms outlined in the Contract.
2. The project fails to meet the Financial Criteria as described in Section 1.

6. Indemnity

Johnson Controls and the Customer agree that Johnson Controls shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of Johnson Controls. Johnson Controls and the Customer agree that the Customer shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of the Customer. To the extent permitted by law, Johnson Controls and the Customer agree to indemnify and to hold each other, including their officers, agents, directors, and employees, harmless from all claims, demands, or suits of any kind, including all legal costs and attorney's fees, resulting from the intentional misconduct of their employees or any negligent act or omission by their employees or agents. Neither Johnson Controls nor the Customer will be responsible to the other for any special, indirect, or consequential damages.

7. Confidentiality

To the extent allowed by law, this agreement creates a confidential relationship between Johnson Controls and the Customer. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development; and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. Johnson Controls may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

8. Timeline

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA): 09/01/06
- Johnson Controls completes Project Development, and provides firm costs and savings: 11/01/06
- Finalize Agreements and begin Implementation: 02/01/07
- Anticipated Completion and System Operation initiated: Approximately 12 to 18 months from actual implementation

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

JOHNSON CONTROLS, INC.

By: CLAUDIO ANDRETTA
Signature: [Signature]
Title: REGIONAL SOLUTIONS MGR
Date: 08.29.06

CITY OF PORTERVILLE

By: Cameron Hamilton
Signature: [Signature]
Title: Mayor
Date: August 17, 2006
This Project Development Agreement will provide a detailed analysis to include Preliminary Design Engineering and Guaranteed Savings / Revenue Enhancement Strategies, for the following seven (7) improvement measures as identified in the preliminary analysis presented on May 22, 2006, and others as may be identified in the detailed analysis:

Base Option:

1. Waste Treatment Plant -
   Scope of Work:
   • Retrofit selected existing lighting systems.
   • Performance monitoring and reporting.

2. Water Pumping Stations-
   Scope of Work:
   • Design and Engineering
   • Supply and install all lighting systems
   • Commissioning of all systems
   • Performance monitoring and reporting

3. Street, Safety, and Recreational Park Lighting Retrofit-
   Scope of Work:
   • Implement leading technology for Street lighting offering significant savings
   • Implement leading technology for Park lighting offering significant savings

4. Indoor Lighting Retrofit-
   Scope of Work:
   • Replacement of all existing T12 fluorescent fixtures with T8 lighting
   • Magnetic ballasts will be replaced with electronic units
   • Installation of compact fluorescent lamps
   • Installation of occupancy sensors where applicable

5. HVAC Retrofits Improvements-
   Scope of Work:
   • Design and Engineering
   • Supply and install all lighting systems.
   • Commissioning of all systems.
   • Performance monitoring and reporting.
6. HVAC Controls Enhancements-

   **Scope of Work:**
   - Provide and install new DDC controls
   - Provide two classes of training for two people as selected by owner, to be conducted at the Johnson Controls Training Institute in Cypress, CA.
   - Provide all required startup, testing, checkout, commissioning for a complete and proper operational system. Provide on-site training for engineering staff on systems and controls.

7. Renewable Energy Supplemental Power Systems

   **Scope of Work:**
   - Develop self generation capabilities for the City to include Photovoltaic (Solar) capabilities.
SUBJECT: REFUNDING REDEVELOPMENT AGENCY 2002 TAX ALLOCATION REFUNDING BONDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the February 12, 2008 adjourned meeting of the Porterville City Council, the Council authorized staff to bring to the Porterville Redevelopment Agency information regarding refinancing of the 2002 Tax Allocation Refunding Bonds. Due to the reduced interest rates for tax exempt bonds, refinancing at this time would provide the Agency with an infusion of cash to be utilized for projects within the Project Area. It is envisioned that the proceeds from this refinancing will be directed to the Porterville Hotel and Simpson Housing (replacement of a portion of the housing units lost with the Porterville Hotel) Projects.

Since 2002, the Redevelopment Agency has realized an increase in the incremental assessed valuation of property within Project Area No. 1 of 34.6%. As such, the Bonds would be in a favorable position for refinancing. John Fitzgerald, Managing Director of Fitzgerald Public Finance, a division of Wulff, Hansen & Co., has provided staff with refunding alternatives as follows:

1. Receive annual savings of $36,814, keep the same maturity date of 2022.

2. Take savings upfront ($403,000), keep the same maturity date of 2022, and maintain the current annual debt service for the bonds.

3. Take savings upfront ($2,638,000), extend the maturity date to 2037, and maintain the current annual debt service for the bonds.

The figures shown above are preliminary and are anticipated to change somewhat relative to rates available at the time of bond funding.

