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.
   5- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PRESENTATIONS
Employee of the Month – Mark Azevedo

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 June 8, 2007
2. Claim – Stephen Craig Minnick
Re: Considering rejection of a claim in an amount of $66,000 for alleged civil rights violations on October 4, 2007 by Porterville Police Officers when confiscating Claimant’s numerous marijuana plants purportedly grown for medical use.
3. **Authorization to Advertise for Bids – Fire Station #2 Training Room Project**  
   Re: Considering approval of staff’s recommended plans and project manual for a 5,000 square foot combination training room and office facility in the vicinity of Fire Station #2.

4. **Boyle Engineering, Inc. Service Agreement – Three (3) Million Gallon Martin Hill Reservoir and Pipeline Project**  
   Re: Considering approval of a Service Agreement with Boyle Engineering, Inc. in the amount of $101,900 for services relative to the 3 Million Gallon Reservoir and Booster Pump Station to be located on Martin Hill, approximately ½ mile east of Plano Street on the north side of Worth Avenue.

5. **Award Contract – Air Conditioning Replacement Project**  
   Re: Awarding contract to Morris Levin & Son of Tulare in the amount of $13,278 for two 3-ton air conditioning units with economizers for the Wastewater Treatment Facility.

6. **Award of Contract – Financial Feasibility and Analysis Services for the Porterville Hotel Project and On-Call Services**  
   Re: Considering request for authorization to negotiate a contract with Rosenow Spevacek Group Inc. of Santa Ana for “on call” financial analysis services relative to the Porterville Hotel Project.

7. This item was removed.

8. **Approval of Service Agreement Between City of Porterville and Sequoia Riverlands Trust for Maintenance for the City’s Headgate Mitigation Site**  
   Re: Considering approval of a one-year Service Agreement with Sequoia Riverlands Trust in the amount of $28,300 for maintenance of the City’s Headgate Mitigation site located generally between the Tule River and Highway 190 near the southerly prolongation of Alta Vista Street.

9. **Approval of Resolution Satisfying Sublease Agreement Between City of Porterville and Fresno MSA Limited Partnership dba Verizon Wireless**  
   Re: Considering resolution certifying that conditions set forth in Section 8.2 of the Lease Agreement between the Porterville Public Financing Authority and the City have been satisfied.

10. **Acceptance of Improvements – New Expressions, Phase Five (Brian Ennis – Ennis Homes)**  
    Re: Considering acceptance of public improvements of New Expressions, Phase Five, located generally south of the Tule River, west of Indiana Street and east of State Highway 65.

11. **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.

12. **Extension of Time – Iris Hill Estates Tentative Subdivision Map**  
    Re: Considering approval of a two-year extension of time for a Map to divide a 39± vacant parcel into 119 single family residential lots at southeast corner of North Main Street and Reid Avenue.

13. **Resolution Amending Pay & Benefit Plan (Fire)**  
    Re: Considering adoption of resolution amending the Employee Pay and Benefit Plan for Fiscal years 2007-08 and 2008-09 for employees holding positions designated in the Fire Series.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible.*
PUBLIC HEARINGS
   Re: Considering certification of the Final Environmental Impact Report (FEIR) and approval of the Porterville 2030 General Plan, and Urban Water Management Plan.

15. Design Review Overlay 1-2008 & Conditional Use Permit 2-2008 (Emeritus Assisted Living Facility)
   Re: Considering approval of a Conditional Use Permit and a D-Overlay to allow the development of a 119 bed, two-story building to be utilized as an assisted living facility on a 4.86± acre site located on the north side of Henderson Avenue, 900± feet west of Westwood Street.

SECOND READINGS
16. Ordinance 1736, Amending Chapter 2, Article II, Fireworks, of the Porterville Municipal Code
   Re: Second reading and adoption of Ordinance No. 1736 amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code.

SCHEDULED MATTERS
17. Water Conservation Plan
   Re: Considering revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II.

18. Authorize City Manager to Sign CIEDB Sewer Loan – 2nd Extension
   Re: Consider authorizing the City Manager to sign the “Second Amendment to Enterprise Fund Installment Sale Agreement” approving a 2nd extension to the CIEDB Sewer Loan.

19. Septic Tank Analysis – Various Cities
   Re: Review and consideration of Septic Tank Policies of other local cities.

20. Ordinance Amending Section 1-19 of the Porterville Municipal Code Regarding the Filing of Claims Against the City
   Re: Considering approval of an ordinance that would require that all claims not otherwise governed by the Government Claims Act, or other state law, be presented to the City within the time and in the manner required by the Tort Claims Act.

21. Council Member Request for an Agenda Item – Resolution in Support of the Armed Services in Response to the Berkeley, California City Council
   Re: Considering approval of a resolution in support of the armed services at the request of a council member.

Adjourn to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY
February 19, 2008

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
SCHEDULED MATTER
PFA-01. Authorize Lease Agreement – Wireless Tower at Fire Station No. 2
Re: Considering approval of a Land Lease Agreement between the City of Porterville and
Fresno MSA Limited Partnership dba Verizon Wireless.

Adjourn the Public Financing Agency meeting to a meeting of the City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of March 18, 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.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – JUNE 8, 2007
CITY HALL MIKKABI CONFERENCE ROOM
291 NORTH MAIN STREET, PORTERVILLE
FRIDAY – 9:30 A.M.

Roll Call: Mayor Hamilton, Mayor Pro Tem Felipe Martinez, Council Member Pedro Martinez
Absent: Council Member McCracken, Council Member Hernandez

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. AUTHORIZATION TO ADVERTISE FOR BIDS – WEST STREET INDUSTRIAL PARK PROJECT

   City Manager Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report. He stated that the project was a brand new 2,000 foot cul-de-sac called Edison Court. He indicated that the cost of the project would be 2.2 million dollars, 52% of which would be paid for by the City. He asked the Council to authorize staff to advertise for construction bids, approve the plans in the project manual, and have the Mayor sign the Storm Water Pollution Prevention Plan (“SWPPP”) for dust control.

   COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by M.O. Mayor Pro Tem Felipe Martinez that the Council authorize staff to advertise for construction bid; approve the plans in the project manual, and have the Mayor sign the SWPPP for dust control.

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

   Disposition: Approved

2. STUDY SESSION – CAPITAL IMPROVEMENT PLAN

   City Manager Longley stated that the purpose of the meeting was to review the Capital Program; receive a presentation from Public Works Director Baldo Rodriguez regarding street projects; and to review the Capital Program with Susan Duke, Project Manager and the Administrator of the Capital Budget.
Mr. Rodriguez provided the Council with a chart that contained the 10-year Capital Projects. The street projects were broken down into four components: street reconstruction projects overlay projects, micro-overlay projects, and pot-hole repair. He explained the concept of lane lineal feet, a conversion method used for street projects. He stated that there are 32,000 lane lineal feet anticipated for street reconstruction projects; a little over 20,000 lane lineal feet of overlay; 26,400 lane lineal feet of micro-overlay; and 2,700 square feet of pot-hole repair. He added that every quarter, he would provide the City Manager with an update on the progress made in these areas.

Mr. Longley added that the purpose was to discuss service levels and review the output measures.

Mr. Rodriguez clarified that one new street, Edison Court, was included in the numbers, but that the rest of the streets were existing streets.

Mayor Pro Tem Felipe Martinez asked if Measure R funds were included in the information provided. Mr. Rodriguez stated that the funds were included, but segregated as to when projects were being completed so that it could be reported to TCAG accordingly. Mr. Rodriguez then specified to Council and staff which streets would be undergoing reconstruction and explained that “G” Street would be taken care of during the 08/09 year due to the cost of the project. He continued by going over the overlay projects, which consisted primarily of South Indiana Street, Center Street and a portion of Date. A conversation then ensued regarding the current conditions of Indiana Street and the treatments necessary.

Council Member Pedro Martinez asked why Indiana Street was not listed in the plan twice, again in seven years if that was how long the life expectancy of the street would be. Community Development Director Brad Dunlap explained that the reason it was not listed twice was because there was not enough money available to cover every street in need of repair. For this reason, he stated, there were factors that were taken into consideration such as: traffic generation, state of deterioration and new development. He stated these would dictate where staff recommended putting the money.

Mr. Rodriguez explained that if a street was reconstructed the underground utilities would be put in at the same time. He also discussed slurry seals and addressed Mayor Hamilton’s concerns regarding the life expectancy of future reconstruction projects. He added that curb, gutter, and sidewalk along the east and west sides of Indiana from Morton Avenue to Olive Avenue would be completed this year, however, the south end of Indiana would be addressed in the next cycle.

Mayor Hamilton inquired about the absence of street reconstruction south of Highway 190 in the plan. Mr. Rodriguez confirmed that Gibbons reconstruction was not in the current plan. He then provided a brief explanation of what was anticipated to occur south of Highway 190. Mr. Dunlap added that the project would alleviate congestion at Jaye and Highway 190.

Public Works Director Rodriguez concluded his presentation by briefly stating what project would be tackled in the near future, and how the Measure R monies would be used. He then mentioned that the Edison Court project involved the movement of 70 plus acres of dirt, and as a result they had been made aware of a new law which required a permit from the Air Board. Mike
Reed added that the use of micro overlay had been proven to increase the life of streets in other cities.

Susan Duke came forward to review the Capital Program with Council. She went through the program and provided a brief explanation of the information listed which included COPs and COPs Refinance, Equipment Replacement, Local Transportation Funds and Special Gas Tax. A conversation ensued regarding the transferring of monies that remain from the Bike Plan to the Transit System. Mrs. Duke continued by going over the Transportation Impact Fund, the Anticipation of Transportation Impact Fees for Riverwalk, Measure H Expenditures and the Unfunded, which resulted in a discussion about the Porterville Hotel and strategies for locating funds. The Storm Drain, Developer Fees and Reserve Accounts; Enterprise Funds, Highway Bridge Removal Rehabilitation, CDBG Funds, Section 108 Funds, Risk Management, Measure R Local and Regional, and Olive and Matthew Traffic Signal were also mentioned. The Hazardous Waste Clean-Up was discussed briefly and Mr. Rodriguez provided some detail in regards to the containment process, restrictions on the use of the containment area and the costs associated with the clean-up.

At the request of the City Manager, Susan Duke went over the miscellaneous projects briefly. Those projects included the Hybrid vehicles, CNG Facility and shop upgrades. A brief discussion ensued regarding the types of upgrades needed for the shop.

The City Manager stated that as a result of the Council deeming streets as a priority, staff had come up with performance measures, relative to the actual projects; and indicated that staff would be bringing the performance measures to Council for review on a quarterly basis. A funding summary was also provided for the nearly 46 million dollars in capital projects.

Council Member Pedro Martinez asked which of the projects had solid funding and what would happen if the cost of a project exceeded the funding available. A discussion ensued regarding the issue of inadequate funding in which Public Works Director Rodriguez explained previous instances of such occurrences and how projects without funding were managed. Susan Duke added that the type of funding must be considered when bumping one project for another, since some funding had very specific criteria that must be adhered to.

As opposed to going through each item one by one, the Mayor suggested that the projects be discussed at Council Members’ request. Mayor Hamilton inquired about the generators listed and was informed by the Public Works Director that those were necessary to power the wells in disaster situations. Mayor Pro Tem Felipe Martinez asked about the monies allocated for alleys and the Public Works Director explained how the money was used to repair and reconstruct alley ways. Public Work Director Rodriguez continued by briefly explaining what types of projects were considered in the Curb & Gutter Miscellaneous category. He stated that an example of a Curb & Gutter Miscellaneous project would be repair to damage of a curb, gutter or sidewalk caused by a City tree.

Mayor Hamilton inquired about the City/County projects showing monies set aside every other year. Public Works Director Rodriguez stated that this was a result of the City/County projects not occurring as often due to a lack of mutual interests in projects.
Mayor Pro Tem Felipe Martinez asked if the County had been contacted in regards to the repair of Date Street, east of Plano. The Public Works Director replied that the County would be contacted in regards to that matter.

Mayor Hamilton asked for an update on the Jaye Street Bridge Project. Director Rodriguez stated that the Project was currently in the design phase and that the fee for the design would be $650,000 according to Caltrans. He added that there was still some question as to whether or not the City would be able to get in on the 89/11 % program or would have to remain on the 80/20 % program for the design. The construction phase however, would be at the 89/11 program for both Jaye and Plano Bridge Projects. Mr. Rodriguez continued by stating that he hoped to advertise in August of 2008 for construction, but there were some Corp of Engineers and Fish & Game restrictions that need to be addressed in order to move forward with the project. He confirmed that Caltrans had authorized 6.5 Million dollars to date, and the additional 1 Million requested to cover the increase in costs for materials had yet to be authorized by Caltrans. He then briefly went over the traffic signal Projects and the Wastewater Treatment Facility Projects. A discussion in regards to the Nitrification/De-nitrification Project took place in which the process was described and questions were raised as to whether the resulting water was consumable.

Community Development Director Brad Dunlap briefly went over the Capital Improvement Strategies for the Community Development Department, which included a re-appropriated Land Use balance of $350,000 and GIS Equipment Project. He elaborated on the GIS Project, stating that it would include miscellaneous computer equipment, added capacity and other tools that would allow staff to continue to augment GIS capacities; a stand alone unit for production of presentations beneficial for working with large files and use of mapping tools, in addition to a one-year GIS technician. He went on to provide a brief explanation of the following projects: Comprehensive Zoning Ordinance Amendment, Elderberry Mitigation Monitoring/Construction, and Enterprise Zone Application. A discussion ensued regarding the Enterprise Zone Application during which the following were addressed: the cost budgeted for the project, the advantages of Enterprise Zone, and expanding the area of Enterprise Zone to allow more commercial enterprises to take advantage of the incentives. Additional projects mentioned were Olive & Second Street Parking Lot, Porterville Hotel, Hockett/Mill Parking Lot and Downtown Master Plan-Project Area Amendment. Mr. Dunlap explained that the amendment to the Project Area was recommended due to a need for revitalization that Redevelopment provides a tool for; and that diversity of land use within the project area was necessary in order to provide stability and improve borrowing capacity.

Mayor Pro Tem Felipe Martinez inquired about the absence of the Kit Fox on the list of projects. Mr. Dunlap explained that the project was included as part of the West Street project and that the money is incorporated into that project.

Parks & Leisure Services Director Jim Perrine presented the Capital Improvement Strategies for the Parks & Leisure Services Department to Council. These projects included Heritage Center Ball Fields, New Library, Murry Park Improvement, Monache Basketball Court Lighting, City Hall Carpet & Entry Resurfacing, Centennial Plaza Main Street-Sound System, Zalud House Master Plan, Tule River Parkway Phase III, Tule River Parkway Phase III, and Lion’s Park Playground.
City Manager John Longley added, in regards to the New Library Project, that there was some discussion at the review committee meeting the night before, pertaining to the voters approving literacy. As a result, he would be recommending that in the 07/08 Year, this appropriation be approved as a modification to the spending plan under the heading of literacy, which was supportable because the allocation would be within the 15% defined by the voters. He added that it would provide an opportunity to get the initial work done that was necessary to get the concept of the new library going.

Mayor Hamilton expressed his concern with the idea of spending $220,000 on a project when the additional costs of the project were unfunded. A short discussion took place in which the possibility of seeking funding from the County was mentioned. City Manager Longley stated that staff could pursue the additional funding once the Council approved the appropriation.

Mayor Pro Tem Felipe Martinez stated that he was having difficulty wrapping his head around the amount of $220,000 and was unable to figure out how that amount was calculated. City Manager Longley stated that staff would provide Council with additional information before the time of the public hearing.

Mayor Hamilton asked Parks & Leisure Services Director Jim Perrine for clarification on the amount of $550,000 listed for the Heritage Center Ball Fields. Jim Perrine explained that the carry-over amount was based on what they expected would remain after the anticipated expenditures through June 30th of that year were deducted. Mayor Hamilton asked to be provided more detail on how the $90,000 was spent after June 30th. Mayor Hamilton then inquired about the Murry Park Improvement. Jim Perrine explained that the $246,000 was the amount that remained of the CDBG funding that paid for the pool and the master plan.

Community Development Director Brad Dunlap spoke in regards to the issue of the ball field expenses. He clarified for Council that the costs of the project were shared with the School District and that there might be some additional funds available after the issue of the shared costs is resolved with the school district. Preparation of the building pad and the environmental work relative to the Elderberry bushes were some examples of shared expenses that need to be computed.