Staff is recommending Alternative 3, which would result in approximately $2.6 million in refinanced money that could be used for the Porterville Hotel and Simpson Housing projects. Approximately 80% could be directed to the Porterville Hotel and 20% to the replacement housing project. Under any of the alternatives, the bond refinancing would not result in an increase in annual debt service, but would extend the life of the bond issuance maturity from 2022 to 2037. In addition, refinancing the debt would have a neutral effect on future debt whether the project
area is enlarged or maintained at its current size. Additionally, the original issuance and the 2002 refunding were non-rated. At this time, the Agency’s refunding is expected to qualify for bond insurance and AAA rating. Prior to obtaining insurance on the Bond issue, a fiscal analysis of the Redevelopment Project Area No. 1 will need to be prepared. Staff is anticipating using the successful financial consultant from the current selection process which will be presented to the Council for approval at the March 4, 2008 City Council meeting.

If the Agency Board wishes to take this opportunity to refinance the tax allocation bonds for Project Area No. 1, it would be appropriate at this time to appoint the financing team and authorize the Chairman, Executive Director, Secretary and Treasurer to sign all appropriate documents. By adopting the resolutions, the process for issuing the proposed Tax Allocation Bonds can begin. All agreements will specifically provide that no fees or expenses are due to either bond counsel or disclosure counsel, or underwriter, unless bonds are sold, and all such fees and expenses are to be paid out of bond proceeds only. If bonds are not sold, nothing is due to bond counsel or disclosure counsel, or to the underwriter. Furthermore, Fee Agreements for bond counsel, disclosure counsel, and the underwriter shall be submitted for consideration and approval by the Board at a later date.

RECOMMENDATION: That the Redevelopment Agency:

1. Adopt a resolution appointing the firm of Raymond Haight, Attorney at Law, to serve as bond counsel for the proposed bond issue; and

2. Adopt a resolution appointing the firm of Raymond Haight, Attorney at Law to serve as disclosure counsel for the proposed bond issue; and

3. Adopt a resolution appointing the firm of Wulff, Hansen, & Company as underwriter for the proposed bond issue; and

4. Authorize the Chairman, Executive Director, Secretary, and Treasurer to sign all documents necessary to achieve the refunding.

Attachments: 1) Draft Resolution of Intention to Authorize the Issuance of Tax Allocation Bonds
2) Draft Resolution Appointing Bond Counsel and Disclosure Counsel, and an Underwriter for Issuance of Tax Allocation Bonds
REDEVELOPMENT AGENCY OF THE CITY OF PORTERVILLE

RESOLUTION NO. PRA 2008-__

A RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF PORTERVILLE OF INTENT TO AUTHORIZ
THE ISSUANCE OF THE AGENCY’S TAX ALLOCATION BONDS
FOR THE PURPOSE OF REFUNDING THE AGENCY’S EXISTING BOND
DEBT TO PROVIDE FUNDS FOR CERTAIN CAPITAL IMPROVEMENTS

(2008 TAX ALLOCATION REFUNDING AND CAPITAL IMPROVEMENT
BONDS: REDEVELOPMENT PROJECT AREA NO. 1)

WHEREAS, the Redevelopment Agency of the City of Porterville (the "Agency") is a public body, corporate and politic, duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Community Redevelopment Law (Part 1 of Division 24 [commencing with Section 33000] of the Health and Safety Code of the State of California), and the powers of the Agency include the power to issue bonds or notes for any of its corporate purposes; and

WHEREAS, initially the City Council of the City of Porterville adopted a redevelopment plan for the project area known as the "Porterville Redevelopment Project Area No. 1," which was originally approved and adopted by Ordinance No. 1436, effective on July 3, 1990; and

WHEREAS, the Agency previously issued its 2002 Tax Allocation Refunding Bonds, dated February 1, 2002 (the "2002 Bonds"), in the original principal amount of $6,100,000, the proceeds of which were utilized, among other things, to advance refund the previously issued $6,185,000 Porterville Public Financing Authority 1992 Revenue Bonds, Series A (Porterville Redevelopment Project Area No. 1); and the Agency is desirous, among other things, of refunding the remaining unpaid principal balance of the 2002 Bonds, together with any interest and/or premium that may be due thereon, as well as to provide funds for certain capital improvements to be effected within Redevelopment Project Area No. 1; and

WHEREAS, for the corporate purposes of the Agency, the Agency does hereby declare its intention to refund the aforesaid 2002 Bonds and provide funds for certain capital improvements beneficial to the Redevelopment Project Area No. 1, establish a reserve fund and pay costs of issuance in connection with the bonds, as hereinbelow set forth;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED by the Board of Directors of the Redevelopment Agency of the City of Porterville, as follows:

Section 1. The Agency Board does hereby declare that it is its intention to cause the issuance of Tax Allocation Bonds ("Tax Allocation Bonds") by the Agency to provide funds for effecting certain capital improvements beneficial to the Redevelopment Project Area No. 1. The par amount of the Tax Allocation Bonds will be determined at a later date.
Section 2. The Agency intends to sell the Bonds to the Porterville Public Financing Authority for the purchase price and upon the terms set forth in a Bond Purchase Contract to be approved at a later date.

Section 3. That the public interest and necessity demand the refunding and capital improvements contemplated herein.

Section 4. That no costs are incurred by the Agency in this effort unless the 2002 Tax Allocation Bonds are refunded.