Council Member Pedro Martinez asked City Manager Longley for information about the Sports Complex Field Lighting Feasibility Study. Mr. Longley clarified that the study is an analysis to define the road map to get to the lighting of the field, and to determine actual costs. Mr. Longley, with the assistance of Jim Perrine, continued by going down the list of projects explaining what each of the amounts listed for the 07/08 fiscal year would accomplish in terms of the project’s progression.

Mayor Pro Tem Felipe Martinez raised a question in regards to future funding sources for the Murry Park Improvement and New Library Projects. Mr. Perrine stated that the City would be looking into various forms of funding, such as grants, bond funding and financing. Mayor Pro Tem Martinez and Mr. Perrine then discussed the possibility of consolidating projects and which projects the Council might consider grouping together. A discussion in regards to sites for the library prompted Mr. Longley to state that there were going to be some sites defined in the General Plan. He added that after reviewing and discussing the General Plan, the next step would be to consolidate
Parks & Leisure Services’ Capital Projects. In regards to Mayor Felipe Martinez’s concerns regarding the level of progress being made, he added that in order to achieve the kind of progress desired by the Council, it would be necessary to increase the magnitude of the investment, which would most likely come out of a debt service. He recommended that the Council refrain from jumping ahead and discussing project details, and concluded that it would be best to review the General Plan, research funding mechanisms, look into feasibility and go from there.

At Council Member Pedro Martinez’s request, Jim Perrine provided a description of the Facility Security Systems Upgrade project. Council Member Martinez suggested that the project be funded because of its importance. City Manager Longley agreed with Council Member Martinez that the project was important, but explained that in his opinion, there were more important projects. Mayor Hamilton asked why the upgrade was not considered within the Equipment Replacement Fund. Mr. Longley explained that it was thought that rolling stock was something that had to be replaced in order to maintain the quality of the operations, and it was decided that was where the replacement fund would be. Mayor Pro Tem Felipe Martinez suggested that Risk Management monies be used since it was possible that someone could break into City property, injure themselves and then sue the City. Council Member Pedro Martinez stated that he would like to know which areas had inadequate or no security at that time. It was decided that staff would get that information to Council via a letter. Mr. Longley added that quite a bit of money would be expended from Risk Management for the Hockett/Mill Parking Lot Reconstruction Project, which, from a cash flow perspective, would be lost.

A brief conversation took place regarding trees for the Rails to Trails and the possibility of service clubs assisting with the tree planting effort.

Fire Chief Mario Garcia went over the Capital Improvement Strategies for the Fire Department, which consisted of a new fire station (Fire Station #3) and module buildings for Fire Station #2. The design and construction costs for Fire Station #3 would be funded through Measure H funds, with design being figured at 10% of the estimated construction costs. Chief Garcia explained that the modular buildings for Fire Station #2 were to be used for a classroom, a back-up for the EOC Center, which would serve to provide quality training and enhance the department’s ability to turn the drill grounds to a regional training facility. A brief discussion ensued with regards to locations of interest for the new fire station and the timing comparative to the Public Works projects. Chief Garcia also mentioned the incorporation of a Substation at the new Fire Station location for Police Department use.

Council Member Pedro Martinez inquired as to whether there had been any improvements to Fire Station #1. Public Work Director Baldo Rodriguez informed the Council that they had received a bid for $117,000 to renovate the bathroom facilities within the Fire Station but the costs were too high.

City Manager Longley notified Council that there were three projects proposed at the Airport: the pilot’s lounge at $20,000, the reconstruction of the Airport Office at $50,000, and the development of hangar facilities at $200,000. He noted that the funding for these projects would come from two sources: a loan from the State for a portion of the costs, and the remainder would be
covered by the sale of the property. City Manager Longley added that there would also be an $80,000 project for the engineering design of airport lighting, to be paid for with FAA grant money.

The City Manager announced that the follow-up items would be assigned to staff and the information provided to Council by Thursday, June 14th, 2008.

**ORAL COMMUNICATIONS**

None

**ADJOURNMENT**

The Council adjourned at 12:42 p.m. to the meeting of June 19, 2007.

____________________________
Patrice Hildreth, Deputy City Clerk
By: Luisa Herrera

SEAL

_________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – STEPHEN CRAIG MINNICK

SOURCE: Administration

COMMENT: Mr. Stephen Craig Minnick has filed a claim against the City in an amount of $66,000. 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 October 4, 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.

Item No. 02
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Stephen Craig Minnick

Claimant's Address: 1700 N Newcomb St

Claimant's Telephone No. (Home) 559-784-1424 (Work) 559-784-1424

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

Date of incident/accident: 10-09-07

Date injuries, damages, or losses were discovered: Same

Location of incident or accident: 1700 Newcomb St

What did entity or employee do to cause this loss, damage, or injury? Police - PA's Office

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

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

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 aff.

Date Signed: Dec 31st 07 Signature: Steve Minnick

If signed by representative:
Representative's Name Telephone:

Address e #

Relationship to Claimant
12-14-2007

To: City of Porterville

RE: Illegal entry to a private residence and illegal confiscation of property

On October 4th at 1351 hours I heard my dog going crazy barking. I went to my bedroom window and saw someone looking over my fence at my two (marijuana) plants. I thought it was a neighbor’s son, Curtis. So, I said, “Hey, Curt”. But, to my surprise it was Porterville Police officer Mike Benas who was out of his jurisdiction. He flipped out his badge and asked me to come to the front door of the house. I complied then took my prescription with me to show Officer Benas and his partner outside.

I advised Officer Benas that I had a prescription to grow marijuana (for medicinal use) for three years and that this was the first year I had grown it. He asked me if I had “anything” in the house and I said that I clipped off two limbs off of one plant. He asked to see the limbs. My front door was open and as I turned to go get the plant parts from the couch and headed inside the house to get the limbs, the two officers began moving toward my door. I told them to wait right there and I would retrieve the limbs.

I went into the room for the limbs and as I turned around to return to the door, the officers had already come into the house. I showed them the limbs at which time Officer Benas said to me, “How much more do you have here?” I politely advised him to leave the house because I didn’t give them permission to enter. He said to me, “Where’s the rest of the fucking weed?” He also said, “I can have a search warrant here and we will arrest you”. Out of fear of going to jail I then showed them my bedroom in which marijuana was drying. I was continually saying that I was within the legal limits (of possession of) three pounds of (medical) marijuana and that they cannot use drying marijuana against me because it was unusable, because it was not processed as it says in health and safety code 11362-77d

Officer Benas replied that I was only allowed 8 oz of dried marijuana (in Tulare County). I stated back to him that the law SB420 allowed me to possess (with a Doctor’s verbal authorization) as much I felt that I needed (for therapy). There was also 3 vacuum sealed ¼ lb bags of dried marijuana of different strains/varieties (the reason for having separate bags).
Officer Benas then called his supervisor who he then told to come and look at (what he said was about) 6 lbs of marijuana. Officers showed up and took all my medicine, leaving me without pain relief.

Officer Benas stated (in his report) that I was allowed a pound of (medical) marijuana. In light of this fact, my question is this: why would Officer Benas (who had my scale that there’s no law against having to weight the material) and why did officer benas take my dried medicine. Officer Benas said I’m not leaving you (shit). They took my script with them saying in his report that I needed more proof and sometime later I receive a letter stating that I was being charged with intent to sale and possession. Officers weighed the steams and it was not dry and it was 18 lbs. (How) is a person to be in accordance with laws be without a scale.) My only intent was to not have to by marijuana off the street because I can not afford to buy from the very expensive stores and was to have enough to last me for months.

I am seeking damages in these amounts.

1. 3- pds medical marijuana 6,000 - 18,000
2. 2,800 for money spent to (buy) medicine for 8 months
3. 25,000 for the emotional and physical damages to myself and my 78 year old mother who became physically became sick.
4. 3 –quarter pound bags 12ozs at $300 ea. 3,600

Total --- $66,000
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION #2 TRAINING ROOM PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  The Fire Department asked the Engineering Division to assist in the preparation of plans and project manual for a 5,000 sf combination training room and offices facility. The training facility will be located in the vicinity of Fire Station #2. Phase 1 work will include the construction of a 5,000 sf concrete slab and metal building.

Senior Fire Department staff worked with a local builder in arriving at an engineer's estimate of $144,000 to construct the concrete slab and metal building. Contingency, construction management and material testing costs will be discussed at the time of award.

All underground plumbing and electrical work will be installed by Fire Department staff during erection of the concrete slab and metal building. It is the Fire Departments intent to prepare the building pad, construct some or all of the interior walls, restroom facilities and other amenities using Fire Department staff as funds become available.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council's review.

RECOMMENDATION:  That City Council:

1.  Approve staff's recommended plans and project manual; and

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

ATTACHMENT:  Floor Plan

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Fire Station #2 Training Room Project - 2008-03-04.doc
SUBJECT: BOYLE ENGINEERING, INC SERVICE AGREEMENT – THREE (3) MILLION GALLON MARTIN HILL RESERVOIR AND PIPELINE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Over fifteen (15) years ago, Boyle Engineering, Inc. prepared plans and specifications for the construction of a three (3) million gallon water reservoir on Martin Hill and associated improvements for the City of Porterville. The project was shelved due to the lack of funds and the lack of an immediate need for these facilities. Since the project was shelved, staff successfully secured the property necessary to construct the three (3) million gallon reservoir and the related booster pump station. The reservoir site is located on Martin Hill, approximately ½ mile east of Plano Street on the north side of Worth Avenue. The booster pump station is located on the south side of Worth Avenue about mid-way between the reservoir site and Plano Street. A substantial amount of pipeline must be constructed as a part of this project. Pipe runs are as follows:

1. Plano Street from College Avenue to Worth Avenue (12” water main).
2. Worth Avenue from Martin Hill to Plano Street (16” water main).
3. Worth Avenue from Plano Street to Roche Avenue (16” water main).
4. Roche Street from Worth Avenue to Yates Avenue (16” water main).
5. Yates Avenue from Roche Street to Second Street (16” water main).

In all, there is approximately 1.33 miles of water pipelines associated with this water storage project. Attached is a locator map that illustrates the proposed infrastructure.

State law designates Boyle Engineering as the "Responsible Engineer in Charge" for the shelved plans and specifications. Therefore, staff recently asked Boyle Engineering, Inc to provide the City with a Scope of Services and a fee proposal updating the plans and specifications to meet current codes and regulations. Boyle was also asked to perform a hydraulic analysis for potential operation issues related to the booster pump. The original study analyzed a booster pump located at the Worth Avenue and Plano Street intersections. Staff is asking for a report and design that reflects the new location. Boyle has delivered a detailed scope of services and a fee proposal for $101,900 to complete the modification of the plans, specifications, and hydraulic report. Attached is the Service Agreement for Council’s reference.

DIRECT Appropried/Funded CM Item No. 4
The herein described water improvements are part of the City Water Master Plan Improvement Program and were slated for a 2005 completion date per Carollo Engineers 2001 Master Plan Report.

Staff is currently seeking a CIEDB loan to cover the construction and design costs for this Master Plan Project. Design funding is available in the 07/08 fiscal year payback budget due to the lack of anticipated developer payback requests.

RECOMMENDATION: That City Council:

1. Authorize Staff to negotiate a schedule and liquidated damages with Boyle Engineering, Inc;

2. Authorize the Mayor to execute a Service Agreement with Boyle Engineering, Inc. at an agreed fee of $101,900 for the services described herein upon completion of successful negotiations with the consultant;

3. Authorize the expenditure of developer fees to cover the design costs until the CIEDB loan is secured; and

4. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

ATTACHMENTS: Locator Map
Proposed Service Agreement
SERVICE AGREEMENT

DATE: February 27, 2008

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Boyle Engineering Corporation, hereinafter referred to as "CONSULTANT".

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

Project Name: Martin Hill 3 mg Reservoir

Description of Project: As described in the attached letter titled Fee Proposal and the accompanying Project Budget.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in the attached letter and budget, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials,
CITY shall pay CONSULTANT on a time and materials basis, not to exceed One Hundred One Thousand, Nine Hundred Dollars, ($101,900), see attached Project Budget.

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed by [Enter Work Completion Date].

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

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.
SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Errors and Omissions insurance of One Million Dollars ($1,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT
agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

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

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

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

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

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

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

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

SECTION 12. DISPUTES; VENUE: If either party initiates an
action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

By______________________________
Cameron Hamilton, Mayor

CONSULTANT

By______________________________

Date____________________________

BSR:vs

P:\pubwork\Engineering\Project Files\Mike Reed\Martin Hill Reservoir\Service Agreement Boyle Engineering.doc
To:
Michael K. Reed  
City Engineer  
CITY OF PORTERVILLE  
291 N. Main Street  
Porterville, CA  93257

From:
Fred E. Lusk III, PE  
Project Manager

Subject:
Martin Hill Reservoir, Pipelines, and Booster Pumping Station

We are sending you:
☐ Shop Drawings  
☐ Specifications  
☒ Copy of Letter  
☐ Plans  
☐ Copy of Report  
☐ Tracings  
☐ Change Order

Other:

Copies | Date | No. | Description
-------|------|-----|------------------
1 | 1/17/06 |  | Fee proposal letter (signed)
1 | 1/17/06 |  | Fee proposal spreadsheet

RECEIVED

FEB 28 2006

City of Porterville
Public Works Dept.

These are transmitted as checked below:

☐ For Your Approval  
☐ For Your Use  
☒ As Requested  
☐ For Review and Comment  
☐ Review Completed  
☐ Resubmittal not Required  
☐ Resubmit  
☐ Submit  
☐ Returned for Corrections  
☐ Return  

Copies To

Comments:

Mike...

Per our discuss this afternoon, here is a signed original of our fee proposal for updating the Martin Hill project plans and specs. I don’t know why you didn’t receive the letter I sent you last month. Please let me know if you want us to proceed with the work.

Fred
In 1991, Boyle Engineering completed bid documents (i.e. plans and specifications) for the two subject projects. However, the bid documents were shelved and the projects never constructed. Recently, you asked us to review the bid documents for the two projects and determine what it would take to bring them up-to-date so they could be reissued for bidding.

I recently walked the project sites with the plans. It appears that the project sites are, for the most part, relatively unchanged, though you and I have agreed that a spot check survey is warranted to confirm this impression. It appears that there are two main changes to the project sites. First, the City has selected a new site for the pumping station that is several hundred feet closer to the reservoir site. This site will require new topography. Second, several hundred feet of pipeline has been constructed east of Main Street, which will supercede the equivalent portion of our original pipeline design.

To bring the bid documents up-to-date will also require reviewing the original designs with respect to current code and regulatory requirements, changes to the City’s SCADA system, etc. Structural and electrical codes, regulations for paints and painting, and so on have been revised several times in the interim. Most of these changes will affect the specifications, but a few will also affect the plans. We will also review current utility company records and record drawings on file with the City and update the base mapping as appropriate.

Our proposed fee for this work is based on your original request for proposal, our two recent telephone conversations, and the following assumptions:

1. **The reservoir/pipelines project and the pumping station project will be combined into one set of bid documents.** We will use and edit the old mylars as much as practicable, even to the extent of doing some or all of the drafting manually, rather than in Autocad. We will eliminate duplicate details as we combine the two projects. Except
for sheet renumbering, a few sheets will remain as-is and several will only require minor changes. In addition, upon combining the two projects, a couple of sheets will become duplicates and will be deleted.

We have determined that the best way to update the specifications for code compliance, etc. will be to start over with our current master specifications and edit them to match the technical portions of the old specifications. The updated specifications will use the new CSI 6-digit format. Upon combining the two projects, a number of specification sections will become duplicates and will be deleted.

Per our discussion and based on the new CEQA documents that affect this project, we will add landscaping and irrigation designs for both the tank and pumping station sites.

2. The original geotechnical report is still valid. We will base our new structural review and design on the geotechnical report and current structural codes.

3. The pipeline alignments will not change, except as noted. As mentioned above, there will be some changes near Main Street, and the connection to the pumping station will move.

4. The tank and tank site layouts will not change, except as noted. Per our discussion, we will change the onsite storm drain pipe from CMP to PVC and we will change the tank roof vent to a turbo vent and add several shell vents.

5. The tank and ringwall structural designs will not change unless required to meet the new codes. The items that would most likely be affected will be the ringwall, the shell thickness and the shell/floor joint.

6. The pumping station capacity will not change unless required based on the new hydraulic analysis. (see #8 below)

7. The pumping station layout on the new site will be similar to the original design. The proposed new site is slightly smaller than the original site (40'x40' vs. 42'x42') and the westerly portion is covered by a canal easement. As part of our site layout design, we may need to recommend to the City increasing the size of the site.