Section 5. That Fee Agreements for Bond Counsel, Disclosure Counsel, and Underwriter shall be submitted to the Agency Board for approval either prior to, or in conjunction with, approval to fund the 2008 Tax Allocation Bonds.

Section 6. This resolution shall take effect immediately upon its adoption.

__________________________
Cameron Hamilton, Chairman

ATTEST:

__________________________
John Longley, Secretary

(SEAL)
CERTIFICATE OF THE SECRETARY TO THE BOARD

I, the undersigned Secretary to the Board of Directors of the Redevelopment Agency of the City of Porterville, do hereby certify that the foregoing resolution was adopted by the Board of Directors of the Redevelopment Agency of the City of Porterville, at a regular meeting thereof on the 19th day of February 2008 by a majority of the members voting thereon, a quorum being present; and that the aforesaid resolution is a true and correct copy of said original thereof on file in my office.


________________________________________________
John Longley, Secretary to the Board
REDEVELOPMENT AGENCY OF THE CITY OF PORTERVILLE

RESOLUTION NO. PRA 2008-__

A RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF PORTERVILLE APPOINTING
BOND COUNSEL, DISCLOSURE COUNSEL, AND UNDERWRITER FOR
ISSUANCE OF TAX ALLOCATION BONDS TO REFUND THE AGENCY'S
2002 TAX ALLOCATION REFUNDING BONDS AND TO PROVIDE FUNDS TO
EFFECT CERTAIN CAPITAL IMPROVEMENTS BENEFICIAL TO
REDEVELOPMENT PROJECT AREA NO. 1

(2008 TAX ALLOCATION REFUNDING AND CAPITAL IMPROVEMENT
BONDS: REDEVELOPMENT PROJECT AREA NO. 1)

RESOLVED, by the Board of Directors ("Board") of the Redevelopment Agency of
the City of Porterville ("Agency") that:

WHEREAS, the public interest and general welfare will be served by appointing
and employing bond counsel and disclosure counsel, and an underwriter for the conduct of
proceedings in connection with the issuance of Tax Allocation bonds, the proceeds of which
will be used, for the purpose of refunding the remaining outstanding principal amount, together
with any interest and premium due thereon, of those certain Porterville Redevelopment Project
Area No. 1, 2002 Tax Allocation Bonds (the "2002 Bonds"), dated February 1, 2002, and
issued in the original principal amount of $6,100,000, to provide funds for effecting certain
capital improvements beneficial to the Redevelopment Project Area No. 1, to establish a
reserve fund, and to pay costs of issuance in connection therewith; and

WHEREAS, the Agency is desirous of appointing and employing bond counsel,
disclosure counsel, and an underwriter;

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

1. That Raymond M. Haight, Attorney at Law, Scotts Valley, California, be,
and he is hereby appointed and employed as bond counsel to do and perform all legal
services required in the conduct of said proceedings, including the preparation of all
required legal papers, examining and approving the legal documents in connection
therewith, advising all Agency officials on all matters relating thereto when called upon,
and furnishing a legal opinion on the validity of said proceedings and bonds;

2. That Raymond M. Haight be, and he is hereby appointed and employed as
disclosure counsel to do and perform necessary disclosure services in connection with the
issuance of bonds, including, without limitation, preparation of a preliminary and final
official statement, preparing a 10b-5 opinion, preparing a Bond Purchase agreement and
Continuing Disclosure document.
3. That the services to be provided by Raymond M. Haight, as Bond Counsel and Disclosure Counsel, and his compensation therefore, shall be set forth in the form of a Fee Agreement to be submitted for consideration and approval by the Board at a later date. The fees and expenses of bond counsel and disclosure counsel shall be assessed as an incidental expense of the proceedings, payable from bond proceeds and not otherwise. If bonds are not issued, no fees or expenses shall be due.

4. That Wulff, Hansen & Company, San Francisco, California, is hereby appointed as underwriter in connection with the issuance of the proposed Tax Allocation bonds, to do and perform all things customarily performed by an underwriter with respect to the issuance of such bonds, which services as well as the compensation therefor shall be as set forth in the form of the Bond Purchase Contract to be submitted for consideration and approval by the Board at a later date, provided that the same shall contain a provision that the fees and expenses of said underwriter shall be assessed as an incidental expense of the proceedings, payable from bond proceeds and not otherwise. If bonds are not issued, no fees or expenses shall be due.

5. This resolution shall take effect immediately upon its adoption.

____________________________
Cameron Hamilton, Chairman

ATTEST:

____________________________
John Longley, Secretary

(SEAL)
CERTIFICATE OF THE SECRETARY TO THE BOARD

I, the undersigned Secretary to the Board of Directors of the Redevelopment Agency of the City of Porterville, do hereby certify that the foregoing resolution was adopted by the Board of Directors of the Redevelopment Agency of the City of Porterville, at a regular meeting thereof on the 19th day of February 2008 by a majority of the members voting thereon, a quorum being present; and that the aforesaid resolution is a true and correct copy of said original thereof on file in my office.


John Longley, Secretary to the Board