8. The hydraulic analysis for Martin Hill will be based on the City’s most current water system model. You have indicated that you will provide us with the version Provost & Pritchard prepared in H2ONET for the Rocky Hills Zone 1 Reservoirs project.

9. We anticipate that the hydraulics will be similar enough to the original design to require only about four to six scenario runs. We propose to focus on developing an envelope of operating conditions for the tank and pumping station, rather than trying to model all possible conditions. These runs will likely include a Peak Hour run, a

10. **Bidding and construction phase services are not included at this time.**

Attached is a spreadsheet detailing our fee proposal calculation. The spreadsheet lists project tasks and assumptions, and includes a list of the plan sheets in the two projects and the revisions required for each. Based on the scope of work outlined herein, we propose a fee of $90,850 to update and reissue the bid documents for the Martin Hill Project. Please review our proposed scope and fee and let me know if you want us to proceed.

**Boyle Engineering Corporation**

Fred E. Lusk III, PE  
Project Manager

Enclosures: Budget spreadsheet
<table>
<thead>
<tr>
<th>Task Description</th>
<th>100 - General</th>
<th>200 - Update Reservoir/Pipelines Plans &amp; Specs</th>
</tr>
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<td><strong>Personnel Hours</strong></td>
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<td><strong>Total</strong></td>
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<tr>
<td>Subcontracts</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Shop Drawings</td>
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<td>4</td>
</tr>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
<td>6</td>
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<tr>
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<tr>
<td><strong>CADD Shop</strong></td>
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<td>2</td>
</tr>
<tr>
<td>Shop Drawings</td>
<td>1</td>
<td>4</td>
</tr>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
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<tr>
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<td><strong>Total</strong></td>
<td>60</td>
<td>180</td>
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</table>

**Task Description: Project Budget**

- **100 - General**
  - 1. Research, pre-proposal, project and prepare for proposal and work scope
  - 2. Site visit and survey
  - 3. Development of Project, Phase I
  - 4. Subcontract management/coordination
  - 5. Review of project documents
  - 6. Plan creation
  - 7. Shop drawings
  - 8. Coordination with client
  - 9. Final review of project

- **200 - Update Reservoir/Pipelines Plans & Specs**
  - 1. Structural calculations/design
  - 2. Update Reservoir/Pipelines Plans & Specs
  - 3. Cover/plan for combined project
  - 4. Plan foreman/plan foreman for combined project
  - 5. Reference plan for combined project
  - 6. Plan foreman/WP
  - 7. Plan foreman/WP
  - 8. Plan foreman/WP
  - 9. Plan foreman/WP
  - 10. Update plans for combined project

**Budget:**

- **Employee**
  - 1. Research, pre-proposal, project and prepare for proposal and work scope
  - 2. Site visit and survey
  - 3. Development of Project, Phase I
  - 4. Subcontract management/coordination
  - 5. Review of project documents
  - 6. Plan creation
  - 7. Shop drawings
  - 8. Coordination with client
  - 9. Final review of project

- **CADD Shop**
  - 1. Structural calculations/design
  - 2. Update Reservoir/Pipelines Plans & Specs
  - 3. Cover/plan for combined project
  - 4. Plan foreman/plan foreman for combined project
  - 5. Reference plan for combined project
  - 6. Plan foreman/WP
  - 7. Plan foreman/WP
  - 8. Plan foreman/WP
  - 9. Plan foreman/WP
  - 10. Update plans for combined project

**Total:**

- **Employee**: $18,000
- **CADD Shop**: $6,000

**Total**: $24,000

**Notes:**

- **10.1**: Final review of project
- **10.3**: Plan creation
- **10.4**: Shop drawings
- **10.5**: Coordination with client
- **10.6**: Final review of project
## Project Budget

**Martin Hill Reservoir & Pipelines**  
**Martin Hill Booster Pumping Station**  
**Update plans & specs for bidding**

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Personnel Hours</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Prm Engr</td>
<td>Sr Engr II</td>
</tr>
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<td>19 L2 Landscaping Plan [NEW]</td>
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</tr>
<tr>
<td>20 L3 Landscaping &amp; Irrigation Details [NEW]</td>
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<tr>
<td>21 L3 Landscaping &amp; Irrigation Details [NEW]</td>
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<td>300 - Update Booster Pumping Station Plans &amp; Specs</td>
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<td>301 - Civil Calculations and Design</td>
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<td>2</td>
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<tr>
<td>302 - Contract Documents</td>
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<td>16</td>
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<tr>
<td>02 Site Plan [new site]</td>
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<td>4</td>
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<tr>
<td>03 Miscellaneous Details [coordinate w/ tank plans (shl 11)]</td>
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<td>4</td>
</tr>
<tr>
<td>04 Fence Details [coordinate w/ tank plans (shl 11)]</td>
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<td>1</td>
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<tr>
<td>05 E1 Symbols and Schedules [OK]</td>
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<td>8</td>
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<tr>
<td>06 E2 Site Plan and Details [new site]</td>
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<td>3</td>
</tr>
<tr>
<td>07 E3 Single Line Diagram [OK]</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>08 I1 Instrument Legend &amp; Symbols [duplicate = DELETE]</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>09 I2 P&amp;ID, Panel Layout, and Details [coordinate w/ tank]</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>10 I3 RTU Panel [update]</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
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<td>40</td>
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<td><strong>Total</strong></td>
<td>76</td>
<td>208</td>
</tr>
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</table>

### ASSUMPTIONS

1. Reservoir project and PS project will be combined into one project for bidding, using/editing the old mylars as much as possible, including manual drafting.
2. Geotechnical report is still valid.
3. No changes to pipeline alignments except as noted.
4. No changes to tank and tank site layouts.
5. No changes to tank & ringwall design except as required to meet new codes.
6. No changes to PS capacity unless required per hydraulic analysis.
7. Pumping station layout on new site will be similar to the original design.
8. Hydraulic analysis will be based on Provost & Pritchard's updated H20Net model prepared for the Rocky Hill Zone 1 Reservoirs Project.
9. Hydraulics will be similar enough to the original design to require only about 4-6 scenarios runs.
10. Bidding and construction phase services are not included at this time.

**Personnel Category**  
**EHR**  
Prim Engr $200.00  
Sr Engr II $155.00  
Assoc Engr $120.00  
Assist Engr II $93.00  
CADD Supv $165.00  
CADD Op $85.00  
Word Proc $70.00  
General Project Expenses 8.00%
SUBJECT: AWARD CONTRACT – AIR CONDITIONING REPLACEMENT PROJECT

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING

COMMENT: Staff solicited bids for two 3-ton air conditioning units with economizers for the Headwork and Outfall Buildings at the Wastewater Treatment Facility. The economizers will enable the buildings to be cooled with fresh air when the outside temperature allows. Two (2) bids were received as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morris Levin &amp; Son</td>
<td>$13,278.00</td>
</tr>
<tr>
<td>Tulare, CA</td>
<td></td>
</tr>
<tr>
<td>Superior Air, Inc.</td>
<td>$16,610.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and found it acceptable. Funds for this project are available from the Wastewater Treatment Facility’s Building & Grounds Maintenance Budget.

RECOMMENDATION:

That City Council:

1. Award the contract for the Wastewater Treatment Facility’s Air Conditioning Replacement Project to Morris Levin & Son of Tulare, CA, in the amount of $13,278.00;

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

3. Authorize a 10% contingency to cover unforeseen costs.

D.D. Appropriated/Funded  C.M.  Item No. 5
COUNCIL AGENDA: MARCH 4, 2008

SUBJECT: AWARD OF CONTRACT – FINANCIAL FEASIBILITY AND ANALYSIS SERVICES FOR THE PORTERVILLE HOTEL PROJECT AND ON-CALL SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As part of the consensus to move forward with the Porterville Hotel Project including completing a due diligence analysis, the City Council approved distributing a Request for Qualifications (RFQ) to consultants to assist staff in analyzing data and preparing projections to review the financial feasibility of the development options for the project. On January 11, 2008, a RFQ for “On-Call Services” for Financial Feasibility and Analysis of the Porterville Hotel Project was issued by City staff. Additionally, staff is recommending that these “on-call services” be extended to other projects such as the fiscal analysis for the recently approved refinancing of the Redevelopment bonds. On February 4, 2008, staff received eight (8) proposals for providing these services. The submitted consultant qualifications were rated as follows:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>POINTS</th>
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</thead>
<tbody>
<tr>
<td>Rosenow Spevacek Group Inc. (RSG) Santa Ana</td>
<td>195</td>
</tr>
<tr>
<td>David Paul Rosen &amp; Associates (DPR) Oakland/Irvine</td>
<td>193</td>
</tr>
<tr>
<td>Quad Knopf Bakersfield/Visalia</td>
<td>174</td>
</tr>
<tr>
<td>Muni Financial Temecula</td>
<td>167</td>
</tr>
<tr>
<td>Applied Development Economics Walnut Creek/Sacramento</td>
<td>165</td>
</tr>
<tr>
<td>Gafcon San Diego/Irvine</td>
<td>162</td>
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<tr>
<td>Tierra West Pasadena</td>
<td>155</td>
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<tr>
<td>Pacific Group Millbrae</td>
<td>126</td>
</tr>
</tbody>
</table>

[Signature] Appropriated/Funded [Signature] C.M. Item No. 1
Since the request was for "on call" services only, each proposal included hourly rates for the personnel involved and a cost for other overhead expenses to be charged to the City when services are rendered. City Council approved the use of funds from the General Fund Reserve Account for the services for the Porterville Hotel Project. However, the cost of the services related to the refinancing of the Redevelopment bonds will be reimbursed from the bond administration account and any services rendered for other projects would be charged to those projects.

RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with the number one (1) rated consultant and if a contract cannot be negotiated. Then allow staff to negotiate a contract with the second ranked consultant;
2. Authorize the Mayor to sign said contract for "on call" financial analysis services; and
3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.
CITY COUNCIL AGENDA – MARCH 4, 2008

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 07
SUBJECT: APPROVAL OF SERVICE AGREEMENT BETWEEN CITY OF PORTERVILLE AND SEQUOIA RIVERLANDS TRUST FOR MAINTENANCE FOR THE CITY'S HEADGATE MITIGATION SITE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Negotiations have been completed with Sequoia Riverlands Trust (SRT) for maintenance of the Headgate Mitigation Site for the full 7.7 acres of property.

Attached for Council’s review is a copy of the Service Agreement with SRT for the mitigation site, on which construction should be completed in February 2008. At that point maintenance of the site is proposed to be conducted by SRT for the first year at a cost of $28,300.00. Before the end of SRT’s service agreement, staff will send out a Request for Proposals for maintenance of the site for the balance of the establishment period (nine (9+) years).

Funding for the project is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tr>
<td>Certificates of Participation</td>
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<td>Annual Budget Appropriation</td>
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<td>Fiscal Year 2004/2005 and 2005/2006</td>
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<td>Balance of Impact Sciences Cancelled Contract*</td>
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<td>Contract with Wildlands**</td>
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<td>Current Balance</td>
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<tr>
<td>Remaining Balance</td>
<td>$63,757</td>
</tr>
</tbody>
</table>

*Authorization to cancel the contract with Impact Sciences for construction of the mitigation site and transfer it directly to Wildlands, Inc. was approved during the November 6, 2007 City Council meeting.

**Amount of Wildlands Service Agreement for the construction of the mitigation site.

RECOMMENDATION: That City Council:

1. Approve the Service Agreement with Sequoia Riverlands Trust for maintenance (for a period of one year) of the City’s Headgate Mitigation Site in the amount of $28,300;

2. Authorize retention of the remaining balance in the amount of $63,757 to deal with unexpected circumstances, such as vandalism, due to the remote location and

Item No. 8
3. Authorize the Mayor to sign all appropriate documents as necessary to maintain the Mitigation Site.

Attachments:
1. Service Agreement
2. Locator Map
SERVICE AGREEMENT

DATE: February 14, 2008

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Sequoia Riverlands Trust, hereinafter referred to as "CONSULTANT".

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

Project Name: Site maintenance work for the City of Porterville’s Headgate Mitigation Site.

Description of Project: Site maintenance work for the Headgate Mitigation Site which includes project coordination, irrigation system maintenance, and control of competing vegetation see “Exhibit A”.

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit “A”, Sequoia Riverlands Trust Proposal for Site Maintenance, in connection with the above-described project.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a fixed rate of Twenty Eight Thousand Three Hundred dollars, $28,300.00 as described in Exhibit “A”.

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will begin once construction is complete and end approximately
one year later. Changes to the start and completion date shall require approval from the City of Porterville.

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

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

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

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence;

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

To the fullest extent permitted by law, CITY agrees to indemnify, defend
(at CONSULTANT'S election), and hold harmless the CONSULTANT against
any claims, actions or demands against CONSULTANT, and against any
damages, liabilities for personal injury or death or for loss or damage to property,
or any of them arising out of negligence of CITY or any of its employees or
agents.

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

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

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not
discriminate against any employee, or applicant for employment because of race,
color, religion, gender, marital status, or national origin.
SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code". Said code is in accordance with the requirements of the Political Reform Act of 1974. CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party by giving a thirty (30) day written notice to the other party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by contractor. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.
SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

By __________________________
Cameron Hamilton, Mayor

CONSULTANT

By __________________________
Sequoia Riverlands Trust

Date __________________________
Date 2-14-08
EXHIBIT A
Agreement for First Year of Site Maintenance at Porterville Headgate Mitigation Site
February 2008

<table>
<thead>
<tr>
<th>DESCRIPTION OF EXPENSES</th>
<th>Project Coordination (direct expenses)</th>
<th>Inspect &amp; Maintain Irrigation System</th>
<th>Control Competing Non-native Vegetation &amp; Excessive Herbivory</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Specialists</td>
<td>1970</td>
<td>14750</td>
<td>6670</td>
<td>23390</td>
</tr>
<tr>
<td>Financial &amp; Other Admin. (working directly on project)</td>
<td>1150</td>
<td>0</td>
<td>0</td>
<td>1150</td>
</tr>
<tr>
<td>Materials &amp; Supplies</td>
<td>50</td>
<td>1250</td>
<td>1000</td>
<td>2300</td>
</tr>
<tr>
<td>Mileage</td>
<td>115</td>
<td>840</td>
<td>505</td>
<td>1460</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSE</strong></td>
<td><strong>$3,285</strong></td>
<td><strong>$16,840</strong></td>
<td><strong>$8,175</strong></td>
<td><strong>$28,300</strong></td>
</tr>
</tbody>
</table>

Description of Services:

1) Project coordination includes work planning and scheduling, cost accounting, billing, and coordination with City of Porterville and its contractors.

2) Irrigation system maintenance includes system inspections twice a week during the dry season to ensure proper delivery of water to plantings, plus routine system maintenance (e.g. replacement of damaged pipe or plugged emitters).

3) Control of competing vegetation and excessive herbivory may include hand grubbing, weed-eating, mulching, herbicides, wire cages around individual plants or other measures consistent with USFWS regulations and the management plan for the site. Primarily done during the wet season. Routine litter clean-up is also included. Litter clean-up does not include removal of hazardous wastes or excessive amounts of waste dumped illicitly on the site.

4) Site improvements (e.g. well, fence, signs) will be monitored during these other activities, and minor repairs will be made as needed. Items requiring significant repair (e.g. major fence damage or pump system malfunctions) will be coordinated with the City, with costs and strategy for repairs negotiated on a case-by-case basis.

Sequoia Riverlands Trust
Conserving California's Heartland
SUBJECT: APPROVAL OF RESOLUTION SATISFYING SUBLEASE AGREEMENT BETWEEN CITY OF PORTERVILLE AND FRESNO MSA LIMITED PARTNERSHIP DBA VERIZON WIRELESS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT/ADMINISTRATION

COMMENT: At its meeting of January 15, 2008, the City Council approved the Land Lease Agreement between the City of Porterville and Verizon Wireless for a wireless tower to be constructed at Fire Station No. 2. As per the Lease Agreement between the Porterville Public Financing Authority (Authority) as Lessor, and the City of Porterville (City) as Lessee, the City must certify the following conditions:

1. That the City remain obligated to the Authority for the lease agreement and lease payments;
2. That within 30 days after execution of lease, copies of said lease will be delivered to the Authority and the Trustee;
3. That no such sublease by the City shall cause the property to be used for a purpose other than as may be authorized under the provisions of the Constitution and laws of the State; and
4. That the City shall furnish the Authority and the Trustee with a written opinion of bond counsel stating that such sublease does not cause the interest components of the lease payments to become subject to Federal income taxes or State personal income taxes.

At this time all conditions have been satisfied.

RECOMMENDATION: That the City Council approve the draft resolution certifying that conditions of Section 8.2 of the Lease Agreement between the Porterville Public Financing Authority and the City of Porterville have been satisfied.

ATTACHMENT: Draft Resolution

DD Appropriated/Funded CM Item No. 9
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CERTIFYING THE COMPLETION OF CERTAIN REQUIREMENTS AS A PRECONDITION OF RECEIVING AUTHORIZATION FROM THE PORTERVILLE PUBLIC FINANCING AUTHORITY TO SUBLEASE CERTAIN REAL PROPERTY TO FRESNO MSA LIMITED PARTNERSHIP

WHEREAS, the City of Porterville (the "City"), as Lessee, has entered into a lease agreement (the “Agreement”), which was recorded in the County of Tulare, State of California, as Document No. 2002-0086898, with the Porterville Public Financing Authority (the “Authority”), to lease certain real property; and

WHEREAS, the Agreement provides in Section 8.1 that the City may sublease the subject property only with written consent from the Authority, and following the certification by the City of certain conditions, including certification 1) that the Agreement and its lease payments shall remain the obligation of the City, 2) that City shall, within 30 days after delivery thereof, furnish the Authority and Trustee with a copy of the sublease agreement, 3) that the subleased property shall not be used for a purpose other than as may be authorized by the provisions of the Constitution and laws of the State and 4) that the City has furnished the Authority with written opinion by bond counsel stating that such sublease does not cause the interest components of the Lease Payments to become subject to federal income taxes or State personal income taxes; and

WHEREAS, City now desires to sublease that same real property, which is subject to the Agreement between City and Authority, to Fresno MSA Limited Partnership, dba Verizon Wireless, for purposes of a tower; and

WHEREAS, City desires to certify the aforementioned conditions so as to receive written authorization from the Authority to sublease said real property to Fresno MSA Limited Partnership;
NOW, THEREFORE, BE IT RESOLVED, as follows:

A. The Council hereby certifies that the Agreement between City and Authority, and its lease payments, shall remain the obligation of the City.

B. The Council hereby certifies and declares that within 30 days after delivery of the executed sublease agreement, City will furnish the Authority and Trustee with copies of such sublease agreement.

C. The Council hereby certifies that the subleased property shall not be used for a purpose other than as may be authorized by the provisions of the Constitution and laws of the State of California.

D. The Council hereby certifies that City has furnished the Authority with a written opinion, prepared by bond counsel pursuant to the Agreement, stating that such sublease to Fresno MSA Limited Partnership does not cause the interest components of the Lease Payments to become subject to federal income taxes or State personal income taxes.

PASSED, ADOPTED AND APPROVED this _____ day of ___________, 2008.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
Patrice Hildreth, Chief Deputy
COUNCIL AGENDA: MARCH 04, 2008

SUBJECT: ACCEPTANCE OF IMPROVEMENTS – NEW EXPRESSIONS, PHASE FIVE (Brian Ennis – Ennis Homes)

SOURCE: Public Works Department – Engineering Division

COMMENT: The subdivider has requested that the public improvements, constructed for their subdivision, be accepted by the City for maintenance. All required improvements, excluding sidewalks, have been completed, inspected by City staff and found to be acceptable.

The subdivider has submitted a one (1) year maintenance guarantee for five percent of the total cost of improvements.

RECOMMENDATION: That City Council:

1. Accept the public improvements of New Expressions, Phase Five Subdivision for maintenance;

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

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council Items\Acceptance of improvements - New Expressions Ph 5 - 2008-03-04.doc

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. [Number]
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 and Resolution 6-2004 approving the Amalene Estates Subdivision Map.

At the February 19, 2008 City Council public hearing, this item was continued to the March 4, 2008 City Council public hearing to allow staff to include a provision to have the developer pay for the costs of the landscaping, lighting, and masonry wall maintenance of the neighborhood until the time the lots are developed and an assessment could be collected by the county. An additional condition of approval (condition number eight (8)) has been added to the attached draft resolution to address this issue.

RECOMMENDATION: That the City Council adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision as modified

[Signatures]

Item No. [signature]
AMALENE ESTATES TENTATIVE SUBDIVISION MAP
FOR CITY COUNCIL MEETING OF MARCH 4, 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><strong>Zoning</strong></td>
<td>County AE-20 Exclusive Ag – 20 Acre Min. &amp; County C-3 (Heavy Commercial)</td>
</tr>
<tr>
<td></td>
<td>County AE-20</td>
</tr>
<tr>
<td></td>
<td>City R-1 (One Family Residential)</td>
</tr>
<tr>
<td></td>
<td>County AE - 20</td>
</tr>
<tr>
<td><strong>Related files/actions</strong></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 during review of the maps design, staff made comments and findings that required revisions. The applicant is requesting sufficient time to allow the revisions to be made and City Staff to complete their review process.

At the February 19, 2008 City Council public hearing, this item was continued to the March 4, 2008 City Council public hearing to allow staff to include a provision to have the developer pay for the costs of the landscaping, lighting, and masonry wall maintenance of the neighborhood until the time the lots are developed and an assessment could be collected from the city. An additional condition of approval (condition number eight (8)) has been added to the attached draft resolution to address this issue.

STAFF RECOMMENDATION:

That the City Council adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision as modified.
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
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 March 4, 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 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.
8. That the developer must pay all Landscape and Lighting District costs normally applicable and assessed to each lot until such time as the assessments are lawfully applied to the individual 62 lots. The improvements to be maintained and assessed through this district are:
   - Pro rata shares of the Ford Estates maintenance of street lighting, Westwood frontage landscape, and Westwood frontage masonry wall.
   - Amalene Estates street lighting
   - Amalene Estates 736 lineal feet of masonry wall along both Westwood and Vine
   - Amalene Estates 5445 square feet of landscape area along both Westwood and Vine.
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, Chief Deputy City Clerk
SUBJECT: EXTENTION OF TIME – IRIS HILL ESTATES TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

APPLICANT: Jerome Stehly
Pathfinder Land, LLC
32542 Aqueduct Road
Bonsall, CA 92003

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

PROPERTY OWNER: Jerome Stehly

PROJECT DESCRIPTION: Iris Hill Estates Tentative Subdivision Map Extension of Time

COMMENT:

The Tentative Subdivision Map for Iris Hill Estates proposes to divide a 39± acre vacant parcel in the R-1 (One Family Residential) Zone into 119 single family residential lots in two (2) phases.

On February 10, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project described herein and found that this project will have no significant impact on the environment. The Proposed extension of time does not result in any changed environmental circumstances; therefore, no additional analysis is required.

RECOMMENDATION: That the City Council adopt the draft resolution approving a two (2) year extension of time for Iris Hill Estates Tentative Subdivision Map

ATTACHMENT:

1. Complete Staff Report

DBA Appropriated/Funded CM  Item No. 12
Iris Hill Estates Tentative Subdivision Map
FOR CITY COUNCIL MEETING OF March 4, 2008

APPLICANT: Jerome Stehly
Pathfinder Land, LLC
32542 Aqueduct Road
Bonsall, CA 92003

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

PROPERTY OWNER: Jerome Stehly

PROJECT DESCRIPTION: Iris Hill Estates Tentative Subdivision Map
Extension of Time

The Tentative Subdivision Map for Iris Hill proposes to divide a 39± acre vacant parcel
zoned City R-1 (One Family Residential) Zone into 119 single family residential lots in
two (2) phases

SIZE OF PROPERTY: 39± acres

GENERAL PLAN CLASSIFICATION: Low Density Residential

ZONING CLASSIFICATION: One Family Zone (R-1)

ENVIRONMENTAL REVIEW:

On February 10, 2006, the Environmental Coordinator made a preliminary determination
that a Mitigated Negative Declaration would be appropriate for the proposed project
described herein and has found that this project will have no significant impact on the
environment.
PROJECT SUMMARY
Iris Hill Tentative Subdivision Map

Site Information

<table>
<thead>
<tr>
<th>Project Location</th>
<th>Generally the southeast corner of North Main Street and Reid Ave.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use</td>
<td>Improvement Plans under review</td>
</tr>
<tr>
<td>Surrounded</td>
<td>Existing Land Uses</td>
</tr>
<tr>
<td>North:</td>
<td>North Grand and Vacant Land</td>
</tr>
<tr>
<td>South:</td>
<td>Henderson Ave and Commercial</td>
</tr>
<tr>
<td>East:</td>
<td>Estate Homes</td>
</tr>
<tr>
<td>West:</td>
<td>Highway 65</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-1 (One Family Resident) and County AE-20</td>
</tr>
<tr>
<td></td>
<td>(Heavy Commercial)</td>
</tr>
<tr>
<td></td>
<td>R-E (One Family Estate)</td>
</tr>
<tr>
<td></td>
<td>C-3 (Heavy Commercial)</td>
</tr>
</tbody>
</table>

Related files/actions

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 Iris Hill Tentative Subdivision Map.

ATTACHMENTS:
1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. Negative Declaration
4. City Council Resolution(s) 37-2006 and 38-2006
5. Draft Resolution approving the new extension of time

Fernando Rios 2-22-08
Project Planner Date
February 13, 2008

Ben Kimball
City Planner
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: Iris Hill

Dear Mr. Kimball,

Our files indicate that the above referenced Tentative Subdivision Map will expire on or about March 7, 2008.

The applicants are requesting a two year time extension. An extension filing fee check in the amount of $316 is enclosed.

If you have any questions, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

cc: Jerome Stehley

JSW/bg
Encls.
NEGATIVE DECLARATION

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

PROJECT APPLICANTS: Jerome Stehly
32542 Aqueduct Road
Bonsall, CA 92003

PROJECT TITLE: Iris Hill Tentative Subdivision Map

ADDRESS/LOCATION: Generally the southeast corner of North Main Street and Reid Avenue.

PROJECT APPLICANT: Jerome Stehly

PROJECT DESCRIPTION: The Tentative Subdivision Map for Iris Hill Tentative Subdivision proposes to divide a 39± acre vacant parcel zoned City R-1 (One Family Residential) Zone into 119 single family residential lots in two (2) phases.

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

On February 10, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

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

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

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

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

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

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: February 10, 2006

Bradley D. Dunlap, Environmental Coordinator

291 N. Main St., Porterville, CA 93257 PHONE 559.782.7460 FAX 559.781.6437
RESOLUTION NO. 37-2006

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 IRIS HILL ESTATES TENTATIVE
SUBDIVISION MAP FOR THAT 39± ACRE VACANT
SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER
OF NORTH MAIN STREET AND REID AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of March 7, 2006, conducted a public hearing to consider approval of Iris Hill Estates Tentative
Subdivision Map for a 39± acre vacant site to develop 119 single family residential parcels in two
(2) phases for that site located generally on the southeast corner of North Main Street and Reid
Avenue; and

WHEREAS: On February 10, 2006, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project;
and

WHEREAS: The City Council 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 Negative Declaration prepared for this project was made available for public
   review and comment. The 20 day review period was from February 10, 2006 to
   March 1. The San Joaquin Valley Air Pollution Control District provided standard
   comments and concurred with the determination of the environmental document.

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

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

4. That the mitigation measures contained in the Negative Declaration were
   incorporated into a Mitigation Monitoring Program attached hereto as Attachment
   A and included as condition 52 in the proposed resolution of approval for Iris Hill
   Tentative Subdivision Map;
5. That the City Council is the decision-making body for the project;

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

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

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

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

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

Pedro R. Martinez, 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 7th day of March, 2006.

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

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

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 38-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR IRIS HILL ESTATES TENTATIVE SUBDIVISION MAP FOR THAT 39± ACRE VACANT SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF NORTH MAIN STREET AND REID AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 7, 2006, conducted a public hearing to consider approval of Iris Hill Estates Tentative Subdivision Map for a 39± acre vacant site to develop 119± single family residential parcels in two (2) phases for that site located generally on the southeast corner of North Main Street and Reid Avenue; and

WHEREAS: On February 10, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Subdivision Review Committee on March 1, 2006, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council 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 3.05 d.u./acre.

   Both North Main Street and Reid Avenue are designated arterial streets. Interior streets will allow the circulation to enter and exit North Main Street from Pioneer Avenue to the south and at two (2) points onto Reid Avenue to the North.

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

   The subject site is located on hill that gently slopes from east to west. The slope extending east has grades up to 15%. Such slopes will require substantial grading
to create individual house pads. A conceptual grading plan has been submitted. Steeper slopes provide less absorption and create additional storm run-off. Appropriate conditions of approval will be applied to the project to ensure suitable 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. Condition 47 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

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

The General Plan designates the site for Low Density Residential uses. To the north is fallow land and orchards; to the west is fallow land, a restaurant and railroad spur; to the east is fallow land and a developed subdivision on top of a hill; to the south is a single family residential dwelling and fallow land. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth and double frontage lots. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

8. 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 find the following facts with respect thereto:
a. That there are special circumstances or conditions affecting such property.

Response: Due to topography, the irregular shape of the 39± acre vacant parcel and the desire of the developer to provide lots which are developable, consistent with the topography and being able to provide a non-grid interior street circulation plan, the excessive lot depths for Parcels 30, 36, 41, 49, 50, 66, 32, 33, 35, 42, 44, 45, 48 and 70 can not be avoided.

Also, the request to allow double frontage lots for those lots fronting on North Main Street and Reid Avenue was not only based on the topographic conditions within the property, but also upon the City Council's desire to eliminate driveways on arterial, collector and other heavily traveled streets. As a condition of approval, a six (6) foot high masonry block wall and landscaping will be required along the full length of North Main Street and Reid Avenue fronting on the subject subdivision. Access to North Main Street and Reid Avenue from these lots will not be allowed.

b. That the modifications are a necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modifications are a requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modifications 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 the property lines for the interior lots to have an average of 185± feet in depth, which is five feet more than the allowed maximum of 180 feet. The only exception would be to Parcel 66 which would have a lot depth of 492± feet.

The exception to allow for double frontage lots along North Main Street and Reid Avenue is consistent with other similar subdivisions. Access from driveways onto arterial, collector and other heavily traveled streets is discouraged.

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 modification will allow for the subject site to be developed while 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 and double frontage lots) and is consistent with the density allowed by the General Plan.

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

1. The required twelve (12) foot side yard setback to include six (6) foot fences for all reverse corner lots shall be required. As currently designed, Lots 19, 22, 31, 69, 94, 96 and 102 are reverse corner lots.

2. No access to Lot 41 will be permitted from Pioneer Avenue and access to Reid Avenue and North Main Street will be allowed from those streets.


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

5. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). In accordance with City Council’s adopted N. Main Street alignment plan, 36 feet of additional right of way dedication is required along the westerly development boundary. An easement that varies from 15 feet to 25 feet for a graded slope, drainage, and Public Utilities shall also be dedicated along the N. Main Street frontage. A block/retaining wall along Main Street may eliminate the
need for the slope easement along Main Street. No additional right of way will be required for Reid Avenue if 60 feet exists.

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

7. 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.

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

9. 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 annexation to the district: (1) Lighting, (2) Public Landscaping, (3) Public walls/fences (4) Temporary on-site or off-site drainage reservoir, concrete swales, if any, etc.

The developer/applicant shall prepare an Engineer's report for the formation of the Landscape and Lighting District, and 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 for the annexation into an existing District and Landscape and Lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision.

Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall perform all service fees and landscape maintenance for the period of time between the date that the improvements are accepted by the City until assessment begins for the Lighting and Landscape Maintenance District.

10. A minimum six (6) foot block wall and landscaping along the North Main and Reid Avenue frontages 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. 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:
* A minimum planting of six (6) feet in width to a minimum of 24 inch change of plane.
* A minimum of an 18 inch change in height.
* A section of semi-open fence, except where such a feature would interfere with required sound protection.
* A change of material.

11. The developer/applicant shall furnish and plant one #15 tree approved as a City Street Tree within the front yard of each lot. One (1) additional tree is required on each corner lot.

12. The Main Street and Reid Avenue Streetscape shall comply with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation designs must be provided. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

A minimum 6-foot wide landscape area shall be provided between the masonry wall and the sidewalk along the Main Street and Reid Avenue frontages. A wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear yards of lots abutting Main Street and Reid Avenue, unless the walls are located entirely within public right-of-way.

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

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

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

c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.
14. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

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

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

17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use. The developer/applicant shall communicate, in writing, with the irrigation company of record discussing the proposed development and determine if the development will have any impact on their facilities. Copies of the written correspondences shall be delivered via certified mail with a copy to the City.

18. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

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

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

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

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

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

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
c. Street base rock for accessibility by the public safety officials and building inspectors;
d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
e. Lot corners are marked;
f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. 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. There are significant improvements, property acquisitions and other issues involved in implementing the Strom Drain Master Plan. Should it become unreasonable to implement the Storm Drain Master Plan upon development of the proposed subdivision,
the developer/applicant may provide on-site or off-site temporary drainage reservoirs in accordance with City Standards.

25. The developer/applicant shall construct a concrete drainage swale, replacing the existing ditch along the easterly boundary, if in the opinion of the City Engineer it becomes an integral part of the development's drainage system. The hillside runoff, specifically along the easterly project boundary, shall be captured by a concrete swale or other means acceptable to the City Engineer and directed to the City’s drainage system. Access to, from, and along these drainage facilities shall be provided for maintenance purposes as approved by the City Engineer.

26. 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.

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the end of dead-end streets.

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

29. 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.
30. The developer/applicant shall construct two (2) City standard barricades at the end of all dead end streets.

31. Due to the adopted N. Main Street alignment plan, the developer/applicant shall construct Main Street improvements in the following manner:

   a. Construct curb, gutter, sidewalk, drainage ditch, cut slope, and block wall as shown on the preliminary improvement plans on file at the City of Porterville. A block/retaining wall along Main Street may eliminate the need drainage ditch and cut slope (slope easement) along Main Street.

   b. The profile grades shown on the preliminary improvement plans are acceptable to the City and can be used for design purposes.

   c. Extend the existing road easterly to provide for safe parking (8' of parking and a 4' shoulder) along full frontage.

   d. The street shall be wide enough to accommodate a northbound deceleration lane/right hand turn lane onto Reid Avenue. This lane shall also be a minimum of 100 feet in length. No Parking will be allowed along the right hand turn lane.

   e. Construct drainage ditch along the new edge of pavement that directs the storm water to the City’s drainage system.

   f. Install a landscaping and an irrigation system along the full frontage in the areas left vacant by the construction of the herein described public improvements. These improvements will create a vacant area between the edge of pavement and the new curb. They will also create another vacant area between the back of sidewalk and the block wall.

   g. A landscape and irrigation plan shall be prepared by a Licensed Landscape Architect and delivered to the City for review as part of the improvement plans.

   h. Main Street cross section shall depict the herein described conditions.

32. The developer/applicant shall construct public improvements that provide for a minimum of two (2) lanes of traffic and on-street parking, on the north side of Pioneer Avenue, adjacent to the southerly property line, as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

33. The developer/applicant shall construct the sewer main from N. Grand Avenue to Reid Avenue as depicted in the Sewer Master Plan. Construction of this sewer main requires the acquisition/dedication of off-site easements.

34. 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.

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

36. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

37. 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 (1) for each 10 lots in the subdivision or four, whichever, is greater. The model homes shall be clustered.

38. The developer/applicant shall construct water main(s) along the frontages of the proposed development, as depicted in the Water Master Plan.

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

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

41. Fire hydrants spacing shall be as follows: In Residential development, one (1) hydrant shall be installed at every 500 feet intervals.

42. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at a spacing not to exceed 1,000 feet to provide for transportation hazards.

43. 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.

44. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required.

45. 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.

46. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

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

48. At all times, the residential uses on the subject site shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

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

50. The developer/applicant will ensure the following guidelines for material and colors are adopted by the builder. The guidelines pertain to both residential and community property contained in the subdivision. The guidelines can only be modified by approval of the Porterville City Council, unless the Council delegates such authority to City Staff.

Exterior material must consist of wood siding, composite wood/cement fiberboard siding, or stucco. Highly reflective roofing and white or blue roofing is not permitted. Exterior colors may be varied throughout the development, so long as the color palette is composed of complementary colors, such as “earth tones”. No single exterior color scheme shall be used on more than 25% of the residential units. Acceptable colors include: muted green shades, tans and creams, all shades or gray, earth tones, and muted yellows. If blue tones are to be used, they shall have a substantial grey blend. Light colors such as white, cream, or light beige are acceptable but shall not dominate the subdivision. Trim (window, door, fascia, railings, shutters, etc.) shall be painted in a contrasting but complementary color to the body color of the home. Bright pastels and primary colors are not allowed as body or trim colors.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
### Mitigation Monitoring Program
#### Attachment A

<table>
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<th>Impact No.</th>
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<th>Level Of Significance After Mitigation</th>
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<td>Impact #3 a, b, c, d: Air Quality</td>
<td>Conflict with or obstruct implementation of the applicable air quality plan. Violate any air quality standard or contribute substantially to an existing or projected air violation. 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. Expose sensitive receptors to substantial pollutant concentration.</td>
<td>Air Quality Impacts from this project will come mainly from two sources: particulate (dust) emissions from project construction, and operational emissions from vehicular trips associated with the project. Construction emissions are temporary in nature and are considered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to be less than significant if the SJVAPCD’s Regulation VIII mandatory dust control measures are followed. Because these measures are mandatory, and therefore part of the regulatory setting of the project, they do not constitute mitigation. Regulation VIII also contains optional dust control measures that will be followed during project construction and will help further reduce particulate emissions. Because these measures are voluntary, they are considered to be mitigation. Regulation VIII mandatory and optional dust control measures are listed in Tables 1 through 4 on the following pages. The project does not exceed the Small Project Analysis Level published by the San Joaquin Valley Air Pollution Control District in the guide for assessing and Mitigating Air Quality Impacts (GAMAQI) for Residential developments.</td>
<td>Less than significant</td>
<td>SJVAPCD/City of Porterville</td>
</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
<td>Responsible Party</td>
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</tr>
<tr>
<td>Impact #6 a, b, c, d) iv Geology and Soils</td>
<td>Expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving: Landslides Result in substantial soil erosion or the loss of topsoil. 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. Be located on expansive soil, creating substantial risks to life or property.</td>
<td>The project is located on the soil type Cibo Clay as defined by the US Department of Agriculture’s Natural Resources conservation Service. In the Soils survey of Tulare county, Central Part, Cibo Clay is described as having slow permeability and high erosion hazards. The soil is also subject to expansion. The slopes associated with the Cibo Clay (up to 15% within the project area) results in some risk of landslides, instability, erosion, and expansion. The developer through a thorough soils study and engineering methods to stabilize the soils will mitigate these risks. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant. Development of the site as proposed will result in ground disturbance through leveling, grading, etc., and could contribute to minor soil erosion during construction. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval would maintain a less than significant impact in regards to erosion. In addition, conformance with the City Storm Drain master Plan, and requirements relative to grading, the California Building code, etc., will be required. A hydrology and soils report will be required as per the City requirements.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
<td>Responsible Party</td>
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<tr>
<td><strong>Impact #8 a, c, d, e, f</strong> Hydrology and Water Quality</td>
<td>Violate and water quality standards or waste discharge requirements. 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 that would result in substantial erosion or siltation on or off-site. Substantially alter the existing drainage pattern of the site or area, including thought 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.</td>
<td>Oils, chemicals and residues conveyed by storm water runoff along streets, driveways and other impervious surfaces, could violate water quality standards. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES Standards). The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which
<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Level Of Significance After Mitigation</th>
<th>Responsible Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrology and Water Quality (continued)</td>
<td>Create or contribute runoff water that would exceed the capacity of existing or planer storm water drainage systems or provide substantial additional sources of polluted runoff. Otherwise substantially degrade water quality.</td>
<td>to use the retreated effluent as irrigation water. The city has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of this land will increase the permitted capacity of the treatment plant.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
<td>Responsible Party</td>
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<tr>
<td>Impact #11 a, b: Noise</td>
<td>Exposure of person 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. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.</td>
<td>Development of the site as proposed will result in short-term increases in noise associated with construction equipment. To mitigate the potential impacts, construction activities will be restricted to daytime hours: 7:00 AM to 5:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturday and Sunday.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
<td>Responsible Party</td>
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</tr>
<tr>
<td>Impact #15 a, b: Transportation/ Traffic</td>
<td>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. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated road or highways.</td>
<td>Development of the 39± acre site with 119 single family residential units is anticipated to result in 1137 additional daily vehicle trips. Both North Main Street and Reid Avenue are arterials adjacent to the project area and have a capacity of 12,500 daily trips each. The increase of trips generated by the proposed project may reduce the Level of Service in the project area. The project proponent will be required to pay pro rata traffic impact fees to partially fund the improvements required by the project. The City will pool these funds with those obtained from other projects, as well as capital funds to make the necessary improvements.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
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</tr>
<tr>
<td>Impact #16 a, b,</td>
<td>Exceed wastewater treatment requirements of the applicable Regional</td>
<td>The City's wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the retreated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plant. Occupation of the project will not be permitted prior to completion of the annexation of land for biodolids spreading. New storm water drainage facilities will be installed as needed to serve the project.</td>
<td>Less than significant</td>
<td>City of Porterville</td>
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<tr>
<td>c: Utilities and</td>
<td>Water Quality control Board.</td>
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<td>Service Systems</td>
<td>Require or result in the construction of new water or wastewater</td>
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<td></td>
<td>treatment facilities or expansion of existing facilities, the</td>
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<td>construction of which could cause significant environmental effects.</td>
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<tr>
<td>Impact #16 b</td>
<td>Require or result in the construction of new water or wastewater</td>
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<td>treatment facilities or expansion of existing facilities, the</td>
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<td>construction of which could cause significant environmental effects.</td>
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<tr>
<td>Impact #16c</td>
<td>Require or result in the construction of new water or wastewater</td>
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<td>treatment facilities or expansion of existing facilities, the</td>
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<td>construction of which could cause significant environmental effects.</td>
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</tbody>
</table>
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 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 7th day of March, 2006.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>IRISH</th>
<th>WEST</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
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<td>NOES:</td>
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<td>ABSTAIN:</td>
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<td>ABSENT:</td>
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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 IRIS HILL SUBDIVISION MAP GENERALLY LOCATED ON THAT SITE SOUTHEAST CORNER OF NORTH MAIN STREET AND REID AVENUE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of March 4, 2008, considered a two (2) year extension of time request for Iris Hill Estates Tentative Subdivision Map, generally located on that site southeast corner of North Main Street and Reid Avenue; and

WHEREAS: The Porterville City Council at its regularly scheduled meeting

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 a Negative Declaration was approved for the project and that no further environmental analysis is required.

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 extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for Iris Hill Subdivision Map and that the conditions specified in City Council Resolution 37-2006 and 38-2006 shall remain in full force and effect. Said extension of time shall commence March 4, 2008, and shall expire on March 4, 2010.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
  Patrice Hildreth, Acting Chief Deputy City Clerk
COUNCIL AGENDA – March 4, 2008

SUBJECT: AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN

SOURCE: Administrative Services/Human Resources

COMMENT: City representatives have recently concluded Meet and Confer Sessions on matters within the scope and purview of the Meyers-Milias-Brown Act with the Porterville City Firefighters’ Association (P.C.F.A.), representing the Fire Series Employees, and a written Memorandum of Understanding (M.O.U.) has been executed with representatives of the P.C.F.A. The protracted M.O.U. (Multi-year Agreement) covers matters pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed M.O.U. is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the M.O.U.

RECOMMENDATION: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-08 and 2008-09, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

ATTACHMENT: Draft Resolution

DCM Appropriated/Funded CM Item No. 13
RESOLUTION NO. ____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN

WHEREAS: The City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan, and Retirement Plan are essential for the proper administration of the City’s affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS: The City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of same; and,

WHEREAS: There has been concurrence on a Memorandum of Understanding with the Porterville City Firefighters’ Association for Fiscal Years 2007-08 and 2008-09, covering provisions to amend the Employee Pay and Benefit Plan, as it relates to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions designated in the Fire Series, is hereby amended as follows:

I. WAGE INCREASE

The Employee Pay and Benefit Plan, Section II, A., Position Pay Plan Schedule, shall be amended to increase the base pay for Fire Series Employees as follows:

- Effective 07-01-07: 3%
- Effective 03-01-08: 3%
- Effective 10-01-08: 3%
- Effective 06-01-09: 3%
II. COMPENSATION FOR FIRE ARSON INVESTIGATORS

Effective 03-01-08, the Employee Pay and Benefit Plan, Section II, Compensation Plan, shall be amended to provide a $40 per month salary differential for Fire Series Employees assigned to the Fire Arson Investigation Unit.

III. HOLIDAYS

Effective 01-01-08, the Employee Pay and Benefit Plan, Section III, B, 2, Floating Holidays, and D, Vacation, shall be revised to allow for one additional floating holiday granted to all Fire Series Employees, which will be included in the vacation accrual.

IV. EDUCATION INCENTIVE

Effective 03-01-08, the Employee Pay and Benefit Plan, Section II, J, Educational Incentive, shall be amended as follows:

Fire Series employees will receive education incentives upon receiving each of the following degrees and/or certificates:

- Associate’s Degree (with minimum of 21 units in Fire Science/Fire Technology): 5%
- Bachelor’s Degree: 2%
- Chief Fire Officer Certificate: 3%

The additional compensation for the Associate’s Degree and Bachelor’s Degree will be allowed provided the employee has a 2.0 grade point average. No tuition, books or other education costs will be paid for classes taken to attain the educational incentive compensation. Fire Series employees with a Bachelor’s Degree will be eligible to receive the Associate’s Degree 5% incentive pay only if they have completed a minimum of 21 units in Fire Science.

Fire Series employees hired prior to the effective date of this amendment and who are currently receiving 5% educational incentive for an Associate’s Degree will continue to receive the 5%.

V. VACATION SCHEDULES

Effective 03-01-08, an absence of more than ninety (90) days due to industrial injury or illness and department vacancies of more than 120 days shall not be counted against the minimum staffing levels for the purpose of scheduling vacation.
VI. **UNIFORM ALLOWANCE**

Effective 03-01-08, the Employee Pay and Benefit Plan, Section III, H, Uniform and Safety Equipment Allowance, shall be amended as follows:

a. Firefighters: $830.00 annually

Uniform allowance will be paid to the employee semiannually by check issued separate from payroll, and the employee will be required to maintain his/her uniform. Uniforms will be issued to new employees, and they will not be entitled to the uniform allowance until after one year of service.

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
TITLE: PORTERVILLE 2030 COMPREHENSIVE GENERAL PLAN UPDATE; A REQUEST FOR APPROVAL OF A COMPREHENSIVE GENERAL PLAN UPDATE WITH AN ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND URBAN WATER MANAGEMENT PLAN

DUE TO THE VOLUMINOSITY OF THIS ITEM, IT IS PROVIDED AS “VOLUME II” IN THE AGENDA PACKET.
PUBLIC HEARING

TITLE: DESIGN REVIEW OVERLAY 1-2008 & CONDITIONAL USE PERMIT 2-2008 (EMERITUS ASSISTED LIVING FACILITY)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit and a D-Overlay to allow the development of a 119 bed, two-story building to be utilized as an assisted living facility. The proposed project is within the R-3 (D) - Multiple Family Residential with a Design Review Overlay Zone on a 4.86± acre site located on the north side of Henderson Avenue, 900± feet west of Westwood Street.

The proposal consists of one two-story building providing 100 units (119 sleeping rooms) with a variety of associated uses to support the residents. The northern section of the facility will be a single-story area that provides services for residents that require more involved assistance and care than those living in the two story section of the building. The support services include central dining areas, indoor and outdoor recreation, medical or “care and supervision” services will be provided.

The proposed design is consistent with the requirements of the R-3 (D) Zone and other Zoning Ordinance Sections. Specifically, the facility will provide 60 parking spaces of which 55 will be standard spaces and five (5) will be ADA accessible (including two van accessible). Access to the facility will be from two (2) drive approaches on Henderson Avenue at the southwest and southeast corners of the proposed site. The project exceeds all minimum landscaping requirements along Henderson Avenue and throughout the project. The proposed refuse and loading zone also meet City Ordinance requirements and are included in the design. The Fire and Field Services Departments have reviewed the proposal and have agreed that the design and circulation of the driveways shown for access along the perimeter of the building are acceptable.

Staff Recommendation: That the City Council:

1) Adopt the draft resolution approving Conditional Use Permit 2-2008, subject to the conditions of approval.

2) Adopt the draft resolution approving design review overlay D-Overlay 1-2008, subject to the conditions of approval.
EMERITUS ASSISTED LIVING FACILITY, D-OVERLAY 1-2008 & CUP 2-2008
FOR CITY COUNCIL MEETING OF MARCH 4, 2008

APPLICANT/ AGENT: Peter Givas
Peter Givas Architect (PGA)
2016 "P" Street, Suite 200
Sacramento, CA 95814

PROPERTY OWNER: Ben Ennis c/o Bob Sherwood
Henderson Ave, West of West Wood Street
Porterville, CA 93257

PROJECT DESCRIPTION: Assisted Living Facility
The proposed project is development of a 119 bed two-story building to be utilized as an assisted living facility. The proposed project is within the R-3 (D) -Multiple Family Residential with Design Review Overlay Zone and requires conditional use permit for development on the 4.86± acre site located on the north side of Henderson Avenue, 900± feet west of Westwood Street.

SIZE OF PROPERTY: 4.86± acres

GENERAL PLAN CLASSIFICATION: High Density Residential

ZONING CLASSIFICATION: R-3 (D) – Multiple Family Residential with Design Review Overlay Zone

STAFF RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 2-2008 and D-Overlay 1-2008, subject to conditions of approval.

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>
</tr>
</thead>
<tbody>
<tr>
<td>(Pending)</td>
<td>(2-23-08)</td>
<td>(2-22-08)</td>
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</table>
## PROJECT SUMMARY
EMERITUS ASSISTED LIVING FACILITY, CUP 2-2008

### Site Information

<table>
<thead>
<tr>
<th>Project Location</th>
<th>North side of Henderson Avenue approximately 900 feet west of Westwood Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Designation</td>
<td>Existing: High Density Residential</td>
</tr>
<tr>
<td>Zoning</td>
<td>Existing: R3-D - Multiple Family Residential - Design Review Overlay Zone</td>
</tr>
<tr>
<td>Present Use</td>
<td>Vacant – Undeveloped Land</td>
</tr>
<tr>
<td>Access</td>
<td>Two drive approaches along Henderson Avenue</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding</th>
<th>Existing Land Uses</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Vacant parcel/Porter Slough &amp; Single Family Residential beyond the Porter Slough</td>
<td>R-3(D) - Multi Family Residential – Design Review Overlay &amp; R1 (One Family Residential) Zone</td>
</tr>
<tr>
<td>South:</td>
<td>Developed One Family Residential Uses (Westwood Estates)</td>
<td>R1 (One Family Residential) Zone</td>
</tr>
<tr>
<td>East:</td>
<td>Independent Retired Living Facility</td>
<td>R-3(D) - Multiple Family Residential – Design Review Overlay Zone</td>
</tr>
<tr>
<td>West:</td>
<td>Vacant – Undeveloped Land</td>
<td>R1 (One Family Residential) Zone</td>
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### Related files/actions
Tentative Parcel Map 3-2007 (included a conceptual development plan for adjacent property to the west and north.)

### Project Details

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required: 60</th>
<th>Provided: 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>Required:</td>
<td>Provided:</td>
</tr>
<tr>
<td>Front:</td>
<td>15 feet</td>
<td>23 feet</td>
</tr>
<tr>
<td>Side:</td>
<td>5 feet (west side)</td>
<td>51 feet</td>
</tr>
<tr>
<td>Side:</td>
<td>5 feet (east side)</td>
<td>122 feet</td>
</tr>
<tr>
<td>Rear:</td>
<td>10 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Landscape Area</td>
<td>Required: 750 Sq. Ft.</td>
<td>Provided: Greater than 25% of total area</td>
</tr>
<tr>
<td>Building Height</td>
<td>Required: 50 max</td>
<td>Proposed: 30±</td>
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<tr>
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</tr>
<tr>
<td>Buildable Area</td>
<td>Allowed: 50%</td>
<td>Proposed: 47,344 square feet (22% of site area)</td>
</tr>
<tr>
<td>Space Between Buildings</td>
<td>Required: N/A</td>
<td>Proposed: N/A</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Required: 60 feet min.</td>
<td>Proposed: 370 feet</td>
</tr>
<tr>
<td>Storm Water Retention</td>
<td>City System</td>
<td></td>
</tr>
<tr>
<td>Fencing</td>
<td>None proposed at this time</td>
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</tr>
</tbody>
</table>

**ENVIRONMENTAL SETTING:**

The proposed site is vacant undeveloped land. The site is flat and rectangular in shape. The only vegetation that grows on-site is weeds which are discarded annually and the site has not been used for agricultural purposes in many years. There is no existing curb, gutter, and sidewalks. These improvements will be made during development and construction of the site. Soils reports will be submitted as part of the permitting and no record or reports of suggested endangered species or habitat will be impacted.

**PROJECT DESCRIPTION/ANALYSIS:**

The proposed building is centrally located on the subject site providing 100 units (119 sleeping rooms) with a variety of associated uses to support the residents. There are two areas of proposed parking. The main parking area and entrances are found along the east property line with additional parking centrally located on the west side of the building. The two main entrances include passenger loading areas and circular drive approaches. Pedestrian access and walkways surround the project and bicycle racks are located on both the east and west sides of the building.

The proposed building elevations present a modern facility with features that include dark slate tile roof, stone veneer columns and bases that accentuate the building. The building finish will be cement plaster with a variety of complimenting colors including sand, beige, white, and navy (see attachment Exhibit A). The building is designed with a central corridor system for each extension. Approximately 2/3 of the building is two-story with the rear section being single story. The single story area will accommodate residents that require special or more involved care and assistance. Support services will include two central dining areas, a private dining area, indoor and outdoor recreation (a central fenced courtyard is located within the complex), kitchens, offices, storage areas and other services of a similar nature. Medical, care and supervision services will be provided on-site.

The proposed landscape plans provide more than adequate landscaping throughout the project. A variety of trees, shrubs, and groundcover is proposed throughout the entire property and within the fenced courtyard. The building and landscaping will have
separate water meters for calculating total units used, as the fees are calculated at different rates. The building will be connected to existing public water and sewer systems found in Henderson Avenue. On-site drainage will be connected to the existing City storm drainage system. The project is to be completed in one phase.

The proposed design is consistent with the requirements of the R3-D Zone, the zoning ordinance and the General Plan designation for High Density Residential. Ordinance Section 401 A(6) allows for development of assisted living retirement/residential care facilities subject to approval of a conditional use permit. Assisted living facilities are defined by the Zoning Ordinance as follows:

“ASSISTED LIVING RETIREMENT/RESIDENTIAL CARE FACILITIES: Residential facilities for the elderly which offer all services of "independent living retirement facilities" as defined in this section but also provide "care and supervision" involving assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well being of residents. Such institutional facilities are required to be licensed by the state of California and will be considered residential care facilities under California state law.”

On the east side of the property, adjacent to the proposed development is the Sierra Hills retired living facility. This is a similar facility that offers an independent living environment. To the south, across Henderson Avenue, is the fully developed Westwood Estates subdivision. To the north is an extension of the neighboring vacant parcel to the west and the Porter Slough. Further north, beyond the Porter Slough is the fully developed Porter Creek Estates Subdivision. The proposed development is compatible and consistent with the surrounding land uses.

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 Categorical Exemption be filed for the Conditional Use Permit 2-2008. 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. Adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Site Review 1-2008; and
2. Adopt the draft resolution approving Conditional Use Permit 2-2008, subject to conditions of approval.

ATTACHMENTS:

1. General Plan/Zoning/Land Use/Locator Map
2. Conditional Use Permit Application
3. Environmental Information Form
4. Design Review Overlay Application
5. Notice of Exemption
6. Draft Resolution in support of D-Overlay 1-2008
7. Draft Resolution of Approval (Site Plans/Elevations – Exhibit “A”)

Jose B. Ortiz ___________________________  February 22, 2008  
Project Planner _________________________  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:
EMERITUS – Assisted Living Facility

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
Ben Ennis c/o Bob Sherwood (949) 498-8478

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Peter D. Givas, Architect – Peter Givas Architect, Inc.
2016 "P" Street, Suite 200, Sacramento, CA 95811, (916) 498-7900

PROJECT ADDRESS AND NEAREST CROSS STREETS:
Henderson Avenue, West of West Wood Street
A.P.N 240-050-031-000

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
Assisted Living Facility

Date of most recent sale of property: Pending

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

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

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 project is an Elderly Assisted Living project

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).

       **119 Residents**

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

       **Peak Hours = 30 Employees**

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

       **60 Spaces**

   (d) Maximum height of buildings or structures.

       **Highest = 40 feet**

       **Average = 34 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.

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

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APPLICANT’S DECLARATION

STATE OF CALIFORNIA ) ss
COUNTY OF TULARE )

I, Peter D. Givas, being duly sworn, declare and say that I am the applicant 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

PGA Office this 22 day of February, 2008.

Telephone (916) 498-7900 Signed

Mailing Address 2016 "P" Street, Suite 200
Sacramento, CA 95811

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

Received Date Receipt No.

By

3
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

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

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

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

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

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

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

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

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

PROJECT NAME AND APPLICATION NUMBER:

EMERITUS – Assisted Living Facility

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

Ben Ennis c/o Bob Sherwood (949) 498-8478

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

Peter D. Givas, Architect – Peter Givas Architect, Inc.

2016 P Street, Suite 200, Sacramento, CA 95811, (916) 498-7900

PROJECT ADDRESS AND NEAREST CROSS STREETS:

Henderson Avenue, West of West Wood Street – A.P.N. 240-050-031-000

EXISTING ZONING: R-3 D Overlay

EXISTING LAND USE: Vacant

For Office Use Only-
(Date stamp upon receipt)

Receipt No.: ____________________

Received By: ____________________ Paid By: ____________________

Project No.: ____________________ Amount: ____________________
Provide in as much detail as possible the following information: See attached

1. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.
2. Provide a detailed project description. Include project area, square footage of buildings (existing and proposed), number of floors of construction, and amount of off-street parking provided. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. If industrial, indicate type, estimated employment per shift, and loading facilities. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
3. Provide scaled and fully dimensioned site plans, if applicable.
4. Outline proposed scheduling.
5. If known, provide information regarding related or cumulatively resulting projects, or any relationship to a larger project or series of projects.
6. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

**Environmental Setting - See attached**

In as much detail as possible, describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity.
Are the following items applicable to the project? Explain all applicable items; attach additional sheets as necessary.

**Will the project:**

**No** □ Change existing features of any hills, substantial alteration of ground contours, lakes, or beaches.

**No** □ Change scenic views or vistas from existing residential areas or public lands or roads.

**No** □ Change pattern, scale or character of general area of project

**No** □ Create significant amounts of solid waste or litter.

**No** □ Create dust, ash, smoke, fumes or odors in vicinity.

**No** □ Change surface or ground water quality or result in alteration of existing drainage patterns.

**No** □ Substantially change existing noise or vibration levels in the vicinity.

**No** □ Build structures on filled land or on a slope of 10 percent or more.

**No** □ Result in or require use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.

**No** □ Result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.).

**No** □ Result in substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.).
All applicants must check one of the following boxes:

☐ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft and Final Environmental Impact Reports. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

---

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: ____________________________
Date: February 12, 2008

Peter Givas Architect, Inc.
Applicant
## Proposed Project Schedule

**Project:** Emeritus Assisted Living Facility  
**Location:** Henderson Avenue - Porterville, California  
**Client:** Emeritus Assisted Living

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Last Updated: 7/26/09
APPLICATION FOR DESIGN REVIEW APPROVAL  D-OVERLAY

NOTE: The basic purpose of the supplemental "D" zone as described in Article 8 of The City Zoning Ordinance is to assure that the design and development of property will be performed giving maximum protection to the surrounding community while allowing for alternative development standards if necessary due to the unique and special characteristics of the property.

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CHECK ALL BEING APPLIED FOR:

- [x] Conditional Use Permit
- [ ] Building Permit
- [ ] Grading/Development Plan
- [ ] Other __________________________

Project Name: __EMERITUS – Assisted Living Facility__________________________

Name of Applicant /Agent: __Peter Givas Architect________ Telephone: (916) 498-7900

Address of Applicant /Agent: __2016 "P" Street, Suite 200
__Sacramento, CA 95811________________

Name of Property Owner: __Ben Ennis c/o Bob Sherwood__________________________ Telephone: (949) 498-8478

Address of Owner: _______________________________________________________

Project Location (address, cross street): __Henderson Avenue – West of West Wood Street____________________

Assessors Parcel Number(s): __A.P.N. 240-050-031-000________________

The applicant requests Design Review Approval using the above described property for the following purposes:

- Assisted Living Facility

Date of most recent sale of property: __Pending_______________________________

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

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

__________________________

Date said restrictions expire: ____________________________________
REQUIREMENTS FOR FILING APPLICATION FOR DESIGN REVIEW OVERLAY

1. Design Review Overlay Application Form
2. Project Review Committee (PRC) Form - $753.00
3. Plot Plan
4. Floor Plan, Elevations, Renderings, Materials & Color Board
5. Filing fee $1,065

1. The Design Review Application form should be filled out completely. The application must be signed by the owner(s) or authorized agent under penalty of perjury in the space provided on Page 2.

2. The Project Review Committee application form is to be submitted with the Design Review application and 9 copies of the plot plan. The meeting will take place on the second Wednesday from the week of submittal. After receiving the recommendation from the Project Review Committee meeting, the remainder of the items and any changes will be resubmitted to the City for processing.

3. The Plot Plan 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 for PRC with additional copies to be submitted prior to City Council approval).

4. In order for the Planning Department to process the application to the City Council meeting for approval, all of the following or a combination of these items may be required for the presentation. These items shall be a maximum of (11” x 17”) in size and may be a reduced copy of the original scaled version as long as they reflect the required changes to the PRC conditions.
   - Plot Plan and Floor Plan (Black-Line Drawings)
   - Colored and black-line elevation drawings labeled to indicate the type, colors and texture of building materials of the roof, walls, trim, and attachments
   - A Colored Renderings with sample Materials & Color Board for presentation to the City Council, being of suitable size for display (i.e. 18” x 24”)

5. The filing fee of $1,065 is due after the PRC conditions have been presented to the applicant. Additional recording and environmental fees may be required.

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

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

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

FROM: City of Porterville Peter Givas Architect (PGA)
291 North Main Street 2016 "P" Street, Suite 200
Porterville, CA 93257 Sacramento, CA 95814

Emeritus Assisted Living Facility CUP2-2008
Project Title

The project site is located on the north side of Henderson Avenue, 900 feet west of Westwood Street.
Project Location (Specific)

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

The applicant is requesting approval for development of a 100 unit assisted living facility with 119 beds on a 4.86 acres site.
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
____ "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: __________________________

Title: City Planner

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR DESIGN REVIEW OVERLAY 1-2008, FOR THAT 4.86± ACRE SITE LOCATED ON THE NORTH SIDE OF HENDERSON AVENUE 900± FEET WEST OF WESTWOOD STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 4, 2008, considered Conditional Use Permit 2-2008, being a proposal to allow the development of a 100 unit assisted living facility on a 4.86± acre parcel, within the R-3(D) - Multiple Family Residential – Design Review Overlay Zone. On the north side of Henderson Avenue 900± feet west of Westwood Street; and

WHEREAS: That a Categorical Exemption was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. The project is Categorically Exempt pursuant to "In-Fill Development" Section 15332 Class 32 of the CEQA Guidelines.

WHEREAS: That pursuant to Article 18 (Supplemental "D" – Design Review Overlay Zone) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the proposed project site is consistent with the designated General Plan for High Density Residential.

2. That the proposed project site is consistent with the Zoning and Land Use for the site zoned R-3(D) - Multiple Family Residential – Design Review Overlay Zone. The zone allows for development of assisted living retirement/residential care facilities subject to approval of a conditional use permit.

3. That the undeveloped site is vacant, flat, and physically suitable for the use as proposed.

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.

5. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, off-street parking facilities, and landscaping area 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 2-2008, subject to the following conditions:

ATTACHMENT ITEM NO. 6
1. That the construction of the building or any facilities on the site shall conform substantially to the attached plans as approved and incorporated herein by this reference as Exhibit “A”.

2. Exterior lighting will be shielded to reduce light and glare from the adjoining care facility to the east and subdivision to the south and north.

3. The parking lot shall be designed and improved in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

4. 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.

5. Parking lot and driveway areas, as shown on the plan 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 (1) tree per eight (8) parking spaces distributed throughout the paved area.

6. Pedestrian walkways with a minimum of 50% shading are to be provided to link Henderson to the building entrance.

7. The trash enclosure, loading dock, and compactor area shall be architecturally screened from public right-of-way views.

8. The project shall include bicycle racks.

9. Outdoor advertising shall comply with City standards and requires separate building permits.

10. Unless otherwise noted, the developer/applicant shall adhere to 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.

11. 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.

12. 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.
13. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

14. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, driveway(s), 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). The frontage improvements shall include a minimum 50-foot off-site pavement transition and street markings on the west side of the property (westbound traffic).

15. The developer/applicant shall construct sidewalks within City right of way. Sidewalks are normally constructed adjacent to the back of curbs. At the request of developers, sidewalks may meander within the public right of way. Specifically related to this development, the sidewalk may meander within the public right of way with each end aligning with the existing sidewalk east of the project and future sidewalk adjacent to the back of future curbs west of the project.

16. The developer/applicant shall install sidewalk necessary to comply with City Standards (4.5 feet wide) along the Henderson Avenue.

17. The developer/applicant shall install an alley approach per City Standard Plan C-5 or street intersection returns per City Standard Plan C-7 for all driveways utilized for accessing the site. The developer/applicant may submit alternative driveway designs, meeting ADA requirements, for the City’s approval. Driveway widths shall not exceed 35 feet and the total width of all driveways shall not exceed 42% of the total parcel frontage. Spacing between driveways and locations near property lines shall comply with City Standard Plan C-11.

18. 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.

19. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s). Seventeen (17) feet of additional right of way is required along the north side of Henderson Avenue.

20. 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). Relocation of utility poles will be a requirement of this project.

21. 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. 16000 lumen streetlights shall be installed along Henderson Avenue at 160 foot staggered intervals (320 feet intervals on one side of the street with one midway between on the opposite side of the street).

22. 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.).

23. 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.

24. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 9510, 8010, 8020 and 8030), and payment of fees 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.

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

26. Wastewater Discharge Permit Application, Part “A”; and

27. 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.

28. 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 enclosure shall be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The location and orientation shown on the PRC review plan is acceptable. Trash compactor is recommended for the complex. Developer is encouraged to
install an enclosure that would accommodate a solid waste and recyclable container for collection.

29. The developer/applicant shall provide for a refuse vehicular turn around or hammer head at the proposed trash enclosure.

30. 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.

31. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.

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

33. 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.

34. The developer/applicant shall install separate water pipelines for the looped fire hydrant system and fire sprinkler system, each connecting to the existing water main in Henderson Avenue.

35. The developer/applicant may utilize one water service connected to the existing water main in Henderson Avenue for domestic and irrigation.

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

37. A grease trap or grease interceptor is required.

38. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping and permanently maintained by property owner.

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

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

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

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

43. Compliance with all applicable codes is required.

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

45. Soils compaction test may be required.

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

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

48. All construction offices, storage containers, etc. for temporary use must receive City Council approval.

49. Signs require separate permit.

50. Full 1 Hr construction required.

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

52. Plans shall comply with the new Building Codes effective as of January 1, 2008.

53. Prior to the issuance of permits, the applicant shall submit lighting and photometric plans for approval by the Community Development Director and Police Chief demonstrating that light levels are provided as follows: During hours of darkness, the parking area and all pedestrian areas shall be adequately illuminated to provide for the safety of tenants. Such lighting shall be placed in such a manner that the light is directed onto the proposed project area, and light spillover and glare on neighboring properties are mitigated.
54. The project must comply with latest applicable codes.

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

56. 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:

1. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
2. One hundred or more in all other occupancies.

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

58. 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.

59. 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.

60. 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.

61. 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.

62. Fire hydrant spacing shall be as follows:

   In Commercial development, one hydrant shall be installed at 300-foot intervals.

63. 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.

64. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

65. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.
66. 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.

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

68. Approval of Design Review Overlay 1-2008 is contingent upon approval of Conditional Use Permit 2-2008.

______________________________
Cameron Hamilton

ATTEST:
John Longley, City Clerk

By: ____________________________
    Patrice Hildreth, Acting Deputy City Clerk
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE 
CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE 
PERMIT 2-2008, FOR THAT 4.86± ACRE SITE LOCATED ON THE NORTH SIDE OF 
HENDERSON AVENUE 900± FEET WEST OF WESTWOOD STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled 
meeting of March 4, 2008, considered Conditional Use Permit 2-2008, being a proposal 
to allow the development of a 100 unit (119 beds) assisted living facility on a 4.86± acre 
parcel, within the R-3(D) - Multiple Family Residential – Design Review Overlay Zone, on 
the north side of Henderson Avenue 900± feet west of Westwood Street; and

WHEREAS: That a Categorical Exemption was prepared in accordance with the 
California Environmental Quality Act (CEQA) Guidelines. The project is Categorically 
Exempt pursuant to "In-Fill Development" Section 15332 Class 32 of the CEQA 
Guidelines.

WHEREAS: That pursuant to Article 29 (Conditional Use Permits) of the 
Porterville Ordinance, the City Council made the following findings:

1. That the proposed project site is consistent with the designated General 
   Plan for High Density Residential.

2. That the proposed project site is consistent with the Zoning and Land Use 
   for the site zoned R-3(D) - Multiple Family Residential – Design Review 
   Overlay Zone. The zone allows for development of assisted living 
   retirement/residential care facilities subject to approval of a conditional use 
   permit.

3. That the undeveloped site is vacant, flat, and physically suitable for the use 
   as proposed.

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.

5. That the standards of population density, site area, dimensions, site 
   coverage, yard spaces, height of structures, off-street parking facilities, and 
   landscaping area 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 2-2008, subject to the following 
conditions:
1. That the construction of the building or any facilities on the site shall conform substantially to the attached plans as approved and incorporated herein by this reference as Exhibit “A” of the D-Overlay.

2. Exterior lighting will be shielded to reduce light and glare from the adjoining care facility to the east and subdivision to the south.

3. The parking lot shall designed and improved lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

4. 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.

5. 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 (1) tree per eight (8) parking spaces distributed throughout the paved area.

6. Pedestrian walkways with a minimum of 50% shading are to be provided to link Henderson Avenue towards Westwood Street public sidewalks to the building entrance.

7. The trash enclosure, loading dock, and compactor area shall be architecturally screened from public right-of-way views. The landscape planting area adjacent to this area is to be extended westerly to soften and aesthetically enhance the architectural screening of this maintenance area.

8. The project shall include bicycle racks.

9. Outdoor advertising shall comply with City standards and requires separate building permits.


11. 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.

12. 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.

13. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc. required for the construction of public improvements.

14. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, driveway(s), 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). The frontage improvements shall include a minimum 50-foot off site pavement transition and street markings on the west side of the property (westbound traffic).

15. The developer/applicant shall construct sidewalks within City right of way. Sidewalks are normally constructed adjacent to the back of curbs. At the request of developers, sidewalks may meander within the public right of way. Specifically related to this development, the sidewalk may meander within the public right of way with each end aligning with the existing sidewalk east of the project and future sidewalk adjacent to the back of future curbs west of the project.

16. The developer/applicant shall install sidewalk necessary to comply with City Standards (4.5 feet wide) along the Henderson Avenue.

17. The developer/applicant shall install an alley approach per City Standard Plan C-5 or street intersection returns per City Standard Plan C-7 for all driveways utilized for accessing the site. The developer/applicant may submit alternative driveway designs, meeting ADA requirements, for the City’s approval. Driveway widths shall not exceed 35 feet and the total width of all driveways shall not exceed 42% of the total parcel frontage. Spacing between driveways and locations near property lines shall comply with City Standard Plan C-11.

18. 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.

19. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s). Seventeen (17) feet of additional right of way is required along the north side of Henderson Avenue.

20. 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). Relocation of utility poles will be a requirement of this project.

21. 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. 16000 lumen streetlights shall be installed along Henderson Avenue at 160 foot staggered intervals (320 feet intervals on one side of the street with one midway between on the opposite side of the street).

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

23. 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.).

24. 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.

25. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 9510, 8010, 8020 and 8030), and payment of fees 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.

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

27. Wastewater Discharge Permit Application, Part “A”; and

28. 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.

29. 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 enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The location and orientation shown on the PRC review plan is acceptable. Trash compactor is recommended for the complex. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection.

30. The developer/applicant shall provide for a refuse vehicular turn around or hammer head at the proposed trash enclosure.

31. 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.

32. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.

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

34. 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.

35. The developer/applicant shall install separate water pipelines for the looped fire hydrant system and fire sprinkler system, each connecting to the existing water main in Henderson Avenue.

36. The developer/applicant may utilize one water service connected to the existing water main in Henderson Avenue for domestic and irrigation.

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

38. A grease trap or grease interceptor is required.

39. 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.

40. 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.

41. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

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

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

44. 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.

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

46. Compliance with all applicable codes is required.

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

48. Soils compaction test may be required.

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

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

51. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
52. Signs require separate permit.

53. Full 1 Hr construction required.

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

55. If plans are submitted after Jan 1, 2008, all comments are to be revised to comply with the new Building Codes.

56. Prior to the issuance of permits, the applicant shall submit lighting and photometric plans for approval by the Community Development Director and Police Chief demonstrating that light levels are provided as follows: During hours of darkness, the parking area and all pedestrian areas shall be adequately illuminated to provide for the safety of tenants. Such lighting shall be placed in such a manner that the light is directed onto the proposed project area, and light spillover and glare on neighboring properties are mitigated.

57. The project must comply with latest applicable codes.

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

59. 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.

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

61. 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.

62. 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.

63. 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.

64. 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.
65. Fire hydrant spacing shall be as follows:

   In Commercial development, one hydrant shall be installed at 300-foot intervals.

66. 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.

67. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

68. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

69. 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.

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

71. The Conditional Use Permit is contingent upon approval of D-Overlay 1-2008.

____________________________________________________________________
Cameron Hamilton

ATTEST:

John Longley, City Clerk

By:__________________________________________
Patrice Hildreth, Acting Deputy City Clerk
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 Project is an Elderly Assisted Living Project**

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).

   **119 Residents**

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

   **Peak Hours = 30 Employees**

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

   **60 Spaces**

   (d) Maximum height of buildings or structures.

   **Highest = 40 feet**
   **Average = 34 feet**

3. State how the design of the project does not comply with the any codes and ordinances.

   **N/A**

---

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

[signature]

this 21 day of February, 2008

Telephone (916) 498-7900

Signed [signature]

Mailing Address 2016 "P" Street, Suite 200

Sacramento, CA 95811

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

Received __________________________  Receipt No. ____________
EMERITUS - ASSISTED LIVING FACILITY

MATERIAL AND COLOR SELECTIONS

1. TILE ROOF - EAGLE ROOFING PRODUCTS
   BEL AIR - 4902 CONCORD BLEND

2. STONE VENEER FRONT COLUMNS AND BASE FOR ACCENT PANEL
   "ELDORADO STONE" - SAWTOOTH - RUSTIC LEDGE

3. CEMENT PLASTER - FINE SAND FINISH WITH ELASTOMERIC COATING

4. CEMENT PLASTER COLOR "A" (ACCENT PANEL)
   SW 6079 "DIVERSE BEIGE"

5. CEMENT PLASTER COLOR "B"
   SW 6081 "DOWN HOME"

6. CEMENT PLASTER COLOR "C"
   SW 0032 "NEEDLEPOINT NAVY"

7. VINYL CLAD WINDOWS AND TRIM
   SW 6140 "MODERATE WHITE"

8. ROOF FASCIA, LOUVERS, STOREFRONT AND EXTERIOR DOORS
   SW 0032 "NEEDLEPOINT NAVY"

9. CEMENT PLASTER OVER CMU WALLS AT COURTYARD, TRASH AND EQUIPMENT ENCLOSURES
   SW 6078 "DIVERSE BEIGE"

NOTE: PAINT IS SHERWIN WILLIAMS

PG A
SUBJECT: SECOND READING – ORDINANCE 1736, AMENDING CHAPTER 2, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1736, An Ordinance of the City Council of the City of Porterville Amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code was given First Reading on February 19, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1736, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1736

Item No. 16
ORDINANCE NO. 1736

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, Chief Deputy City Clerk
SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department – Field Services Division

COMMENT: The City of Porterville, with a population of over 51,000, has always been a community that promotes ideals such as water conservation. Although rainfall totals this season are higher than last year, they are still below normal. Water conservation needs to remain an area of high concern with public education and awareness occurring early in the season.

The summer months of June through September are a time of high water consumption. An increase in information on conservation will begin in May with newspaper and radio messages. The City maintains a booth at the Fair where conservation literature and water saving kits are distributed. Increased public awareness in the 2007/2008 fiscal year was accomplished with additional media campaigns, as well as, water conservation messages on City transit buses.

At the August 7, 2007 City Council meeting, staff was directed to bring back additional water conservation options that may be appropriate for inclusion in the Water Conservation Plan.

The current Water Conservation Plan consists of three phases depending on the severity of the water shortage.

Phase I is the current phase the City is in and applies during periods when normal water supply is available.

Phase II applies during periods when there is a water supply shortage. Water conservation efforts are increased with mostly voluntary programs.

Phase III applies during periods when there is a severe water supply shortage and mandatory restrictions. Restrictions include landscape watering limits; outside sidewalk and driveway washing prohibition; and a 20% rate increase on all residential and landscape accounts.

As noted in the recently updated City’s Urban Water Management Plan, water metering has probably had the greatest impact on

Dir  Appropriated/Funded  CM  Item No. 17
conserving water. All customers are billed on a volumetric basis and therefore have monetary incentives to conserve water.

Staff looked at other water conservation measures being implemented in surrounding communities and found that many are using an ODD/EVEN watering restriction as a water conservation/demand management measure. Many that use this measure are not fully metered communities. They benefit from the reduction in pumping costs without the associated reduction in revenues as their customers pay a fixed cost.

Most Cities using odd/even watering restrictions have standardized their schedules as shown on the attached. There is no watering on Mondays. Addresses ending in an odd number are allowed to water Tuesday, Thursday and Saturday, and even addresses are allowed to water Wednesday, Friday and Sunday.

A voluntary odd/even watering program could be implemented to encourage conservation and help with demand management. A mandatory program would require an ordinance modification to allow for fines and a budget modification to pay for "water policing".

Staff recommends revising the Water Conservation Plan to implement voluntary odd/even watering in Phase II. In the future, if it is determined that additional water conservation measures are needed, the City could make odd/even watering mandatory in Phase III with fines assessed after the third warning. If the mandatory odd/even water restriction with fines does not have the desired effect, then further conservation measures, including the 20% rate increase, could be implemented.

RECOMMENDATIONS: That City Council

1. Direct staff to develop a draft revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II; and

2. Schedule a Public Hearing for April 15, 2008 to revise the Water Conservation Plan.

ATTACHMENTS: Odd/Even Water Schedule
Per Capita Water Demand by Cities-Urban Water Management Plan

P:\pubworks\Engineering\Council Items\Water Conservation Plan - 2008-03-04.doc
### ODD/EVEN WATERING

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<td>$45/4^{th} time</td>
</tr>
<tr>
<td>Visalia</td>
<td>E</td>
<td>No</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>$100-$500/4^{th} time</td>
</tr>
<tr>
<td>Tulare</td>
<td>E</td>
<td>No</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>$100/3^{rd} time</td>
</tr>
</tbody>
</table>

### RECOMMENDED

<table>
<thead>
<tr>
<th></th>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville</td>
<td>E</td>
<td>No</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>E</td>
<td>O</td>
<td>Voluntary</td>
</tr>
</tbody>
</table>
8 - DEMAND MANAGEMENT MEASURES

The City has implemented many demand management measures (DMM) to reduce per capita water consumption. Metering has probably had the greatest impact on conserving water. In 2007 about 98% of the City’s deliveries were metered. All metered customers are billed on a volumetric basis and therefore have incentives to conserve water. The City has also established a goal to increase water conservation efforts with education being the cornerstone of the City’s water conservation program. The City also recognizes that a diversified water conservation portfolio is necessary since different programs have varying impacts on different groups. As a result, the City’s water conservation efforts include a variety of programs and measures.

Table 8.1 shows per capita water consumption for several cities in the California Central Valley.

<table>
<thead>
<tr>
<th>City</th>
<th>Metered</th>
<th>Per Capita Use (gpcpd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>Yes</td>
<td>200</td>
</tr>
<tr>
<td>Clovis</td>
<td>Yes</td>
<td>205</td>
</tr>
<tr>
<td>Porterville</td>
<td>Yes</td>
<td>250</td>
</tr>
<tr>
<td>Modesto</td>
<td>No</td>
<td>250</td>
</tr>
<tr>
<td>Tulare</td>
<td>No</td>
<td>260</td>
</tr>
<tr>
<td>Coalinga</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Madera</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Turlock</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Visalia</td>
<td>No</td>
<td>300</td>
</tr>
<tr>
<td>Fresno</td>
<td>No</td>
<td>300</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td>All Cities</td>
<td>261</td>
</tr>
<tr>
<td></td>
<td>Metered</td>
<td>218</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>279</td>
</tr>
</tbody>
</table>

Source: City of Porterville Water System Master Plan, February 2001, Carollo Engineers, Table 3.3

Table 8.1 shows that per capita water consumption in Porterville is slightly lower than the other Central Valley cities. However, there is still room for improvement as evidenced by the Cities of Clovis and Dinuba who have water usage of around 200 gpcpd.

The City has established a goal of reducing per capita demand through conservation programs. The goal is to reduce consumption by 10% by 2030. This would reduce per capita demand from 250 to 225 gallons/day.
SUBJECT: AUTHORIZE CITY MANAGER TO SIGN CIEDB SEWER LOAN – 2ND EXTENSION

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to seek Council’s approval authorizing the City Manager to sign the “Second Amendment to Enterprise Fund Installment Sale Agreement” documents approving a 2nd extension to the CIEDB Sewer loan. On October 16, 2007, staff informed City Council that there may not be enough remaining funds in the “field construction” category within the CIEDB sewer loan to pay for the Land Leveling & Pipeline Extension project.

There were sufficient funds at the time in the “equipment replacement” category of the CIEDB sewer loan to pay for the Grit Tower & Bar Screen Equipment Replacement project. However, because the Land Leveling/Pipeline Extension project was a Cease & Desist Order (CDO) project, Council directed staff to re-advertise the Grit Tower & Bar Screen Equipment Replacement project as a locally funded project thus reserving enough CIEDB funds to pay for the Land Leveling/Pipeline Extension project.

Staff immediately notified CIEDB of the City’s intent to pay for the Grit Tower & Bar Screen project using local funds. Staff asked the CIEDB to shift a total of $680,000 from the equipment replacement and from the consultant reimbursement category to the field construction category to ensure sufficient reimbursement to pay for the CIEDB funds to award the Land Leveling/Pipeline Extension project. Further, staff requested that the CIEDB extend the loan expenditure deadline for a 2nd time from December 2007 to June 30, 2008.

The CIEDB requested and received assurances from the California Regional Water Quality Control Board (CRWQCB) that 1) the Grit Tower & Bar Screen Equipment was not a component of the CDO and 2) that the City was on track to have the CDO lifted. These assurances were provided in writing to the CIEDB. All indications suggest that the Cease & Desists Order will be lifted on March 13, 2008.
RECOMENDATION: That the City Council:

1. Authorize the City Manager to execute (in blue ink) three copies of the "Second Amendment to the Enterprise Fund Installment Sale Agreement" on behalf of the City of Porterville; and

2. Direct the Chief Deputy City Clerk to attest the original documents and transmit all copies to: California Infrastructure and Economic Development Bank, Attn: Patricia Galvan.

ATTACHMENT: Second Amendment Sale Agreement documents
SECOND AMENDMENT TO
ENTERPRISE FUND INSTALLMENT SALE AGREEMENT

by and between the

CITY OF PORTERVILLE

as Purchaser

and the

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK,

as Seller

______________________________

Dated as of November 16, 2007

Agreement No. CIEDB-B04-053
THIS SECONDAmENDMENT TO THE ENTERPRISE FUND INSTALLMENT SALE AGREEMENT (the “Second Amendment”) is made and entered into as of November 16, 2007, by and between the City of Porterville, a public body, corporate and politic duly organized and existing under the laws of the State of California, as Purchaser (the “Purchaser”), and the California Infrastructure and Economic Development Bank (the “CIEDB”), duly organized and validly existing pursuant to the Bergeson-Peace Infrastructure and Economic Development Bank Act, constituting Division 1 of Title 6.7 of the California Government Code (commencing at section 63000 thereof) as now in effect and as it may from time to time hereafter be amended (the “Act”), as seller.

WITNESSETH

WHEREAS, the Purchaser and the CIEDB entered into that certain ENTERPRISE FUND INSTALLMENT SALE AGREEMENT dated as of September 1, 2004, and a First Amendment dated as of July 1, 2006, (collectively, the “Installment Sale Agreement”);

WHEREAS, the Purchaser and the CIEDB desire to amend certain terms of the Installment Sale Agreement;

WHEREAS, all acts and proceedings required by law necessary to make this Second Amendment, when executed by the Purchaser and the CIEDB, the valid, legal and binding obligation of the Purchaser and the CIEDB, and to constitute this Second Amendment a legal, valid, and binding agreement for the uses and purposes herein set forth in accordance with its terms, have been done and taken, and the execution of this Second Amendment has been in all respects duly authorized; and

WHEREAS, all capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Installment Sale Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual agreements herein contained, the parties hereto do hereby agree as follows:

Section 1. Section 2.04(c) of the Installment Sale Agreement is hereby deleted and replaced with the following:

(c) Purchaser must both: (1) begin Project construction no later than twelve (12) months after March 29, 2004, and (2) submit invoices to the CIEDB for the entire amount of the Project Funds no later than June 30, 2008. If the Purchaser fails to meet either of these conditions, the CIEDB may unencumber any and all undischarged Project Funds and the unencumbered amounts shall henceforth not be available to the Purchaser. If the Purchaser fails to meet the June 30, 2008 requirement, the CIEDB may elect to hold any or all undischarged funds and apply such funds to the optional redemption of Bonds in accordance with the Indenture (in which event the principal amount of the Purchase Price shall be reduced by the principal amount of Bonds so redeemed).
Section 2. Exhibit D (Description of Project Sources and Uses) of the Installment Sale Agreement is hereby deleted and replaced with the Exhibit D attached hereto.

Section 3. All other terms and conditions of the Installment Sale Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be signed by the respective officers, all as of the day and year first above written.

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK, as seller

By

STANTON C. HAZELROTH
Executive Director

ATTEST

By

ROMA CRISTIA-PLANT
Secretary

CITY OF PORTERVILLE, as Purchaser

By

JOHN LONGLEY
City Manager

ATTEST

By

PATRICE HILDRETH
Chief Deputy City Clerk
EXHIBIT D
DESCRIPTION AND PROJECT SOURCES AND USES

Project Title:

Wastewater Treatment Facility Upgrade and Sludge Disposal Project

Project Description:

Acquisition of land, land leveling, removal of plum trees and the installation of irrigation piping; construction of percolation ponds; construction of new sludge drying beds; construction of new monitoring wells; removal of buried sludge and proper sludge disposal; wastewater treatment facility equipment upgrades; and wastewater system and groundwater tests, studies and work plans.

Project Sources and Uses:

<table>
<thead>
<tr>
<th>Project Uses</th>
<th>Project Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>CIEDB</td>
</tr>
<tr>
<td>Land &amp; Appraisal, Title and Escrow Fees</td>
<td>$574,100</td>
</tr>
<tr>
<td>Construction of Percolation Ponds, Effluent Irrigation, Land Leveling, Pave Sludge Stockpile Area, Sludge Drying Beds, Monitoring Wells, Plum Tree Removal &amp; Buried Sludge Disposal</td>
<td>$3,367,125</td>
</tr>
<tr>
<td>Consultant Fees</td>
<td>$311,635</td>
</tr>
<tr>
<td>Wastewater Treatment Facility Equipment</td>
<td>$895,000</td>
</tr>
<tr>
<td>Contingency</td>
<td>$162,614</td>
</tr>
<tr>
<td>1-Bank Origination Fee</td>
<td>$45,526</td>
</tr>
<tr>
<td>Total</td>
<td>$5,356,000</td>
</tr>
</tbody>
</table>

Any line item financed by CIEDB may be amended up to twenty percent (20%) upon the prior written approval of the CIEDB.

The CIEDB shall not be responsible for the payment of any cost overruns.

The Purchaser shall submit invoices only for expenses incurred. Expenses contained in the invoices shall be listed according to the categories contained in the above Project sources and uses. The CIEDB shall pay ninety percent (90%) of all invoices for construction costs submitted to the Purchaser prior to compliance with Exhibit C, section (e), conditions precedent to final disbursement; provided that if the Purchaser
demonstrates to the satisfaction of the CIEDB that the Purchaser is obliged by law to make payments to certain construction contractors for one hundred percent (100%) of invoiced amounts or to establish a retention fund for final payment to certain contractors, the CIEDB shall disburse Project Funds in the amount required by law.

Purchaser shall not approve any change orders of the original construction contract amount without having funds committed for the increased Project costs.

Project costs not covered by this Agreement will be paid for by the City of Porterville.

No costs of the Project to be paid by CIEDB can be incurred prior to March 29, 2004, except:

Consultant Fees for studies and plans as set forth in the above Sources and Uses chart.
COUNCIL AGENDA: MARCH 4, 2008

SUBJECT: SEPTIC TANK ANALYSIS – VARIOUS CITIES

SOURCE: Public Works Department - Engineering Division

COMMENT: Comment was provided to the City Council on February 18, 2008 regarding the City’s Septic Tank policy, specifically; under what conditions a property owner would be allowed to install a septic tank. As presented to Council, the City of Porterville requires property owners wishing to construct a single family home to connect to City sewer if their property is within 1,320’ from a City sewer main. Public Works contacted five Cities to see what their respective policies were with regard to installation of septic tanks. The results, along with Porterville’s policy, are as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Septic Tank Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delano</td>
<td>No response as of this report. Will provide information at Council meeting.</td>
</tr>
<tr>
<td>Dinuba</td>
<td>No distance. Must connect to City sewer. However, informally, will allow septic tank if sewer main is 900’ from property.</td>
</tr>
<tr>
<td>Hanford</td>
<td>No response as of this report. Will provide information at Council meeting.</td>
</tr>
<tr>
<td>Porterville</td>
<td>1,320’</td>
</tr>
<tr>
<td>Tulare (City)</td>
<td>100’. However, actively installing new sewer throughout City using COP bond money so that this situation can be minimized.</td>
</tr>
<tr>
<td>Visalia</td>
<td>200’ with City Manager’s permission.</td>
</tr>
</tbody>
</table>

Public Works asked the other cities what the cost would be to connect to their City sewer. This information was not provided because all Cities had varying criteria. Staff will endeavor to outline a “standard” scenario and will ask that the five Cities respond to this scenario in writing.

RECOMMENDATION: That the City Council:

1. Take no action at this meeting; and

2. Direct the Public Works Director to complete his analysis and report back to Council on March 18, 2008 with a recommendation.

Item No. 19
TITLE: ORDINANCE AMENDING SECTION 1-19 OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE FILING OF CLAIMS AGAINST THE CITY

SOURCE: CITY ATTORNEY

COMMENT: Section 935 of the California Government Code allows the City to enact claims filing requirements by ordinance concerning certain claims for money damages against the City, such as (but not limited to) claims under the Revenue and Taxation Code or claims concerning payment of taxes, assessments, or fees and penalties, claims for principal or interest upon bonds, notes, and warrants, and claims by the State or other local public entities.

The attached ordinance would require that all claims not otherwise governed by the Government Claims Act or other state law, be presented to the City within the time and in the manner required by the Tort Claims Act. Under these provisions, no claim may be filed on behalf of a class of persons unless verified be every member of the class. No action may be maintained by a person who has not complied with the claims filing requirements.

RECOMMENDATION: That the City Council consider and approve for first reading the proposed Ordinance Amending Section 1-19 of the Porterville Municipal Code Regarding Claims Against the City

ATTACHMENTS: Ordinance No. ______, An Ordinance of the City Council of the City of Porterville Amending Section 1-19 of Chapter 1 of the Porterville Municipal Code Regarding Claims Against the City

Item No. 20
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 1-19 OF CHAPTER I OF THE PORTERVILLE
MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

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

Section 1. Code Amendment. Chapter I, Section 1-19 of the Porterville
Municipal Code is hereby amended to read as follows:

Section 1-19 Claims

A. Authority

This ordinance is enacted pursuant to Section 935 of the California
Government Code.

B. Claims Required

All claims against the city for money or damages not otherwise
governed by the Government Claims Act, California Government Code
Section 900 et seq., or another state law (hereinafter in this ordinance,
“claims”) shall be presented within the time, and in the manner,
prescribed by Part 3 of Division 3.6 of Title 1 of the California
Government Code (commencing with Section 900 thereof) for the
claims to which that Part applies by its own terms, as those provisions
now exist or shall hereafter be amended, and as further provided by
this ordinance.

C. Form of Claim

All claims shall be made in writing and verified by the claimant or by his
or her guardian, conservator, executor or administrator. No claim may
be filed on behalf of a class of persons unless verified by every
member of that class as required by this section. In addition, all claims
shall contain the information required by California Government Code
Section 910.

D. Claim Prerequisite to Suit

In accordance with California Government Code Sections 935(b) and
945.6, all claims shall be presented as provided in this section and
acted upon the city prior to the filing of any action on such claims and
no such action may be maintained by a person who has not complied with the requirements of subdivision (b) of this section.

E. Suit

Any action brought against the city upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the city shall conform with the requirements of Section 950-951 of the California Government Code.

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. Effective Date: Transitional Cause. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45th day after the adoption of this Ordinance.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ___ day of ____________ 2008.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Patrice Hildreth, Chief Deputy
COUNCIL AGENDA: March 4, 2008

SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - Resolution in Support of the Armed Services in Response to the Berkeley, California City Council

SOURCE: Administration

COMMENT: A Council member has requested the above subject matter be added to the Agenda for discussion and potential action on the Resolution.

RECOMMENDATION: None

ATTACHMENT: A Resolution of the City Council of the City of Porterville in Support of Our Military in Response to the Berkeley, California City Council

C/M

Item No. 21
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
IN SUPPORT OF OUR MILITARY
IN RESPONSE TO THE BERKELEY, CALIFORNIA CITY COUNCIL

WHEREAS, the City of Porterville proudly supports our men and women of the
military of all services who serve both here and abroad; and

WHEREAS, the City of Porterville is a community which believes that we should
honor those who fight for the freedoms we possess because “Freedom Isn't Free”; and

WHEREAS, the City of Porterville pays respect and tribute to those who protect
and defend our rights to enjoy the freedom of speech which is essential to the fabric of
this great Nation; and

WHEREAS, the Berkeley City Council moved to ban the United States Marine
Corps Recruiting Station in Berkeley, California and brand the Marines as “uninvited
and unwelcome intruders”; and

WHEREAS, the Berkeley City Council is encouraging individuals to “impede,
passively or actively, by nonviolent means, the work of any military recruiting office
located in the City of Berkeley,” while these brave men and women stand ready to fight
for the very right of this group to make these dishonoring statements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Porterville, that we commend our armed forces who protect and defend; and

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that
the men and women of our armed forces are enthusiastically welcomed in Porterville, to
receive the honor and respect for their service in these United States of America.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that
city councils and other public agency governing bodies across the Nation are invited
and encouraged to join in adopting similar resolutions in support of our armed forces.

APPROVED AND ADOPTED this 4th day of March, 2008.

______________________________
Cameron Hamilton, Mayor

By: ____________________________
Patrice Hildreth, Chief Deputy City Clerk
PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: AUTHORIZE LEASE AGREEMENT – WIRELESS TOWER AT FIRE STATION NO. 2

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT/ADMINISTRATION

COMMENT: At its meeting of January 15, 2008, the City Council approved the Land Lease Agreement between the City of Porterville and Verizon Wireless for a wireless tower to be constructed at Fire Station No. 2. As per the Lease Agreement between the Porterville Public Financing Authority (Authority) as Lessor, and the City of Porterville (City) as Lessee, the City must receive written consent from the Authority to sublease the property.

At this time the City is requesting authorization from the Authority to sublease the property located at Fire Station No. 2 to Fresno MSA Limited Partnership dba Verizon Wireless.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority:

1. Approve the Land Lease Agreement between the City of Porterville and Fresno MSA Limited partnership d/b/a Verizon Wireless; and

2. Authorize the Chairman to sign all necessary documents.

ATTACHMENT: Locator Map
Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY OF THE CITY OF PORTERVILLE APPROVING A LAND LEASE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND FRESNO MSA LIMITED PARTNERSHIP DBA VERIZON WIRELESS

BE IT RESOLVED by the Porterville Public Financing Authority (Authority) of the City of Porterville that the Authority hereby approves a Land Lease Agreement between the City of Porterville and Fresno MSA Limited Partnership d/b/a Verizon Wireless, for construction of a tower located at Fire Station No. 2 in the City of Porterville, County of Tulare, State of California, as identified in Exhibit “A” attached hereto; and

BE IT FURTHER RESOLVED that the Chairman is authorized to sign all necessary documents.

________________________________________
Cameron Hamilton, Chairman

ATTEST:

________________________________________
John Longley, Secretary